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Virginia Laws

THE

# Statutes at Large;

BEING

A COLLECTION

OF ALL THE

# LAWS OF VIRGINIA,

FROM THE

FIRST SESSION OF THE LEGISLATURE,

IN THE YEAR 1619.



PUBLISHED PURSUANT TO AN ACT OF THE GENERAL ASSEMBLY OF VIRGINIA, PASSED ON THE FIFTH DAY OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND EIGHT.

VOLUME X.

By WILLIAM WALLER HENING.



The *Laws* of a country are necessarily connected with every thing belonging to the people of it: so that a thorough knowledge of *them*, and of their progress would inform us of every thing that was most useful to be known about them; and one of the greatest imperfections of historians in general, is owing to their ignorance of law”  
PRIESTLEY’S LECT. ON HIST. VOL. I. pa. 149.



RICHMOND:

PRINTED FOR THE EDITOR,

By GEORGE COCHRAN.

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1822.

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WE Robert G. Scott and Alexander L. Botts, members of the executive council of Virginia, do hereby certify that the laws contained in the Tenth Volume of HENING'S *Statutes at Large*, have been by us examined and compared with the originals from which they were taken, from page 1 to page 320 inclusive, and have been found truly and accurately printed, except as to a list of *Errata* to the number of fourteen, at the end of the volume.

Given under our hands this 24th day of December, 1822.

ROBERT G. SCOTT,  
ALEXANDER L. BOTTS.

WE Peter V. Daniel and Robert G. Scott, members of the executive council of Virginia, do hereby certify that the laws contained in the Tenth Volume of HENING'S *Statutes at Large*, have been by us examined and compared with the originals from which they were taken, from page 321 inclusive, to the end, and have been found truly and accurately printed, except as to a list of *Errata* to the number of ten at the end of the volume.

Given our hands this 24th day of December 1822.

P. V. DANIEL,  
ROBERT G. SCOTT.

# P R E F A C E

TO THE

## Tenth Volume of the Statutes at Large.

DURING the period embraced by this volume, the Southern States was the theatre of the revolutionary war, and Virginia herself was actually invaded. To supply men and money, seems to have been the great business of the Legislature. The regular army was recruited by liberal bounties, by volunteers, and by drafts from the militia. For the assistance of our sister States of North and South Carolina, as well as to repel the invasion of our own State, the Militia were called out. New emissions of paper money were made, from time to time, to meet the exigencies of government; taxes were laid in certain enumerated commodities; and loans were authorised, payable in money, tobacco, hemp, or flour. Provisions, clothing, waggons and horses, for the army, were procured either by an assessment among the divisions of the militia, or by impressment or purchase. So rapid was the depreciation of the paper money, that the wages of the members of the general assembly, the salaries of the officers of government, and the pay of others entitled to draw money from the treasury, except the army, were estimated in tobacco, and the value fixed by the grand juries, at the several terms of the general court.—The pay of the army was settled by a scale of depreciation adjusted for that purpose. Finally, the paper money was called in, and funded at one for a thousand.

The very extensive powers conferred on the governor and council,\* at this awful crisis, could only be justified by necessity, resulting from a state of war. Happily, such were the virtues of those called on to exercise the executive functions of the government, and such the patriotism of the great body of the people, that these extraordinary powers were never exerted, except when the public safety so imperiously required it; that the principal actors, instead of being censured, received the applauses of their country.

In this volume commences the commonwealth's land law; to which is prefixed an act for adjusting titles to unpatented lands,

\* See pa. 309, 413.

the rights to which, derived from the colonial government, were inchoate at the establishment of the commonwealth's land office.

At the end of the volume will be found some very important Resolutions and State Papers; particularly the correspondence between the commissioners of Pennsylvania and Virginia, on the subject of the disputed boundary between the two States;† and papers in relation to the cession of the North Western Territory.‡ It will here be seen, that the great impediment to a ratification of the articles of confederation on the part of Maryland, (which was delayed until 1781) was the extensive western territories, held by some of the States; and the liberality of Virginia, in ceding her north western territory to the United States, will then be duly appreciated.

WILLIAM WALLER HENING.

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† See pa. 521.

‡ See pa. 547.

*List of Governors of Virginia during  
the period comprised in this vo-  
lume.*

**PATRICK HENRY**, esq. continued governor until the latter end of the May session 1779, and on the first day of June 1779, **Thomas Jefferson**, esq. was elected. Patrick Henry,  
esq.

**THOMAS JEFFERSON**, esq. was governor until June 1781, when he resigned; and on the twelfth day of June 1781, **Thomas Nelson, junior**, esq. was elected. Thomas Jef-  
ferson, esq.

**THOMAS NELSON, JUN.** esq. continued governor until the thirtieth of November 1781, when he resigned, and **Benjamin Harrison**, esq. was elected. Thomas Nel-  
son, jun. esq.  
Benjamin  
Harrison.  
esq.









AT A

# GENERAL ASSEMBLY.

BEGUN AND HELD

At the Capitol, in the City of Williams-  
burg, on Monday the third day of May,  
in the year of our Lord one thousand  
seven hundred and seventy-nine, and  
in the third year of the Common-  
wealth.

Thomas Jef-  
ferson, esq.  
governor.\*

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## CHAP. I.†

*An act to explain and amend the acts  
of General Assembly, providing a  
supply of money for publick exigen-  
cies.*

WHEREAS many doubts have arisen among  
the commissioners and assessors of the tax, on the  
construction of the act of general assembly passed in  
the year 1777, entitled "An Act for raising a supply of  
money for publick exigencies;" and also one other act  
passed in the year 1778, entitled "An Act to amend an  
act entitled An Act for raising a supply of money for  
publick exigencies;" some apprehending that they  
should value lands at the rates at which they would  
sell in gold and silver, and not what they would sell  
in paper bills of credit of this commonwealth or of  
Congress; others, that they should value them as they

Preamble.

---

\* Patrick Henry, esq. was governor at the commencement of this session; but during its continuance, Thomas Jefferson, esq. was elected his successor.

† None of the acts of this session are distinguished by *chapters* in the original, nor are they separated by *sections*. Such only as were published in the *Chancellors' Revisal* (edit. 1785) will be marked in this edition by sections, as they were in that.

would sell, were all or a great part of the lands within the commonwealth, or within a county to be offered to sale at one time, and not at the sum at which they would sell if exposed to sale in moderate quantities as happens in the ordinary course of things; and others, that as the legislature had by the latter act only trebled the tax laid in the former, they intended thereby that no more than three times as much money should be raised, and of course that the valuation of the present year should be the same as it was the last, without any regard to the rise in the price of property since that time, all which constructions are contrary to the intention of the said acts; and in consequence of such differences of construction, very great inequalities have arisen in the rates at which property of equal value has been assessed in different counties during the present year: *Be it therefore enacted by the General Assembly,* That forthwith on the receipt of this act, the commissioners of the tax for the several counties and corporations shall call together their respective assessors, to meet at their courthouse at as short a day as may be in the present year, and in the subsequent years during the continuance of this act, at such time as by the said first mentioned act is directed, and being there assembled, the said assessors shall take an oath or make affirmation as follows: " I do swear (or affirm) that I will when called on by the commissioners of the tax for my county, truly, candidly, and without reserve, declare the worth of the several kinds of lands within my county or corporation, as they would sell according to my opinion, if exposed to sale for ready money in paper bills of credit of this commonwealth or of Congress. So help me God." Which oath or affirmation may be administered by any one of the commissioners: The said commissioners shall then proceed to describe the lands of their county in so many general classes, not exceeding six as their different natures or kinds may require, and shall call on each assessor singly, to declare under the obligation of his oath or affirmation, what he thinks each several kind of the said land would sell for by the acre, if exposed to sale in moderate quantities according to the usual course of things for ready money, in paper bills of credit of this commonwealth or of Congress; which several opinions, together with

Commissioners of tax, & assessors to be convened

Oath of commissioners of tax.

Their duty in assessing lands, lots in towns, &c.

their own, they shall state in writing for each kind of land separately, and shall add together the several sums at which the same kind of land is rated by the different commissioners and assessors, and then divide the aggregate sum by the number of persons whose opinions were stated, and shall take the quotient or result, or such sum near thereto, as to avoid the difficulty of fractions may be approved by a majority of the said commissioners and assessors, as the average price of such kind of land, and so shall proceed to deduce an average price for every other kind into which they shall have classed the land of their county as before directed. But lots of land in towns, and ferry landings, and mines of coal or metal, shall not be included within any of the said general classes, but shall, as well as mills and other extraordinary buildings, be valued by the assessors within whose bounds they are, as they would sell, if exposed to sale for ready money in paper bills of credit of this commonwealth or of Congress. The said assessors shall then instead of the oath or affirmation appointed to be taken by the first mentioned act, take the following oath or affirmation, to be administered by any one of the commissioners.

“I do swear (or affirm) that I will to the best of my skill and judgment, in the several parcels of land within the bounds of my assessment, estimate the quantity of each kind thereof as classed or described by the commissioners of the tax for my county, that I will assess the same at the legal pound rate according to the average value of the same kind of lands settled by the commissioners and assessors of my county; that I will faithfully, justly, and impartially assess, the pound rate imposed by law on all other property liable thereto within my hundred, according to the plain meaning of the several acts of assembly under which I act, as they appear to my judgment, that I will spare none for favour or affection, and none aggrieve for hatred, malice, or ill will, but in all things do my duty of an assessor, honestly, impartially, and to the best of my abilities. So help me God.” And if any assessor were not present at the said meeting, the said oath last stated, shall be afterwards administered to him by some one of the commissioners, or any justice of the peace of his county or corporation; and before he shall proceed to make his assessments, the said assessors

Oath of assessors.

shall then proceed to the assessment of their hundred, in the course of which, if they shall differ in opinion as to the value of any parcel of land, or of other property, the medium between their two opinions shall be taken as the true value. And the same inequalities having arisen in the assessment of slaves in the several counties, and it being supposed that the assessment on this kind of property may be rendered much more equal by way of poll-tax, so settled, as to bear the proportion of one and a half per cent. to their average value.

Poll-tax on  
slaves.

*Be it farther enacted,* That a tax of five pounds per poll shall be paid for all negro and mulatto servants and slaves; but where any slave, through old age or bodily infirmity, shall be incapable of labour, and become a charge to the owner, the commissioners shall have power upon satisfactory proof thereof made to them, to allow and discount to such owner the said tax upon such slave; this discount to be made before delivery of the estimate to the sheriff who is to collect the tax: And if any person possessed of such slave or mulatto servant, shall wilfully conceal the same from the assessors, so as to avoid paying the tax required by this act, he shall forfeit and pay the sum of fifty pounds. And as doubts have arisen upon the construction of the last of the said two acts, whether it was intended that the tax of thirty shillings for every hundred pounds in possession on the first day of May, was intended to be paid for the present year, or not to begin till the next. *It is therefore enacted,* That the said tax shall be paid for the monies of which any person shall be in possession at sunrise, on the twentieth day of July next. and at sunrise on the first day of March, in each of the five next succeeding years; but that no tax shall be paid on the continental bills of credit of May the 20th, 1777, and April the 11th, 1778, whose currency was stopped before the first day of May last by resolution of Congress.

Tax on mo-  
ney.

Tax on to-  
bacco ex-  
ported.

And whereas, in conformity to the eleventh and twelfth articles of the treaty of commerce between his most Christian Majesty the king of France, and the United States of America, all tobaccos exported for the use of any of the West India islands, belonging to his most Christian Majesty, were, by the said last recited act, exempted from any duty or impost laid thereon

by the first recited act, and the said 11th and 12th articles have, by mutual consent, been rescinded: *Be it therefore enacted*, That a tax of thirty shillings per hogshead on all tobacco exported, be paid down to the inspector before shipping the same, to be by him paid to the treasurer for the time being, on or before the twenty fifth of October in each year, during the continuance of this act.\* The times in the present year for the return of the assessments by the assessors to the commissioners, shall be on or before the last day of July; for hearing appeals by the commissioners, shall be from the said last day of July, to the fourteenth day of August; for the delivery of the list of taxes by the commissioners to the sheriffs, shall be the fifteenth day of August; for making distress by the sheriffs on default of payment of the taxes, shall be the fifteenth day of September in any time after, but in every subsequent year during the continuance of the present act, shall be the same as directed by the said first mentioned act. If any sheriff shall refuse to undertake the collection of the taxes, or shall refuse or fail to give security for the due discharge of his duty therein, he shall stand *ipso facto*, deprived of his office, and the court shall likewise proceed to a new recommendation, and the person commissioned, in consequence of such recommendation, as soon as he shall have received his commission, shall have authority to proceed to the collection and appoint deputies to aid him therein, giving security as required by law, at the next court to be held for his county; and where it shall so happen, that payment hath been made to any sheriff in consequence of any assessment made in pursuance of the act of general assembly, for raising a supply for the current year, such sheriff shall account for the same with the person making such payment, and shall apply the same towards discharging the tax to be paid by this act, so far as such payment will extend, or return the overplus as the case may be.

*And be it farther enacted*, That the sheriffs or other collectors, be authorized and directed to receive in payment for all or any of the taxes imposed by this act, the receipts given by the continental agent for paper currency of the emissions of May the 20th, 1777, and of April the 11th, 1778, and which have been taken out of circulation by a resolution of general congress;

Assessments when returnable.

Appeals, when heard.

Lists of taxable property, when delivered.

Distress for taxes, when. Sheriff refusing to undertake collection, *ipso facto* deprived of office.

What paper money receivable in taxes.

Allowance to  
commissioners,  
assessors  
and clerk en-  
creased.

Surplus of  
proceeds of  
sale, for tax-  
es, how dis-  
posed of.

Fines, how  
appropriat-  
ed.

Part of for-  
mer acts re-  
pealed.

and the treasurer for the time being is also authorized and directed to receive the same in payment from the several sheriffs or collectors aforesaid, Instead of the allowance of ten shillings by the day by the said former acts to the commissioners of the tax, and to their clerk, they shall be entitled to the sum of thirty shillings each by the day, for their future services. And instead of the allowance by the same acts to the assessors, it shall be lawful for the commissioners to give them any sum not exceeding thirty pounds each, for their services this present year. And to prevent inconveniencies in case of distress, levied for any of the taxes imposed by this act, *It is hereby enacted,* That where such distress shall be made, and a sale in consequence thereof, the surplus after paying the tax, if any remain in the hands of the sheriff or collector, and the proprietor will not receive it upon tender to him, shall be accounted for, and paid by the officer making such distress, into the hands of the commissioners of the county for the time being, who shall pay the same over to their successors, to be applied in discharge (as far as such surplus will extend) of the taxes which may become due from the same person in the next or any succeeding year; but such surplus shall be paid to the proprietor of the property if he will receive the same, and if the officer making such distress, shall neglect to tender the surplus to the proprietor of the effects, or pay the same over to the commissioners (in case of refusal by such proprietor) such officer shall forfeit and pay the sum of five hundred pounds for his default. The fine or penalty incurred by this act, in any instance, shall be one half to the informer, or him who will sue for the same, the other half to the commonwealth, to be recovered by action of debt in any court of record. *And be it farther enacted,* That so much of an act of general assembly, entitled "An Act for raising a supply of money for publick exigencies;" and of one other act, entitled "An Act to amend an act entitled An Act for raising a supply of money for publick exigencies," as comes within the purview of this act, is, and stands hereby repealed. And that this act shall be in force during the continuance of the said first mentioned act, and no longer.



## CHAP. II.

*An Act establishing a Board of Trade.*[From *Revised Bills of 1779*, chap. IX. p. 9.]

*BE it enacted by the General Assembly, That a board of trade shall be constituted, to consist of three persons not exercising commerce on private account, to be chosen by joint ballot of both houses of assembly at the first session of every assembly, and to continue in office until the next choice shall be made; but any member may be removed within that time by joint vote of both houses, and thereupon, as also on the death, resignation, or refusal to act of any member, they shall proceed to choose another in his stead, or if such death, resignation, or refusal, happen during the recess of assembly, the governour and council may appoint some person to act in the said office until the end of the next session of assembly; the members having in some court of record, or before some judge or justice thereof, given assurance of fidelity to the commonwealth, and taken the following oath: "I A. B. do solemnly promise and swear, that I will faithfully, impartially, and justly perform the duty of my office of a member of the board of trade, according to the best of my skill and judgment. So help me God." Any two of them may proceed to business.*

Board of trade how constituted.

Vacancies, how supplied.

Oath of members.

*The duty of the said board shall be to see to the procuring by importation or otherwise, all military stores, clothing, accoutrements, utensils, materials, and necessaries, which shall be required by the governour, with the advice of the council, for the publick use, or for the use of the officers, soldiers, sailors and marines, raised under the laws of this commonwealth; taking care to send for such additional quantities as may provide against disappointments, happening by capture or otherwise; to procure salt, and cards for manufacturing cotton and wool, and distribute the same properly among the people of this commonwealth, at such prices only, as will reimburse the publick; where cargoes shall contain a considerable proportion of the articles before mentioned, together with others not wanting for the publick use, and the same can only be bought by wholesale, or may be so*

Duty, and powers of board.

bought to better account, to purchase the said cargoes, and to sell again as diffusive as possible, such parts of them as are not so wanting; to make payment for the same in money, or in commodities, or bills of exchange to be purchased by them for that purpose, or in specie or bullion; to have them stored and safely kept until called for by the governour and council or board of war; to superintend and direct all persons and things employed in or about the said business; to superintend the publick manufactories of all articles; which by this act they are required to provide, to fit out, purchase, or charter vessels of burthen, or of dispatch necessary for fulfilling the purposes of this act, or for carrying or procuring advices for government: All the proceedings of the said board before they are carried into execution, shall be submitted to the governour and council for their approbation, amendment, or negative.

Their proceedings subject to controul of executive.

How monies drawn from the treasury, for the use of the board.

The governour with advice of council, shall notify from time to time to the board of auditors, the sums of money which may be necessary for the purposes before mentioned, who shall thereupon give their warrant, or warrants, on the treasurer for the advance of such monies, to be regular debited and accounted for in due time.

Where the board to sit, and how convened.

Their clerk; oath of secrecy.

The said board shall sit at such place and in such apartments, as the governour with advice of council shall direct; and if at any time they shall be separated, and occasion for their meeting shall arise, the governour shall have power to call them together: They shall from time to time appoint their own clerk, or clerks, who shall take an oath to keep secret all such matters as they shall direct to be kept secret; which oath may be administered by any member of the board.

## CHAP. III.

*An Act establishing a Board of War.*[From *Revised Bills of 1779*, chap. VIII. p. 8.]

*BE it enacted by the General Assembly, That a* Board of war shall be constituted to consist of five persons to be chosen by joint ballot of both houses of assembly at the first session of every assembly, and to continue in office until the next choice shall be made; but any member may be removed within that time by joint vote of both houses, and thereupon, as also on the death, resignation, or refusal to act of any member, they shall proceed to choose another, to act in his stead and during his term, and if such death, resignation, or refusal to act, happen during the recess of assembly, the governour and council may appoint some person to act in the said office, until the end of the next session of assembly; the members having in some court of record, or before some judge or justice thereof, given assurance of fidelity to the commonwealth, and taken the following oath: "I A. B. do solemnly promise and swear, that I will faithfully, impartially, and justly perform the duty of my office of a member of the board of war, according to the best of my skill and judgment. So help me God." Any three of them may proceed to business, and he who is first in the nomination shall preside.

Board of war, how constituted.

Vacancies, how supplied.

Oath of members.

The duty of the said board shall be to superintend and manage, subject to the direction and controul of the governour with the advice of the council, all matters and things within the department of war, and all persons holding offices or performing duties within that department; all their resolutions, proceedings, and orders before they are carried into execution, shall be signed by the governour; the said board shall depute by rotation, unless they can otherwise agree, some one of their members to visit, and personally examine and report, once in every two months at the least, the condition of the military stores and provisions in the several magazines, they shall also appoint a commissary of prisoners.

Their duty, subject to direction of executive.

They shall sit at such places and in such apartments as the governour with the advice of the council shall

Where to sit, and how convened.

Commissioner of the navy, and their clerk, appointed by them.  
Oath of secrecy.

direct; and if at any time they shall be separated, and occasion for their meeting shall arise, the governour shall have power to call them together; they shall have authority from time to time, to appoint a commissioner of the navy, and also their own clerk; which clerk and commissioner, shall severally take an oath of office, and also to keep secret all such matters as they shall direct to be kept secret; the said oath may be administered by any member of the board.



#### CHAP. IV.

### *An Act for raising a body of Volunteers for the defence of the commonwealth.*

Preamble.

WHEREAS it is necessary that the state be at all times provided with a force sufficient to repel any hostile invasion, and it being found that the militia, as it is at present constituted, is not sufficient for that purpose, *Be it enacted by the General Assembly, That* there be immediately raised for the publick service, four thousand five hundred and sixty volunteers, including non-commissioned officers, to serve within this commonwealth for the defence thereof during the present invasion, who are to be regimented, officered, and accoutred, in manner as is herein after directed. That the said four thousand five hundred and sixty volunteers, when raised, be formed into battalions of ten companies, each company to consist of fifty rank and file, to be commanded (except where otherwise directed) by a captain, lieutenant, and ensign, an adjutant and regimental quarter-master, to be appointed from the officers of the regiment, a surgeon, and surgeon's mate, one serjeant major, one drum major, four serjeants, four corporals, one drummer, and one fifer to each company. Each regiment to be commanded by a lieutenant colonel and major, who shall have a company in the regiment, and draw pay as captains also; to each of which companies there shall be an additional lieu-

Volunteers to be raised.

How organized.

Officers and staff.

tenant. That the general officers to command the same, to wit: One major general and two brigadier generals, be appointed by joint ballot of both houses of assembly, and commissioned by the governour; the lieutenant colonels and majors, captains and subalterns, shall be appointed by the governour, with the advice of the council, and commissioned by the governour; the surgeon, surgeon's mate, adjutant, and regimental quarter-master, the serjeant major and drum major, to be appointed by the lieutenant colonel; the serjeants, corporals, drummers, and fifiers, by the captain of each company; there shall also be a chaplain to each battalion, who shall be appointed by the lieutenant colonel; that there be provided for each battalion, one field piece, with the necessary implements to fit them for service; that the pay, rations, and forage, of the officers and soldiers be the same as in the continental army; that a complete suit of clothes, to wit: A coat, waistcoat, pair of overalls, and shoes, two shirts, and a hat, be given to each soldier or non-commissioned officer, on the first day of November next, or as soon after as they can be procured, provided that such soldier or non-commissioned officer continue in service five months from the time of his enlistment, or an equivalent in money, proportioned to his time of service, if sooner discharged; that blankets and tents also be provided for them, together with necessaries for travelling and camp uses, arms, ammunition, and accoutrements; and if it shall so happen that any soldier who shall be enlisted into the service, shall have it in his power to furnish any of the conveniences and accoutrements which may be necessary, the same may be purchased from him for the publick use, at a reasonable and adequate price.

Officers, &c  
how appointed

Chaplains

Pay, &c. same  
as continental.

And for their better accommodation, each officer and soldier shall be furnished, during his service, with spirits and sugar from the publick stores, on the same terms as the continental or state troops, and be subjected to the like rules and discipline; but instead of a gill of spirits to each officer and soldier in the state, which is now delivered daily, there be allowed only a gill to every officer, soldier, and militiaman, who shall be on duty, until a greater quantity can be procured by the executive for that purpose than at present.

Spirits and  
sugar, how  
furnished.

Bounty.

And in order to complete the levy as speedily as may be, each volunteer soldier shall receive a bounty of fifty dollars, to be paid him upon his joining the regiment or company, to which he shall belong; for which purpose the governour, with the advice of the council, is hereby authorized to draw upon the treasurer for the time being for such sum or sums of money, to defray that and the other expenses incurred by this act, as may be sufficient for the same, which the treasurer shall advance out of any publick money which may be in his hands. The governour, with the advice of the council, is hereby authorized and directed to proceed immediately to the appointment of the lieutenant colonels, majors, captains, and subaltern officers, and to take proper measures for raising the whole of the said four thousand five hundred and sixty men as speedily as may be, and as the situation of the state seems to require. The said volunteers to be continued in service for the space of one month after the enemy shall have withdrawn themselves from the commonwealth, unless sooner discharged by the governour, with the advice of the council; and if they shall return within that time, it shall be considered as a continuation of the same invasion. The governour, with the advice of the council, is hereby empowered to appoint a lieutenant colonel and major, to command each of the several regiments of militia which shall be embodied for the immediate defence of the state, which militia so to be embodied, shall be commanded by the same general officers as are appointed to command the volunteers.

Term of service.

Volunteers for western frontiers.

And for the defence and protection of the western frontiers against the Indian or other enemies, who may commit hostilities in that quarter, *Be it enacted*, That two battalions of the said volunteers be raised in the counties lying on that side the state, and be officered with fit persons to command on that station; and instead of the clothing, arms, and accoutrements, herein before directed, the said battalions shall be furnished with such clothing, arms, and accoutrements, as are most proper for that service; and if any soldier or non-commissioned officer, enlisted into the said battalions, shall be willing to furnish himself with proper clothing, arms, and accoutrements, the governour, with advice of council, may fix the sum to be paid for the pur-

Arms, &amp;c. how furnished.

chase or use of such clothing, arms, and accoutrements, and direct the lieutenant colonel or officer commanding the battalions accordingly, who is to take care that such necessaries, especially the arms, are in proper order and kind, and fit for the service. The said battalions to be posted or garrisoned on the frontiers of this state, at such places as shall, from time to time, appear most convenient; the said battalions shall not be compelled to march out of the commonwealth, unless in case of an expedition against the enemy Indians, or in pursuit of any enemy who shall have invaded the frontier.

Where posted.

And as it is uncertain how long the dangers which at present threaten the western frontier may continue, *Be it enacted*, That the said battalions shall be continued in the service for the space of nine months, from the tenth day of June next, unless sooner discharged by the governour, with advice of the council; and if the time of their enlistment shall expire, or the battalions be discharged at any considerable distance from the counties where the same were raised, the officers and soldiers shall be allowed pay and provisions for so many days as may be deemed necessary for their return. These battalions to be subject to the rules and discipline as aforesaid.

Their term of service.

*And be it farther enacted*, That all volunteers raised under this act, who may be disabled in the service, shall be entitled to receive full pay during life, to commence at the time of their discharge; and if any of them lose their lives in the service, either by sickness or in the field, the same provision shall be made for their wives and indigent parents, as has heretofore been made for others in similar situations.

Pensions; & provision for wives and indigent parents:

## CHAP. V.

[From Revised Bills of 1779, chap. XCVIII. p. 68; Chan. Rev. p. 89.]

*An act prescribing the oath of fidelity, and the oaths of certain publick officers.*

Oath of fidelity.

*BE it enacted by the General Assembly,* That every person by law required to give assurance of fidelity, shall, for that purpose, take an oath in this form. "I

do declare myself a citizen of the commonwealth of Virginia; I relinquish and renounce the character of subject or citizen of any Prince or other state whatsoever, and abjure all allegiance which may be claimed by such Prince or other state: And I do swear to be faithful and true to the said commonwealth of Virginia, so long as I continue a citizen thereof. So help me God." And no person shall have power to act in any office, legislative, executive, or judiciary, before he shall have given such assurance, and shall moreover have taken such of the following oaths, if another be not specially prescribed, as is adapted to his case. The oath of the governour. "I

Oath of governour.

elected governour of Virginia. by the representatives thereof, do solemnly promise and swear, that I will to the best of my skill and judgment, execute the said office, diligently and faithfully, according to law, without favour, affection, or partiality; that I will to the utmost of my power, protect the citizens of the commonwealth in the secure enjoyment of all their rights, franchises, and privileges; and will constantly endeavour that the laws and ordinances of the commonwealth be duly observed; and that law and justice, in mercy, be executed in all judgments, and lastly, that I will peaceably and quietly resign the government to which I have been elected, at the several periods to which my continuance in the said office is or shall be limited by law and the constitution. So help me God."

Oath of Privy Councillor.

The oath of a privy councillor. "I elected one of the privy council of Virginia by the representatives thereof, do solemnly promise and swear, that I will, to the best of my skill and judgment, execute the said office diligently and faithfully, according to law, without favour, affection, or partiality; and that I will keep secret such proceedings and orders of the privy



council, as the board shall direct to be concealed, unless the same be called for by either house of general assembly. So help me God." The oath of one not specially directed to take any other. "I

Oath of any other.

do solemnly promise and swear, that I will faithfully, impartially, and justly perform the duty of my office of

according to the best of my skill and judgment. So help me God." The said oaths to be taken

By whom administered.

by a member or officer of either house of general assembly, shall be administered by any member of the privy council, and the taking thereof shall be certified to the clerk of such house; and the said oaths to be taken by any other person if it be not otherwise directed, shall be administered in some court of record or by any judge or justice thereof, and the taking thereof shall be recorded in the said court.

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## CHAP. VI.

### *An Act concerning officers, soldiers, sailors, and marines.*

[See Revised Bills of 1779, chap. XV. p. 12.]

*BE* it enacted by the General Assembly, That every able bodied freeman who will enlist, and who having enlisted to serve a particular period of time unexpired, will re-enlist to serve during the continuance of the present war, among the troops of this commonwealth, either at home or in the continental army, as he shall be directed, or as a sailor or marine on board the armed vessels in this commonwealth, shall receive so much money as with the continental bounty if he be put on that service, shall make up seven hundred and fifty dollars, taking into account in the case of re-enlistment the bounty before paid the soldier, sailor, or marine re-enlisting, and the pay and rations allowed to the like soldiers, sailors, or marines in the continental service, to begin from the day of his enlistment; he shall also be furnished at the publick expense, with a coat, waistcoat, pair of overalls, two shirts, a pair of shoes, and a hat, to be delivered at the place of rendezvous, and with the like articles every year after

Additional bounties to soldiers, sailors and marines.

during his service, to be delivered at his station; in lieu of such of those articles as are allowed by congress, which articles so allowed by congress, shall be received by proper officers to be appointed by the governour with advice of council, and applied to the discharge of the engagements of this act, or otherwise to the use of this commonwealth as the governour with advice of council shall direct. At the end of the war every of the said soldiers, sailors, and marines, shall be entitled to a grant of one hundred acres of any unappropriated land within this commonwealth, and every of the officers commanding the said soldiers, sailors, or marines, shall be entitled to a grant of the like quantity of lands as is allowed to officers of the same rank in the Virginia regiments on continental establishment, which they shall locate according to the directions of the laws, for which no purchase money shall be required on behalf of the commonwealth: Such of the said soldiers, sailors, or marines, as shall be disabled in the service, and the widows of those slain or dying therein, shall be entitled to immediate relief, and also to annual pensions as provided in one act of general assembly, passed at the last session, entitled "An act for establishing a board of auditors for publick accounts." Officers, soldiers, sailors, and marines, during their continuance in the service, shall be exempted from all taxation in their persons. Officers, soldiers, sailors, and marines, raised under the laws of this commonwealth, shall, during their continuance in the service be furnished by the agent or commissary of stores on behalf of this commonwealth, at the principal encampments, with the following articles, at the rates herein stated, to wit: osnaburgs at one shilling and six pence by the yard, coarse hats at seven shillings and six pence each, coarse shoes at eight shillings by the pair, coarse yarn hose at five shillings by the pair, rum or brandy at ten shillings by the gallon, whisky at five shillings by the gallon, brown sugar at one shilling by the pound, coffee at two shillings and sixpence by the pound, and such other imported articles as may be necessary for them, at one hundred and twenty per centum advance on their costs at the European port where they shall have been imported: And if they shall have been purchased on behalf of the publick, after their exportation from any European port,

Land bounty

Pensions.

Exemption from personal taxes.

Goods, at stipulated prices.

so that their costs at such port shall not be known, their costs there shall be estimated by such agent or commissary as nearly as he shall be able, and they shall be vended at the same advance on that estimation, provided that every of the said officers shall, in any one year, be entitled to receive of such agent or commissary, the following articles of imported dry goods, to wit: Six yards of cloth, seven quarters of a yard wide, with trimmings for a suit of clothes, stuff for six summer vests and breeches, linen for six shirts, cambrick for ruffles to them, and buttons, six stocks, three pair of silk, and three pair of thread hose, six handkerchiefs, two pair of good shoes, and one hat, and no more. All general officers of the army being citizens of this commonwealth, and all field officers, captains, and subalterns, commanding, or who shall command in the battalions of this commonwealth on continental establishment, or serving in the battalions raised for the immediate defence of this state, or for the defence of the United States: And all chaplains, physicians, surgeons, and surgeon's mates, appointed to the said battalions, or any of them, being citizens of this commonwealth, and not being in the service of Georgia, or of any other state, provided congress do not make some tantamount provision for them, who shall serve henceforward, or from the time of their being commissioned, until the end of the war. And all such officers who have, or shall become supernumerary on the reduction of any of the said battalions, and shall again enter into the said service if required so to do, in the same or any higher rank, and continue therein until the end of the war, shall be entitled to half pay during life, to commence from the determination of their command or service. The field officers of every county shall, from time to time, during the continuance of the present war, appoint one or more persons, such as in their judgment are best fitted to the purpose of recruiting soldiers, sailors, and marines, under this act, who shall be removeable at their will. Every recruiting officer shall, from time to time, give notice of the men enlisted by him to the governour, who, with advice of council, shall appoint such time and place within this commonwealth for their rendezvous as shall be convenient, and an officer then and there to review and receive them, to which place of rendezvous the

Half, pay, for life, promised to generals, field officers, captains, subalterns, chaplains, physicians, surgeons, and surgeons' mates, who continue to the end of the war.

Recruiting officers, how appointed.

Their powers, duty, & compensation.

said recruiting officer shall conduct them, and in the mean time, from their enlistment till their review, shall have the same powers over them as if he were their proper commanding officer. For every man who shall be reviewed and received by the officer appointed for that purpose, the officer recruiting him, shall receive one hundred and fifty dollars, to be paid on certificate of such review, and receipt from the board of war to the auditors, and their warrant on the treasurer. The board of war shall cause accounts to be raised, with every county in which each shall have credit for the men so recruited by their officers and reviewed by the officer of review: And whensoever afterwards it shall become necessary for the publick exigencies to call for any greater number of regular troops than shall have been raised under this act, the number of all those raised under this act, shall be added to the number to be called for, and the quota of the aggregate number being settled for each county, in proportion to their militia; where it shall appear that any county has furnished under this act a number equal to such their quota, they shall not be subject to furnish any part of those then called for, and where they shall have furnished a part of such quota, they shall be subject to furnish so many, only of those as shall make up their deficiency; and for the greater security of the inhabitants of the county of Illinois: *Be it enacted*, That one troop of horse shall be raised, to consist of one captain, one lieutenant, one cornet, and thirty two privates; the officers to be appointed by the governour with advice of council, and commissioned by the governour, and to receive the same pay, rations, and forage, as is allowed to the cavalry now in the continental service; and the horses, arms, and accoutrements, to be provided for them, in such manner as the governour with the advice of the council shall direct. Every soldier who enlisted into the corps of volunteers commanded by colonel George Rogers Clarke, and continued therein till the taking the several posts in the Illinois country, shall at the end of the war, be entitled to a grant of two hundred acres of any unappropriated lands within this commonwealth, on the terms herein before declared. Every able bodied freeman who shall enlist, or who having enlisted for a period of time unexpired, shall re-enlist to serve during the war, among the for-

Troop of cavalry for protection of Illinois.

Land bounty to volunteers under colonel George Rogers Clarke.

ces ordered for the protection and defence of the county of Illinois, shall receive a bounty of seven hundred and fifty dollars, and at the end of the war, shall be entitled to a grant of one hundred acres of land on the terms herein before declared. And for the better defence of this commonwealth in the eastern quarter: *Be it enacted*, That four troops of horse shall be forthwith raised, to be commanded by a major commandant, to be chosen by joint ballot of both houses of assembly, each troop to consist of thirty two privates, and commanded by one captain, one lieutenant, and one cornet, who shall be appointed by the governour with advice of council, and commissioned by the governour, and shall receive the same pay, rations, and forage, as the cavalry now in the continental service. The horses, arms, and accoutrements, to be provided at the publick expense. Every able bodied man who shall enlist to serve during the war in the said troops, shall be entitled to a bounty of seven hundred and fifty dollars, and at the end of the war shall be entitled to a bounty of one hundred acres of unappropriated lands on the terms herein before declared; and each able bodied man who shall enlist to serve two years, shall be entitled to a bounty of three hundred dollars. The bounties and other allowances given by this act to officers, soldiers, sailors, and marines, shall be deemed in lieu of those of the same kind given by any act of assembly, ordinance, or resolution of congress heretofore passed. And where the same shall have been given by any resolution of congress, shall go towards lessening the quota of such gift which ought to be contributed by this commonwealth.

To soldiers for protection of Illinois.

Four troops of cavalry for eastern frontier

Land bounty to those who enlist during the war

## CHAP. VII.

[From *Revised Bills of 1779*, chap. CXIX. p. 83; *Chan. Rev.* p. 89.]

*An Act permitting those who will not take oaths to be otherwise qualified.*

Solemnities and forms instead of oaths.

*BE it enacted by the General Assembly*, That any person refusing to take an oath, and declaring religious scruples to be the true and only reason of such refusal, if he will use the solemnity and ceremony, and repeat the formulary observed on similar occasions, by those of the church or religious societies he professeth himself to be a member of, or to join in communion with, shall thereupon be deemed as competent a witness, or to be as duly qualified to execute an office, or perform any other act, to the sanction whereof an oath is or shall be required by law, and shall be subject to the same rules, derive the same advantages, or incur the same penalties or forfeitures, as if he had been sworn. In presentments, indictments, inquisitions, verdicts, examinations, or other forms, the words "upon their oath" or "sworn" may be left out, and instead of them "in solemn form" or "charged" whichever may be adapted to the case, may be inserted; but if the antient form be adhered to, it shall not be adjudged error.

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 CHAP. VIII.

*An Act for raising a body of Cavalry.*

Troop of cavalry to be raised, at discretion of executive, during existing invasion.

*BE it enacted by the General Assembly*, That for defence of the commonwealth, under the present invasion, it shall be lawful for the governour, with the advice of the council of state, to cause to be raised by voluntary enlistments, so many troops of cavalry, as in their judgments shall be requisite, to be formed and officered as they shall think best.

The officers and troopers shall receive such pay, rations, and forage, as are allowed and given to the cavalry of the United States, and to commence from the time of their rendezvous. They shall continue in service during the present invasion, unless sooner discharged by the governour and council. Each of the said troopers shall bring his own horse into the service, and if such horse be killed, otherwise die, be captured, or lost during service, not through the default of the trooper; or if any arms or accoutrements, with which the trooper may furnish himself, be taken, injured, or lost, without his default, the same shall be paid for out of the publick treasury, at such price as shall be estimated by three indifferent persons, to be appointed and sworn by the commanding officer of the said cavalry, truly and impartially to value the same, according to the best evidence which they shall be able to procure. The said troopers during their service, shall be subject to the same rules and articles of discipline and government, to which the militia are subject when called into actual service.

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### CHAP. IX.

*An Act for fixing the allowance of* [Chan. Rev.  
P. 90.]  
*the members of the General Assembly.*

**WHEREAS** it is just that the members of general Preamble.  
assembly, delegated by the people to transact for them the legislative business, should, while attending that business, have their reasonable sustenance defrayed, dedicating to the publick service their time and labours, freely and without account; and it is also expedient that the publick councils should not be deprived of the aid of good and able men, who might be deterred from entering into them, by the insufficiency of their private fortunes to bear the extraordinary expenses they must necessarily incur, and it being inconsistent with the principles of civil liberty, and contrary to the natural

rights of the other members of the society, that any body of men therein should have authority to enlarge their own powers, prerogatives or emoluments, without restraint: the said general assembly cannot at their own will increase the allowance which their members are to draw from the publick treasury for their expenses while in assembly, but to enable them so to do, an application to the body of the people has become necessary, and such application having been accordingly made to the several counties, and a majority of them having thereupon consented that the said allowance shall be enlarged, and authorized their members to enlarge the same for themselves, and the members of all future assemblies to fifty pounds of neat tobacco by the day for attendance on assembly, and two pounds of like tobacco for every mile they must necessarily travel going to or from the same, together with their ferriages, to be paid in money out of the publick treasury, at such rate as shall be estimated by the grand jury at the session of the general court next, before the meeting of every session of assembly, governing themselves in the said estimate by the worth of the said tobacco, and the competence of the same to defray the necessary expenses of travelling and attendance. *Be it therefore enacted by the General Assembly*, by express authority from the body of the people, that the allowance to the several members of the present, and of all future general assemblies, shall be of fifty pounds of tobacco by the day for attendance on the said assemblies, two pounds of the like tobacco for every mile they must necessarily travel going to or from the same, together with their ferriages, to be paid to them in money out of the publick treasury, at such rate as shall be estimated by the grand jury at the session of the general court next, before the meeting of each respective session of assembly, governing themselves in the said estimate by the worth of the said tobacco, and the competence of the same to defray the necessary expenses of travelling and attendance.

Wages of  
members of  
assembly, in  
tobacco, how  
estimated &  
paid.



## CHAP. X.

*An Act for enabling the Treasurer to emit a sum of money for supplying the publick exigencies.*

WHEREAS it is at present uncertain whether the monies directed to be emitted by an act of the last assembly, entitled "An act for providing a supply in aid of the loan office," and those which have, and shall come into the treasury, until the taxes of the present year be paid in, will be sufficient to answer the calls for the publick service: *Be it enacted by the General Assembly,* That it may and shall be lawful for the treasurer of this commonwealth, to issue treasury notes in dollars for any sum, or sums, which may be required to supply the deficiency, until the taxes of this present year shall be paid in, so as the sum to be issued by authority hereof do not exceed one million of pounds. And he shall cause such notes to be engraved and printed in such manner, and on such paper, as he shall judge most likely to secure the same from being counterfeited. He shall appoint proper persons to overlook the press, and to number and sign the notes, upon the best terms he can. The bills of credit to be emitted by virtue of this act, shall be entered in the auditors office to the debit of the treasurer, and be signed in the left hand corner by one of the auditors or of their clerks, or by any assistant clerk to be appointed for this special purpose by the auditors, who shall receive such allowance for his service as they shall judge reasonable; without which signature, the said notes or bills of credit shall not be current. If the taxes imposed by the several acts now in force shall be insufficient to answer the purposes for which the said taxes were laid, and also for the redemption of the notes to be issued by authority of this present act, farther provision shall be made by law for making good the deficiency, and redeeming the whole before the first day of December, which shall be in the year of our Lord, one thousand seven hundred and eighty six.

Further e-  
mission of  
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ney authori-  
sed.

## CHAP. XI.

*An Act for raising a body of troops for the defence of the commonwealth.*

Four regiments to be raised; two for the defence of the western, and two for the eastern frontiers.

How officered and organized.

How raised.

FOR the better defence of the commonwealth and providing a force sufficient to repel any hostile invasion: *Be it enacted by the General Assembly*, That four regiments of infantry be raised, two for the defence of the western frontiers, and two for the defence of the eastern limits of this state. Each regiment to be commanded by a lieutenant colonel commandant (who shall take rank of a colonel of militia) and a major; the regiments to be divided into ten companies, each company to be commanded by one captain, one lieutenant, and one ensign, the field officers, as well as the inferiour commissioned officers, to be appointed by the governour, with the advice of the council, and commissioned by the governour. The whole to be arrayed, armed, disciplined, and provided as the governour and council, from time to time, shall direct. For completing those regiments, each county in this state, and the city of Williamsburg, except the county of Illinois, shall furnish one twenty fifth part of their militia. And for the more speedy and certain mode of raising the said men: *Be it enacted*, That the county lieutenant or commanding officer of each county within this commonwealth, so soon as he is certified of this act, shall summon the four senior justices, not being field officers, and the field officers of his county, to meet at such convenient time and place in the said county as he shall appoint, within not less than five, or more than ten days after due notice thereof to them given, which said justices and field officers, or in the absence of any of them, any two or more of the said justices, and any two or more of the said field officers having first taken an oath, to be administered by the senior justice to the other members, and by some one of the other justices to him, to do equal and impartial justice to the best of their judgment therein, shall proceed to lay off the militia in their respective counties into divisions, agreeable to the act of the last session of assembly, entitled

“ An act for speedily recruiting the Virginia regiments on continental establishment;” each division so laid off, is hereby required to produce to the county lieutenant, one able bodied man, on or before the first day of August next. Every able bodied volunteer enlisting for any division, shall be entitled to a bounty from the division of seven hundred and fifty dollars, to be paid by the individuals therein, and there shall be added to every division so laid off, every person liable to a tax within the bounds of the said districts, making them as equal as possible, who shall pay in proportion to their respective taxable property as it stands taxed for the present year. Every division returning such volunteer soldier, shall be entitled to a discount for the bounty aforesaid in the next years tax, in proportion to the respective sums paid by the individuals therein. The field officers of each county, or a majority of them, shall meet on the first day of August, and direct certificates to be given to every individual of the sums severally paid for their respective proportions of the bounty aforesaid, such certificates to be taken by the commissioners of the tax in evidence of the discount to be allowed to each individual in the tax of the next year. If any of the said divisions shall fail to furnish an able bodied man in fifteen days after the said first day of August, the said justices and field officers are hereby empowered and required, to appoint some reputable diligent man in each of the said districts or divisions so failing, to enlist one able bodied volunteer to serve as a soldier for the time aforesaid, and when any soldier shall have so enlisted, the person who enlisted him shall carry him before the county lieutenant or commanding officer of the militia, who is hereby required carefully to view and examine such soldier; and if he shall be found able bodied and fit for military service, to give certificate thereof, which shall entitle the person enlisting him, to receive the sum of ten dollars for his charge and trouble, and the said county lieutenant or commanding officer shall also certify to the said justices and field officers, for what district and division such soldier hath been enlisted, the bounty he is entitled by law to receive, which sum, together with the sum of ten dollars for the charge of enlisting, and five per centum for collection, shall be forthwith levied upon every person male and female, within such dis-

tract, in proportion to the rate of each persons last assessment, to be adjusted and ascertained by the said justices and field officers; for which purpose the commissioners of the tax are hereby required to furnish them at their first meeting, with an exact alphabetical list or account of every persons assessment in their county, and the said justices and field officers are hereby authorized and required to nominate and appoint some reputable and responsible person for each district, speedily to make such collection, and when any person chargeable with his proportion as aforesaid, shall refuse or neglect to make payment thereof within ten days after the same shall have been demanded, it may and shall be lawful for such collector to distrain for the same, in manner directed by the act entitled "An act for raising a supply of money for publick exigencies," provided that the sums so collected entitle the payer to the same discount as if voluntarily advanced. All officers and soldiers serving in any of the regiments to be raised by virtue of this act, shall be entitled to the same pay, benefits, privileges and emoluments, provided for the officers and soldiers of this state by the act of this present session of assembly, entitled "An act concerning officers, soldiers, sailors, and marines." All soldiers enlisted by virtue of this act, shall be entitled to a discharge from the commanding officers of the respective regiments on the twenty first day of December, one thousand seven hundred and eighty one.

Pay and emoluments.  
[See ante p. 5.]

*Provided always,* That the executive of this state may discharge any of the said regiments whenever their service is not necessary for the defence of this state. The said regiments shall not be marched out of this state, except to the assistance of North Carolina, Maryland, or the western frontiers of Pennsylvania in case of invasion.

## CHAP. XII.

*An Act for adjusting and settling the titles of claimers to unpatented lands under the present and former government, previous to the establishment of the commonwealth's land office.\**

[Chan Rev  
p. 90.]

**I. WHEREAS** the various and vague claims to unpatented lands under the former and present government, previous to the establishment of the commonwealth's land office, may produce tedious and infinite litigation and disputes, and in the mean time purchasers would be discouraged from taking up lands upon the terms lately prescribed by law, whereby the fund to be raised in aid of the taxes for discharging the publick debt, would be in a great measure frustrated; and it is just and necessary, as well for the peace of individuals as for the publick weal, that some certain rules should be established for settling and determining the rights to such lands, and fixing the principles upon which legal and just claimers shall be entitled to sue out grants; to the end that subsequent purchasers and adventurers may be enabled to proceed with greater certainty and safety: *Be it enacted by the General Assembly,* That all surveys of waste and unappropriated land made upon any of the western waters before the first day of January, in the year 1778, and upon any of the eastern waters at any time before the end of this present session of assembly, by any county surveyor commissioned by the masters of William and Mary college, acting in conformity to the laws and rules of government then in force, and founded either upon charter, importation rights duly proved and certified according to ancient usage, as far as relates to indentured servants, and other persons not being convicts, upon treasury rights for money paid the receiver general duly authenticated upon entries on the western waters,

Preamble

[See 2 Rev  
Code of 1819  
p 354 to 482  
for this, and  
the subsequent  
acts.]

Surveys,  
what declared  
valid.

\* This act is published in Chan. Rev. p. 90, in which it is separated by sections, as here; which was not the case in the original.

regularly made before the 26th day of October, in the year 1763, or on the eastern waters at any time before the end of this present session of assembly, with the surveyor of the county for tracts of land not exceeding four hundred acres, according to act of assembly upon any order of council, or entry in the council books, and made during the time in which it shall appear either from the original or any subsequent order, entry, or proceedings in the council books, that such order or entry remained in force the terms of which have been complied with, or the time for performing the same unexpired, or upon any warrant from the governour for the time being for military service, in virtue of any proclamation either from the king of Great Britain\* or any former governour of Virginia, shall be, and are hereby declared good and valid, but that all surveys of waste and unpatented lands made by any other person, or upon any other pretence whatsoever, shall be, and are hereby declared null and void, provided that all officers or soldiers, their heirs or assigns, claiming under the late governour Dinwiddie's† proclamation of a bounty in lands to the first Virginia regiment, and having returned to the secretary's office, surveys made by virtue of a special commission from the president and masters of William and Mary college, shall be entitled to grants thereupon on payment of the common office fees; that all officers and soldiers, their heirs or assigns under proclamation warrants for military service, having located lands by actual surveys made under any such special commission, shall have the benefit of their said locations, by taking out warrants upon such rights, resurveying such lands according to law, and thereafter proceeding according to the rules and regulations of the land office. All and every person or persons, his, her, or their heirs or assigns, claiming lands upon any of the before recited rights, and under surveys made as herein before mentioned against which no caveat shall have been legally entered, shall upon the plats and certificates of such surveys being returned into the land office, together with the rights, entry, order, warrant or authentick copy thereof upon which they were respectively found-

\* See Vol 7, p. 663, for the king's proclamation of 1763.

† See Vol. 7, p. 661, for governor *Dinwiddie's* proclamation of 1754.

ed, be entitled to a grant or grants for the same in manner and form herein after directed.

II. *Provided*, That such surveys and rights be returned to the said office within twelve months next after the end of this present session of assembly, otherwise they shall be, and are hereby declared forfeited and void. All persons, their heirs or assigns, claiming lands under the charter and ancient custom of Virginia, upon importation rights as before limited, duly proved, and certified in any court of record before the passing of this act; those claiming under treasury rights for money paid the receiver general duly authenticated, or under proclamation warrants for military service, and not having located and fixed such lands by actual surveys as herein before mentioned, shall be admitted to warrants, entries, and grants for the same, in manner directed by the act of assembly entitled "An act for establishing a land office, and ascertaining the terms and manner of granting waste and unappropriated lands,"\* upon producing to the register of the land office the proper certificates, proofs, or warrants, as the case may be, for their respective rights within the like space of twelve months after the end of this present session of assembly, and not afterwards. All certificates of importation rights proved before any court of record according to the ancient custom, and before the end of this present session of assembly, are hereby declared good and valid: And all other claims for importation rights not so proved, shall be null and void; and where any person before the end of this present session of assembly, hath made a regular entry according to act of assembly, with the county surveyor for any tract of land not exceeding four hundred acres, upon any of the eastern waters, which hath not been surveyed or forfeited, according to the laws and rules of government in force at the time of making such entry, the surveyor of the county where such land lies, shall after advertising legal notice thereof, proceed to survey the same accordingly, and shall deliver to the proprietor a plat and certificate of survey thereof within three months; and if such person shall fail to attend at the time and place so appointed for making such survey, with chain carriers and a person to mark the lines, or shall fail to deliver such plat and certificate into the land office, according to the rules and regulations of the same, together with the auditors certificate

Proviso.

Under what rights and in what manner grants shall be made.

\* See the next chapter.

of the treasurers receipt for the composition money herein after mentioned, and pay the office fees, he or she shall forfeit his or her right and title; but upon performance of these requisitions, shall be entitled to a grant for such tract of land as in other cases.

Rightsclaim-  
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mation, de-  
clared void.

Except ac-  
tual surveys;  
and except  
the Dismal  
Swamp.

III. *And be it enacted*, That all orders of council or entries for land in the council books, except so far as such orders or entries respectively have been carried into execution by actual surveys in manner herein before mentioned, shall be, and they are hereby declared void and of no effect; and except also a certain order of council for a tract of sunken grounds, commonly called the Dismal Swamp, in the south eastern part of this commonwealth, contiguous to the North Carolina line, which said order of council with the proceedings thereon and the claim derived from it, shall hereafter be laid before the general assembly for their further order therein. No claim to land within this commonwealth for military service founded upon the king of Great Britain's proclamation, shall hereafter be allowed, except a warrant for the same shall have been obtained from the governour of Virginia, during the former government as before mentioned; or where such service was performed by an inhabitant of Virginia, or in some regiment or corps actually raised in the same; in either of which cases the claimant making due proof in any court of record, and producing a certificate thereof to the register of the land office within the said time of twelve months, shall be admitted to a warrant, entry, and grant for the same, in the manner herein before mentioned; but nothing herein contained shall be construed or extend to give any person a title to land for service performed in any company or detachment of militia.

Settlement  
rights, upon  
the western  
waters.

IV. And whereas great numbers of people have settled in the country upon the western waters, upon waste and unappropriated lands, for which they have been hitherto prevented from suing out patents or obtaining legal titles by the king of Great Britain's proclamations or instructions to his governours, or by the late change of government, and the present war having delayed until now, the opening of a land office, and the establishment of any certain terms for granting lands, and it is just that those settling under such circumstances should have some reasonable allowance for



the charge and risk they have incurred, and that the property so acquired should be secured to them: *Be it therefore enacted*, That all persons who, at any time before the first day of January, in the year one thousand seven hundred and seventy eight, have really and bona fide settled themselves or their families, or at his, her, or their charge, have settled others upon any waste or unappropriated lands on the said western waters, to which no other person hath any legal right or claim, shall be allowed for every family so settled, four hundred acres of land, or such smaller quantity as the party chooses, to include such settlement. And where any such settler hath had any survey made for him or her, under any order of the former government, since the twenty sixth day of October, in the year one thousand seven hundred and sixty three, in consideration of such settlement for less than four hundred acres of land, such settler, his or her heirs, may claim and be allowed as much adjoining waste and unappropriated land, as together with the land so surveyed will make up the quantity of four hundred acres.

[See Journal of Convention of June 24, 1776—& 2 Rev. Code of 1819, p. 350—See also vol. 9, p. 355, 356.]

V. And whereas several families for their greater safety have settled themselves in villages or townships, under some agreement between the inhabitants of laying off the same into town lots, to be divided among them, and have, from present necessity, cultivated a piece of ground adjoining thereto in common: *Be it enacted*, That six hundred and forty acres of land whereon such villages and towns are situate, and to which no other person hath a previous legal claim, shall not be entered for or surveyed, but shall be reserved for the use and benefit of the said inhabitants until a true representation of their case can be made to the general assembly, that right and justice may be done therein; and in the mean time there shall be allowed to every such family, in consideration of their settlement, the like quantity of land as is herein allowed to other settlers adjacent, or convenient to their respective village or town, and to which no other person hath, by this act, the right of preemption, for which said quantities to be adjusted, ascertained, and certified by the commissioners to be appointed by virtue of this act, in manner herein after directed. The proper claimants shall be respectively entitled to entries with the surveyor of the county wherein the land lies,

Provision for families settled in villages or townships.

upon producing to him certificates of their rights from the said commissioners of the county, duly attested, within twelve months next after the end of this present session of assembly, and not afterwards; which certificate the said surveyor shall record in his books, and then return them to the parties, and shall proceed to survey the lands so entered, according to law. And upon due return to the land office of the plats and certificates of survey, together with the certificates from the said commissioners of the rights, by settlement upon which the entries were founded, grants may and shall issue to them and their heirs or assigns, in manner before directed. And if any such settlers shall desire to take up a greater quantity of land than is herein allowed them, they shall on payment to the treasurer of the consideration money, required from other purchasers, be entitled to the preemption of any greater quantity of land adjoining to that allowed them in consideration of settlement, not exceeding one thousand acres, and to which no other person hath any legal right or claim. And to prevent doubts concerning settlements, *It is hereby declared,* That no family shall be entitled to the allowance granted to settlers by this act, unless they have made a crop of corn in that country, or resided there at least one year since the time of their settlement. All persons who, since the said first day of January, in the year one thousand seven hundred and seventy eight, have actually settled on any waste or unappropriated lands on the said western waters, to which no other person hath a just or legal right or claim, shall be entitled to the preemption of any quantity of land, not exceeding four hundred acres, to include such settlement at the state price to other purchasers. And all those who, before the said first day of January, in the year one thousand seven hundred and seventy eight, had marked out or chosen for themselves, any waste or unappropriated lands, and built any house or hut, or made other improvements thereon, shall also be entitled to the preemption upon the like terms, of any quantity of land, to include such improvements, not exceeding one thousand acres, and to which no other person hath any legal right or claim; but no person shall have the right of preemption for more than one such improvement; provided they respectively demand and prove their right to such pre-

Settlement,  
and preemp-  
tion rights  
defined.

Grants for,  
how obtain-  
ed.

emption, before the commissioners for the county, to be appointed by virtue of this act within eight months, pay the consideration money, produce the auditor's certificate for the treasurer's receipt for the same, take out their warrants from the register of the land office within ten months, and enter the same with the surveyor of the county, within twelve months next after the end of this present session of assembly; and thereafter duly comply with the rules and regulations of the land office. All locations made by officers and soldiers upon the lands of actual settlers, shall be void, but the said officers, soldiers, or their assignees, may obtain warrants on producing the commissioners certificate of their several rights, and locate their claims on other waste and unappropriated lands. To prevent the locations of those claiming under warrants for preemption, from interfering with such as claim under certificates for settlements, and to give due preference to the latter, so far as respects their rights to tracts of land not exceeding four hundred acres; the register of the land office shall particularly distinguish all preemption warrants by him issued, and no county surveyor shall admit any such warrant to be entered or located in his books, before the expiration of ten months as aforesaid. And where any such warrant shall not be entered and located with the county surveyor, within the before mentioned space of twelve months, the right of preemption shall be forfeited, and the lands therein mentioned may be entered for by any other person holding another land warrant; but such preemption warrant may, nevertheless, be located upon any other waste or unappropriated lands, or upon the same lands where they have not in the mean time been entered for by some other.

VI. *And be it farther enacted,* That all persons claiming lands, and suing out grants upon any such surveys heretofore made; either under entries with the surveyor of any county, or under any order of council, or entry in the council books, for which rights have not formerly been lodged in the secretary's office, and also those suing out grants for tracts of lands upon the western waters, not exceeding four hundred acres herein allowed them in consideration of their settlements, or under former entries with the county surveyor, for lands upon the eastern waters, shall be subject to the

Locations,  
by officers  
and soldiers,  
on lands of  
settlers,  
void.

What loca-  
tions intitled to pre-  
ference.

Warrants re-  
entered.

Composition  
money in  
what cases  
to be paid.

payment of the usual composition money under the former government, at the rate of ten shillings sterling for every hundred acres, to be discharged in current money, at the rate of thirty three and one third per centum exchange, before the grant issues, and to no other charge or imposition whatsoever, save the common office fees. And to all such persons, their heirs or assigns, who having title to land under the former government, had not only surveyed the same, but had lodged their certificates of survey, together with their rights, in the secretary's office; and although no caveat hath been entered, have not obtained patents, grants shall issue in consideration thereof, upon the payment of the office fees only.

Agreements  
between  
companies  
claiming un-  
der orders of  
council, and  
purchasers,  
from them  
regulated.

VII. And whereas it hath been represented to the general assembly, that upon lands surveyed for sundry companies by virtue of orders of council, many people have settled without specifick agreement, but yet under the faith of the terms of sale publickly offered by the said companies or their agents at the time of such settlements, who have made valuable improvements thereon: *Be it enacted and declared,* That all persons so settled upon any unpatented lands, surveyed as before mentioned, except only such lands as before the settlement of the same, were notoriously reserved by the respective companies for their own use, shall have their titles confirmed to them by the members of such companies, or their agents, upon payment of the price at which such lands were offered for sale when they were settled, together with interest thereon from the time of the respective settlements, provided they compromise their claims with the said companies, or lay them before the commissioners for their respective counties, to be appointed by virtue of this act, and have the same tried and determined by them, in manner herein after directed: And provided also, that where any such survey contains more than four hundred acres, no one settler shall be entitled to a greater quantity than three hundred acres, unless he takes the whole survey, to include his settlement, and leave the remainder in one entire and convenient piece where the same is practicable.

Commission-  
ers for ad-  
justing and  
determining

VIII. And whereas the claims of various persons to the lands herein allowed to the inhabitants, in consideration of their settlements, and of those who, by this

act, are entitled to preemption at the state price, as well as of the settlers on the lands surveyed for sundry companies by orders of council as aforesaid, may occasion numerous disputes, the determination of which depending upon evidence, which cannot, without great charge and trouble, be collected, but the neighbourhood of such lands will be most speedily and properly made by commissioners in the respective counties: *Be it enacted*, That the counties on the western waters shall be allotted into districts, to wit: The counties of Monongalia; Yohogania, and Ohio, into one district; the counties of Augusta, Botetourt, and Greenbrier, into one district; the counties of Washington and Montgomery, into one other district; and the county of Kentucky, shall be another district; for each of which districts, the governour, with the advice of the council, shall appoint four commissioners under the seal of the commonwealth, not being inhabitants of such district (any three of whom may act) to continue in office eight months from the end of this present session of assembly, for the purpose of collecting, adjusting, and determining such claims, and four months thereafter for the purpose of adjusting the claims of settlers on lands surveyed for the aforesaid companies. Every such commissioner, before he enters on the duties of his office, shall take the following oath of office: "I A. B. do swear that I will well and truly serve this commonwealth in the office of a commissioner for the district of \_\_\_\_\_ for collecting, adjusting, and settling the claims, and determining the titles of such persons as claim lands in the said district, in consideration of their settlements; of such as claim preemption to any lands therein, and also of such settlers as claim any lands surveyed by order of council, for sundry companies, according to an act of general assembly, entitled An act for adjusting and settling the titles of claimers to unpatented lands, under the former and present government, previous to the establishment of the commonwealth's land office; and that I will do equal right to all manner of people, without respect of persons; I will not take by myself, nor by any other person, any gift, fee, or reward for any matter done, or to be done by virtue of my office, except such fees or salary as the law shall allow me; and finally in all things belonging to my said office, I will faithfully, justly, and truly,

claims to lands on the western waters, how appointed, their oath, duty, power, and modes and rules of proceeding.

according to the best of my skill and judgment, do equal and impartial justice, without fraud, favour, affection, or partiality. So help me God." Which oath shall be administered by any of the said commissioners to the first of them in nomination, who shall be present, and then by him to the others. The said commissioners shall have power to hear and determine all titles claimed in consideration of settlements to lands, to which no person hath any other legal title, and the rights of all persons claiming preemption to any lands within their respective districts, as also the rights of all persons claiming any unpatented lands, surveyed by order of council for sundry companies, by having settled thereon under the faith of the terms of sale publickly offered by such companies or their agents, and shall immediately upon receipt of their commissions, give at least twenty days previous notice by advertisements at the fairs, churches, meeting-houses, and other publick places in their district, of the time and place at which they intend to meet, for the purpose of collecting, hearing, and determining the said claims and titles, requiring all persons interested therein, to attend and put in their claims, and may adjourn from place to place, and time to time, as their business may require; but if they should fail to meet at any time to which they shall have adjourned, neither their commission nor any matter depending before them shall be thereby discontinued, but they shall proceed to business when they do meet, as if no such failure had happened. They shall appoint and administer an oath of office to their clerk; be attended by the sheriff, or one of the under sheriffs of the county; be empowered to administer oaths to witnesses or others, necessary for the discharge of their office; to punish contempts, enforce good behaviour in their presence, and award costs, in the same manner with the county courts; they shall have free access to the county surveyor's books, and may order the same to be laid before them, at any time or place of their sitting, and shall pay to such surveyor, out of the fees received by them for certificates, the sum of three pounds for every day he shall attend, and to the sheriff for the like attendance, two pounds for each day's attendance. In all cases of disputes upon claims for settlement, the person who made the first actual settlement, his or her

heirs or assignus, shall have the preference. In all disputes for the right of preemptions for improvements made on the land, the persons, their heirs or assignus respectively, who made the first improvement, and the persons to whom any right of preemption on account of settlement or improvements shall be adjudged, shall fix the quantity at their own option at the time of the judgment, so as not to exceed the number of acres respectively allowed by this act, or to interfere with the just rights of others. The clerk shall keep exact minutes of all the proceedings of the commissioners, and enter the names of all the persons to whom either lands for settlement or the right of preemption as the case is, shall be adjudged with their respective quantities and locations, and also the names of all such persons to whom titles shall be adjudged for lands within the surveys made by order of council for any company with the quantity of acres adjudged, and in what survey; and if the same is only part of such survey, in what manner it shall be located therein, the name or style of the company, and the price to be paid them, with the time from which the same is to bear interest. Upon application of any person claiming a right to any lands in virtue of this act, and complaining that another pretends a right in opposition thereto, the said clerk shall issue a summons, stating the nature of the plaintiffs claim and calling on the party opposing the same, to appear at a time and place certain therein to be named, and shew cause why a grant of the said lands may not issue, or a title be made to the said plaintiff: The said summons shall be served on the party by the sheriff of the county where he resides, or wherein he may be found, and such service being returned thereon, and the party appearing or failing to appear, the commissioners may proceed to trial, or for good cause shewn, may refer such trial to a farther day. The clerk shall also have power at the request of either party, to issue subpœnas for witnesses to appear at the time and place of trial, which shall be had in a summary way without pleadings in writing, and the court in conducting the said trial, in all matters of evidence relative thereto, and in giving judgment, shall govern themselves by such rules and principles of law or equity, as are applicable to the case, or would be the rule of evidence or of decision, were

Conflicting  
rights how  
adjudged by  
commission-  
ers.

the same before the ordinary courts of law or equity; save only as far as this act shall otherwise have specially directed. Judgment when rendered shall be final, except as herein after excepted, and shall give to the party in whose favour it is, a title against all others who were parties to the trial; and if after such judgment rendered, the party against whom it is, shall enter the said lands forcibly, or forcibly detain the same, it shall be lawful for the said commissioners or any one of them, or any justice of peace for the county, to remove such force, in like manner as if it were committed on lands holden by grant actually issued. The said commissioners shall deliver to every person to whom they shall adjudge lands for settlement, a certificate thereof under their hands, and attested by the clerk, mentioning the number of acres, and the time of settlement, and describing as near as may be, the particular location, noting also therein the quantity of adjacent land to which such person shall have the right of preemption. And to every other person to whom they shall adjudge the right of preemption to any lands, they shall in like manner deliver a certificate, specifying the quantity and location of such land, with the cause for preemption, with a memorandum for the information of the party in each certificate of the last day on which the lands therein respectively mentioned can be entered with the county surveyor: For every hundred acres of land contained within the said certificates, the party receiving the same, shall pay down to the commissioners the sum of ten shillings, besides a fee of ten shillings to the clerk for each certificate so granted; and the said certificates produced within the times herein before respectively limited to the surveyor of the county, or to the register of the land office, with the auditors certificate of the treasurer's receipt for the payment due on the preemption, as the nature of the case may require, shall entitle the person respectively receiving them, to an entry and survey, or a warrant for the said lands, in such way, and on such terms as are herein before prescribed. And to prevent frauds or mistakes, the said commissioners immediately upon having completed the business in their district, shall transmit to the register of the land office, under their hands, and attested by their clerk, an exact list or schedule in alphabetical order, of all such certificates

Judgment final, between parties to trial.

Certificates of settlement;

and preemption, how to be given.

Fees thereon.

Commissioners to return lists to register.



by them granted, and a duplicate so signed and attested to the county surveyor for their information. They shall in like manner, and upon payment of the same fees, deliver to every person to whom they shall adjudge, a title to any unpatented land, surveyed for any company by order of council, a certificate mentioning the number of acres to which they have adjudged the title, what particular survey the same is in, and for what company made, the price to be paid such company, and the date from which the same is to bear interest, and where there is a greater quantity of land contained in the survey, describe as near as may be, the manner the land to which they have adjudged title, shall be laid off and bounded; and shall also immediately upon having completed the business in their district, transmit to the clerk of the general court, under their hands, and attested by their clerk, a list or schedule in alphabetical order, containing exact copies of all such certificates by them granted, to remain in the said clerk's office for the information of the said companies, and as evidence and proof of the respective titles.

Duty of commissioners in relation to lands adjudged against companies.

IX. *Provided nevertheless,* That if the parties, their heirs or assigns, to whom such titles shall have been adjudged, shall not within six months at farthest, from the time of their respective judgments in their favour, pay or tender to the company to whom the same is due, or their agent, the price and interest so fixed by the said commissioners, the title of every person so failing, shall be forfeited, and shall be from thence forward, to all intents and purposes, null and void; any thing herein to the contrary thereof notwithstanding. The said commissioners for every day they shall be actually employed in the execution of their office, shall be allowed the sum of eight pounds each; they shall be accountable for all the money they shall have received upon issuing certificates as aforesaid, except the fee to the clerk, and shall settle a fair account upon oath, with the auditors, and receive from the treasurer whatever balance may appear due to them thereon, or pay to him any balance which shall be by them due to the commonwealth. The clerk and sheriff shall receive for their services, the fees heretofore allowed by law for the like services in the county court, and the witnesses the same allowance for their attendance, to

In what cases rights adjudged against companies forfeited.

Allowances to commissioners, clerk and sheriff.

be paid by the party, and collected in like manner as is directed in the ordinary cases of the same nature, and the clerk shall have the same power of issuing executions as the clerks of the county courts; provided that the clerk shall not be allowed any farther or other fee for entering and issuing a certificate than is herein before mentioned. But as by this summary mode of proceeding, some persons at a great distance may not have timely notice, and may be unable to appear in support of their claims, for remedy whereof, *Be it enacted*, That no grant shall issue upon any of the claims determined by the said commissioners until the first day of December, 1780, and in the mean time, any such person injured by their determination, his or her heirs or assigns, may enter a caveat against a grant thereupon, until the matter shall be heard before the general court, and may petition the said general court to have his or her claim considered; and upon its being proved to the court that he or she laboured under such a disability at the time of the meeting of the commissioners thereupon, the court shall grant him or her a hearing in a summary way, and if it shall appear upon trial, that the petitioners claim is just, such court may reverse the former determination, and order a grant to issue for such land or any part thereof, on the terms herein before mentioned, to the person to whom they shall adjudge the same.

Within what time caveats to judgments of commissioners may be entered in general court.

Certain land claims to be laid before the court of appeals, and there decided.

X. *And be it farther enacted*, That all claims for lands upon surveys under any order of council or entry in the council books, shall by the respective claimers be laid before the court of appeals; which shall meet for that purpose on the sixteenth day of December next, and shall adjourn from day to day until the business be finished; or if it be proved to the court that any such claimer is unable to attend and prosecute his claim, or for other just cause to them shewn, they may order such claim to be tried before them on some future day. All such claims shall be heard and determined in a summary way, without pleadings in writing, upon such evidence as in the opinion of the court, the nature of the case may require; and no such claim shall be valid, but such only as shall be so heard and established by the said court of appeals, and on their certificate that any such claim hath been by them established, the register is hereby required to issue a war-

rant or grant thereupon, according to the nature of the case, and the rules and regulations of the land office; and the attorney general is hereby required to attend the said court on behalf of the commonwealth.

XI. *Provided always*, That nothing herein contained shall extend to officers, soldiers, or their assignees, claiming lands for military service. The register of the land office shall regularly record all land warrants issued by virtue of this act; they may be executed in one or more surveys, and may be exchanged or divided so as best to suit the purposes of the party, and shall remain in force until lands shall have been actually obtained for them, in the same manner with the warrants to be issued by virtue of the before recited act for establishing a land office. And when the said register shall make out a grant to any person or persons for lands due to him, her, or them, by virtue of this act, he shall recite therein as the consideration, the rights and cause for which the same became due, according to an act of general assembly, passed in the year of our Lord one thousand seven hundred and seventy nine, entitled "An act for adjusting and settling the titles of claimers to unpatented lands under the former and present government, previous to the establishment of the commonwealth's land office;" and if any part thereof is due in consideration of the ancient composition money, or the new purchase money paid to the commonwealth, the same shall be properly distinguished, and in every other respect the grant shall be drawn and pass in the form and manner prescribed by law for future grants of lands from the commonwealth.

XII. And whereas at the time of the late change of government, many caveats against patents for lands which had been entered in the council office, were depending and undetermined, *Be it enacted*, That all such caveats, with the papers relating thereto, shall be removed into the clerk's office of the general court, there to be proceeded on and tried in the manner directed by law for future caveats; but the same shall be determined according to the laws in force at the time they were entered; and upon the determination of any such caveat, a grant shall issue in the name of the person to whom such land shall be adjudged, his or her heirs or assigns, upon producing to the register of the land

Proviso, in favour of officers and soldiers.

Register's duty in recording land warrants, & making out the grants.

Caveats depending at the revolution, how proceeded on.

office, within three months at farthest from the time of such judgment, an authentick copy thereof, together with the auditor's certificate of the treasurer's receipt for the antient composition money due thereon, at the rate of exchange herein before mentioned; but where the person recovering had before paid rights into the secretary's office, a grant shall issue in consideration thereof upon payment of the office fees only.

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CHAP. XIII.

[Chan. Rev. p. 94.] *An act for establishing a Land office, and ascertaining the terms and manner of granting waste and unappropriated lands.*

Preamble.

**I. WHEREAS** there are large quantities of waste and unappropriated lands within the territory of this commonwealth, the granting of which will encourage the migration of foreigners hither, promote population, increase the annual revenue, and create a fund for discharging the publick debt: *Be it enacted by the General Assembly*, That an office shall be, and is hereby constituted for the purpose of granting lands within this commonwealth, into which all the records now in the secretary's office, of patents or grants for lands heretofore issued, with all papers and documents relating thereto, and all certificates of surveys of lands now in the said office, and not patented, shall be removed and lodged for their safe keeping; and all future grants of lands shall issue from the said office in manner and form herein after mentioned. A register of the said land office shall be appointed, from time to time, by joint ballot of both houses of assembly, who shall give bond with sufficient security to the governour or first magistrate of this commonwealth, in the penalty of fifty thousand pounds current money; shall hold his office during good behaviour; be entitled to receive such fees as shall hereafter be allowed by law, and shall have power to appoint a deputy and clerks to as-

Land office established.

Register of, how appointed, and qualified.

sist in executing the business of the said office, but shall nevertheless reside there himself. If any vacancy shall happen by the death, resignation, or removal of a register during the recess of the general assembly, the governour or first magistrate of the commonwealth, by and with the advice of the council, may appoint some other person, giving bond and security in like manner, to act as register of the said office until the end of the next session of assembly. All copies of the records and other papers of the said office, or of the records and papers hereby directed to be removed from the secretary's office and lodged therein, duly attested by such register, shall be as good evidence as the originals would be.

Vacancy,  
how suppli-  
ed.

Copies at-  
tested by  
him, as good  
evidence as  
originals.

II. And whereas a certain bounty in lands hath been engaged to the troops on continental establishment raised by the ordinances of convention or the laws of this commonwealth, and to the troops upon Virginia establishment: *Be it enacted*, That the officers and soldiers of the said troops, as well as the officers and soldiers to whom a bounty in lands may, or shall be hereafter allowed by any law of this commonwealth, shall be entitled to the quantity of waste or unappropriated lands respectively engaged to them by such laws, a commissioned officer or his heirs, upon certificate from any general officer of the Virginia line, or the commanding officer of the troops on the Virginia establishment as the case may be, and a non-commissioned officer or soldier, or his heirs, upon certificate from the colonel or commanding officer of the regiment, or corps to which they respectively belonged, that such officer or soldier hath served the time required by law, or hath been slain or died in the service, distinguishing particularly the time such officer or soldier hath served, and in what regiment or corps such service hath been performed, or death happened; and upon making proof before any court of record within this commonwealth by the persons own oath, or other satisfactory evidence of the truth and authenticity of the said certificate, and that the party had never before proved or claimed his right to land for the service therein mentioned, which proof the clerk of the court before whom it shall be made, is hereby empowered and required to endorse and certify upon the original certificate, making an entry or minute thereof in his

Land boun-  
ties, on what  
evidence  
obtained

order book and recording the same; and every county court shall annually, in the month of October, send to the register's office, a list of all certificates granted by their respective county courts upon any of the before mentioned rights, there to be recorded. And for creating a sinking fund in aid of the annual taxes to discharge the publick debt: *Be it enacted*, That any person may acquire title to so much waste and unappropriated land as he or she shall desire to purchase, on paying the consideration of forty pounds for every hundred acres, and so in proportion for a greater or smaller quantity, and obtaining certificate from the publick auditors in the following manner: The consideration money shall be paid into the hands of the treasurer, who shall thereupon give to the purchaser a receipt for the payment, specifying the purpose it was made for, which being delivered to the auditors, they shall give to such person a certificate thereof, with the quantity of land he or she is thereby entitled to.

How title to unappropriated lands may be acquired.

Land warrants, how obtained, located, and executed.

III. *And be it enacted*, That upon application of any person or persons, their heirs or assigns, having title to waste or unappropriated lands, either by military rights or treasury rights, and lodging in the land office a certificate thereof, the register of the said office shall grant to such person or persons a printed warrant under his hand and the seal of his office, specifying the quantity of land and the rights upon which it is due, authorizing any surveyor duly qualified according to law, to lay off and survey the same, and shall regularly enter and record in the books of his office, all such certificates and the warrants issued thereupon, which warrants shall be always good and valid until executed by actual survey, or exchanged in the manner herein after directed; provided that no warrant on treasury rights, other than preemption warrants, to be obtained by virtue of this act, shall be granted or issued before the fifteenth day of October next; nor shall the surveyor of any county admit the entry or location of any warrant on treasury rights, except preemption warrants, in his books, before the first day of May next. Any person holding a land warrant upon any of the before mentioned rights, may have the same executed in one or more surveys, and in such case, or where the lands on which any warrant is located shall be insufficient to satisfy such war-

Exchange warrants.

rant, the party may have the said warrant exchanged by the register of the land office for others of the same amount in the whole, but divided as best may answer the purposes of the party, or entitle him to so much land elsewhere as will make good the deficiency. A surveyor shall be appointed in every county, to be nominated, examined, and certified able by the president and professors of William and Mary college, and if of good character, commissioned by the governour, with a reservation in such commission to the said professors, for the use of the college, of one sixth part of the legal fees which shall be received by such surveyor, for the yearly payment of which, he shall give bond with sufficient security to the president and masters of the said college. He shall hold his office during good behaviour; shall reside within his county; and before he shall be capable of entering upon the execution of his office, shall before the court of the same county, take an oath and give bond with two sufficient sureties, to the governour and his successours, in such sum as he, with advice of his council, shall have directed for the faithful execution of his office. All deputy surveyors shall be nominated by their principals, who shall be answerable for them, examined and certified able by the president and masters of the said college, and if of good character, commissioned by the governour, and shall thereupon be entitled to one half of all fees received for services performed by them respectively, after deducting the proportion thereof due to the college. If any principal surveyor shall fail to nominate a sufficient number of deputies to perform the services of his office in due time, the court of the county shall direct what number he shall nominate, and in case of failure, shall nominate for him. And if any deputy surveyor, or any other on his behalf, and with his privity, shall pay or agree to pay any greater part of the profits of his office; sum of money in gross, or other valuable consideration to his principal for his recommendation or interest in procuring the deputation, such deputy and principal shall be thereby rendered for ever incapable of serving in such office; it shall not be necessary for the present chief or deputy surveyors of the several counties duly examined, commissioned, and qualified according to the laws heretofore in force, to be again commissioned

Surveyors & their deputies, how appointed and qualified.

Penalty for sale of office.

Locations,  
how to be  
made.

and qualified under the directions of this act, nor in cases now depending before any court within this commonwealth. Every person having a land warrant founded on any of the before mentioned rights, and being desirous of locating the same on any particular waste and unappropriated lands, shall lodge such warrant with the chief surveyor of the county wherein the said lands or the greater part of them lie, who shall give a receipt for the same if required. The party shall direct the location thereof so specially and precisely, as that others may be enabled with certainty, to locate other warrants on the adjacent residuum; which location shall bear date the day on which it shall be made, and shall be entered by the surveyor in a book to be kept for that purpose, in which there shall be left no blank leaves or spaces between the different entries.

Time for  
surveying,  
when ap-  
pointed.

And if several persons shall apply with their warrants at the office of any surveyor at the same time to make entries, they shall be preferred according to the priority of the dates of their warrants, but if such warrants be dated on the same day, the surveyor shall settle the right of priority between such persons by lot. And every surveyor shall, at the time of making entries for persons not being inhabitants of his county, appoint a time for surveying their land, and give notice thereof in writing to the persons making the same.

No entry ad-  
mitted, with-  
out a war-  
rant, except  
for settle-  
ment rights.

And if on such application at his office, the surveyor shall refuse to enter such location, under pretence of a prior entry for the same lands made by some other persons, he shall have a right to demand of the said surveyor a view of the original of such prior entry in his book, and also an attested copy of it. But it shall not be lawful for any surveyor to admit an entry for any land without a warrant from the register of the land office, except in the particular case of certificates from the commissioners of the county for tracts of land, not exceeding four hundred acres allowed in consideration of settlements, according to an act of assembly, entitled "An act for adjusting and settling the titles of claimants to unpatented lands, under the present and former government, previous to the establishment of the commonwealth's land office."

Certain  
tracts of  
country ex-  
cepted from  
location.

No entry or location of land shall be admitted within the county and limits of the Cherokee Indians, or on the north west side of the Ohio river, or on the lands reserved by act



of assembly for any particular nation or tribe of Indians, or on the lands granted by law to Richard Henderson and company,\* or in that tract of country reserved by resolution of the general assembly† for the

(\* See vol. 9, p. 571.]

† The resolution above aliuded to, is in the following words:  
Saturday the 19th of December, 1778.

Mr. Lyne from the committee to whom the memorial of the general and field officers was referred, reported that the committee had, according to order, had the same under their consideration, and had agreed upon a report and come to several resolutions thereupon, which he read in his place, and afterwards delivered in at the clerks table where the same were again read, and are as followeth, viz.

*Resolved*, That it is the opinion of this committee, that a certain tract of country to be bounded by the Green river and a south east course from the head thereof to the Cumberland mountains, with the said mountains to the Carolina line, with the Carolina line to the Cherokee or Tennessee river, with the said river to the Ohio river, and with the Ohio river to the said Green river, ought to be reserved for supplying the officers and soldiers in the Virginia line with the respective proportions of land which have been or may be assigned to them by the general assembly, saving and reserving the land granted to Richard Henderson and company, and their legal rights to such persons as have heretofore actually located lands and settled thereon within the bounds aforesaid.

*Resolved*. That it is the opinion of this committee that the said officers and soldiers, or any of them, may be at liberty to locate their proportions of land on any other vacant and ungranted lands within this commonwealth.

*Resolved*. That it is the opinion of this committee, that the allowance of two hundred acres of land over and above the continental bounty, be given to all the soldiers in the Virginia line, who have heretofore enlisted or shall hereafter enlist for the term of three years or during the war.

*Resolved*, That it is the opinion of this committee, that the several commissioned and non-commissioned officers in the Virginia line ought to have their allowance of lands increased in the same proportion as that of the soldiers are by the preceding resolution. And whereas no provision hath been hitherto made for the general officers;

*Resolved*. That such general officers who were inhabitants of this state, be allowed the following proportions of land, upon the same terms and under the same restrictions with the lands engaged to the officers and soldiers raised in this commonwealth, that is to say, to the commander in chief \_\_\_\_\_ acres, to every major general \_\_\_\_\_ acres, and to every brigadier general \_\_\_\_\_ acres.

The first resolution being read a second time, was, upon the question put thereupon, agreed to by the house. Ordered, that Mr. G. Mason do carry the same to the senate and desire their concurrence. The second, third, fourth and fifth of the said resolutions, being read a second time, were ordered to lie on the table.

[MS. Journal of the House of Delegates of October 1778, six pages from the end—the volume not being paged.]

How a chief surveyor may locate his own warrants.

Notice of survey, how given.

Effect of party's failing to attend, with chain-carriers and marker.

benefit of the troops serving in the present war, and bounded by the Green river and a south east course from the head thereof to the Cumberland mountains, with the said mountains to the Carolina line, with the Carolina line to the Cherokee or Tenessee river, with the said river to the Ohio river, and with the Ohio to the said Green river, until the farther order of the general assembly. Any chief surveyor having warrant for lands, and desirous to locate the same on lands within his own county, shall enter such location before the clerk of the county, who shall return the same to his next court, there to be recorded, and the said surveyor shall proceed to have the survey made as soon as may be, and within six months at farthest, by some one of his deputies, or if he hath no deputy, then by any surveyor or deputy surveyor of an adjacent county, or his entry shall be void, and the land liable to the entry of any other person. Every chief surveyor shall proceed with all practicable despatch, to survey all lands entered for in his office, and shall, if the party live within his county, either give him personal notice of the time at which he will attend to make such survey, or shall publish such notice by fixing an advertisement thereof on the door of the courthouse of the county, on two several court days, which time so appointed shall be at least one month after personal notice given, or after the second advertisement so published; and if the surveyor shall accordingly attend, and the party, or some one for him, shall fail to appear at the time with proper chain carriers, and a person to mark the lines, if necessary, his entry shall become void, the land thereafter subject to the entry of any other person, and the surveyor shall return him

A Message from the Senate by Mr. Ellzey.

Mr. Speaker,

The senate have agreed to the resolution of this house for reserving certain lands on the waters of the Ohio and Green rivers for the use of the officers and soldiers, with an amendment to which they desire the concurrence of this house; and then he withdrew.

The house proceeded to consider the amendments proposed by the senate, to the resolution for reserving certain lands on the waters of the Ohio and Green rivers for the use of the officers and soldiers, and the said amendment was read and agreed to by the house.

[MS Journal of House of Delegates of October 1778, 3rd and 4th pages from the end.]

the warrant, which may, notwithstanding, be located anew upon any other waste or unappropriated lands, or again upon the same lands where it hath not, in the mean time, been entered for by another person. Where the chief surveyor doth not mean to survey himself, he shall immediately after the entry made, direct a deputy surveyor to perform the duty, who shall proceed as is before directed in the case of the chief surveyor. The persons employed to carry the chain on any survey, shall be sworn by the surveyor, whether principal or deputy, to measure justly and exactly to the best of their abilities, and to deliver a true account thereof to such surveyor, and shall be paid for their trouble by the party for whom the survey is made. The surveyor at the time of making the survey, shall see the same bounded plainly by marked trees, except where a water course or ancient marked line shall be the boundary, and shall make the breadth of each survey at least one third of its length in every part, unless where such breadth shall be restrained on both sides by mountains unfit for cultivation, by water courses, or bounds of lands before appropriated. He shall as soon as it can conveniently be done, and within three months at farthest after making the survey, deliver to his employer, or his order, a fair and true plat and certificate of such survey, the quantity contained, the hundred (where hundreds are established in the county wherein it lies) the courses and discriptions of the several boundaries, natural and artificial, ancient and new, expressing the proper names of such natural boundaries, where they have any, and the name of every person whose former line is made a boundary; and also the nature of the warrant and rights on which such survey was made, and shall at the same time redeliver the said warrant to the party. The said surveyor may, nevertheless, detain the said certificates and warrants until the payment of his fees. The said plats and certificates shall be examined and tried by the said principal surveyor, whether truly made and legally proportioned as to length and breadth, and shall be entered within three months at farthest after the survey is made, in a book well bound, to be provided by the court of his county, at the county charge. And he shall in the month of July every year, return to the president and professors of William and Mary college, and also to the clerk's

When principal to direct deputy to survey.

Chain-carriers to be sworn.

Surveys, how made and bounded.

Plat and certificate, when and how made, and disposed of.

Returns to William and Mary college.

office of his county court, a true list of all surveys made by him, or his deputies, in the preceding twelve months, with the names of the persons for whom they were respectively made, and the quantities contained in each, there to be recorded by such clerk; and no person after the first day of May next, shall hold the offices of clerk of a county court and surveyor of a county, nor shall a deputy in either office act as deputy or chief in the other. Any surveyor, whether principal or deputy, failing in any of the duties aforesaid, shall be liable to be indicted in the general court, and punished by amercement or deprivation of his office and incapacity to take it again, at the discretion of a jury, and shall moreover be liable to any party injured, for all damages he may sustain by such failure. Every county court shall once in every year, and oftener if they see cause, appoint two or more capable persons to examine the books of entries and surveys in possession of their chief surveyor, and to report in what condition and order the same are kept; and on his death or removal, shall have power to take the same into their possession, and deliver them to the succeeding chief surveyor. Every person for whom any waste or unappropriated lands shall be so located and laid off, shall within twelve months at farthest after the survey made, return the plat and certificate of the said survey into the land office, together with the warrant on which the lands were surveyed, and may demand of the register a receipt for the same, and on failing to make such return within twelve months as aforesaid, or if the breadth of his plat be not one third of its length as before directed, it shall be lawful for any other person to enter a caveat in the said land office against the issuing of any grant to him, expressing therein for what cause the grant should not issue; or if any person shall obtain a survey of lands to which another hath by law a better right, the person having such better right, may in like manner enter a caveat to prevent his obtaining a grant until the title can be determined; such caveat also expressing the nature of the right on which the plaintiff therein claims the said land. The person entering any caveat, shall take from the register a certified copy thereof, which, within three days thereafter, he shall deliver to the clerk of

Clerk of county court, and surveyor, not to be united.

Penalty on surveyors, for neglect.

Surveyor's office, how examined.

Plat and certificates, when to be returned to land office.

Causes of caveat.

Proceedings upon caveats

the general court, or such caveat shall become void; the said clerk on receiving the same, shall enter it in a book, and thereupon issue a summons, reciting the cause for which such caveat is entered, and requiring the defendant to appear on the seventh day of the succeeding court and defend his right; and on such process being returned executed, the court shall proceed to determine the right of the cause in a summary way, without pleadings in writing, empanneling and swearing a jury for the finding of such facts as are material to the cause, and are not agreed by the parties; and shall thereupon give judgment, on which no appeal or writ of error shall be allowed; a copy of such judgment, if in favour of the defendant, being delivered into the land office, shall vacate the said caveat; and if not delivered within three months, a new caveat may for that cause be entered against the grant; and if the said judgment be in favour of the plaintiff, upon delivering the same into the land office, together with a plat and certificate of the survey, and also producing a legal certificate of new rights on his own account, he shall be entitled to a grant thereof; but on failing to make such return and produce such certificates within six months after judgment so rendered, it shall be lawful for any other person to enter a caveat for that cause against issuing the grant; upon which subsequent caveats, such proceedings shall be had as are before directed in the case of an original caveat; and in any caveat where judgment shall be given for the defendant, the court shall award him his costs, and may compel the plaintiff in any caveat, if they think fit, to give security for costs, or on failure thereof, may dismiss his suit; and in case the plaintiff in any such caveat shall recover, the court may, if they think it reasonable, award costs against the defendant; provided that where any lands surveyed upon a land warrant as aforesaid, shall, in consequence of any judgment upon a caveat, be granted to any other person than the party claiming under such warrant, such party shall be entitled to a new warrant from the register for the quantity of land so granted to another, reciting the original warrant and rights, and the particular cause of granting the new warrant. And to prevent confusion and mistakes in the application, exchange, or renewal of warrants, the register of the land office

New caveats for what causes allowed

Costs, on caveats.

New warrants, where lands lost by caveat.

Duty of register, in relation to exchange renewed, or execution of warrants.

Warrants &  
certificates  
of survey as-  
signable.

is hereby directed and required to leave a sufficient margin in the record books of his office, and whenever any warrant shall be exchanged, renewed, or finally carried into execution by a grant, to note the same in the margin opposite to such warrant, with folio references to the grant, or other mode of application; and also to note in the margin opposite to each grant, the warrant or warrants and survey on which such grant is founded, with proper folio references to the books in which the same are recorded. All persons, as well foreigners as others, shall have right to assign or transfer warrants or certificates of survey for lands, and any foreigner purchasing warrants for lands, may locate and have the same surveyed, and after returning a certificate of survey to the land office, shall be allowed the term of eighteen months, either to become a citizen, or to transfer his right in such certificate of survey to some citizen of this, or any other of the United States of America. When any grant shall have been finally completed, the register shall cause the plat and certificate of survey on which such grant is founded, to be exactly entered and recorded in well bound books, to be provided for that purpose at the publick charge. Due returns of the several articles herein before required being made into the land office, the register, within not less than six, nor more than nine months, shall make out a grant by way of deed poll to the party having right, in the following form: "A. B. esquire, governour of the commonwealth of Virginia, to all to whom these presents shall come greeting: Know ye that in consideration of military service performed by C. D. to this commonwealth, &c. (or in consideration of military service performed by C. D. to the United American States, or in consideration of the sum of \_\_\_\_\_ current money, paid by C. D. into the treasury of this commonwealth, &c.) there is granted by the said commonwealth unto the said C. D. a certain tract or parcel of land containing \_\_\_\_\_ acres, lying in the county of \_\_\_\_\_, and hundred of \_\_\_\_\_, &c. (describing the particular bounds of the land and the date of the survey upon which the grant issues) with its appurtenances; to have and to hold the said tract or parcel of land with its appurtenances to the said C. D. and his heirs for ever. In witness whereof the said A. B. gover-

Form of  
grant, or pa-  
tent.

nour of the commonwealth of Virginia, hath hereunto set his hand, and caused the seal of the said commonwealth to be affixed at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ and of the commonwealth \_\_\_\_\_

A. B.

Upon which grant the said register shall endorse that the party hath title to the same; whereupon it shall be signed by the governour, sealed with the seal of the commonwealth, and then entered of record at full length in good well bound books to be provided for that purpose at the publick expense and kept by the register, and being so entered, shall be certified to have been registered and then be delivered, together with the original certificate of survey to the party or his order. Where a grant shall be made to the heir or assignee of a person claiming under any of the before mentioned rights, the material circumstances of the title shall be recited in such grant: And for preventing hasty and surreptitious grants and avoiding controversies and expensive law suits, *Be it enacted*, That no surveyor shall at any time within twelve months after the survey made, issue or deliver any certificate, copy or plat of land by him surveyed, except only to the person or persons for whom the same was surveyed; or to his, her, or their order, unless a caveat shall have been entered against a grant to the person claiming under such survey, to be proved by an authentick certificate of such caveat from the clerk of the general court produced to the surveyor; and if any surveyor shall presume to issue any certificate, copy, or plat as aforesaid, to any other than the person or persons entitled thereto, every surveyor so offending shall forfeit and pay to the party injured, his or her legal representatives or assigns, fifty pounds current money for every hundred acres of land contained in the survey, whereof a certificate, copy, or plat shall be so issued, or shall be liable to the action of the party injured at the common law for his or her damages at the election of the party. Any person possessing high lands, to which any swamp, marshes, or sunken grounds are contiguous, shall have the preemption of such swamps, marshes, or sunken grounds for one year, from and after the passing of this act, and if such person shall not obtain a grant for such swamps, marshes, or sunken grounds within the said year, then any other per-

How executed, and recorded.

Grants to heirs and assignees.

Within what time copies of plats and certificates may not be delivered.

Swamps, marshes, & sunken grounds, preemption of, in owners of contiguous high lands.

Grants for,  
how obtain-  
ed.

son may enter on and obtain a grant for the same in the like manner as is directed in the case of other unappropriated lands. But nothing herein contained shall be construed or extend to give liberty to any person to survey, take up, or obtain a grant for any swamps, marshes, or sunken grounds lying contiguous to the high lands of any feme covert, infant under the age of twenty one years, person not being compos mentis, or person out of the commonwealth, according to the regulations of an act entitled "An act declaring who shall be deemed citizens of this commonwealth," but all such persons shall be allowed one year after the removal of their several disabilities for the preemption of such lands.

Surplus  
lands, within  
bounds of  
patents, how  
grants for  
obtained.

IV. And whereas, through the ignorance, negligence, or fraud of surveyors, it may happen that divers persons now do or may hereafter hold within the bounds expressed in their patents or grants, greater quantities of land than are therein mentioned; for quieting such possessions, preventing controversies, and doing equal justice to the commonwealth and its citizens, *Be it enacted*, That it shall not be lawful for any person to enter for, survey, or take up, any parcel of land held as surplus in any patent or grant, except during the life time of the patentee or grantee, and before any transference, conveyance, or other alienation shall have been made of the lands contained in such patent or grant, and until the party intending to enter and take up the same, shall have given one full years notice to such patentee or grantee of such his intentions, and in case such patentee or grantee shall not within the year, obtain rights and sue forth a patent for the surplus land by him held, it shall be lawful for the person who gave notice as aforesaid, upon producing a certificate from the clerk of due proof of such notice before the court of the county wherein such patentee or grantee resides, to demand from the register of the land office, a warrant to the surveyor of the county wherein such lands lie, to resurvey at the proper charge of the person obtaining such warrant, the whole tract within the bounds of the patent or grant, and upon such persons returning into the land office a plat and certificate of such resurvey, together with the warrant on which it is founded, and obtaining and producing new rights for all the surplus land found within the said bounds,



he may sue forth and obtain a new grant for such surplus, which shall be granted to him in the same manner as waste or unappropriated lands; but the former patentee or grantee may assign such surplus land in any part of his tract as he shall think fit in one entire piece, the breadth of which shall be at least one third of the length; and in such new grant there shall be a recital of the original patent or grant, the resurvey of which the surplus was ascertained and of other material circumstances.

V. *Provided always*, That if upon notice given as aforesaid, the original patentee or grantee shall within the year resurvey his tract, and it be thereupon found that he hath no more than the quantity of land expressed in his patent or grant, with the allowance herein after mentioned, the party giving such notice shall be liable to pay all charges of such resurvey, for which he shall give sufficient security to the said patentee or grantee at the time of the notice, otherwise such notice shall be void and of no effect; and moreover for his unjust vexation, shall also be liable to an action upon the case at the suit of the party grieved, and that in all such new surveys, the patentee or grantee shall have an allowance at the rate of five acres in every hundred, for the variation of instruments.

VI. *And be it enacted*, That where any person shall find any mistake or uncertainty in the courses or description of the bounds of his land, and desires to rectify the same, or shall hold two or more tracts of land adjoining to each other, and is desirous to include them in one grant, he may in either case, having previously advertised his intentions and the time of application, at the door of the courthouse on two several court days, and also having given notice to the owners of the adjoining lands, present a petition to the court of the county wherein such lands lie, reciting the nature and truth of the case, and such court may, and is hereby empowered to order the surveyor of their county to resurvey such lands at the charge of the party, according to his directions and the original or authentic title papers, taking care not to intrude upon the possessions of any other person, and to return a fair plat and certificate of such resurvey into the said court, to be examined and compared with the title papers; and if such court shall certify that in their opinion such

Remedy of  
landholders  
unjustly  
vexed.

Method of  
rectifying  
mistakes in  
bounds, and  
obtaining in-  
clusive pa-  
tents.

resurvey is just and reasonable, the party may return the same, together with his material title papers in the land office, and demand the register's receipt for them; and in case any caveat shall be entered against his obtaining a new grant upon such resurvey, the same proceedings shall be had therein as is directed in the case of other caveats, and the general court upon hearing the same, may either prohibit such new grant, or vacate the caveat as to them shall seem just; but if no caveat shall be entered within six months after such return, or if a caveat shall be entered and vacated as aforesaid, the party upon producing new rights for whatever surplus land appears to be within the bounds, more than the before mentioned allowance of five acres for every hundred, may sue out and obtain a new grant for such lands thereupon, in which shall be recited the dates and other material circumstances of the former title, and the title papers shall be delivered by the register to the new owner. The judges of the general court shall once in every year and oftener if they see cause, appoint two or more capable persons to examine the record books and papers in the land office, and report in what condition and order they are kept, who shall compare all warrants of survey returned to the said office executed, with the list of those issued therefrom, and cancel all such as shall appear to have been properly executed or exchanged, an account of which shall be kept by the register, charging therein those issued, and giving credit for those cancelled as aforesaid. The treasurer for the time being shall annually enter into bond with sufficient security to the governour in the sum of one hundred thousand pounds, for the just and faithful accounting for according to law, all money which shall come to his hands by virtue of this act. And that the proprietors of lands within this commonwealth may no longer be subject to any servile, feudal, or precarious tenure, and to prevent the danger to a free state from perpetual revenue; *Be it enacted*, That the reservation of royal mines of quitrents, and all other reservations and conditions in the patents or grants of land from the crown of England or of Great Britain, under the former government, shall be, and are hereby declared null and void; and that all lands thereby respectively granted, shall be held in absolute and unconditional property to all

General court yearly to cause land office to be examined, and certain warrants, &c. cancelled.

Treasurer to give bond, to account for money receiving under this act.

Quitrents & reservations in the royal grants abolished.

Intents and purposes whatsoever, in the same manner with the lands hereafter to be granted by the commonwealth by virtue of this act; and no petition for lapsed land shall be admitted or received for or on account of any failure or forfeiture whatsoever, alledged to have been made or incurred after the twenty ninth day of September, in the year of our Lord one thousand seven hundred and seventy five. *And be it farther enacted,* That he or she be adjudged a felon and not have the benefit of clergy, who shall steal, or by other means take from the possession or custody of another, any warrant from the register of the land office of this commonwealth, to authorize a survey of waste and unappropriated lands; or who shall alter, erase, or aid or assist in the alteration or erasure of any such warrant; or forge or counterfeit, or aid, abet, or assist in forging or counterfeiting any written or printed paper, purporting to be such warrant; or who shall transfer to the use of another, or for his or her own use, present or cause to be presented to the register for the exchange thereof, or to a surveyor for the execution thereof, any such warrant or paper purporting to be such warrant, knowing the same so transferred or presented for the exchange or the execution thereof to be stolen, or by other means taken from the possession or custody of another, or altered or erased, or forged or counterfeited; and he or she shall be adjudged a felon and not have the benefit of clergy, who shall falsely make or counterfeit, or aid, abet, or assist, in safely keeping or counterfeiting any instrument stamping an impression in the figure and likeness of the seal officially used by the register of the land office, or who shall have in his or her possession or custody such instrument, and shall wilfully conceal the same, knowing it to be falsely made or counterfeited. So much of all former acts of assembly as concern or relate to the entering, taking up, or seating lands, or direct the mode of proceeding in any case provided for by this act, shall be, and are hereby repealed.

Petitions for lapsed land abolished.

Stealing or forging land warrant, &c. or keeping an instrument for counterfeiting the register's official seal, felony, without clergy.

Repeal of former acts.

## CHAP. XIV.

[Chan. Rev. p. 98.] *An act concerning escheats and forfeitures from British subjects.*

Preamble.

[See vol. 9, p. 377.—See also 2 Rev. Code of 1819 p. 484, 486.]

I. WHEREAS during the connection which subsisted between the now United States of America and the other parts of the British empire, and their subjection to one common prince, the inhabitants of either part had all the rights of natural born subjects in the other, and so might lawfully take and hold real property, and transmit the same by descent to their heirs in fee simple, which could not be done by mere aliens; and the inhabitants on each part had accordingly acquired real property in the other, and in like manner had acquired personal property, which by their common laws might be possessed by any other than an alien enemy and transmitted to executors and administrators; but when by the tyrannies of that prince, and the open hostilities committed by his armies and subjects inhabitants of the other parts of his dominions, on the good people of the said United States, they were obliged to wage war in defence of their rights, and finally to separate themselves from the rest of the British empire, to renounce all subjection to their common prince, and to become sovereign and independent states, the said inhabitants of the other parts of the British empire, became aliens and enemies to the said states; and as such incapable of holding the property, real or personal so acquired therein, and so much thereof as was within this commonwealth became by the laws vested in the commonwealth. Nevertheless the general assembly, though provoked by the example of their enemies to a departure from that generosity which so honourably distinguishes the civilized nations of the present age, yet desirous to conduct themselves with moderation and temper by an act passed at their session in the year 1777, took measures for preventing what had been the property of British subjects within this commonwealth from waste and destruction, by putting the same into the hands and under the management of commissioners appointed for that purpose, that so it might be in their power if rea-

sonable, at a future day, to restore to the former proprietors the full value thereof.

II. And whereas it is found that the said property is liable to be lost, wasted, and impaired without greater attention in the officers of civil government, than is consistent with the discharge of their publick duties; and that from the advanced price at which the same would now sell, it may be most for the benefit of the former owners, if the same should be restored to them hereafter, or to the publick if not so restored, that the sale thereof should take place at this time, and the proceeds be lodged in the publick treasury, subject to the future direction of the legislature: *Be it therefore enacted by the General Assembly,* That so much of the act before mentioned as may be supposed to have suspended the operation of the laws of escheat and forfeiture, shall be hereby repealed, and that all the property real and personal within this commonwealth, belonging at this time to any British subject, or which did belong to any British subject at the time such escheat or forfeiture may have taken place, shall be deemed to be vested in the commonwealth; the lands, slaves, and other real estate by way of escheat, and the personal estate by forfeiture. The governour with the advice of council so far as their information will enable them, and the commissioners of the tax within their several counties aided by their assessors, shall forthwith institute proper proceedings of escheat and forfeiture for all such property real and personal, in which they shall be advised and assisted by the several attornies for the commonwealth. Where any office in the cases before mentioned, shall be found for the commonwealth and returned to the general court, it shall remain there but one month for the claim of any pretending right to the estate; and if within that time no such claim be made, or being made, if it be found and discussed for the commonwealth, the title of the owner to such estate real or personal, shall be forever barred, but may be afterwards asserted as to the money proceeding from the sale thereof, with equal force and advantage as might have been to the thing itself; and such farther proceedings shall be had for making sale of the right, title, claim, and interest, legal and equitable, of any British subject in and to the lands so found, in parcels not greater than four hun-

British property vested in the commonwealth by escheat & forfeiture.

Proceedings how instituted.

Office found for commonwealth, vests the property absolutely

But right to money proceeding from sale of property, may be afterwards asserted.

dred acres (to be described by the commissioners hereafter mentioned, and measured and marked by metes and bounds by a surveyor where they shall think it necessary) and in and to the other party as in other cases of escheat and forfeiture, save only that the governour with advice of council, for every such sale, shall appoint two commissioners to superintend and controul the proceedings of the said escheator, which commissioners shall be sworn to use their best endeavours to have the estate to which their trust extends, sold to the best advantage. The said sales shall be for ready money to be paid to the escheator, who shall retain thereof three per centum on the first thousand pounds arising from the sale of any such estate, and one and a half per centum on the remainder for his trouble. His certificate of such payment in the case of lands, and of the person purchasing, to the register of the land office, shall entitle the purchaser to a grant of the said lands, free and fully exonerated from all the rights, title, claim, and interest, legal and equitable, of any British subject thereto; and also from the right, title, claim, and interest of all and every person whatsoever, by or under any deed of mortgage, the equity of redemption whereof had not been foreclosed at the time of the sale, but such mortgages, their heirs or assigns, may nevertheless afterwards assert their claim and title to the money proceeding from the sale thereof, with equal force and advantage as they might have done to the land itself before such sale. If the said escheator shall fail to pay the said money into the hands of the treasurer within a reasonable time after any such sale (which reasonable time shall be accounted one day for every twenty miles such sale was distant from the publick treasury, and twenty days of grace in addition thereto) he shall pay interest thereon from the time of the said sale, at the rate of twenty per centum per annum; and moreover it shall be lawful for the auditors on the last day but one of any general court, or at any court to be held for the county wherein such property was sold, after the expiration of the time allowed for payment, to obtain judgment on motion against such escheator, his heirs, executors, and administrators, for the principal sum and such interest, together with costs.

Commissioners of sale.

Sales, how conducted.

Allowance to escheators.

Grants, for escheated lands, how obtained.

Proceedings against escheators, for delinquency

And for the information of the auditors, the commissioners of the sale shall immediately on such sale, certify to whom and for how much such sale was made, and transmit such certificate by some safe and early conveyance to the auditors, which certificate shall be legal evidence against such escheator. The auditors shall allow the commissioners so appointed, the expenses of the surveys by them directed and made, and other their reasonable expenses; and such compensation for their trouble as to them shall seem proper. Where the commissioners shall be of opinion that it will be more to the interest of the owner or publick, that possession of such property, real or personal, should be retained for finishing and removing a crop, or other purpose, it shall be lawful for them to stay the possession as it now is until the sixth day of December next, and in such cases postpone the sale of the slaves, tools, and other personal property, necessary for their subsistence, and making the said crop, until the said sixth day of December. The money for which such property was sold being paid into the publick treasury, and all expenses allowed and deductions made, the balance thereof shall be extended in nett tobacco, at the market price as the same shall be estimated on oath by the grand jury of the succeeding general court, and such balance of tobacco shall be considered in future as the true measure of retribution to be made to the individuals interested; if retribution be made, and in such case shall be repaid to them by the publick in quantity and kind. The duties which, under this act, are to be performed by an escheator in the several counties of this commonwealth, not being within the territory commonly called the Northern Neck, shall in the counties within that territory be performed by the sheriff of such counties respectively, which sheriff shall have the same powers, be entitled to the same allowances, and subject to the same penalties, conditions, and legal proceedings as escheators are in the other counties.

Allowance  
to commis-  
sioners.

Nett pro-  
ceeds to be  
extended in  
tobacco, how  
estimated.

Duty of es-  
cheators to  
be perform-  
ed in the  
Northern  
Neck, by  
sheriffs.

III. And for preventing doubts who shall be deemed British subjects within the meaning of this act, *It is hereby declared and enacted*, That (first) all persons subjects of his Britannick majesty, who, on the nineteenth day of April, in the year 1775, when hostilities were commenced at Lexington, between the United

British sub-  
jects descri-  
bed.

States of America and the other parts of the British empire, were resident or following their vocations in any part of the world, other than the said United States, and have not since, either entered into publick employment of the said states or joined the same, and by overt act adhered to them; and (secondly) all such subjects, inhabitants of any of the said United States, as were out of the said states on the same day, and have since by overt act adhered to the enemies of the said states; and (thirdly) all inhabitants of the said states, who, after the same day and before the commencement of the act of general assembly, entitled "An act declaring what shall be treason," departed from the said states and joined the subjects of his Britannick majesty, of their own free will, or who, by any county court within this commonwealth, were declared to be British subjects, within the meaning and operation of the resolution of the general assembly of the nineteenth day of December, 1776, for enforcing the statute staple, shall be deemed British subjects within the intention of this act. But this act shall not extend to debts due to British subjects, and payable into the loan office according to the act of general assembly for sequestering British property; nor take effect on any lots of land within the town of Richmond, as the limits of the said town now are, or shall be at the time of the inquest found, which by the directors of the publick buildings shall be included within the squares appropriated for such buildings, further than that an office shall be found as to such lots of land, and the estimated value thereof be disposed of hereafter as the price would have been by this act, had they been exposed to publick sale; nor on any other such lots within the same town, whether held in severalty by any British subject or subjects, or by a citizen or citizens and a British subject or subjects, as joint tenants or tenants in common, which shall by the said directors be declared proper for the publick use, until buildings be erected on the squares before mentioned, except that an office shall be found as to the interest of any British subject in such lots, and such interest estimated by the same jury which found the office, and at the same time, as also the interest therein of any citizen who is joint tenant or tenant in common with such British subject, and the value of the interest of

Property in particular instances excepted out of this act.



such citizen shall be paid to him, in like manner as is directed in the case of squares of ground appropriated to the publick buildings by an act passed at this present session of assembly, entitled, "An act for the removal of the seat of government," and the value of the interest of any such British subject shall be disposed of hereafter as the price would have been by this act, had they been exposed to publick sale, and the property in such lots shall be vested in the commonwealth; provided that the estates real and personal of such British subjects who have wives, widows, or children, residing within this state, shall be appropriated as follows: Such estates where there is a widow and no children, shall be subject to the widow's dower; where a wife and no child, to the like claim; but where a wife and child, or child and no wife, the whole of the estate belonging to such British subject shall be without the perview of this act. The residue of any estate not appropriated as hereby directed, shall be subject to the dispositions of this act.

Provision for widows, wives, and children.

#### CHAP. XV.

*An act for more effectually supplying the officers, soldiers, and sailors of the commonwealth with the articles necessary for their comfortable accommodation.*

WHEREAS the several acts of assembly heretofore passed for supplying at certain prices, the troops of this commonwealth, with the necessary articles therein specified, have from fraud, neglect, or other causes, been rendered ineffectual; for remedy whereof, *Be it enacted by the General Assembly,* That the governour, with the advice of the council may, and he is hereby empowered and required to appoint an agent for the troops of this commonwealth in continental service, to attend and continue with the said troops for supplying them with such necessary articles as shall be furnished by virtue of this, or any other act of assembly, and re-

Preamble.

Military agents, to be appointed.

Their duty and compensation.

ceiving from them the money for which the same shall be sold; who shall be accountable to the board of trade for all goods or effects committed to his charge; shall give bond, with sufficient security, in such penalty as shall be required by the governour and council, for the faithful execution of his office, and shall be entitled to receive a salary of fifteen hundred pounds per annum, and also allowed to draw such rations and forage as are, or may be allowed a major in the continental army. *And be it farther enacted,* That the board of war shall, and they are hereby required, from time to time, to make out schedules or lists of all such articles as, according to the said former acts of assembly, they shall judge necessary for the comfortable accommodation of all the officers, soldiers, and sailors, of this commonwealth, either on the continental or state establishment, distinguishing the articles or portion thereof allotted to the troops in the different departments, or at the different posts, and deliver copies to the board of trade, who, having previously laid the requisition before the governour and council, shall, and they are hereby required, as soon as possible, to cause the same to be purchased or procured, and so soon as any, or the whole of such articles shall have been procured, they shall, together with an invoice, and the prices at which they are to be sold, cause such of them as are intended for the officers, soldiers, or sailors, within this commonwealth, to be delivered to the respective agents appointed by the said board of trade for transacting the business of the state in that department, who shall give receipts and be accountable to the board of trade for the same, and shall retail and deliver them at the said prices to the said officers, soldiers, and sailors, according to the direction of the board of war; and the said board of trade shall send forward, either by land or water, as they, with the board of war shall judge best, such portions of the said goods as shall be allotted to the troops at distant posts, whether within or without the commonwealth; and with every parcel of goods to be so forwarded, shall send some confidential person to deliver the same, together with an exact invoice, and the prices at which they are to be sold, either to the agent for this commonwealth in the continental army, or to the agent at the post to which they shall be respectively ordered, and as the

Board of war  
to furnish  
lists of arti-  
cles for ac-  
commoda-  
tion of army.

Board of  
trade to pro-  
cure such  
articles.

How trans-  
mitted to  
army.

nature of the case may require, who shall take such agents receipt for the same, to be returned to, and lodged with the board of trade. And where any such goods shall be delivered to the agent for this commonwealth in the continental army, a copy or duplicate of the invoice and prices shall also be delivered to such of the brigadier generals of the Virginia line as shall be present, or to the next commanding officer of the brigades; and where any such goods shall be delivered to the agent in any other department, a copy or duplicate of the invoice and prices shall be delivered to the commanding officer at the post to which they are ordered.

Invoices and prices to be sent with goods.

The said agent in the continental army, as well as the agents in the other departments, shall once a year, and oftener if required, settle with the board of trade a fair account of all the goods respectively committed to their charge, and produce vouchers for their proper application and disposition, and their necessary disbursements therein, whereupon the said board may, and they are hereby required to certify the settlement of such accounts to the publick auditors; that the balance due thereon may be paid to, or received from the treasurer in the same manner as in other publick accounts. And if any such agent shall fail to make up his account within thirty days after the year shall be expired, or having rendered his account, shall neglect or refuse to pay to the treasurer the balance which shall be due from him thereon, it shall and may be lawful for the treasurer to give such defaulter ten days previous notice, and thereupon to have judgment entered in the general court for the whole penalty of his bond, and upon such judgment, to proceed to execution as in other cases for publick debts. All charges accruing from the execution of this act, shall be defrayed by the publick upon the like settlements and certificates from the board of trade to the auditors.

Accountability of agents.

And that the board of war may be more regularly and fully informed of the wants of the officers and soldiers, they are hereby directed and required to correspond, from time to time, with the continental board of war, and the general or commanding officers at the several posts where the troops of this commonwealth may be stationed, concerning the clothing and other supplies necessary for their accommodation. All let-

Duty of board of war in ascertaining wants of army.

ters respecting such correspondence and regular reports of their proceedings from the said boards of war and trade, shall be laid before the governour and council, from time to time, for their advice and instruction therein.

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CHAP. XVI.

[From *Revised Bills of 1779*, chap. X. p. 9.]

*An act for the annual appointment of delegates to Congress.*

Members of congress, when and how elected.

Four always to attend.

Times of attendance.

How long to be.

*BE it enacted by the General Assembly*, That at the first session of every general assembly, there shall be chosen by joint ballot of both houses, seven persons to act as delegates for this commonwealth in general congress, from the first Monday in November next ensuing the said election for the term of one year. Four of the said delegates at the least shall be always at congress during its sessions; the majority of those present shall give the vote of this commonwealth, provided there be present three at the least, otherwise they shall give no vote; if they shall not by agreement among themselves, to be stated in writing, otherwise settle the portions of the year during which each member shall attend, so as to keep up a constant attendance of four at the least, then they shall serve as follows, to wit: The first member in the nomination shall serve during the months of November, December, January, February, June, July, and August. The second, during the months of January, February, March, April, May, September, and October. The third, during the months of November, December, March, April, May, September, and October. The fourth, during the months of November, December, January, February, June, July, and August. The fifth, during the months of February, March, April, July, August, September, and October. The sixth, during the months of November, December, January, May, June, July and August. And the seventh, during the months of March, April, May, June, September, and October. No member shall be capable of being a delegate for

more than three years in any term of six years, taking into account as well the past as future time. Any of the said delegates shall be subject to be removed at any time within the year, by the joint vote of both houses, and thereon, or in case of the death, resignation, or refusal to act, of any such delegate, they shall proceed to choose another to serve in his stead, and during his term, and each of the said delegates shall receive from the treasurer the sum of forty dollars for every day he shall be at congress, or for attending the committee of the states, and a dollar for every mile travelling to, or returning from either, with his ferriages. If any person holding any office under the laws of this commonwealth, legislative, executive, or judiciary, be appointed a delegate to congress, such office shall not thereby be vacated. The delegates to congress to be chosen during this present session of assembly, in lieu of those who have resigned, or shall resign, together with those remaining in office, shall be continued until the first Monday in November next, and shall be subject to the same rules of voting, and entitled to the same allowances as are before stated in case of the members to be annually chosen.

How re-  
moveable.

Wages.

Office, under  
state, not va-  
cated by ap-  
pointment to  
congress.

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 CHAP. XVII.

*An act to amend an act, entitled An act for reviving several publick warehouses for the inspection of tobacco.*

WHEREAS it has been represented that the act of general assembly now in force for regulating the publick warehouses for inspection of tobacco, is in many respects defective, and the allowances therein made to the proprietors of warehouses, inspectors, and others, are inadequate to their services; and that many and grievous exactions are made upon the people of this commonwealth, by persons attending at the warehouses; for remedy whereof, *Be it enacted by the General*

Preamble

*Assembly*, That from and after the passing of this act there shall be paid to the inspectors (in lieu of their former salaries and allowances) two dollars for every hogshead of tobacco which they shall pass as good and merchantable; one dollar for every hogshead which they shall refuse upon inspecting the same, to be paid by the proprietor; five dollars for every hogshead which shall be reprized, for reprizing and nails, to be paid by the person receiving the same, in lieu of six shillings allowed by a former act of assembly; and the sum of six dollars for every hogshead prized up and exchanged for transfer notes; the payment of ten shillings per hogshead on all tobacco prized up to cease and determine; and one dollar for every hogshead of tobacco which shall be delivered for exportation, to be paid by the shipper to the inspectors delivering the same. *And be it farther enacted*, That the books directed to be kept by the inspectors, wherein shall be set down, an account of all tobacco received, refused or shipped by them, shall be open for the inspection of all persons resorting to the warehouses, without fee or reward, upon pain of forfeiting fifty pounds by any inspector refusing to produce his books when required.

*The inspectors upon passing any tobacco, shall give their note for the same, without any exception therein against losses by theft or otherwise, upon pain of being removed from their office, and rendered incapable of holding any office for the future. No inspector, picker, or other person employed at any warehouse, shall purchase tobacco for himself or others, or be security for such as do purchase, on pain of forfeiting five hundred pounds, and being rendered incapable of holding any office in the commonwealth hereafter.*

*The inspectors at each warehouse shall find hands to stow away and deliver tobacco, and one of them shall attend at all times (Sundays excepted) for delivering tobacco; the hands employed by them may turn up tobacco for such as come to the warehouse, provided they give no interruption to others, or improper preference, or prevent or delay any person who may be inclined to turn up his own tobacco. There shall be paid for turning up tobacco, four dollars, and no more, by the proprietor to him who will do the service; and if any person shall presume to pay or receive a greater sum until it shall be otherwise directed by the court of the*

**Inspectors' fees.**

**Their books to be always open.**

**To give receipts for tobacco passed, without any exception against losses.**

**Inspectors not to deal in tobacco.**

**To find hands.**

**Fees for turning up tobacco.**

county wherein the warehouse may be, he or she so paying or receiving shall forfeit fifty pounds, or be committed to prison for six months. And for preventing impositions and exactions for the future, the courts of the several counties wherein any publick warehouse may be, shall, at the time of nominating in every year, fix the price to be paid for turning up tobacco, and no person shall presume to pay or receive more, under penalty as aforesaid. When any tobacco shall be refused, the proprietor may pick the same if he think proper, within one month, or may employ any person to do it for him, who shall have free use of the houses and prizes set apart for that purpose, who shall receive in money one tenth part of the value of the tobacco saved, for the service, and no more, to be ascertained by the inspectors according to the current selling prices. The inspectors shall, in the month of September in every year, or at the next court to be held for their county, give in an account of all the tobacco remaining in their several warehouses, distinguishing such as shall have lain in the warehouse twelve months; which tobacco having so lain twelve months (except where it may belong to the United States, or either of them) shall not remain at the risk of the publick, and shall be liable to pay twelve shillings per month for every month each hogshead shall remain in such warehouse, payable to the inspector, who shall account for the same with the proprietor of such warehouse, upon complaint made to any court that the warehouses within their county are insufficient or out of repair, such court shall appoint two of their members to inspect the same, and the fixtures thereunto belonging, and shall take such order therein as may appear proper; and if the proprietor, upon notice given him, will not put the warehouse in repair, the court shall direct it to be done, and the expenses attending the same, shall be paid by the treasurer, upon a certificate from the auditors; and to repay such expense, the inspectors shall pay three fourths of the rent of such warehouse into the treasury, until a sum sufficient be raised, and one fourth to the proprietor, his guardian, agent, or attorney, as the case may be; the account for such rent retained, shall be rendered to the treasurer, and the money arising thereby paid to him in the month of September annually, under penalty of one hundred pounds, to be

Refused tobacco may be picked.

When inspectors to account for tobacco remaining; & how such disposed of.

Insufficient warehouses, how repaired.

Houses, &c.  
appropriated  
for picking  
tobacco.

paid by the inspectors neglecting so to do. And to prevent impositions and exactions upon persons resorting to the publick warehouses, the court of every county wherein such warehouses are situate, shall in the month of September annually, or at their next court, direct one of their members to set apart and appropriate at each warehouse, a proper house for receiving, and in which may be picked, all refused tobacco, and shall also direct a proper number of prizes to be set up for the purpose of reprizing such tobacco; and if any person employed in picking tobacco shall make use of any house or prize, other than those appointed for that purpose, he shall forfeit fifty pounds for every offence to be recovered as herein after directed, or upon non-payment shall be committed to prison without bail or mainprize for six months. There shall be paid eight shillings per hoghead for all tobacco inspected at any warehouse by the proprietor or person bringing the same to the inspectors at such warehouse, who are to collect such rent and pay the same either into the treasury in the manner herein before directed (in case of refusal to repair) or to the proprietor in the month of September annually; and if any inspector shall refuse to account with the proprietor of the warehouse, or make such payment, he or they shall forfeit five hundred pounds. All and every penalty incurred by this act, shall be recoverable in any court of record within this commonwealth by action of debt, and shall be to the use of him who will sue for the same within twelve months. Inspectors to be allowed six per centum on all monies to be collected by virtue of this act. So much of an act entitled "An act for reviving several publick warehouses for the inspection of tobacco," as comes within the perview of this act, is, and stands hereby repealed.

Inspection  
fees.



## CHAP. XVIII.

*An act for laying a tax, payable in certain enumerated commodities.*

TOWARDS supporting the publick credit and providing for the armaments employed, as well in the more immediate defence of the commonwealth, as for its quota of troops on continental establishment; *Be it enacted by the General Assembly,* That for every man above sixteen years old, and every woman slave of like age (except such as by the courts of the respective counties shall have been discharged from the county levy, or from age or infirmity adjudged by the commissioners of the tax incapable of labour) one bushel of wheat, or two bushels of Indian corn, rye, or barley, or ten pecks of oats, or fifteen pounds of hemp, all sound, clean, and merchantable, or twenty eight pounds of inspected tobacco in transfer notes, shall be delivered by him or her, or by his or her parent or guardian (being an infant) or by the owner of any slave, or by the parent or guardian of such owner (being an infant) to the commissary to be appointed for that purpose, at the place or places hereafter by this act directed to be appointed in the county in the month of March, in the year one thousand seven hundred and eighty, and in each of the four next succeeding years. And for carrying this act into execution; *Be it enacted,* That the court of each county shall, on some of their several court days in the months of August, September, or October, in the present and each of the four next succeeding years, appoint two commissioners, who shall have power to fix on some one certain place in the smaller counties, and in the larger counties on two, or if absolutely necessary, on three certain places within the same, for the receipt and delivery of such commodities, having regard as well to the convenience of the people, as to the purposes of safe storing, manufacturing, and removal to the publick magazines, any of the said commodities. The said commissioners shall notify by advertisement at the most publick places within the county, the place or places of delivery so appointed, and shall have pow-

Tax, payable  
in commodi-  
ties.

Places of  
deposit, how  
fixed.

Commissa-  
ries of tax,  
their ap-  
pointment &  
duty.

er to procure storehouses and employ a commissary at each place so appointed, to receive and keep accounts of the commodities so delivered. Every such commissary shall give to the party, a receipt for all commodities delivered him, safely keep them in the storehouses provided for that purpose, employ and contract with millers (according to the advice and directions of the commissioners) for the manufacturing into flour or meal, any wheat or rye, and packing the same in proper barrels for its preservation; and shall annually within ten days next after the last day of March, render to the said commissioners an account upon oath of all the commodities received by him, stating against each persons name the quantity and kind of every article, and what quantity of wheat and rye hath been delivered to be manufactured, or tobacco to be prized. The said commissioners shall, immediately after such accounts are rendered, make out from them and from the last list of tithables in their county (to be furnished to them for that purpose by the clerk of the court) distinct accounts of all deficiencies occasioned by non-payment of the said commodities; charging each person so deficient with the same in money, and estimating such deficiency as if the whole had been in wheat, at the highest market price thereof upon navigable water for exportation at the time of such estimation; and shall annually, on or before the first day of May, deliver to the sheriff and to the commissioners of the tax for the county, copies of such accounts, certified under their hands. For all sums so due from each person respectively, the sheriff shall have the like power to distrain, be entitled to the same fees and commissions, and accountable in the same manner as in the collection of other taxes; and the said commissioners of the tax for the county are hereby empowered to settle with, and charge him accordingly. The commissioners hereby directed to be appointed, shall annually, on or before the fifteenth day of May, transmit to the governour, a copy certified under their hands of the accounts delivered to them by the respective commissaries, annexing the name of each commissary to his proper account, who shall thenceforth act under such directions as shall be given by the governour, with the advice of the council, for effecting the purposes of this act. The court of the county shall

On non-payment of tax in commodities, to be paid in money.

Power of distress.

Commissioners and commissaries of tax, their duty, allowances, and liabilities.

ascertain and certify the proper allowances to the commissioners, the owners of storehouses, the commissaries and different workmen employed by them; which being examined and passed by the auditors for publick accounts, shall be paid by the treasurer. Any commissioner so to be appointed, and refusing to act, shall forfeit and pay one hundred pounds, or failing to appoint the commissaries necessary within his county, or to appoint and advertise places for the delivery of commodities, or to deliver to the sheriff and commissioners of the tax, a copy of the commissaries returns, shall forfeit and pay two hundred pounds. Any commissary appointed, and refusing to act, shall forfeit and pay fifty pounds, or failing to return to the commissioners the account directed by this act within the time limited, shall forfeit and pay two hundred pounds. The fines hereby inflicted shall be one moiety to the informer, and the other to the commonwealth, or the whole to the commonwealth where the suit shall be first instituted on the publick behalf only, to be recovered with costs by action of debt or information in any court of record within the commonwealth. In case of vacancy, either by refusal, death, or other cause, the court of the county shall be empowered to appoint other commissioners, and the commissioners shall in like cases appoint other commissaries; provided that it shall and may be lawful for the governour, with advice of the council, by certificate under his hand, to discharge from the payment of the said tax, any person or persons whose property hath been, or shall be plundered by the enemy; any thing herein contained to the contrary notwithstanding.

## CHAP. XIX.

*An act for obliging the several delinquent counties and divisions of militia in this commonwealth, to furnish one twenty fifth man.*

See vol. 9,  
p. 588.

One 25th  
man of the  
militia, to be  
drafted for  
eighteen  
months.

WHEREAS "An act for speedily recruiting the Virginia regiments on continental establishment," which passed the last session of general assembly, hath not produced the end proposed, many counties having failed to furnish one twenty fifth man, according to the said act; and whereas it is just that the whole community should bear an equal part in publick defence: *Be it enacted by the General Assembly,* That the county lieutenant or commanding officer of the militia shall, where the same hath not been hitherto done, cause his county to be immediately laid off into divisions, according to the directions of the said recited act; each of which divisions shall furnish a man, agreeable to the term of the said act, by the second day of August, one thousand seven hundred and seventy nine; and in those counties where, although the militia hath been already laid off in divisions, have failed to furnish a soldier as required by the said recited act; every division having so failed, shall be allowed the same time to furnish such soldier; and if at the expiration of the said time, any division shall still have failed, the county lieutenant shall order the said division to assemble at such place, and on such day as he shall appoint, within fifteen days after the time so allowed, and shall there himself, or by a field officer, by fair and impartial lot, draft one man out of such division, to serve as a regular soldier for the term of eighteen months from the time of his meeting in general rendezvous, who shall be of able body, subject to the same duties, and entitled to the same emoluments as those men who enlisted under the terms of the said recited act. The governour and council shall take order for the disposal of the men to be raised under this act, in the manner most likely to fulfil the intention thereof. The

finer on the county lieutenant, justice, or any other person failing to do his duty herein, shall be the same as in the above recited act, and recoverable in like manner.

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CHAP. XX.

*An act for the better regulation and discipline of the militia.*

WHEREAS it is expedient to amend the act entitled "An act for regulating and disciplining the militia," and one other act entitled "An act for providing against invasions and insurrections:" *Be it enacted by the General Assembly,* That in every county where there are more than one battalion, there shall be a muster of each battalion in the months of March and October in every year, to be appointed by the county lieutenant, or in his absence by the next commanding officer, at, or as near the centre of the districts of such battalions as may be. That the field officers and captains, or a majority of them, whereof a field officer shall be one, shall hold a court-martial at or near the place where such muster shall be, on the day following, each muster under the same rules and regulations, and under the same penalties as are prescribed by the said recited acts. Every commanding officer of a battalion for refusing or neglecting to turn out, train, and exercise his battalion, or for refusing or neglecting to perform any of the other duties required by the said recited acts; or who shall neglect to examine the returns and levy the fines upon delinquents, shall forfeit and pay the sum of two hundred and fifty pounds. Every county lieutenant or next commanding officer, the sum of two hundred and fifty pounds. Every other field officer, the sum of one hundred pounds. Every captain, the sum of fifty pounds: And every lieutenant or ensign, the sum of twenty five pounds. Every non-commissioned officer or private who shall neglect or refuse to attend any general or private muster when

See vol. 9,  
P. 267, 291.

General musters, twice a year.

Courts martial.

Fines on officers and soldiers

Disobedience, how punishable.

ordered by his commanding officer so to do, shall forfeit and pay the sum of three pounds for every offence, except as is excepted by the said acts. Every non-commissioned officer or private, who at any muster shall not obey the lawful commands of his superiour officer, or shall behave mutinously, riotously, get drunk or not demean himself as a non-commissioned officer or soldier, shall be put under guard for the day, and being convicted before a court-martial of any such offence, shall forfeit and pay a sum not exceeding ten pounds. If any by-stander interrupt, molest, or insult any officer or soldier when on duty, or misbehave before any court-martial, he may be put under guard by the commanding officer for the day, and shall be fined in any sum not exceeding ten pounds. Every field officer or inferiour commissioned officer refusing or neglecting to obey the lawful commands of his superiour officer, misbehaving when on duty, or not demeaning himself as an officer, shall be put under arrest for the day, and upon conviction of any such offence, shall be fined at the discretion of such court. If any officer shall refuse to march when ordered into actual service according to his tour of duty, such officer shall be cashiered, and moreover shall be turned into the ranks and serve as a common soldier during the time the detachment to which he belongs continues in service. If any non-commissioned officer or soldier shall refuse to march when ordered into actual service according to his tour of duty, or find an able bodied man in his room, or shall while in service, mutiny, or desert, and thereof shall be convicted before a court-martial, such offender shall serve as a regular soldier in the troops of this state six months, and shall by order of such court-martial be delivered to a recruiting officer for that purpose. The said recited acts as far as they come within the perview of this act, stand hereby repealed, provided that any court-martial which may be held by virtue of this act, shall proceed upon all delinquencies committed or done before the passing of this act according to the said recited acts, and determine accordingly. And that if at any time it shall be necessary to call the militia together for the purpose of drafting men for the continental army or any other purpose, the officers and soldiers shall be subject to the same fines and penalties for not appear-

[Misbehaviour, in by-standers, & others.

Officers refusing to march.

ing upon due notice being given them, requiring their attendance, as for not appearing at general musters.

And that instead of the pay allowed by the said recited acts to scouts and lookouts in the frontier counties, there shall be paid to every person in future employed on that service, the sum of eight dollars per day, to be paid in manner directed by the said recited acts. The serjeant of the city of Williamsburg for the time being, shall have the same power to collect and distrain for militia fines within the limits of the said city as the sheriffs of the respective counties within this commonwealth, as well those fines already incurred as those which hereafter may be incurred, and be liable to the same penalties for neglect of duty.

Pay of scouts

Serjeant of Williamsburg, the same power to distrain as sheriffs.

*And be it farther enacted,* That this act shall be publickly read at the head of each company by the captain or commanding officer thereof, within one month after receiving the same, under the penalty of twenty pounds.

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## CHAP. XXI.

### *An act for the removal of the seat of government.*

**I. WHEREAS** great numbers of the inhabitants of this commonwealth must frequently and of necessity resort to the seat of government where general assemblies are convened, superior courts are held, and the governour and council usually transact the executive business of government; and the equal rights of all the said inhabitants require that such seat of government should be as nearly central to all as may be, having regard only to navigation, the benefits of which are necessary for promoting the growth of a town sufficient for the accommodation of those who resort thereto, and able to aid the operations of government: **And** it has been also found inconvenient in the course of the present war, where seats of government have been so situated as to be exposed to the insults and

Preamble.

injuries of the publick enemy, which dangers may be avoided and equal justice done to all the citizens of this commonwealth by removing the seat of government to the town of Richmond, in the county of Henrico, which is more safe and central than any other town situated on navigable water: *Be it therefore enacted by the General Assembly,* That six whole squares of ground surrounded each of them by four streets, and containing all the ground within such streets, situate in the said town of Richmond, and on an open and airy part thereof, shall be appropriated to the use and purpose of publick buildings: On one of the said squares shall be erected, one house for the use of the general assembly, to be called the capitol, which said capitol shall contain two apartments for the use of the senate and their clerk, two others for the use of the house of delegates and their clerk, and others for the purposes of conferences, committees and a lobby, of such forms and dimensions as shall be adopted to their respective purposes: On one other of the said squares shall be erected, another building to be called the halls of justice, which shall contain two apartments for the use of the court of appeals and its clerk, two others for the use of the high court of chancery and its clerk, two others for the use of the general court and its clerk, two others for the use of the court of admiralty and its clerk, and others for the uses of grand and petty juries, of such forms and dimensions as shall be adopted to their respective purposes; and on the same square last mentioned shall be built a publick jail: One other of the said squares shall be reserved for the purpose of building thereon hereafter, a house for the several executive boards and offices to be held in: Two others with the intervening street, shall be reserved for the use of the governour of this commonwealth for the time being, and the remaining square shall be appropriated to the use of the publick market. The said houses shall be built in a handsome manner with walls of brick or stone, and porticoes where the same may be convenient or ornamental, and with pillars and pavements of stone. There shall be appointed by joint ballot of both houses of assembly, five persons to be called the directors of the publick buildings, who, or any three of them shall have power to make choice of such squares of ground, situate as before directed, as

Ground in Richmond appropriated for public buildings.

Capitol, for the general assembly.

Halls of Justice for the courts.

House for executive boards.

Governor's house.

Directors of public buildings.



shall be most proper and convenient for the said publick purposes, to agree on plans for the said buildings, to employ proper workmen to erect the same, to superintend them, to procure necessary materials by themselves or by the board of trade, and to draw on the treasurer of this commonwealth, from time to time, for such sums of money as shall be wanting; the plans and estimates of which shall be submitted to the two houses of assembly whensoever called for by their joint vote, and shall be subjected to their controul. And that reasonable satisfaction may be paid and allowed for all such lots of ground as by virtue of this act may be taken and appropriated to the uses aforesaid, the clerk of the county of Henrico, is hereby empowered and required on requisition from the said directors, to issue a writ in nature of a writ of *ad quod damnum*, to be directed to the sheriff of the said county, commanding him to summon and empanel twelve able discreet freeholders of the vicinage no ways concerned in interest in the said lots of land, nor related to the owners or proprietors thereof, to meet on the said lots on a certain day to be named in the said writ, not under five nor more than ten days from the date thereof, of which notice shall be given by the sheriff to the proprietors and tenants of the said lots of land if they be to be found within the county, and if not, then to their agents therein if any they have, which freeholders, taking nothing on pain of being discharged from the inquest and immediately imprisoned by the sheriff, either of meat or drink from any person whatever from the time they came to the said place until their inquest sealed shall be charged by the said sheriff impartially, and to the best of their skill and judgment to value the said lots of ground in so many several and distinct parcels as shall be owned and held by several and distinct owners and tenants, and according to their respective interest and estates therein; and if the said valuation cannot be completed in one day, then the said sheriff shall adjourn the said jurors from day to day until the same be completed; and after such valuation made, the said sheriff shall forthwith return the same under the hands and seals of the said jurors to the clerk's office of the said county, and the right and property of the said owners and tenants in the said lots of land, shall be immediately divested and be transferred to this com-

Land, how  
acquired, &  
paid for.

monwealth in the full and absolute dominion, any want of consent or disability to consent in the said owners and tenants notwithstanding. The cost of the said inquest and the several sums at which the rights of the owners and tenants are valued, shall be paid by the treasurer to the said owners, tenants, and others entitled respectively, on warrant from the auditors.

Richmond to be enlarged.

II. And whereas it may be expedient to enlarge the said town of Richmond, by laying off a number of lots to be added thereto, and it may also happen that some of the lands adjacent to the said town may be more convenient for the publick uses: *Be it therefore enacted*, That the said directors cause two hundred additional lots or half acres, with necessary streets to be laid off adjacent to such parts of the said town as to them shall seem most convenient, and they shall also be at liberty to appropriate the six squares aforesaid, or any part of them, either from among the lots now in the said town, or those to be laid off as before directed, or of the lands adjacent to the said former or latter lots, and the said six squares and two hundred lots shall thenceforth be a part of the said town. And the said directors shall return into the clerk's office of the said county of Henrico, there to be recorded a full and distinct report under their hands and seals of the lots and squares of land added by them to the said town, or appropriated to the publick uses, together with the plan thereof. The rights of the several owners and tenants of the lots of land so to be added to the town and not appropriated to the publick uses, are nevertheless saved to them.

Directors to make returns to clerks of office of Henrico,

Temporary houses to be provided.

III. But whereas from the great expence attending the just and necessary war this commonwealth is at present engaged in, the difficulties of procuring the materials for building, and the high price for labour, it will be burthensome to the inhabitants if the said publick buildings be immediately erected: *Be it therefore enacted*, That the directors aforesaid shall, with all convenient speed, cause to be erected or otherwise provide some proper and temporary buildings for the sitting of the general assembly, the courts of justice, and the several boards before described.

Jail of Henrico to be enlarged.

IV. And whereas the present jail of the county of Henrico, now within the said town of Richmond, if enlarged may be made sufficient for a publick jail un-

til a more commodious one can be built; the said directors are hereby empowered to enlarge the same. Provided nevertheless, there shall not be drawn out of the publick treasury for any or all the said purposes a sum exceeding twenty thousand pounds; and the directors aforesaid are hereby prohibited from making any contracts for erecting any of the publick buildings described by this act to be built on any of the squares appropriated for publick use, fixing on the squares or laying off the additional lots until farther provision shall be made for the same by the general assembly. *And be it farther enacted,* That from and after the last day of April which shall be in the year of our Lord one thousand seven hundred and eighty, the said court of appeals, high court of chancery, general court, and court of admiralty shall hold their sessions in the apartments prepared for them by the said directors; that the first meeting of the general assembly after the same day shall be in such house or houses as shall be provided by the said directors; that the clerks of the two houses of assembly and of the several courts before mentioned, shall previously cause to be removed thither at the publick expence, the records, papers, and other things belonging to their respective offices; and that the keeper of the publick jail shall in like manner cause all prisoners in his custody to be removed to the publick jail so to be built as before directed, which shall thenceforward be deemed and used as the publick jail spoken of by the laws whether heretofore or hereafter passed.

Proviso, as  
to contracts  
and expen-  
ditures.

When the  
courts and  
general as-  
sembly to  
sit at Rich-  
mond.

## CHAP. XXII.

### *An act constituting the Court of Appeals.*

I. *BE it enacted by the General Assembly,* That a court of appeals for hearing and determining suits which ought to be instituted there, and for finally deciding those which are herein after referred to that tri-

[From *Revised Bills of*  
1779, chap.  
XIII p. 64.  
Chan Rev.  
p. 102.]  
Court of ap-  
peals esta-  
blished.

Terms. bunal, shall be holden twice in every year, namely, on the twenty ninth, or when that shall happen to be Sunday, on the thirtieth day of March and August, and shall sit in the whole, six judicial days successively each time (unless the business depending before them be sooner dispatched) at the capitol in Williamsburg, or at such other place as shall be appointed by the general assembly, or in their recess, by the governor, with advice of the privy council, in any such emergency as will make the adjournment of any other court by his writ lawful. The judges of the high court of chancery, general court, and court of admiralty, shall be judges of the court of appeals, of whom the first shall take precedence, and the second be next in rank, and five of them shall be a sufficient number to constitute the court. Every judge before he exercise this office, shall in that court openly give assurance of fidelity to the commonwealth, and take this oath:

of what judges constituted. Precedence of judges. Oath of judges.

“ You shall swear that you will well and truly serve this commonwealth in the office of a judge of the court of appeals, and that you will do equal right to all manner of people, great and small, high and low, rich and poor, without respect of persons. You shall not take by yourself, or by any other, any gift, fee, or reward of gold, silver, or any other thing, directly or indirectly of any person or persons great or small, for any matter done or to be done by virtue of your office, except such fees or salary as shall be by law appointed. You shall not maintain by yourself or any other, privily or openly, any plea or quarrel depending in the courts of this commonwealth. You shall not delay any person of right for the letters or request of any person, nor for any other cause; and if any letter or request come to you, contrary to the law, you shall nothing do for such letter or request, but you shall proceed to do the law; any such letter or request notwithstanding. And finally in all things belonging to your said office, during your continuance therein, you shall faithfully, justly, and truly, according to the best of your skill and judgment, do equal and impartial justice, without fraud, favour, or affection.” This court shall have jurisdiction, not only in suits originating there and adjourned thither for trials by virtue of any statute, which trials shall be by juries according to the course of law, but also in such as shall be

Jurisdiction.

brought before them by appeals and writs of error to reverse decrees of the high court of chancery, judgments of the general court, and sentences of the court of admiralty; after those decisions shall be final there, if the matter in controversy be equal in value, exclusive of costs, to fifty pounds, or be a freehold or franchise; and also in such cases as shall be removed before them by adjournment from the other courts before mentioned, when questions, in their opinion, new and difficult occur; and moreover in such, wherein appeals to reverse decrees and judgments of the former general court, and sentences of the court of vice admiralty, as had not been determined, the one by the king of Great Britain in his privy council, the other by the high court of admiralty of Great Britain, before the fifteenth day of April, one thousand seven hundred and seventy six. The court shall appoint a clerk, tipstaff, and crier, the first removable for misbehaviour, the two others at pleasure, and shall be attended by the sheriff of the county in which they sit, as their officer. The party desiring to prosecute such appeal or writ of error, shall proceed in like manner, and shall be liable to like damages if the decree, judgment, or sentence be affirmed; and the said clerk shall issue the like process for summoning the adverse party, removing the records, suspending execution, and for every other requisite purpose, making those alterations in the form which are necessary to adapt it to the case, as are prescribed and ascertained in case of an appeal or writ of error to reverse the decree, sentence, or judgment of a county, city, or borough court; and such prosecution shall be commenced within the time limited in the case last mentioned, unless it be such appeal to the said king or high court of admiralty, in which instance the prosecution shall be commenced within twelve months after the first session of the said court of appeals shall be ended. The said clerk shall carefully preserve the transcripts of records certified to his court, with the bonds for prosecution, and all papers relative to them, and other suits depending therein, docketing them in the order he shall receive them, that they may be heard in the same course, unless the court for good cause to them shewn, direct any to be heard out of its turn; and shall faithfully record their proceedings and decisions, and certify such as

Clerk, tip-  
staff, and  
crier.  
Sheriff to at-  
tend.

Appeals,  
writs of er-  
ror, &c. how  
prosecuted.

Duty of  
clerks, as to  
records,  
bonds, &c.

Docketting  
causes.

Statements  
of cases.

shall be given upon appeals, writs of error, and matters removed by adjournment to the proper courts. A clear and concise state of the case of each party in such appeal, writ of error, or controversy adjourned by reason of novelty and difficulty, with the points intended to be insisted upon, signed by his counsel and printed, the expence whereof shall be taxed in the bill of costs, shall be delivered to every judge time enough before the hearing for his consideration; but the court, if this be neglected, may nevertheless hear and determine the matter, and may take into their consideration any thing apparent in the manuscript record, although it be omitted in such printed case, and may give such decree, judgment, or sentence, if it be not affirmed or reversed in the whole, as the court whose error is sought to be corrected, ought to have given (affirming in those cases where the voices on both sides shall be equal, with an allowance of the costs of appeal) to the party prevailing, to be certified as well as their opinion upon any adjourned question to the court, from which the matter was removed, who shall enter it as their own, and award execution thereupon accordingly. So much of a former act of assembly constituting a court of appeals, as comes within the perview of this act, is hereby repealed.

Decisions,  
how certified.

Repealing  
clause.

### CHAP. XXIII.

*An act to secure the moveable property of those who have joined, or hereafter may join the enemy.*

Personal  
property of  
those joining  
the enemy,  
how secured.

WHEREAS during the present war, particularly in the late invasion, many persons have left this commonwealth and gone off with the enemy, some of whom have left many articles of moveable property behind them; that such property therefore may be immediately secured, *Be it enacted by the General Assembly,* That the governour, with the advice of the council, is

hereby empowered and required to appoint a person in each county within this commonwealth, wherein it may be necessary, to inquire into and secure all the slaves and other moveable property of all such persons as already have, or hereafter may depart and join the enemy, until the same can be proceeded in according to law. And that after office found, such moveable property when secured, shall be disposed of by the escheator of the county according to law.

When disposed of, by escheator.

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#### CHAP. XXIV.

*An act for punishing persons guilty of certain thefts and forgeries, and fixing the allowance to sheriffs, veniemen, and witnesses, in certain cases.*

[See Revised Bills of 1779, chap. LXV. also Chan. Rev. p. 102.]

**BE** it enacted by the General Assembly, That he or she shall be adjudged a felon and not have the benefit of clergy, who shall steal, or by robbery take from the possession or custody of another, any bill of credit or treasury note, or loan office certificate of the United States, or any of them, or any warrant of the governor or other person exercising that function, or any certificate of the auditors for publick accounts to the treasurer, authorising the payment of money, or shall present, or cause to be presented, such loan office certificate at a loan office of the United States, or any of them, for the discharge of the whole or any part thereof, or such warrant or auditors certificate at the publick treasury for the payment thereof, knowing such loan office certificate or warrant, or auditors certificate to have been stolen, or by robbery taken from the possession or custody of another. And he or she shall be adjudged a felon and not have the benefit of clergy, who shall falsely make, forge, or counterfeit, or aid or assist in falsely making, forging, or counterfeiting a writing, signed and directed, or certified to the pub-

Stealing, or taking by robbery, certain bills of credit, treasury notes, certificates, or warrants, felony without clergy.

Forging or counterfeiting certain warrants, treasury notes, &c. felony without clergy.

lick treasurer, purporting to be a warrant of the governour, or other person exercising that function, or a certificate of the auditors for publick accounts to authorize the payment of money; or cause or procure such writing to be falsely made, forged, or counterfeited; or present such writing, or cause or procure it to be presented at the publick treasury, knowing it to have been falsely made, forged, or counterfeited, in order to receive the money, or any part of the money therein mentioned; or shall falsely make, forge, or counterfeit, or aid or assist in falsely making, forging, or counterfeiting, a writing to be offered to the auditors for publick accounts as a voucher, in order to obtain their allowance of a demand, and certificate of such allowance; or cause or procure such writing to be falsely made, forged, or counterfeited, or offer such writing, or cause or procure it to be offered to the said auditors, knowing it to have been falsely made, forged, or counterfeited, in order to obtain their allowance and certificate aforesaid. And he or she shall be adjudged a felon and not have the benefit of clergy, who shall forge or counterfeit, alter or erase, any bill of credit or treasury note, or loan office certificate of the United States of America, or any or either of them; or shall cause or procure such bill of credit or treasury note or loan office certificate to be forged or counterfeited, altered or erased; or shall aid or assist in forging or counterfeiting, altering or erasing such bill of credit or treasury note, or loan office certificate; or shall pass or tender, or shall cause or procure to be passed or tendered any such bill of credit or treasury note, or loan office certificate in payment or exchange, knowing the same to have been forged or counterfeited, altered or erased; or shall have in his or her custody or possession, any press, types, stamp, plate, or other instrument necessary to be used in the fabrication of such bill of credit or treasury note, or loan office certificate, and not actually used in some publick printing office; or any paper with or without signature, on which the characters, words, and numerical figures contained in a genuine bill of credit or treasury note, or loan office certificate, are or shall be impressed or inscribed in like order as they are in such bill of credit or treasury note, or loan office certificate, or any such bill of credit, treasury note, or loan office certifi-

Having in possession, instruments for forging or counterfeiting.



cate, which hath been altered or erased, knowing the same to have been altered or erased, and shall not discover such press, types, stamp, plate, instrument, paper, or altered or erased bill of credit or treasury note, or loan office certificate, to two justices of the peace before the last day of June, in this present year, one thousand seven hundred and seventy nine, or within five days after they shall have come to his possession. When the justices of a county in which any such felony as is before described shall be supposed to have been done, shall have determined, upon examination, that the person charged therewith ought to be tried before the general court, the high sheriff, or if he be not able to attend, the coroner shall deliver to them a list of the names of thirty six good and lawful men, out of which, twenty four shall be stricken; one after another, the justices and the prisoner striking alternately, or if the prisoner refuse to strike, the justices striking only, and the remaining twelve men shall be summoned by the writ of *venire facias* for trial of the prisoner. When a justice of peace, before whom a person charged upon oath with any such felony as aforesaid, shall inform the governour that he hath cause to suspect that the offender, if he or she should be committed to the jail of the county in which the felony was done would be rescued (which information the justice is required to give in writing, with secrecy and despatch) or when a person shall be charged upon oath made before the governour with such felony, in either case, the governour, with advice of the council of state, may by his warrant, empower and order so many men as shall be judged sufficient to apprehend the person accused, and convey and commit him or her to any other jail, in which he or she shall be detained, and shall by another warrant direct the sheriff of that county in which the last mentioned jail is, to summon the justices thereof to meet at the courthouse before the end of twenty days afterwards; and thereupon the said justices shall proceed in the same manner as they might have proceeded if the fact alledged against the prisoner had been done in their own county. And if he or she be remanded, the clerk of the peace attending the said justices, shall, within twenty days afterwards, certify the same to the sheriff of the county in which the fact was done, or failing to do so, shall forfeit one

Proceedings  
against of-  
fenders.

hundred pounds; and the same sheriff shall summon the justices of his county to meet at the courthouse thereof, within ten days after receipt of such certificate, and then deliver to them such list as aforesaid, out of which, twenty four shall be stricken, in manner before directed, any agent authorized by the prisoner, striking for him or her, or if no such appear, the justices striking only; and the remaining twelve shall be summoned as jurors for trial of the prisoner, by writ of *venire facias*, to be issued by the clerk of the last mentioned county. Every juror summoned by virtue of any such writ of *venire facias*, who shall fail at the return thereof, and from that time until he be discharged, to attend the general court, shall forfeit one hundred pounds, unless the defaulter shew good cause to the contrary, having been summoned for that purpose.

Persons suspected of having forged or counterfeited notes, how apprehended.

Any justice of the peace may, by his warrant, cause to be apprehended and brought before him, every such person travelling in the county of the said justice, as he shall suspect to carry forged bills of credit or treasury notes, or loan office certificates, and search to be made in the wearing apparel and baggage of the said traveller by force, if he or she expose them not voluntarily. The governour, with advice of the council of

Rewards for apprehending.

state, may offer rewards for apprehending those who, having been charged upon oath with any of the felonies before described, shall have fled from justice, and may draw warrants for such rewards not exceeding one thousand pounds for any one fugitive, which shall be paid out of the publick treasury. The auditors

Allowances to witnesses, veniremen, and sheriffs, what, and how paid.

shall grant certificates to all witnesses, veniremen, and sheriffs, for their attendance in criminal cases, and shall allow them in such certificates two shillings per mile for travelling, and four pounds per day for their attendance, besides ferriages (instead of the allowances heretofore established by law) which the treasurer is directed to pay for their attendance at the general court, held in this present month, and to all others who may attend at future general courts after the passing this act. The certificate from the auditors to be granted upon testimonial from the clerk of the court at which the witnesses, veniremen, or sheriffs shall have attended. This act shall be in force until the first day of January, one thousand seven hundred and eighty one: and so much of the act of last session " For more

effectually guarding against counterfeiting of the bills of credit, treasury notes, and loan office certificates," and of every other act as is within the perview of, and inconsistent with this, is repealed.

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CHAP. XXV.

*An act for declaring and asserting* [Chan. Rev. p. 103.]  
*the rights of this commonwealth,*  
*concerning purchasing lands from*  
*Indian natives.*

I. TO remove and prevent all doubt concerning purchases of land from the Indian natives, *Be it declared by the General Assembly,* That this commonwealth hath the exclusive right of preemption from the Indians of all lands within the limits of its own chartered territory, as described by the act and constitution of government in the year one thousand seven hundred and seventy six; that no person or persons whatsoever have, or ever had, a right to purchase any lands within the same from any Indian nation, except only persons duly authorized to make such purchases on the publick account, formerly for the use and benefit of the colony, and lately of the commonwealth; and that such exclusive right of preemption will, and ought to be maintained by this commonwealth to the utmost of its power. Exclusive right of commonwealth to purchase lands of Indians asserted.

II. *And be it farther declared and enacted,* That every purchase of lands heretofore made by, or on behalf of the crown of England or of Great Britain, from any Indian nation or nations within the before mentioned limits, doth and ought to enure for ever to and for the use and benefit of this commonwealth, and to and for no other use or purpose whatsoever; and that all sales and deeds which have been or shall be made by any Indian or Indians, or by any Indian nation or nations,

for lands within the said limits, to or for the separate use of any person or persons whatsoever, shall be, and the same are hereby declared utterly void and of no effect.

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CHAP. XXVI.

[From *Revised Bills of 1779*, chap. XCII. p. 63. Chan. Rev. p. 104.]

*An act constituting the Court of Admiralty.*

*BE it enacted by the General Assembly,* That the court of admiralty to consist of three judges, any two of whom are declared to be a sufficient number to constitute a court, shall have jurisdiction in all maritime causes, except those wherein any parties may be accused of capital offences now depending and hereafter to be brought before them, shall take precedence in court according to the order in time of their appointments, and shall be governed in their proceedings and decisions by the regulations of the congress of the United States of America, by the acts of the general assembly, by the laws of Oleron, and the Rhodian and Imperial laws, so far as they have been heretofore observed in the English courts of admiralty, and by the laws of nature and nations. If the regulations of congress happen to differ from those of general assembly, the latter are declared to be supreme in cases wherein citizens only are litigants, and the former in all other cases: Every future judge of this court shall be chosen by joint ballot of both houses of assembly; and before he enters on the duties of his office, besides taking the oath of fidelity, he shall take the following oath, to be administered by the governour in council: "You shall swear that well and truly you will serve this commonwealth in the office of a judge of the court of admiralty; that you will do equal right to all manner of people, great and small, high and low, rich and poor, of what country or nation soever they be, without respect of persons. You shall not take by yourself, or by any other, any gift, fee, or reward, of gold, silver, or any

Court of admiralty established.

Number of judges  
Jurisdiction.

By what laws governed.

Provision, where regulation of congress conflict with laws of state. Judges, how chosen.

Oath of judges.

other thing, directly or indirectly, of any person or persons, great or small, for any matter done or to be done by virtue of your office, except such fees or salary as shall be by law appointed. You shall not maintain by yourself, or by any other, privily or openly, any plea or quarrel depending in the said court. You shall not delay any person of right for the letters or request of any one, nor for any other cause; and if any letter or request come to you contrary to the law, you shall nothing do for such letter or request, but you shall proceed to do the law; any such letter or request notwithstanding. And finally in all things belonging to your said office, during your continuance therein, you shall faithfully, justly, and truly, according to the best of your skill and judgment, do equal and impartial justice, without fraud, favour, affection, or partiality." The taking of which oath, or the certificate thereof, shall be registered in the said court. Any judge executing his office before he shall have taken the said oath, or given assurance of fidelity to the commonwealth, shall forfeit five hundred pounds of current money, to the use of the commonwealth. This court or any two judges thereof, when it is not sitting, shall appoint a register, an advocate, and a marshal, when those offices shall become vacant, who shall take the oath of office, and of whom the register and marshal shall moreover give bonds, the former in one thousand pounds, and the other in ten thousand pounds, payable to the governour or his successors, with sureties, to be approved by the court or two judges, with condition that they will faithfully and impartially perform their respective offices, and account for and pay all money which may come to their hands by virtue thereof; upon which bonds, suits may be severally brought for the benefit and at the costs of any persons grieved by breach of the conditions-until the damages to be recovered shall be equal to the penalties. The judges, register, advocate, and marshal, shall continue in office so long as they respectively demean themselves well therein. The court shall sit so often as there shall be occasion, at the capitol in Williamsburg, until the general assembly shall appoint another place, or at, or in such house or place as the governour, with advice of the council, shall by writ of adjournment direct, in case an accident by fire or tempest, or a pestilential

Penalty for acting without oath.

Register, advocate, and marshal.

Tenure of office.

Court, where to sit.

disease, or an enemy, shall make it necessary. This court shall have power to order sale of perishable goods to be made at any time, taking sufficient caution for securing the proceeds of the sale to him who shall be entitled to them by the final sentence. Every commander of a ship of war or other vessel belonging to the commonwealth, or to any citizen thereof, when he shall be required, shall assist the marshal of the said court acting by virtue of the process thereof, to seize and secure any vessel or goods subject to such process, so as not to violate the right of any other of the United States, or of any state, or prince in amity with them. When a citation shall have been served upon the owner or master of a vessel therein mentioned, if no person appear at the return day, or at such further time as the court for peculiar reasons shall appoint, and enter into the litigation, the libel shall be taken for confessed; and if return be made that the master or owner was not found, and no person appear and claim, the court shall make an order, to be published three times in the Virginia Gazette, that the libel be taken for confessed, unless the party interested shall appear and shew cause to the contrary at a certain day to be limited in the order, not being less than three nor more than six weeks after the making thereof; and the said order being so published, if there be no such appearance before expiration of the time limited, the libel shall be taken for confessed accordingly, caution being given to secure the effects so that they may be subject to the future order of the court; and the sentence given thereupon shall be published in manner aforesaid; and if the master, owner, or other person interested at any time within one year after such last mentioned publication, or that being omitted within seven years after sentence, by petition desire that the cause be reheard, and give security for payment of such costs as may be awarded against him, the court shall admit such party to make his defence or claim, in the same manner as if he had appeared at the return of the citation and give such sentence as they think just and agreeable with the laws prescribed for the rules of their decisions. Commissions for taking the examinations of witnesses may be awarded, and such examinations may be read in like cases as they

Sale of perishable goods.

Rules of practice.

Libel.

Citation.

Publication.

Defence.

Depositions.

may be in an action at common law. In a case where both parties are citizens of the commonwealth, every matter of fact affirmed by the one and denied by the other, shall be stated as a formal issue and tried by the same court by a jury in like manner as such issue ought to be tried in an action at common law. The court may at any time after, but not before an interlocutory sentence, if they see good cause, require a person pretending a claim to any vessel or goods mentioned in the libel to give security for the costs which may be occasioned by discussion of the claim, and may refuse to admit him until such security be given, and may award any party to pay costs when they judge it reasonable, unless he be the master or owner appearing and making a defence or a claim at the return of a citation; and the like execution for such costs may issue, and there shall be like proceedings thereupon as for costs recovered by judgment in an action of common law, otherwise than that the execution shall bear teste the day of emanation, and may be made returnable to any day not less than one month thereafter. In case of a capture from an enemy, if there be a condemnation and neither of the United States in general, nor the commonwealth in particular be interested therein, the court shall order the sales to be made, and accounts thereof to be returned by the libellant or his agent, if it be his desire. A party thinking himself aggrieved may appeal from the final sentence of the court, to such court and in such manner as is or shall be appointed by congress, except in cases between the citizens of this commonwealth; which shall be to the court of appeals, giving bond with surety, in the latter to prosecute the appeal and perform the sentence, if it be affirmed. If the seizure of any vessel has been or hereafter shall be made by an officer of this commonwealth, and a prosecution instituted thereon, in which the respondent or respondents shall have prevailed or hereafter may prevail, one moiety of the costs of such prosecution after having been audited by the auditors of publick accounts, shall be paid by the treasurer, provided the court have certified or shall certify that there was probable cause for such seizure. The judges of the present court of admiralty, to wit: Benjamin Waller, Richard Cary, and William Ros-

Trial by jury, when.

Security for costs, when.

Sales of goods condemned.

Appeal, right of, and to what tribunal.

Present judges confirmed in office

cow Wilson Curle, esquires, are hereby confirmed in their office, and shall take precedence as they are here named.

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CHAP. XXVII.

*An act to sever certain lots from the town of Dumfries, held by William Grayson, gentleman.*

Certain lots of William Grayton, severed from the town of Dumfries.

WHEREAS it has been represented to this present general assembly, that William Grayson, gentleman, is seized of twelve lots in the town of Dumfries and county of Prince William, which from their mountainous situation are no way beneficial to the said town; and it would be to the advantage of the said William Grayson, were the said lots severed therefrom: *Be it therefore enacted by the General Assembly,* That the said twelve lots of land, numbered from ninety two to one hundred and three inclusive, together with such parts of Oroonoko, Hedgman, and back streets, as run through or on the back of the same, shall be severed from and not taken as part of the said town of Dumfries, but the said lots and parts of streets above described, shall from henceforth be absolutely vested in the said William Grayson, and his heirs for ever. And that so much of an act entitled "An act for enlarging the towns of Fredericksburg and Winchester, the city of Williamsburg, and town of Dumfries," as comes within the perview of this act, is hereby repealed.



## CHAP. XXVIII.

*An act to authorise certain trustees to pay to William Todd, gentleman, the money arising from the sale of lands, and for other purposes.*

WHEREAS by an act of assembly passed in the year of our Lord, one thousand seven hundred and seventy two, entitled "An act to dock the intail of certain lands whereof William Todd, gentleman, is seized, and for other purposes therein mentioned," the said lands were vested in George Brooke, Gregory Baylor, William Lyne, John Tayloe Corbin, and Richard Tunstall, junior, gentlemen, or any three of them in trust, that they or the major part of them should fairly sell and dispose of the said lands and convey the same to the purchaser in fee, and that the money arising from such sale should be by the said trustees laid out in the purchase of slaves to be vested in the said William Todd, and to descend and go as the said lands would have descended and gone. And it being represented to this assembly by the said William Todd, that the said trustees have sold and conveyed the said lands, but have failed to lay out the purchase money according to the directions of the said recited act, which cannot now be done consistent with the laws of this commonwealth. *Be it therefore enacted,* That the said trustees shall account for and pay the said money to the said William Todd, his executors, administrators, or assigns; and that so much of the said recited act as directs the said trustees to lay out the said money in the purchase of slaves, shall be, and the same is hereby repealed.

Certain trustees authorised to pay to William Todd, the proceeds of the sale of his entailed lands.

## CHAP. XXIX.

*An act for paying the wages of the members of this present session of Assembly.*

Wages of members of general assembly, how estimated and paid.

WHEREAS by an act entitled "An act for fixing the allowance of the members of general assembly," passed at this present session by authority from the body of the people, it was provided that the said allowance should be of fifty pounds of neat tobacco by the day for attendance on assembly, two pounds of the like tobacco for every mile they must necessarily travel going to or from the same together with their ferriages, to be paid to them in money out of the publick treasury, at such rate as shall be estimated by the grand jury at the session of the general court next, before the meeting of each respective session of assembly, governing themselves in the said estimate by the worth of the said tobacco, and the competencè of the same to defray the necessary expenses of travelling and attendance; but no mode was pointed out for estimating the said tobacco for this present session: *Be it therefore enacted*, That the grand jury which shall be sworn at the first session of the general court after the passing of this act, shall make the said estimate as well for the present, as for any session which may ensue; and such estimation being made it shall be lawful for the several members to receive payment of the same of the treasurer, for their attendance at, and travelling to, and from, the present session, and their ferriages, observing the forms heretofore prescribed by law. No person shall henceforward be capable of serving on any grand jury in the general court while he shall be a member of either house of assembly or a candidate for a seat therein. The grand juries of the general court shall be sworn by the clerk to make the estimate directed by the said act, honestly, impartially, and according to the plain intention of the said act; and if they shall differ in opinion as to the price at which the said tobacco shall be estimated, the sum at which every of the said jurors estimates it, shall be distinctly noted in writing and the whole added together, and

Grand jury at general court, to estimate the price of tobacco, payable to members of assembly.

the amount thereof divided by the number of those who shall have given in their estimate, and the quotient or average value which shall result from this operation or such other sum near thereto as to avoid fractions, shall be approved by a majority of them, shall be the estimate at which the said allowances shall be paid.

How, if they disagree.

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CHAP. XXX.

*An act for continuing an act entitled  
An act to empower the governour  
and council to lay an embargo for  
a limited time.*

WHEREAS the act of assembly, passed in the year one thousand seven hundred and seventy eight, entitled "An act to empower the governour and council to lay an embargo for a limited time," will expire at the end of this present session of assembly, and it is necessary the same should be continued; *Be it therefore enacted*, That the said recited act shall continue and be in force from and after the expiration thereof, until the end of the next session of assembly, and no longer,

Act empowering governour and council, to lay an embargo, further continued.

## CHAP. XXXI.

[See vol. 9, p. 428, 462, 477.] *An act for continuing an act entitled An act for giving certain powers to the governour and council.*

Acts giving certain powers to governour and council, further continued.

WHEREAS the act of assembly, passed in the year one thousand seven hundred and seventy seven, entitled "An act for giving certain powers to the governour and council," which was continued by an act entitled "An act for continuing an act for giving certain powers to the governour and council," which was farther continued by an act entitled "An act to extend the powers of the governour and council," will expire at the end of this present session of assembly; and it is expedient that the same should be farther continued; *Be it therefore enacted*, That the act entitled "An act for giving certain powers to the governour and council," shall continue and be in force from and after the expiration thereof, until the end of the next session of assembly, and no longer.

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 CHAP. XXXII.

[See vol. 9, p. 478.] *An act for continuing an act entitled An act to empower the governour and council to superintend and regulate the publick jail.*

Act empowering governour and council to superintend and regulate the publick jail, further continued.

WHEREAS the act of assembly, passed in the year one thousand seven hundred and seventy eight, entitled "An act to empower the governour and council to superintend and regulate the publick jail," will expire at the end of this present session of assembly, and it is necessary the same should be continued; *Be it therefore enacted by the General Assembly*, That the

said act shall continue and be in force from and after the expiration thereof, until the end of the next session of assembly, and no longer.

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CHAP. XXXIII.

*An act for continuing an act entitled* [See vol. 9  
*An act to enable the governour and* p. 584.]  
*council to supply the armies and*  
*navies of the United States and of*  
*their allies with grain and flour.*

WHEREAS the act of assembly, passed in the year one thousand seven hundred and seventy eight, entitled "An act to enable the governour and council to supply the armies and navies of the United States and of their allies with grain and flour," will expire at the end of this present session of assembly, and it is necessary the same should be continued; *Be it therefore enacted by the General Assembly,* That the said act shall continue and be in force from and after the expiration thereof, until the end of the next session of assembly, and no longer.

Act to enable the governor and council to supply armies and navies of United States & their allies, with grain & flour, further continued.

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CHAP. XXXIV.

*An act to increase the salaries of the clerks to the auditors of publick accounts.*

WHEREAS the salaries allowed to the clerk of accounts and the assistant clerk, by an act entitled "An act for establishing a board of auditors of publick accounts," have been found inadequate to their

Salaries of clerks of auditors increased.

services; *Be it therefore enacted by the General Assembly,* That the said former salaries shall cease, and in lieu thereof shall be paid to each of the said clerks the sum of eight hundred pounds by the year.

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CHAP. XXXV.

*An act to empower the justices of Stafford county to fix on a proper place for erecting their courthouse.*

Justices of Stafford county empowered to ascertain centre of county, by actual survey, for purpose of erecting court house.

WHEREAS it is represented to this present general assembly by the inhabitants of the county of Stafford, that the place fixed on by the justices thereof for building a courthouse at or near Mr. William Garrard's, is neither central nor convenient; *Be it therefore enacted,* That the justices of the peace for the said county, or a majority of them shall, on or before the first day of October next, having first by actual survey ascertained the centre thereof (provided such survey be by voluntary subscription) fix on some place as near such centre as convenience will admit, for building their courthouse.

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CHAP. XXXVI.

*An act for giving a farther time to the purchasers of lots in the town of Bath to build thereon.*

Further time allowed purchasers of lots in town of Bath to improve them.

WHEREAS by an act of assembly, entitled "An act for giving a farther time to the purchasers of lots in the town of Bath to build thereon," the period therein limited for that purpose, will expire on the

first day of September next; and from the difficulty of procuring materials for building, it is necessary a farther time should be allowed; *Be it therefore enacted by the General Assembly*, That the purchasers of lots in the said town of Bath shall be allowed until the first day of November, one thousand seven hundred and eighty two, as a farther time to build upon and save the same; any law to the contrary notwithstanding.

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CHAP. XXXVII.

*An act for disposing of the glebe of Russell parish, and for other purposes.*

WHEREAS it is represented to this present general assembly that it would be of great advantage to the minister of the parish of Russell, in the county of Bedford, as well as to the inhabitants thereof, to sell the glebe lands of the said parish, and to lay out the money arising from such sale in the purchase of other lands for a glebe; *Be it therefore enacted by the General Assembly*, That the said glebe lands, with the appurtenances, be, and the same are hereby vested in Richard Stith, William Laftwitch, James Callaway, Jeremiah Early, and John Quarles, gentlemen in trust; that they, or the major part of them, shall sell the lands aforesaid at publick auction, for the best price that can be got, and convey the same to the purchaser or purchasers thereof, his or their heirs and assigns for ever. *And be it farther enacted*, That the money arising from such sale shall be by the said Richard Stith, William Laftwitch, James Callaway, Jeremiah Early, and John Quarles, laid out and applied towards purchasing a more convenient glebe for the use and benefit of the minister of the said parish for the time being for ever.

Vestry of Russell parish, in county of Bedford, authorised to sell their glebe.

## CHAP. XXXVIII.

*An act to empower the Justices of Nansemond county to hold courts at such place as they shall appoint, and for other purposes.*

Justices of Nansemond authorised to appoint a place for holding courts;—the town of Suffolk, having been burnt by the enemy.

WHEREAS by the burning of the town of Suffolk, in the county of Nansemond, by the enemy in a late invasion, the courthouse of the said county was also destroyed, whereby the justices of the said county will be hindered from holding courts if not remedied: *Be it therefore enacted by the General Assembly of the Commonwealth of Virginia, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the justices of the said county, after publick notice given, to meet and agree upon a proper place for erecting a courthouse and prison, and to appoint some person or persons to agree with an undertaker for performance of such work, and the expense thereof shall by the court of the said county be levied and assessed on the inhabitants thereof, in the same manner as other claims against the county are by law directed to be levied and assessed.

*And be it farther enacted by the authority aforesaid,* That the justices of the said county shall have full power and authority to hold courts at the courthouse so to be erected, and to hear and determine all matters cognizable before them; and until such courthouse can be erected, it shall and may be lawful for the said justices to hold courts for the said county at such convenient place as they shall appoint, and to hear and determine all matters cognizable before them without the formality of a writ of adjournment, and shall have power to adjourn from the place so appointed to the said courthouse, when the same shall be erected, without suing out a writ of adjournment; any law, custom, or usage to the contrary notwithstanding. *And be it farther enacted,* That the sheriff of the said county shall cause publick notice to be given of the place appointed by the said justices for holding courts, until such courthouse shall be built.



## CHAP. XXXIX.

*An act for further suspending the payment of the salaries heretofore given the Clergy of the church of England.*

WHEREAS by an act of general assembly, passed in the year one thousand seven hundred and seventy six, entitled "An act for exempting the different societies of dissenters, and for other purposes therein mentioned;" it was enacted that so much of an act of assembly made in the year one thousand seven hundred and forty eight, entitled "An act for the support of the clergy, and for the regular collecting and paying the parish levies," or any other act providing salaries for the ministers, and authorizing the vestries to levy the same, except as in the cases excepted by the said act, was suspended until the end of the then next session of assembly; which said act hath been farther suspended by several other acts until the end of this session of assembly, and it is judged reasonable that the said suspension should be farther continued: *Be it therefore enacted by the General Assembly, That so much of the said act entitled "An act for the support of the clergy, and for the regular collecting and paying the parish levies," as was suspended by the act of 1776, shall, and is hereby declared to be farther suspended until the end of the next session of assembly.*

Salaries of ministers of church of England further continued.

## CHAP. XL.

*An act to repeal an act entitled An act to prohibit the distillation of Spirits from corn, wheat, rye, and other grain, for a limited time.*

Act prohibi-  
ting distilla-  
tion of spi-  
rits from  
grain repeal-  
ed.

*BE it enacted by the General Assembly, That the* act of assembly, passed in the year one thousand seven hundred and seventy eight, entitled "An act to prohibit the distillation of spirits from corn, wheat, rye, and other grain for a limited time," be, and the same is hereby repealed.

## CHAP. XLI.

*An act for disposing of the glebe in the parish of St. Anne, in the county of Albemarle, and for other purposes.*

Glebe of pa-  
rish of St.  
Anne, in Al-  
bemarle to  
be sold, and  
money divid-  
ed between  
parishes of  
St. Anne &  
Fluvanna.

**WHEREAS** it is represented to this present general assembly by the inhabitants of the parish of Fluvanna, in the county of Fluvanna, that by a late division of the parish of Saint Anne, in the county of Albemarle, the glebe lands and improvements which belonged to the parish of Saint Anne before the division, now remain in the said parish of Saint Anne, and it is just and right that the inhabitants of the said parish of Fluvanna should receive their proportionable part of the value thereof: *Be it therefore enacted,* That the said glebe with the appurtenances, be, and the same is hereby vested in Thomas Napier, George Thomson, John Cole, and John Harris, or any three of them in trust, that they sell and convey the same for a valuable consideration to be *bona fide* received to any person or persons willing to become purchasers

thereof, to hold to such purchaser or purchasers in fee simple; that the money arising from such sale shall be equally divided between the said parishes of Saint Anne and Fluvanna, in proportion to the number of tithables in each parish, and the vestries of the said parishes respectively, shall apply the money when received in the purchase of other lands for a glebe for the use of their respective ministers for the time being for ever.

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CHAP. XLII.

*An act to restrict the delegates of this commonwealth in congress from engaging in any trade either foreign or domestick.* [Chan. Rev. p. 106.]

I. *BE it enacted by the General Assembly, That every* delegate hereafter to be chosen to represent this commonwealth in congress, shall before he departs this state, take the following oath or affirmation, to be administered by any member of the privy council, or justice of the peace within this commonwealth, to wit: "I A. B. do solemnly swear (or affirm) that I am not directly or indirectly engaged in any merchandize, either foreign or domestick, except for commodities of my own growth or manufacture; and that I will not engage in any such merchandize so long as I continue a delegate in congress. So help me God."

Delegates to congress restricted from engaging in trade.

II. *And be it farther enacted, That each of the delegates heretofore chosen, and now representing this state in congress, shall take the said oath or affirmation, which shall be administered to them by any one of the delegates hereafter to be chosen, he having previously taken the said oath or affirmation.*

Their oath, to that effect.

## CHAP. XLIII.

*An act for adding part of the county of Augusta, to the county of Monongalia, and other purposes.*

Part of the county of Augusta added to Monongalia.

FOR adding part of the county of Augusta to the county of Monongalia: *Be it enacted by the General Assembly,* That all that part of the said county of Augusta that lies to the north west of the following lines, to wit: Beginning at the dividing ridge between the waters of Elk and little Kenhawa rivers, and running thence till it intersects the ridge between the western fork of Monongalia and Elk river, thence with the said dividing ridge to the ridge dividing the waters of Tygers Valley and Buchanan prongs of the Monongalia, thence with the said ridge to the intersection of the said Tygers Valley prong by the said ridge, thence with the said ridge to the old line on the ridge between the waters of Tygers Valley prong and those of Cheat river, and thence with the said ridge that divides Cheat river and the waters of Potowmack shall be added to, and made part of the county of Monongalia.

*Provided always,* That nothing herein contained shall be construed to hinder the sheriff or collector of the said county of Augusta from collecting and making distress for any levies, taxes, or officers fees which may be due and unpaid by the inhabitants thereof, but such sheriff or collector may collect and distrain for the same, and be answerable for them in like manner as if this act had never been made.

*Provided also,* That nothing herein contained shall be construed to hinder the court of the said county of Augusta from laying their respective levies for this present year upon that part of the inhabitants of the said county hereby added to the said county of Monongalia, and that the sheriff of the said county of Augusta shall collect and account for the same in like manner as if this act had never been made.

## CHAP. XLIV.

*An act for the manumission of a certain Slave.*

WHEREAS a negro man slave named Kitt, the property of a certain Hinchia Mabry of the county of Brunswick, hath lately rendered meritorious service to this commonwealth, in making the first information and discovery against several persons concerned in counterfeiting money, whereby so dangerous a confederacy has been in some measure broken, and some of the offenders have been discovered and brought to trial; and it is judged expedient to manumit him for such service; *Be it therefore enacted by the General Assembly,* That the said Kitt be, and he is hereby declared to be emancipated and set free; any law or usage to the contrary notwithstanding. *And it is farther enacted,* That the treasurer of this commonwealth may, and he is hereby required to pay to the said Hinchia Mabry, on producing the auditors warrant, which they are hereby directed to grant, the sum of one thousand pounds out of the publick treasury, as a full compensation for the said slave.

*Kitt, a slave, the property of Hinchia Mabry emancipated, for his meritorious services, in discovering counterfeiters of money*

## CHAP. XLV.

*An act concerning escheators.*

I. *BE it enacted by the general Assembly,* That there shall be one escheator commissioned in every county by the governour, on recommendation from the court of the same county, except the counties in the Northern Neck, who shall execute his office in proper person, and not by deputy; and shall before the court of the county be bound in the penalty of two thousand pounds with security, to be approved by the same court, duly to perform the duties of his said office. The said escheator shall sit in convenient and open places, and shall take his inquests of fit persons, who

[From Revised Bills of 1779, chap. XXIV. p. 22.—Chan. Rev. p. 106.]  
Escheators, except in Northern Neck, how appointed.

How to take inquests.

shall be returned and empannelled by the sheriff of the county, and shall suffer every person to give evidence openly in their presence to such inquest; and the said inquisition so taken, shall be by indentures, to be made between the said escheator and them of the inquest, whereof the counterpart, sealed by the escheator, shall remain in the possession of the first person that shall be sworn in the said jury, and by him shall be returned to the court of the same county, there to be recorded; and the other part, sealed by the jurors, shall by the escheator be sent into the general court within two months after the inquest taken; and if it be found for the commonwealth, and there be any man that will make claim to the lands, he shall there be heard without delay on a traverse to the office, *monstrans de droit*, or petition of right; and the said lands or tenements shall be committed to him if he shew good evidence of his right and title, to hold until the right shall be found and discussed for the commonwealth, or for the party finding sufficient surety to prosecute his suit with effect, and to render and pay to the commonwealth the yearly value of the lands, if the right be discussed for the commonwealth. No lands or tenements seized into the hands of the commonwealth, upon such inquests taken before escheators, shall be in any wise granted, nor to farm let to any if it be not to him or them which claim as is aforesaid, till the same inquests and verdicts be fully returned into the general court, nor within twelve months after the same return, but shall entirely and continually remain in the hands of the escheators, who shall answer to the commonwealth the issues and profits yearly coming of the said lands and tenements, without doing waste or destruction. If no person within the twelve months before mentioned make claim to the lands or tenements so seized, or claim being so made, if it be found and discussed for the commonwealth, the clerk of the general court shall, within two months thereafter, certify to the escheator of the county wherein the lands lie, that no claim hath been made, or that being made, it hath been discussed for the commonwealth; which escheator shall thereupon proceed to make sale of the land for the benefit of the commonwealth, to him who will give the most, after one month's publick notice of the time and place of doing the same;

Traverse, *monstrans de droit*, petition of right.

How long lands to remain in hands of escheator before granted.

Duty of clerk of general court to certify to escheator.

Escheated lands when sold.

and shall certify the purchaser and price to the register of the land office, who on receiving a certificate that such price hath been paid into the treasury, shall have a grant executed to the purchaser in such manner as by law directed in the case of unappropriated lands. Where any person holds lands or tenements for term of years, or hath any rent, common office fee, or other profit, apprehender\* of any estate of freehold, or for years, or otherwise out of such lands or tenements, which shall not be found in such office or inquisition, such person shall hold and enjoy his lease, interest, rent, common office fee, and profit, apprehender in manner as if no such office or inquisition had been found, or as if such lease, interest, rent, common office, or profit, apprehender hath been found in such inquisition. Also if one person or more be found heir by office or inquisition in one county, and another person be found heir to the same person in another county; or if any person be untruly found lunatick, idiot, or dead; or where it shall be untruly found that any person attainted of treason or felony is seized of any lands, tenements, or hereditaments, at the time of such treason or felony committed, or any time after, whereunto any other person hath any just title or interest of any estate of freehold, the person grieved by such office or inquisition, may have his traverse or *monstrans de droit* to the same, without being driven to any petition of right, and proceed to trial therein, and have like remedy and restitution upon his title found or judged for him therein, as in other cases of traverse upon untrue inquisition found.

Particular interests in lands escheated, how secured.

Remedy in cases of inconsistent, or untrue inquests.

\* So in the original, and Char. Rev. but it is a mistake. It should be "apprender," as in the *Revised Bills* of 1779.

## CHAP. XLVI.

*An act giving salaries to certain officers of government.*

*BE it enacted*, That the several officers herein after mentioned shall, for their respective services, be entitled to the following salaries, to be paid out of the publick treasury in quarterly payments, after the same shall have been audited according to law.

Salaries of governor;	To the governour or chief magistrate of this commonwealth the sum o <sup>r</sup> four thousand five hundred
Councillors,	pounds per annum. To the members of the privy council the sum of sever thousand two hundred pounds
Treasurer,	per annum, to be divided amongst them, agreeable to their attendance on the duties of their office. To the
Auditors,	treasurer of this commonwealth the sum of three thousand pounds per annum To each auditor of publick
Members of board of war, Of trade,	accounts the sum of fifteen hundred pounds per annum. To the members of the board of war the sum of fifteen
Judges,	hundred pounds per annum, each. To the members of the board of trade the sum of two thousand pounds
Attorney general.	per annum each. To the judges of the high court of chancery, the general court, and the court of admiralty, each for their services, in their respective offices, as well as in the court of appeals the sum of twelve
Clerks of board of war and trade.	hundred pounds per annum. To the attorney general the sum of twelve hundred pounds per annum. To the clerks of the board of war and trade each, the sum
Judges of superior courts au- thorised to make allow- ances to their officers	of eight hundred pounds per annum. To the clerk of the privy council the sum of eight hundred pounds per annum.
	The judges of the superiour courts shall make such allowances from time to time to their respective officers, as they shall think reasonable, taking into account the time past for which no allowance hath been made by the assembly, which allowances when made, and audited, shall be paid by the treasurer out of any publick money in his hands.



## CHAP. XLVII.

*An act to displace the trustees of the town of Staunton, and for other purposes therein mentioned.*

*BE it enacted by the General Assembly, That the* Trustees of town of Staunton displaced:

present trustees for the town of Staunton in the county of Augusta, are hereby displaced; and the sheriff of the said county shall on the tenth day of August next, proceed to take a poll for electing five trustees for the said town in manner directed by an act entitled “An act to empower the freeholders of the several towns not incorporated, to supply the vacancies of the trustees and directors thereof;” the trustees so elected shall How others elected.

have all the powers given by the several acts of assembly for establishing the town of Staunton and appointing trustees, heretofore passed, and shall also have Their powers.

power, from time to time, as they may see occasion, to contract with any person or persons for repairing the streets of the said town, and constructing and fixing To repair streets, and construct aqueducts.

proper aqueducts for conveying water to the several inhabitants thereof, in such manner and places as they may judge most convenient and necessary. The said trustees or the major part of them, shall moreover have power to levy and assess annually on the freeholders and inhabitants of the said town, to enable them to comply with such contracts, a tax not exceeding twenty four shillings for every tithable person, and to appoint one or more collector or collectors of the said tax. To assess taxes on the inhabitants.

If any person on whom such tax shall be assessed, shall neglect or refuse to pay the same at the time appointed for the payment thereof, it shall be lawful for such collector to levy the same by distress and sale of such delinquent’s goods, in the same manner as is directed by law in case of the non-payment of publick and county levies. The collector of the said tax, before he undertakes the same, shall give bond and security in a reasonable penalty, payable to the trustees for the due collection and payment thereof, and in case of failure shall be liable in the same manner as the collectors of the county and parish levies are by law made liable. The trustees or either of How taxes collected.

Collector to give bond.

Penalty for  
misapplica-  
tion of taxes

Hogs not to  
run at large  
in town.

Proviso.

them neglecting or refusing to apply the said taxes, when collected, to the purposes aforesaid, shall forfeit and pay the sum of five hundred pounds to the informer, to be recovered with costs in any court of record upon motion, provided he or they have ten days previous notice thereof in writing. It shall not be lawful for any person or persons inhabitants of the said town, owners of any swine, to suffer the same to go at large in the limits thereof: And if any swine belonging to an inhabitant of the said town shall after the first day of December next, be found running or going at large within the said limits, it shall be lawful for any person whatever to kill and destroy every such swine. Provided that such person shall not convert any such swine to his or her own use, but shall leave the same where it shall be so killed, and give immediate notice to the owner thereof, if known, and if not, then such person shall immediately inform the next justice of the peace, who may order the same to the use of any poor person or persons he shall think fit. Nothing herein contained shall be deemed or taken to hinder any person or persons from driving any swine to or through the said town, or limits thereof, in order to sell the same, or in their removal from one plantation to another.

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#### CHAP. XLVIII.

*An act empowering certain persons to convey the land whereof Sarah the wife of John Rootes was seized, to the purchaser in fee simple.*

Certain persons authorized to convey to John Fox certain entailed land sold by trustees as the estate of Sarah, the wife of John Rootes.

WHEREAS by an act of general assembly entitled "An act to dock the entail of five hundred and fifty acres of land, in the county of Gloucester, whereof Sarah the wife of John Rootes, gentleman, is seized, and for vesting the same in trustees for the purposes therein mentioned," it was, amongst other things,

enacted that the said five hundred and fifty acres of land, with the appurtenances, should be, and the same were thereby vested in the honourable John Page, esq; and Thomas Whiting, Lewis Burwell, of Gloucester, Francis Whiting, and Roger Dixon, gentlemen, in trust, that they the said trustees, or the survivors, or survivor of them should cause the same to be sold at publick sale, for the best price that could be got for the same, and upon payment of the purchase money, the said trustees or any three of them should seal and deliver a deed or deeds indented for the conveyance of the fee simple estate and inheritance of the said land, to the purchaser or purchasers who should for ever hold and enjoy the same, freed and discharged from the limitations of the will of Edmund Gwynn, deceased, as by reference to the said act may more fully appear. And whereas the said tract of land was exposed to publick sale by the said trustees, and John Fox of the county of Gloucester became purchaser thereof, for the sum of nine hundred and fifty pounds being the best price that could be got for the same, which hath been since bona fide paid to the said trustees by the said John Fox; but no deed of conveyance hath as yet been executed, nor can one be now made for the same under the said act; all the said trustees being dead, except the said Thomas Whiting.

*Be it enacted,* That the said Thomas Whiting, Sir John Peyton, John Whiting, George Green, and James Nutall, jun. or any three of them, shall be, and are hereby empowered to seal and deliver a deed or deeds indented for the conveyance of the fee simple estate and inheritance of the said tract of land to the said John Fox, in the same manner as the said trustees might have done by virtue of the said act, and thereupon the said John Fox shall for ever hold and enjoy the same in fee simple.

## CHAP. XLIX.

*An act for continuing an act entitled  
An act for appointing naval officers,  
and ascertaining their fees.*

Act appoint-  
ing naval of-  
ficers, fur-  
ther contin-  
ued.

Their fees.

WHEREAS the act of assembly passed in the year one thousand seven hundred and seventy six entitled "An act for the appointment of naval officers and ascertaining their fees" will expire at the end of this present session of assembly, and it is expedient the same should be continued: *Be it therefore enacted by the General Assembly,* That the said recited act shall continue and be in force from and after the expiration thereof for one year, and from thence to the end of the next session of assembly; and the several naval officers shall demand and receive the following fees, in lieu of the fees established by the said recited act, to wit: For entering or clearing any ship or vessel of one hundred tons and under, six dollars; for entering or clearing any ship or vessel of more than one hundred tons, fifteen dollars; for taking a bond, two and a half dollars; for a permit, two and a half dollars; for a bill of health, two and a half dollars; for a bill of stores, two and a half dollars; for a certificate, two and a half dollars; for a register and recording the same, ten dollars; for a copy thereof or making an endorsement thereupon, five dollars; for a copy of a manifest, three dollars; for a passport in conformity to the twenty seventh article of the treaty of alliance between his most Christian Majesty and the United States of America, ten dollars. All which fees shall be paid in current money of this commonwealth.

Masters of  
vessels when  
to report.

*And be it farther enacted,* That the master or commander of every ship or vessel, shall, within forty eight hours after his arrival in port, make report of his vessel and cargo to the naval officer of the district wherein the said vessel rides; and every master or commander of any ship or vessel failing herein, shall forfeit his said vessel and cargo; and any master or commander of any ship or vessel, breaking bulk or disposing of any part of the cargo without obtaining a permit from

the naval officer to trade within the said district, shall forfeit his said vessel and cargo, to be seized in either of the above cases, by such officer or his sufficient deputy, and prosecuted in the court of admiralty.

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CHAP. L.

*An act for discontinuing the Navy Board.*

WHEREAS by the establishment of a board of Navy board discontinued. war and a board of trade, the duties and offices heretofore exercised and performed by the navy board, will devolve on and be exercised by one or other of the before mentioned boards of war or trade, whereby the continuance of the navy board is no longer necessary: *Be it enacted by the General Assembly,* That from and after the end of this present session of assembly, the said navy board shall be, and is hereby discontinued.

And it shall and may be lawful for the governour with advice of the council to demand and receive from the commissioners of the navy board, all the records, papers, vouchers, and other documents which shall belong to the commonwealth, and which hath heretofore been in the custody or keeping of the said board, and upon receipt thereof, to grant to all and every of the commissioners such full and proper acquittances, or indemnifications for, or on account of their transactions during their continuance in the said office, as shall seem just and reasonable, and to dispose of such records and papers, either by delivery to one or other of the boards above mentioned, or in such manner as they shall think proper.

*And be it enacted,* That the ordinance of convention entitled an ordinance "For establishing a board of commissioners to superintend and direct the naval affairs of this colony," is, and stands hereby repealed.

## CHAP. LI.

[Chan. Rev.  
p. 107.]

*An act for establishing several new ferries, and for other purposes.*

New ferries  
established  
over Roan-  
oke, She-  
nandoah,  
Black Wa-  
ter, & Pagan  
creek.

*BE it enacted by the General Assembly,* That publick ferries shall be constantly kept at the following places, and the rates for passing the same shall be as follows, that is to say: From the lands of James Wilkins in the county of Mecklenburg across Roanoke river to the lands of Robert Munford on the opposite shore, the price for a man two shillings, and for a horse the same; from the lands of Thomas Bryan Martin where John Nichols lately lived, in the county of Frederick, across Shenandoah river to the lands of the honourable Thomas Lord Fairfax on the opposite shore, the price for a man two shillings, and for a horse the same; from the lands of Thomas Williamson in the county of Southampton, across Blackwater river to the lands of George Fearn, in the county of Isle of Wight, on the opposite shore, the price for a man six pence, and for a horse the same; from the lands of Elias Herring, in the county of Southampton, to the lands of Hancock Barret, in the county of Isle of Wight on the opposite shore, the price for a man six pence, and for a horse the same; from the lands of Thomas Pierce, adjoining the town of Smithfield, in the county of Isle of Wight, across Pagan creek to the lands of William Hodsdon on the opposite shore, the price for a man one shilling, and for a horse the same; and for the transportation of wheel carriages, tobacco, cattle, and other beasts, at either of the ferries aforesaid, the ferry keepers may demand and take the following rates, that is to say: For every coach, chariot, or waggon, and the driver thereof, the same as for six horses; for every cart or four wheeled chaise or chair, the same as for two horses; for every hogshead of tobacco, as for one horse; for every head of neat cattle, as for one horse; for every sheep or goat one fifth part of the ferriage of one horse; and for every hog, one fourth part of the ferriage of one horse, according to the prices herein before settled at such ferries respectively. And if any ferry keeper shall presume to demand or receive

Rates.

from any person whatsoever, any greater rates than is hereby allowed, he, she, or they, for every such offence, shall forfeit and pay to the party grieved, treble the ferriages demanded, and five pounds; to be recovered before any justice of the peace where the offence shall be committed; and in the stern of every ferry-boat, shall be affixed by the keeper thereof, an attested copy of the rates of such ferriages as shall be established by the court of the county in which such ferry shall be, under the penalty of five pounds for every such neglect, to be recovered as aforesaid.

Penalty for exceeding legal rates.

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## CHAP. LII.

### *An act concerning Gold and Silver Coin.*

WHEREAS many inconveniencies and much injustice have arisen from the act entitled "An act to support the credit of the money issued by the authority of Congress, and by the authority of this commonwealth," and to make the former current within this commonwealth, *Be it enacted*, That so much of the said recited act as makes it penal to offer or pay, ask or receive more in paper bills of credit of this commonwealth or of congress, for any gold or silver coin, or more in the said paper bills for any property, real or personal, than is asked or offered in gold or silver coin, shall be, and the same is hereby repealed.

So much of an act as imposes a penalty for asking more for any article, in paper money, than in gold or silver, repealed.

## CHAP. LIII.

*An act for regulating certain tobacco fees, and for other purposes.*

Preamble.

WHEREAS the fees allowed to certain officers by an act of assembly entitled "An act to amend an act entitled An act for the better regulating and collecting certain officers fees, and other purposes," and the allowance made by law to witnesses in civil causes for attendance and travelling are very inadequate to the trouble and expenses; *Be it enacted*, That all persons who shall be chargeable with tobacco for any of the services in the said act mentioned, or for witnesses attendance, except in cases already provided for by "An act for punishing persons guilty of certain thefts and forgeries, and for fixing the allowance to sheriffs, veniemen, and witnesses, in certain cases," or who shall hereafter be chargeable with tobacco for any of the services herein after mentioned, shall at their election, discharge the same either in tobacco or money at the rate of three pounds for every hundred pounds of gross tobacco, to be levied and collected as the law directs. That the surveyor of the several counties, and the clerk of the general court, besides the fees heretofore allowed, and the register of the land office, shall respectively be entitled to the fees herein after mentioned, to be paid by the party at whose instance any such service shall be performed at the time of his or her requiring the same, or by the respective county courts, or the treasurer as the case may be, that is to say: To the surveyors for receiving a warrant of survey and giving a receipt therefor, ten pounds of tobacco. For recording a certificate from the commissioners of any district of a claim to land allowed by them to be paid by the claimant ten pounds of tobacco. For making an entry for land or for a copy thereof, ten pounds of tobacco. For a copy of a plat of land or of a certificate of survey, twenty five pounds of tobacco. For every tract of land mentioned in the list of surveys returned to the office of the clerk of any county court, to be paid by the treasurer on the auditors warrant, two pounds of tobacco. To the clerk

Fees of surveyors.



of the general court for entering a caveat or for a copy thereof, twenty pounds of tobacco. For every process and all other proceedings thereupon, the same fees as in actions and suits. To the register of the land office for issuing a warrant of survey and recording the same, together with the rights or certificates on which it is founded, for any quantity of lands not exceeding one thousand acres, thirty pounds of tobacco: If the quantity exceed one thousand acres, and does not exceed two thousand acres, forty pounds of tobacco. If the quantity exceed two thousand acres, fifty pounds of tobacco. For every warrant issued in exchange of another warrant, or where lands claimed under a former warrant shall be recovered upon a caveat and recording the same, twenty pounds of tobacco. For recording a list of certificates of rights proved in any county court, or allowed by the commissioners of any district, to be paid by the treasurer on the auditors warrant, for every certificate mentioned in such list, five pounds of tobacco. For receiving a plat and certificate of survey, giving a receipt therefor, issuing and recording a grant thereupon, together with such plat and certificate, if the quantity therein contained shall not exceed four hundred acres, forty pounds of tobacco. And for every hundred acres more than four hundred, and so in proportion, five pounds of tobacco. For entering a caveat or for a copy thereof, twenty pounds of tobacco. For a copy of a plat of land or of a certificate of survey, twenty five pounds of tobacco. For a copy of any patent or grant for land, thirty pounds of tobacco. For a search for any thing or for reading the same, where a copy shall not be required, ten pounds of tobacco. And that every witness attending upon summons, the high court of chancery, general court, or the court of admiralty, shall be paid by the party at whose suit the summons issued, two pounds of tobacco per mile for coming to the place where he or she was summoned to appear, and the same for returning, besides ferriages, and one hundred pounds of tobacco per day for attendance, until he or she shall be discharged, and that every person summoned to appear as a witness at any county or other inferior court, or upon any survey of land, and being an inhabitant of the same county, shall be paid by the person or persons at whose suit the sum-

Of clerk of  
general  
court.

Of register  
of land of-  
fice.

Witnesses,  
attending  
superior  
courts,

Or inferior  
courts, or  
upon sur-  
veys.

mons issued, fifty pounds of tobacco for every day's attendance upon such summons. And every person residing in, and summoned out of another county, shall have the said allowance of fifty pounds of tobacco per day for attendance, and be paid for travelling and ferriages to and from court, as witnesses in the superiour courts, to be paid by the party or parties summoning him or her. *And be it farther enacted,* That the said recited act and every other act so far as the same relate to the giving of fees to any of the said officers for the services herein before mentioned, or for allowing persons chargeable with officers fees or witnesses attendance to pay the same either in money or tobacco, shall be, and the same is hereby repealed.

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#### CHAP. LIV.

*An act for continuing an act entitled  
An act appointing the place for  
holding the High Court of Chan-  
cery and General Court, and em-  
powering the said High Court of  
Chancery to appoint their own ser-  
jeant at arms.*

Act appoint-  
ing place for  
holding high  
court of  
chancery, &  
general  
court, and  
empowering  
the former  
to appoint  
their ser-  
jeant at  
arms further  
continued.

WHEREAS the act of assembly, entitled "An act appointing the place for holding the high court of chancery and general court, and empowering the said high court of chancery to appoint their own serjeant at arms," will expire at the end of this present session of assembly, and it is necessary the same should be continued, *Be it therefore enacted,* That the said recited act shall continue and be in force from and after the expiration thereof, for and during the term of one year, and from thence to the end of the next session of assembly.

## CHAP. LV.

*An act declaring who shall be deemed citizens of this commonwealth.*

[From *Revised Bills of 1779*, chap. LV. p. 41.]

BE it enacted by the General Assembly, That all white persons born within the territory of this commonwealth, and all who have resided therein two years next before the passing of this act; and all who shall hereafter migrate into the same, other than alien enemies, and shall before any court of record, give satisfactory proof by their own oath or affirmation that they intend to reside therein; and moreover shall give assurance of fidelity to the commonwealth; and all infants wheresoever born, whose father if living, or otherwise whose mother was a citizen at the time of their birth, or who migrate hither, their father if living, or otherwise their mother, becoming a citizen, or who migrate hither without father or mother, shall be deemed citizens of this commonwealth, until they relinquish that character in manner as herein after expressed; and all others not being citizens of any the United States of America shall be deemed aliens. The clerk of the court shall enter such oath of record, and give the person taking the same, a certificate thereof, for which he shall receive the fee of one dollar. And in order to preserve to the citizens of this commonwealth that natural right which all men have of relinquishing the country in which birth or other accident may have thrown them, and seeking subsistence and happiness wheresoever they may be able, or may hope to find them: And to declare unequivocally what circumstances shall be deemed evidence of an intention in any citizen to exercise that right, *It is enacted and declared*, That whensoever any citizen of this commonwealth, shall by word of mouth in the presence of the court of the county wherein he resides, or of the general court, or by deed in writing under his hand and seal, executed in the presence of three witnesses, and by them proved in either of the said courts, openly declare to the same court that he relinquishes the character of a citizen and shall depart the commonwealth, such person shall be considered as having exercised his natu-

Who shall be deemed citizens of this commonwealth.

Citizenship, how acquired.

Who deemed aliens.

Expatriation right of, how exercised.

Free white inhabitants of other of the United States, entitled to privileges of citizens of this state.

Fugitives from justice, in other states, how apprehended and delivered up.

Forfeiture of property, by attainder, in other states, affects property in this.

ral right of expatriating himself, and shall be deemed no citizen of this commonwealth from the time of his departure. The free white inhabitants of every of the states, parties to the American confederation, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all rights, privileges, and immunities of free citizens in this commonwealth, and shall have free egress and regress to and from the same, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the citizens of this commonwealth. And if any person guilty of or charged with treason, felony, or other high misdemeanor, in any of the said states, shall flee from justice, and be found in this commonwealth, he shall upon demand of the governour or executive power of the state from which he fled, be delivered up to be removed to the state, having jurisdiction of his offence. Where any person holding property within this commonwealth, shall be attainted within any of the said states, parties to the said confederation of any of those crimes which by the laws of this commonwealth shall be punishable by forfeiture of such property, the said property shall be disposed of in the same manner as it would have been if the owner thereof had been attainted of the like crime in this commonwealth.

AT A

# GENERAL ASSEMBLY,

BEGUN AND HELD

At the Capitol in the City of Williamsburg, on Monday the fourth day of October, in the year of our Lord one thousand seven hundred and seventy nine, and in the fourth year of the commonwealth.

Thomas Jefferson, esq.  
governor

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## CHAP. I.\*

*An act for providing a great seal for the commonwealth, and directing the lesser seal of the commonwealth to be affixed to all grants for land, and to commissions, civil and military.*

[Chan. Rev.  
p. 107.]

I. *BE* it enacted by the General Assembly, That the governour, with the advice of the council, be empowered, and he is hereby required, to provide, at the publick charge, a great seal for the commonwealth, and to procure the same to be engraved, either in America or Europe, with the same device as was directed by the resolution of convention, in the year one thousand seven hundred and seventy six; save only that the motto on the reverse be changed to the word **PERSEVERANDO**.

Great seal to be provided by executive; device and motto of

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\* In the original none of the acts of this session are numbered by *chapters*, nor are they separated by *sections*.—Such only as were published in the Chan. Rev. will be so noted in this edition.

Lesser seal, to what acts affixed.

II. *And be it farther enacted,* That the seal which hath been already provided by virtue of the said resolution of convention, be henceforward called the lesser seal of the commonwealth, and that the said lesser seal be affixed to all grants for lands, and to all commissions, civil and military, signed by the governour: *Provided nevertheless,* That all such commissions heretofore signed and issued, without affixing the seal, shall be good and valid.

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CHAP. II.

*An act for giving farther time to officers and soldiers to ascertain their claims to lands.*

Officers and soldiers, in service, allowed further time to prove their claims for settlement rights, and improvements on lands.

WHEREAS many officers and soldiers of the Virginia line, now in the continental army, may have claims to lands on the western waters, from settlements or improvements made thereon, and have it not in their power to attend the commissioners appointed to adjust and ascertain such claims within the time limited for that purpose; for remedy whereof, *Be it enacted,* That all officers and soldiers of the Virginia line, now in the continental army, shall be allowed twelve months from the time they resign, or are discharged from the service, to ascertain their respective claims to lands by settlements or improvements before the court of the county, wherein the lands they claim may be; and such court is hereby empowered and required to hear and determine such claims in like manner as is prescribed for the commissioners of the several districts on the western waters.

## CHAP. III.

*An act for discouraging extensive credits, and repealing the act prescribing the method of proving book debts.* [Chan. Rev. p. 108.]

I. WHEREAS the method of proving book debts, and the long and extensive credits formerly given by merchants and traders, hath been found by experience injurious to the people of this commonwealth: *Be it enacted by the General Assembly,* That from and after the first day of May next, the act entitled “An act prescribing the method of proving book debts,” shall be, and the same is hereby repealed; except only so far as relates to goods, wares, and merchandize, sold and delivered, or debts contracted before the said first day of May. Act of 1748 (Vol. 6, p. 53) repealed

II. *And be it farther enacted,* That all actions or suits founded upon account for goods, wares, and merchandize, sold and delivered, or for any articles charged in any store account, after the said first day of May, shall be commenced and sued within six months next, after the cause of such action or suit, or the delivery of such goods, wares and merchandize, and not after; except that in case of the death of the creditors or debtors, before the expiration of the said term of six months, the further time of twelve months from the death of such creditor or debtor, shall be allowed for the commencement of any such action or suit. Limitation of actions, on store accounts. And to prevent imposition or deception herein, the respective time or date of the delivery of the several articles charged in any such account, or of any receipt taken for the delivery of them, shall be particularly specified. Delivery of articles to be dated. And if any merchant or trader shall wilfully post-date, any article or articles in such account, or the receipt taken for the delivery of them, he shall forfeit and pay tenfold the amount of the article or articles, or of the receipt taken for the delivery of them, so post-dated, to be recovered with costs in any court of record, by petition where the penalty incurred shall be under five pounds, or amounts to that sum only, and by action of debt or information, where the per- Penalty for post-dating.

When limitation to commence.

alty shall be more than five pounds, to the informer, where the informer prosecutes, or to the commonwealth, where the prosecution shall be first instituted on the publick behalf. And to prevent any doubt in the construction hereof, it is hereby declared, that the before mentioned limitation of six months, shall take place and be computed from the respective dates or times of delivery of the several articles entered or charged in any such account, and that all such articles as shall have been of more than six months standing when the action or suit was commenced, shall be disallowed and rejected, and verdict shall be given or judgment rendered for no more than the amount of such articles as appear to have been actually charged or delivered, within six months next before the commencement of the suit, as aforesaid.

Courts and juries *ex officio* to take notice of this act.

III. *And be it farther enacted*, That every court and jury, by or before whom, any such action or suit shall be tried, shall, and they are hereby required, *ex officio*, to take notice of this act, and determine accordingly, although the defendant shall not have pleaded it, in the same manner as if the same had been specially pleaded; any law, custom, or usage to the contrary notwithstanding.

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#### CHAP. IV.

### *An act for establishing the town of Boonsborough, in the County of Kentucky.*

Town of Boonsborough, in Kentucky county established.

WHEREAS it hath been represented to this present general assembly, that the inhabitants of the township called Boonsborough, lying on Kentucky river, in the county of Kentucky, have laid off twenty acres of land into lots and streets, and have petitioned this assembly that the said lots and streets, together with fifty acres of land adjoining thereto may be laid off into lots and streets, and established a town for the reception of traders; and that six hundred and forty



acres of land allowed by law to every such township for a common may also be laid off adjoining thereto: *Be it therefore enacted*, That the said fifty acres of land adjoining the said forty lots already laid off, shall be, and the same is hereby vested in Richard Callaway, Charles Minn Thruston, Levin Powell, Edmund Taylor, James Estre, Edward Bradley, John Kennedy, David Gist, Pemberton Rollings, and Daniel Boon, gentlemen, trustees, to be by them, or any six of them, laid out into lots of half an acre each, with convenient streets, which, together with the lots and streets so laid off in the said township shall be, and the same is hereby established a town, by the name of Boonsborough.

*And be it farther enacted*, That so soon as the said fifty acres of land shall be so laid out into lots and streets, the said trustees shall cause a plan thereof, together with a plan of the said township as the same is already laid off, to be returned to the court of the said county of Kentuckey, there to be recorded; and the said trustees, or any six of them, are hereby empowered to convey the said lots to the persons first making application, to hold the said lots respectively subject to the condition of building on each of the said lots a dwelling-house, sixteen feet square at least, with a brick, stone, or dirt chimney, to be finished fit for habitation, within three years from the date of their respective deeds; and the said trustees are moreover empowered and directed to convey the lots now held by any person in the said township, to hold to such person for the like estates, and subject to the like conditions with those holding lots laid out of the said fifty acres of land. That so soon as they shall have built upon and saved the said lots according to the condition of their respective deeds of conveyance, the said inhabitants shall then be entitled to and have and enjoy all the rights, privileges, and immunities which the freeholders and inhabitants of other towns in this state, not incorporated by charter, hold and enjoy. If any person taking a conveyance of a lot in the said town shall fail to build thereon within the time before limited, the said trustees, or the major part of them, may thereupon enter into such lot and sell the same, and apply the money towards repairing the streets, or in any other way for the benefit of the said town. The said

trustees shall cause six hundred and forty acres of land on the south side of the river Kentucky, including the seventy acres allotted, or to be laid off into lots to be surveyed, adjoining to the said town, so that the same may be as near the centre thereof as its situation will admit, a plat whereof shall be returned to the court of the said county of Kentucky, there to be recorded, which land so laid off is hereby vested in the said trustees and their successors, in trust to, and for the use and benefit of, the inhabitants of the said town. The said trustees, or the major part of them, shall have power, from time to time, to settle and determine all disputes concerning the bounds of the lots, and to settle and establish such rules and orders for the regular and orderly building of houses thereon, as to them shall seem best and convenient; and in case of the death, removal out of the country, or other legal disability of any one or more of the trustees before named, such vacancy shall be supplied in manner directed by an act of assembly, entitled "An act to empower the freeholders of the several towns, not incorporated, to supply the vacancies of the trustees and directors thereof."

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CHAP. V.

Chan. Rev.  
p. 108.]

*An act for continuing the court of Admiralty in the city of Williamsburg.*

Court of admiralty, continued at Williamsburg.

WHEREAS many inconveniencies may attend the removal of the court of admiralty at a distance from the sea: *Be it enacted by the General Assembly, That* the said court of admiralty shall continue to sit so often as there shall be occasion, at the capitol, in Williamsburg, unless the same shall at any time be lawfully adjourned, until the general assembly shall hereafter otherwise direct and appoint; any thing in the

act of general assembly, entitled "An act for the removal of the seat of government," to the contrary notwithstanding.

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CHAP. VI.

*An act to explain and amend two several acts of the last session of general assembly for fixing the allowance of the members thereof.*

WHEREAS it was provided by an act of the last session of this present general assembly entitled "An act for fixing the allowance of the members of the general assembly," that the allowance to the several members of the present, and of all future assemblies, should be fifty pounds of tobacco by the day, two pounds of tobacco for every mile travelling to or from the said assemblies, and their ferriages, to be paid to them out of the publick treasury, at such rates, as should be estimated by the grand jury of the general court next, before each session of general assembly. And by a subsequent act of the same session, it was provided that the grand jury of that court which should be sworn first after the passing of that last act, should estimate the price of such tobacco, as well for that as for any subsequent session of the said assembly.

Acts fixing allowance of members of general assembly, explained and amended.

And whereas since the passing of the said two acts, it has been found that the price of tobacco is greatly enhanced, and likewise the price of all the necessaries of life, whereby another estimate of the price of such tobacco has become necessary during the present session of this assembly, and the like necessity may again frequently occur, when no estimate of tobacco can be made at any session of any future general assembly, when such session shall begin on the same day with, or after the meeting of the general court.

For remedy herein, *Be it enacted*, That the judges of the general court shall cause a grand jury to be

summoned immediately after the passing of this act, qualified as the law directs, who shall be sworn and charged to estimate in money, the value of all tobacco due, and to grow due, to the several members of this present session of general assembly, for attendance therein, and travelling to and returning from the same, in such manner as is directed by the said acts, which shall be paid by the treasurer to the several members being first entered and certified according to law.

*And it is farther enacted,* That whenever the general assembly shall hereafter happen to meet before or on the same day on which a session of the general court shall begin, the grand jury who may be then sworn, or who shall be next sworn in the said court, shall proceed to estimate the value of all tobacco to grow due to the members of the general assembly in every of such sessions, so that there may be a several estimate made of all the tobacco to become due to the members at every session of assembly, whether the meeting of the general assembly shall happen before, at, or after the beginning of any session of the general court. And the grand jury shall govern themselves in making every such estimate, and the money to become due in consequence of such estimates, shall be entered, certified, and paid in the same manner, and under such regulations, as is directed in the first of the said recited acts.

## CHAP. VII.

*An act for granting warrants to Charles Simms, gentleman, to survey certain lands.*

**WHEREAS** it is represented to this present general assembly by lieutenant colonel Charles Simms, that he purchased of Alexander Ross and William Dunbar in the year one thousand seven hundred and seventy five, two thousand nine hundred and sixty one acres of land, lying on the Ohio river and Rackoon creek, that the said Charles Simms intended to set about improving the same in order to preserve his title thereto, but was prevented from so doing by entering into the continental army in the year one thousand seven hundred and seventy six, where he has continued ever since. And it is just and right, that those who have devoted their time and service in the defence of the country, should not forfeit their right to property during their continuance in the army.

*Be it therefore enacted,* That it shall and may be lawful for the said Charles Simms, to obtain from the register of the land office, who is hereby required to issue warrants for surveying two thousand nine hundred and sixty one acres, according to law; and upon proceeding according to the rules and regulations of the land office, paying the usual composition money under the former government, and common office fees; shall be entitled to a grant or grants of the same: *Provided always, and it is farther enacted,* That the said Charles Simms shall not be entitled to locate any warrant, or warrants on any lands within the tract purchased by the said Alexander Ross, of George Croghan, situate on the Ohio river, the courses and boundaries of which are set forth in the deed of bargain and sale from the said Alexander Ross to the said Charles Simms, proved and recorded in the county court of Augusta, or within the tract of land purchased by the said Alexander Ross, of the said George Croghan, situate on Rackoon creek, the courses and boundaries of which are set forth in the aforesaid deed, or within the tract of land purchased by the said William

Preamble

Warrants to issue to Charles Simms, for certain lands on the Ohio river and Rackoon creek.

Dunbar, of the aforesaid George Croghan, situate on Rackoon creek, the courses and boundaries of which are set forth in a deed of bargain and sale from the said William Dunbar to the said Charles Simms, proved and recorded in the county court of Augusta; to which any person or persons are entitled to the preemption by actual settlements made before the first day of January one thousand seven hundred and seventy eight, or on any lands in any other place to which any person has a right of preemption under the act entitled "An act for adjusting and settling the titles of claimers to unpatented lands under the present and former government, previous to the establishment of the commonwealth's land office."

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CHAP. VIII.

*An act for farther continuing an act entitled An act to empower the governour and council to lay an embargo for a limited time.*

Act empowering governour and council to lay an embargo further continued.

WHEREAS the act of assembly passed in the year one thousand seven hundred and seventy eight, entitled "An act to empower the governour and council to lay an embargo for a limited time," which was continued by an act entitled "An act for continuing an act entitled An act to empower the governour and council to lay an embargo for a limited time," will expire at the end of this present session of assembly, and it is necessary the same should be farther continued: *Be it therefore enacted*, That the act entitled "An act to empower the governour and council to lay an embargo for a limited time," shall continue and be in force from and after the expiration thereof until the end of the next session of assembly, and no longer.

## CHAP. IX.

*An act for giving a bounty of lands to the chaplains, surgeons, and surgeon's mates of regiments or brigades raised by this state, and upon continental establishment.*

*BE it enacted by the General Assembly, That every* Land bounty to chaplains, surgeons, & surgeons' mates.  
 person acting as chaplain, surgeon, or surgeon's mate, to any regiment or brigade of officers and soldiers raised within this commonwealth, and upon continental establishment, and who hath, or shall hereafter serve in that office the space of three years or during the war, shall be entitled to and have the like quantity of lands as is by law allowed to commissioned officers receiving the same pay and rations.



## CHAP. X.

*An act for farther continuing an act entitled An act for giving certain powers to the governour and council.* [See ante p. 106.]

WHEREAS the act of assembly passed in the year one thousand seven hundred and seventy seven, entitled "An act for giving certain powers to the governour and council," which was continued by an act entitled "An act for continuing an act for giving certain powers to the governour and council," which was farther continued by an act entitled "An act to extend the powers of the governour and council," which was farther continued by an act for continuing an act entitled "An act for giving certain powers to the governour and council," will expire at the end of this present session of assembly, and it is expedient that Acts giving certain powers to governor and council further continued.

the same should be farther continued: *Be it therefore enacted*, That the act entitled “An act for giving certain powers to the governour and council,” shall continue and be in force from and after the expiration thereof, until the end of the next session of assembly, and no longer.

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CHAP. XI.

{see ante p.  
107.]

*An act for farther continuing an act entitled An act to enable the governour and council to supply the armies and navies of the United States, and of their allies, with grain and flour.*

Act to enable the governour and council, to supply armies and navies of United States, & their allies, with grain & flour, further continued.

WHEREAS the act of assembly passed in the year one thousand seven hundred and seventy eight, entitled “An act to enable the governour and council to supply the armies and navies of the United States and of their allies with grain and flour,” which was continued by an act entitled “An act for continuing an act entitled an act to enable the governour and council to supply the armies and navies of the United States and of their allies with grain and flour,” will expire at the end of this present session of assembly, and it is necessary the same should be farther continued: *Be it therefore enacted by the General Assembly*, That the act entitled “An act to enable the governour and council to supply the armies and navies of the United States and of their allies with grain and flour,” shall continue and be in force from and after the expiration thereof, until the end of the next session of assembly, and no longer.



## CHAP. XII.

*An act for marking and opening a road over the Cumberland mountains into the county of Kentucky.*

WHEREAS great numbers of people are settling Preamble.  
upon the waters of the Ohio river, to the westward of the Cumberland mountains, in the county of Kentucky, and great advantages will redound to the commonwealth from a free and easy communication and intercourse between the inhabitants in the eastern and western parts thereof, enabling them to afford mutual aid and support to each other, and cementing in one common interest all the citizens of the state, to which a good waggon road through the great mountains into the settlements in the said county will greatly contribute; but such road necessarily passing, for a considerable distance through a tract of rough and uninhabitable country, can neither be made in the usual way by the adjacent inhabitants, nor can the practicability or charge be properly judged of, until the country hath been explored and such road traced out:  
*Be it enacted by the General Assembly, That* Evan Shelby and Richard Callaway, be appointed for that purpose, and they are hereby empowered and authorized to explore the country adjacent to, and on both sides the Cumberland mountains, and to trace out, and mark the most convenient road from the settlements on the east side of the said mountains, over the same, into the open country, in the said county of Kentucky; and to cause such road, with all convenient despatch, to be opened and cleared in such manner as to give passage to travellers with pack-horses, for the present; and report their proceedings therein to the next session of assembly, together with a computation of the distance, and the best estimate they can make of the practicability and charge of completing the same and making it a good waggon road; and the said Evan Shelby and Richard Callaway, shall lay before the auditors of publick accounts a fair account, on oath, of the disbursements made, and charges incurred in the execution of this act; which the said auditors are

Commissioners appointed for marking and opening a road over the Cumberland mountains to Kentucky.

hereby required to adjust and settle, and give a warrant on the treasury for such sum as shall to them appear justly due thereon; except the wages and pay of the labourers and militia guard, each of whom on the certificate of the said Evan Shelby or Richard Callaway that he hath been employed during the whole time of that service, shall be entitled to a grant of three hundred acres of any waste or unappropriated lands within this state, for which no purchase money shall be demanded on behalf of the commonwealth, or one hundred and twenty pounds at the option of the claimant; and in the same proportion for the like certificate of service during a lesser time, and except the compensation to the said Evan Shelby and Richard Callaway, for their own trouble, which is hereby reserved to the judgment of the general assembly.

Guard, for  
protection  
against In-  
dians, how  
procured.

And whereas the persons employed in making and clearing the said road may be exposed to danger from the Indians, the said Evan Shelby and Richard Callaway, are hereby empowered, from time to time, to apply to the commanding officer of the most convenient county or counties, for such militia guard, not exceeding (with the labourers employed) fifty men, as they shall think necessary for protection; which guard, such commanding officer is empowered and required to furnish accordingly. In case of the death, disability, or refusal to act of either of the commissioners, the court of the county in which he resided, shall nominate a proper person to fill up the vacancy, which nomination shall give the person named, the same powers, and entitle him to the like compensation as if he had been hereby particularly appointed.

## CHAP. XIII.

*An act to amend an act entitled An act for regulating ordinaries and restraint of tippling-houses.* [Chan. Rev p. 109.]

I. WHEREAS the number of tippling houses is become a publick nuisance, encouraging idleness, drunkenness, and all manner of vice and immorality, and the laws heretofore made have proved insufficient to restrain so growing and dangerous an evil: *Be it therefore enacted by the General Assembly,* That every person keeping a tippling house, or retailing liquors, contrary to the act entitled “An act for regulating ordinaries and restraint of tippling houses,” shall over and above the penalties inflicted by the said act, forfeit and pay the sum of fifty pounds for each and every offence, to be recovered with costs by action of debt or information in any court of record; one half to the informer, and the other half to the commonwealth, or the whole to the commonwealth, where prosecution shall be first instituted on the publick behalf alone; and shall moreover be subject to the proceedings and punishment herein after directed.

II. Every person having been convicted of keeping a tippling house, or retailing liquors as aforesaid, who shall afterwards be guilty of the same offence, and be thereof again convicted, shall by the court before whom such conviction shall be had, be committed to prison, there to remain for, and during the term of six months, without bail or mainprize. The presiding justice present shall give this and the before recited act, in special charge to the grand jury of the county at every grand jury court; and whenever any prosecution or suit shall be instituted thereupon, the court before whom the same shall be depending, shall proceed to speedy trial thereof, out of course and without delay. And every justice of the peace is hereby required and strictly enjoined to cause this and the before recited act to be put into due execution within his county; and if any justice, either from information, his own knowledge, or other just cause, shall suspect any person of keeping a tippling house, or retailing li-

Preamble.

Further penalty for keeping ordinary contrary to law.

Offenders twice convicted, may be committed.

Grand juries to be charged.

Prosecutions to be tried speedily; and may be ordered by justices.

quors as aforesaid, he is hereby empowered and required to summon such person to appear before him, together with such witnesses as he may judge necessary, and upon the person's appearing, or failing to appear, if the justice, upon examining the witnesses on oath shall find sufficient cause, he may, and is hereby required to direct the attorney for the commonwealth in such county to institute a prosecution against such person, on the publick behalf; which such attorney is hereby required to institute accordingly. And such justice may also cause the person so suspected, to give bond, with two sufficient securities, for his or her good behaviour for the term of one year, the principal in the sum of fifty pounds, and the securities in the sum of twenty five pounds each; and upon failing to give such bond and security within three days after being thereunto required, such person may be committed to the jail of the county, there to remain, until he or she shall give bond and security accordingly; and if such person shall afterwards, during the said term, keep a tipping house, or retail liquors as aforesaid, the same shall be, and is hereby declared a breach of the good behaviour, and of the condition of such bond.

May be bound to the behavior or committed.

Proviso in favor of brewers and distillers.

III. *Provided always*, That nothing in this, or the before recited act contained, shall extend, or be construed to prohibit any person or persons from retailing such liquors as shall actually have been made from the produce of such person's own estate, or brewed or distilled by him, her, or them, or those in his, her, or their employ; so as such liquors be not drank, or intended to be drank at the house or plantation where the same shall be sold; but where any dispute shall arise concerning the making such liquors, the burthen of proof shall be on the defendant.

Liquors, &c. may be rated twice a year.

IV. And whereas by the before recited act, the courts of the respective counties are vested with the power of settling the rates and prices to be paid at ordinaries for liquors, diet, lodging, provender, stablage, fodder, and pasturage, only at their court in the month of March; therefore, *Be it farther enacted*, That each county court shall have full power to set the rates and prices to be paid at all ordinaries within their respective counties, for liquors, diet, lodging, provender, stablage, fodder, and pasturage, as well in any other month as in the month of March, and may increase

or lessen the rates, as often as they shall see cause, but shall not fail to fix the rates at least twice in a year, under penalty of one hundred pounds on every member of such court so failing. And every ordinary-keeper shall, within one month after the rates so set, obtain of the county court clerk, a fair table of such rates, which shall be openly set up in the publick entertaining room of every ordinary, and there kept until the rates shall be again set by the court, and then a copy thereof shall be again so obtained and kept, from time to time, under penalty of fifty pounds on every ordinary-keeper failing so to do; and if any ordinary-keeper shall demand and take any greater price for any drink, diet, lodging, provender, stablage, fodder, or pasturage, than by such rates shall be allowed, he or she so offending, shall forfeit and pay one hundred pounds for every such offence; which penalty, as well as the penalty of fifty pounds for failing to set up the table of rates as above directed; and that on the members of a court failing to fix the rates, shall be recoverable by action of debt or information, by any person that shall sue for the same, in any court of record within this commonwealth.

Tables of rates to be set up in ordinaries.

Penalty or omission for exceeding legal rates.

V. *And be it farther enacted*, That so much of an act entitled "An act for regulating ordinaries, and restraint of tippling-houses," as is contrary to this act, is hereby repealed; and this act shall commence and be in force, from and after the last day of February next.

## CHAP. XIV.

[Chan. Rev.  
p. 109.]

*An act to empower the treasurer to receive certain certificates.*

Certain certificates receivable in payment for treasury land warrants.

I. WHEREAS it hath been represented to this present general assembly, that many of the inhabitants of this state are possessed of certificates, payable on the first day of March next, given in exchange for the emissions of May the twentieth, one thousand seven hundred and seventy seven, and April the eleventh, one thousand seven hundred and seventy eight, which were taken out of circulation by a resolution of congress; and that many of the holders of such certificates are entitled to the pre-emption of unappropriated lands, and others incline to purchase lands, which they cannot, unless such certificates are received in payment at the treasury: *Be it therefore enacted*, That the treasurer shall, and he is hereby directed to receive from all persons inhabitants of this state, such of the said certificates as have been issued therein, and shall be offered in payment for treasury warrants for waste or unappropriated lands.

Loan office certificates, with interest, receivable for waste lands.

II. *And be it farther enacted*, That from and after the first day of March next, the treasurer be also directed to receive the loan office certificates of this state, and to allow the interest due thereon to the day of receiving the same, for treasury warrants, for any waste or unappropriated lands within this commonwealth.

## CHAP. XV.

*An act for laying an embargo on Salt, and for other purposes.*

THE more effectually to supply the people of this commonwealth with the necessary article of salt: *Be it enacted by the General Assembly,* That an embargo shall be, and is hereby laid upon all salt within this commonwealth, for and during the term of three months from the end of this present session of assembly; and that the governour, with the advice of the council may, and is hereby empowered, at any time during the continuation of the present war, either to continue or to revive again and renew such embargo, by proclamation from time to time as the circumstances of trade and the wants of the people may require. And if any person, during the time that such embargo shall be in force, shall presume to carry any salt which now is, or hereafter may be within this commonwealth, out of the same by land or water, he or she so offending, shall forfeit and pay forty pounds for every bushel so carried out, to be recovered with costs upon motion in any court of record, to the use of the informer, the defendant or defendants having had at least ten days previous notice of such motion. *Provided nevertheless,* That the governour with the advice of the council, may grant a permit for conveying salt out of this commonwealth for the publick use of the United American States, or any of them, and that any two justices of the peace may grant a permit to any citizen of this or any of the adjacent states, to carry out any quantity of salt not exceeding five bushels, within any term of six months, upon satisfactory proof to them made that the same is for the use of such citizens own family or those in his employ, and not for sale.

Embargo  
laid on salt.

Penalty for  
breach.

In what cases  
exportation of salt  
permitted.

Every person sending or carrying salt from one district to another within this commonwealth, shall give bond with sufficient security, in the penalty of fifty pounds for every bushel of salt so intended to be sent or carried, to the naval officer of the district from whence it shall be carried, that the same shall be re-landed within this commonwealth, and shall within

Bond to com-  
pel compli-  
ance with  
the law.

six months next thereafter, produce to such naval officer, a certificate thereof from the naval officer of the district, or from some justice of peace of the county where such salt shall have been reloaded, to cancel his bond, which shall otherwise be forthwith put in suit. And every vessel lading or taking on board salt under pretence of carrying the same from one district to another, before such bond shall have been given, shall and is hereby declared forfeited; one moiety thereof to the use of the informer, and the other to the commonwealth; and the like proceedings shall be had therein as in the capture of vessels from an enemy. *Be it enacted*, That the governour, and all persons acting by his directions, shall be, and they are hereby indemnified in their proceedings under the resolution of the general assembly of the 19th of October 1779, prohibiting the exportation of salt.

Indemnification of governor and others acting under a resolution prohibiting the exportation of salt.

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## CHAP. XVI.

### *An act to encourage the importation of Salt.*

Premium for importation of salt.

WHEREAS from the scarcity as well as high price of salt, it is proper that encouragement be given to the importation of that necessary article of life: *Be it therefore enacted*, That every owner or master of a vessel, who shall import salt into this commonwealth after the passing of this act, shall be allowed to export one hogshhead of tobacco duty free for every five bushels of salt so imported. At the time of entering a vessel in which salt may be imported, the naval officer shall give the owner or master thereof a certificate, specifying the time and quantity of salt imported. The owner or master of a vessel producing such certificate to any inspector, shall be entitled to ship one hogshhead of tobacco duty free for every five bushels of salt contained in such certificate, giving the inspectors at such warehouse a receipt thereon for the number of hogshheads so delivered, which receipt and certificate

How obtained.



shall be allowed the inspectors in settling their accounts for duties on tobacco. If the owner or master of a vessel hath not so many hogsheads of tobacco at one warehouse as his certificate entitles him to export duty free; in that case he shall give the inspectors thereof a receipt for so many hogsheads delivered at such warehouse; and the inspectors shall thereupon endorse on the back of the certificate, the number of hogsheads so delivered and the time; and the master or owner shall be allowed to make up such deficiency at any other warehouse, upon producing to the inspectors thereof such certificate, and giving them a receipt thereon for the same.

And whereas it may so happen, that after an embargo on salt is taken off, the importer thereof, notwithstanding he has received the bounty given by this act, may export the same: *Be it enacted*, That every person importing salt and receiving the benefits given by this act, shall before he obtains a permit to export the same, or any part thereof, pay down to the naval officer so much money as the bounty for the importation thereof amounted to in shipping tobacco duty free.

Drawback on  
exportation.

*And be it farther enacted*, That the act entitled "An act to supply the inhabitants of this commonwealth with salt upon reasonable terms." shall be, and the same is hereby repealed.

Former act  
for supply-  
ing salt re-  
pealed.

## CHAP. XVII.

[Chan. Rev.  
p. 110.]

*An act for amending an act entitled  
An act for appointing the place for  
holding the High Court of Chan-  
cery and General Court, and em-  
powering the said High Court of  
Chancery to appoint their own ser-  
jeant at arms.*

Preamble.

I. WHEREAS an act, entitled "An act appointing the place for holding the high court of chancery and general court, and empowering the said high court of chancery to appoint their own serjeant at arms," was continued by an act of the last session of assembly for and during the term of one year, and from thence to the end of the next session of assembly.

Court of ap-  
peals, high  
court of  
chancery, &  
general  
court to be  
held at Rich-  
mond.

II. And whereas so much of the said act as fixes the place for holding the said courts, is contradictory to the act for the removal of the seat of government. *Be it therefore enacted,* That so much of the said act as directs the place for holding the said courts of chancery and general court, shall be and the same is hereby repealed; and that the first meeting of the court of appeals, high court of chancery, and general court, in the year one thousand seven hundred and eighty, shall be at the town of Richmond in the county of Henrico, at the apartments to be provided for that purpose. And any act within the parview of this act, shall be and the same is hereby repealed.

## CHAP. XVIII.

*An act to amend the act entitled An act concerning escheats and forfeitures from British subjects.* [Chan. Rev. p. 110.]

I. WHEREAS some doubts have arisen respecting the construction of the act of assembly entitled "An act concerning escheats and forfeitures from British subjects," by which unnecessary delays may be occasioned, and the purposes of the said recited act altogether defeated; *It is hereby declared and enacted by the General Assembly,* That an office found for the commonwealth, and returned to the general court, shall remain there but thirty days, to be computed from the day of the return for the claim of any one. Where a traverse hath been filed by a British subject, or other person for him, such traverse shall be withdrawn, and any British subject, or other person on his behalf, shall be heard before the general court, by a *monstrans de droit*, and any person, other than a British subject, on a traverse to the office or *monstrans de droit*. Where a *monstrans de droit* hath been filed by or in behalf of any British subject, the court shall direct an issue to be made up without delay, to try whether such claimant be a British subject within the meaning of the said recited act. Where a *monstrans de droit* hath been filed in the name of any person for, and in behalf of a British subject, or where a traverse to the office, or *monstrans de droit*, by any person other than a British subject, pretending a right to the estate, before replication made for the commonwealth, the party shall, in the first case, shew to the court probable reason why such British subject is not within the said recited act; and in the latter case give evidence of some title in him or her to the estate, or failing so to do, such traverse or *monstrans de droit* shall be quashed. No exception for that the proceedings of escheat and forfeiture were not instituted by the governour and council, or by the commissioners of the tax, aided by the assessors within their several counties, or for want of form in the inquisition, shall at any time be admitted, and the trial of every issue shall be in the session at

[See ante p. 66.]  
Mode and rules of proceeding on traverse of office, and *monstrans de droit*.

which it is made up, on which the *onus probandi* shall lie on the person making claim to the estate. Where an estate is held by a citizen or citizens of this commonwealth, and a British subject or subjects as tenants in common, or joint tenants, the proportion to the whole estate of the interest of such citizen therein, shall be ascertained by the jury summoned to find the inquisition, who shall find an office as to the whole of the estate; and if it be for the commonwealth, such citizen or citizens may retain his or their interest in the estate, and only the interest of such British subject or subjects therein, be sold, or the whole of the estate sold, and the value of his or their interest paid to such citizen or citizens, at his or their option, to be made before the general court.

II. *And be it farther enacted*, That the general court, during their session in the month of December in the present year one thousand seven hundred and seventy nine, shall determine all matters brought before the general court at any time, by the operation of the said recited act: *Provided*, That they may, on good cause shewn, delay the discussion of the right in any case to the next term, and no longer. Where the certificate of the clerk of the general court, that no claim hath been made, or that being made, it hath been discussed for the commonwealth, shall come to the escheator, or in the Northern Neck to the sheriff of the county where the estate lies, he shall proceed to sell the estate, and shall retain the same compensation, and be subject to the same penalties and legal proceedings as if such sale had been within the time limited by the said recited act. All actual and *bona fide* sales made by British subjects of their estates by deed duly executed and recorded, before the passing of the said recited act, shall be, and they are hereby confirmed. All sales made by collusion of the estates real or personal which come within the intent and meaning of this act, and according thereto, are subject to forfeiture under the said recited act, shall be, and the same are hereby declared to be void; and for discovery of any such collusive sales, it shall and may be lawful for the escheator or sheriff as the case may be, at the time of taking his inquest, to examine on oath, the party claiming such estate, and the general court afterwards, when it comes before them, shall have the same power.

All *bona fide* sales by British subjects valid.—Collusive sales declared void; how to be detected.

III. *And be it farther enacted*, That whenever the mortgagees of any estate shall be found to come within the purview of this act, as British subjects, and the mortgaged premises are included within the inquisition; or where any citizen or citizens of this state may have an equitable interest in any estate as to which an inquisition hath been found for the commonwealth, any one judge of the high court of chancery may award an injunction to stay the sale of such estate, unless the contract shall have been made since the passing of the before recited act, of which the escheator or sheriff shall take notice, until the said equitable claim shall be determined: And the said court of chancery shall, at their next session, proceed to hear and determine such equitable claims, in preference to all other matters whatsoever, and may either make the injunction perpetual, or take such other order therein as to them shall seem just; saving to the wives, widows, or children of British subjects residing within this state the benefit of exception to them extended by the said recited act; any thing in this act to the contrary notwithstanding.

Injunctions to inquisitions of escheat, how and for what causes obtained.

IV. And whereas it hath been represented to this general assembly, that many persons natives of this state who are entitled to property therein, have at divers periods before and soon after the present war between Great Britain and America, removed themselves to some parts of the British dominions, or have been induced to go thither by their husbands, parents, or guardians.

V. *Be it therefore enacted by the General Assembly*, That all femes coverts, widows, and infants, natives of this state, now or lately resident in Great Britain, or other parts beyond the seas; all widows natives of this state, or widows of natives of this state, or infants the issue of natives of this state, and all other persons either natives of this state or who were actually married to natives of this state, and *bona fide* inhabitants thereof for at least one year at any time within four years next before the commencement of hostilities, on the nineteenth day of April one thousand seven hundred and seventy five, and who have left North America at any time before the passing of the act *Declaring what shall be Treason*, and have not been guilty of any overt act injurious to the rights or liberties of America; and

Who are excepted out of the former act; and how relievable.

also all persons who left this state in their nonage, and have during their absence arrived to full age within four years last past; and also the barons of feme coverts natives of this state as aforesaid, as far as relates to any property which they held in right of such feme coverts, shall and they are hereby declared to be excepted out of the said recited act; provided they have already returned, or shall return to this commonwealth, and become citizens thereof within two years, to be computed in the case of infants from the time they arrive to the age of twenty one years, and in all other cases from the end of this present session of assembly: *Provided also*, That such claim be made before the general court, and that where before claim made a sale of such estate may have been, or notice sent by the clerk of the general court that no claim hath been made, that then the purchaser shall hold the estate free and exonerated from such claim, but the owner may assert his or her right to the money arising from the sale with the same force he or she might have done to the thing itself. So much of the before recited act as comes within the purview of and is inconsistent with this act, shall be and is hereby repealed.

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#### CHAP. XIX.

[Chan. Rev.  
p. 111.] *An act to empower the judges of the general court to superintend and regulate the publick jail.*

I. WHEREAS the act of assembly passed in the year one thousand seven hundred and seventy eight, entitled "An act to empower the governour and council to superintend and regulate the publick jail," has been found inconvenient by placing that business in the hands of the governour and council, and it is judged proper to put the direction of the said jail into the hands of the judges of the general court:

II. *Be it therefore enacted*, That from and after the end of this session of assembly, the judges of the general court shall have the direction of the publick jail; and they are hereby empowered and required, from time to time, to order and direct such allowance to be made for the maintenance of the prisoners confined there, and to fix what shall be paid to the keeper thereof for his trouble, as the said judges, or a majority of them, shall think reasonable; and the said judges are hereby empowered to certify such allowance, from time to time, to the board of auditors, who are hereby directed to debit the same, and to give a warrant upon the treasurer for the payment thereof.

General court shall have direction of the public jail, and make allowances to the keepers.

III. This act shall continue and be in force until the first day of January, one thousand seven hundred and eighty three, and no longer.



#### CHAP. XX.

*An act to revive an act entitled An act to amend an act for preventing forestalling, regrating, engrossing, and publick vendues.*

WHEREAS the act of assembly passed in the year one thousand seven hundred and seventy eight, entitled "An act to amend an act for preventing, forestalling, regrating, engrossing, and publick vendues," expired on the first day of November last, and it is expedient and necessary that the same should be revived: *Be it therefore enacted*, That so much of the act entitled "An act to amend an act for preventing forestalling, regrating, engrossing, and publick vendues," so far as it relates to forestalling, regrating, and engrossing, be revived, and shall continue and be in force from and after the passing of this act, for and during the term of one year, and from thence to the end of the next session of assembly.

Act to prevent forestalling, regrating, engrossing & public vendues further continued.

Duty on  
goods sold  
at auction.

And whereas it is thought expedient to impose a tax on goods, wares, and merchandizes, imported from other states and countries which shall be exposed to publick auction: *Be it therefore enacted*, That a tax of two and a half per centum on all goods, wares, and merchandizes, hereafter imported from other states and countries exposed to publick auction that shall not have been imported nine months before such sale, shall be paid into the publick treasury of this state in the months of April and October annually, by the vendue master, who at the same time shall render an account upon oath, of all sales made by him, unto the auditors. And whereas a practice has prevailed among vendue masters and owners of goods, wares, and merchandizes, that have been exposed to sale, to bid on the goods either with a view of enhancing the prices of the same, or of fixing the prices of goods of a similar kind; to prevent such practice, *Be it farther enacted*, That it shall not be lawful for the vendue master or person acting under him, either directly or indirectly, to bid for any goods, wares, or merchandizes subject to the tax aforesaid, which he may expose to publick sale, unless he shall openly declare that he intends to purchase the same bona fide for the use and consumption of himself and family; nor shall it be lawful for the owner or owners of any goods, wares, or merchandizes exposed to publick sale, either by himself, herself, or themselves or agents, directly or indirectly to bid on such goods, wares, or merchandizes; and in case any such vendue master, owner, or owners shall presume to violate or bid contrary to this act, on conviction thereof, he or they shall forfeit and pay three times the value of the goods, wares, and merchandizes so bid for, to be recovered in any court of record in this state, by action of debt, bill, or plaint, one half of the forfeiture to the informer, the other to the commonwealth.

Vendue  
masters pro-  
hibited from  
bidding on  
goods expo-  
sed by them  
to auction.

Exception.

Vendue mas-  
ters how ap-  
pointed, and  
qualified.

*And be it further enacted*, That the court of each county, where it may be necessary, shall appoint a vendue master, who shall give bond and security, in the sum of five thousand pounds, for the payment of all taxes arising from the sales of goods, wares, and merchandizes which he shall sell, into the publick treasury, and shall take an oath for the faithful discharge of his office, which oath may be administered by any justice.



## CHAP. XXI.

*An act for more effectually securing to the officers and soldiers of the Virginia line, the lands reserved to them, for discouraging present settlements on the north west side of the Ohio river, and for punishing persons attempting to prevent the execution of land office warrants.*

[Chan. Revs  
p. 111.]

I. WHEREAS all the lands lying between the Green river and the Tennessee river, from the Alleghany mountains to the Ohio river, except the tract granted unto Richard Henderson, esq and company, have been reserved for the officers and soldiers of the Virginia line, on continental and state establishment, to give them choice of good lands, not only for the public bounty due to them for military service, but also in their private adventures as citizens; and no person was allowed by law to enter any of the said lands, until they shall have been first satisfied; and it is now represented to the general assembly, that several persons are, notwithstanding, settling upon the lands so reserved; whereby the said officers and soldiers may be in danger of losing the preference and benefit intended for them by the legislature: *Be it enacted by the General Assembly,* That every person hereafter settling upon the lands reserved for the officers and soldiers as aforesaid; or who having already settled thereon, shall not remove from the said lands within six months next after the end of this present session of assembly, shall forfeit all his or her goods and chattels to the commonwealth; for the recovery of which, the attorney for the state in the county of Kentucky for the time being, is hereby required immediately after the expiration of the said term, to enter prosecution by way of information in the court of the said county on behalf of the commonwealth, and on judgment be-

Preamble,  
reciting re-  
servation of  
lands for offi-  
cers and sol-  
diers.

[See ante p.  
54,55.]

Penalty on  
settlers not  
removing  
from the re-  
served lands

ing obtained, immediately to issue execution and proceed to the sale of such goods and chattles; and if the person or persons so prosecuted shall not remove from off the said lands in three months after prosecution so entered, the said attorney shall certify to the governor the name or names of the person or persons so refusing to remove, who, with the advice of the council may, and he is hereby required to issue orders to the commanding officer of the said county, or to any other officer in the pay of this state, to remove such person or persons, or any others that may be settled thereon, from off the said lands by force of arms, except such as were actually settled prior to the first day of January, one thousand seven hundred and seventy eight.

Proportions  
of land bounty  
to officers  
soldiers and  
sailors.

II. And whereas no law of this commonwealth hath yet ascertained the proportions or quantity of land to be granted, at the end of the present war, to the officers of the Virginia line on continental or state establishment, or to the officers of the Virginia navy, and doubts may arise respecting the particular quantity of land due to the soldiers and sailors, from the different terms of their enlistments; *Be it enacted*, That the officers who shall have served in the Virginia line on continental establishment, or in the army or navy upon state establishment to the end of the present war; and the non-commissioned officers, soldiers, and sailors upon either of the said establishments, their heirs or legal representatives, shall respectively be entitled to and receive the proportion and quantities of land following; that is to say, every colonel, five thousand acres; every lieutenant colonel, four thousand five hundred acres; every major, four thousand acres; every captain, three thousand acres; every subaltern, two thousand acres; every non-commissioned officer who having enlisted for the war, shall have served to the end thereof, four hundred acres; and every soldier and sailor under the like circumstances, two hundred acres; every non-commissioned officer, who having enlisted for the term of three years, shall have served out the same, or to the end of the present war, two hundred acres; and every soldier and sailor under the like circumstances, one hundred acres; every officer of the navy the same quantity of land as an officer of equal

rank in the army.\* And where any officer, soldier, or sailor shall have fallen or died in the service, his heirs or legal representatives shall be entitled to and receive the same quantity of land as would have been due to such officer, soldier, or sailor respectively, had he been living.

Rights of those slain, or dying in the service, devolve on their heirs or legal representatives.

III. And whereas, although no lands were allowed by law to be entered or warrants to be located on the north west side of the Ohio river, until the farther order of the general assembly, several persons are notwithstanding removing themselves to and making new settlements on the lands upon the north west side of the said river, which will probably bring on an Indian war with some tribes still in amity with the United American States, and thereby involve the commonwealth in great expense and bring distress on the inhabitants of our western frontier: *Be it declared and enacted*, That no person so removing to and settling on the said lands on the north west side of the Ohio river, shall be entitled to or allowed any right of pre-emption or other benefit whatever, from such settlement or occupancy; and the governour is hereby desired to issue a proclamation, requiring all persons settled on the said lands immediately to remove therefrom, and forbidding others to settle in future, and moreover with the advice of the council, from time to time, to order such armed force as shall be thought necessary to remove from the said lands, such person or persons as shall remain on or settle contrary to the said proclamation: *Provided*, That nothing herein contained shall be construed in any manner to injure or affect any French, Canadian, or other families, or

Settlements on north west side of the Ohio reprobated & prohibited.

Settlers may be removed by military force.

Exceptions.

\* See vol. 9, p. 179, 589, as to land bounty offered by congress.—See also ante p. 24, 34, as to land bounties promised to officers, soldiers, sailors and marines.—*Ibid* p. 26, land bounties to volunteers, under *Col. George Rogers Clarke*, and to soldiers for the protection of the *Illinois* country.—*Ibid* p. 141, land bounties to chaplains, surgeons, and surgeons' mates.—See October 1780, chap. 27, sec. 4, land bounties, for the first time, declared to general officers, and an addition of one third, to any former bounty, promised to officers.—November 1781, chap. 19, sec. 12, 13, 14, state officers entitled to the same bounty as continental; cavalry the same emoluments as infantry; and officers and seamen of the navy, the same as in land service.—May 1782, chap. 47, sec. 9, 13, additional bounty for service over six years.

persons heretofore actually settled in or about the villages near or adjacent to the posts reduced by the forces of this state.

Penalty for opposing execution of treasury land warrants, by force, violence, or threats.

IV. And whereas various reports have been industriously circulated by evil minded and designing men, of a combination to hinder by force and violence, the execution and survey of legal land warrants, whereby many people have been deterred from purchasing unappropriated lands upon the south east side of the Ohio river within this commonwealth, and the receipt of considerable sums of money at the treasury thereby prevented to the injury of the publick credit, and tending to destroy all confidence in the laws of the land: *Be it farther enacted*, That all and every person or persons who shall by force or violence, or by threats of force or violence, attempt to hinder or prevent the execution of any warrant from the register of the land office upon waste and unappropriated lands, or who shall by force or violence, or by threats of force or violence attempt to hinder, restrain, or prevent any surveyor, chain carriers, markers, or other persons necessary employed therein, from laying off, marking, or bounding any waste or unappropriated land according to law, by virtue of such warrant, and also all and every person or persons, aiding, abetting, or assisting in, or accessory to such force or violence, shall upon conviction thereof, forfeit and lose his, her, or their title to all ungranted land which he, she, or they, may or shall have acquired by settlement, pre-emption right, land office warrant, or any other means whatsoever, and shall moreover suffer twelve months imprisonment without bail or mainprize, and be rendered ineligible and incapable of being appointed to, or holding any office of trust or profit, civil or military within this commonwealth, for the space of seven years.

Civil officers to suppress force.

And all justices of the peace and other civil officers, are hereby strictly enjoined and required to suppress all such force or violence, and to cause the offenders to be apprehended and brought to justice; and all and every person or persons rescuing or attempting to rescue any such offender, shall be deemed and are hereby declared accessaries, and subject to the same penalties and punishment as the principal.

## CHAP. XXII.

*An act for the better support of the delegates to congress, and for other purposes.* [Chan. Rev. P. 112.]

**I. WHEREAS** the act of the last session of assembly, entitled “An act for the annual appointment of delegates to congress,” hath been found inconvenient, and not to answer the end proposed; and whereas the allowance heretofore given to the delegates of this state attending in congress, has been found insufficient for their support, and it is judged expedient, for the ease of the people to lessen the number of our said delegates, to the intent that their allowance may be increased without greatly adding to the annual expense: *Be it therefore enacted by the General Assembly,* That from and after the passing of this act, five shall be the number of persons to represent this commonwealth in general congress, any one of which, or a majority of those present, if more than one, to give the vote of the commonwealth. The said delegates for the time being, shall be allowed the expense for such part of their families as they may severally incline to keep with them, provisions for necessary servants and horses, not exceeding three servants and four horses for each; pay for house-rent and fuel, and also the farther sum of twenty dollars to each of the said delegates for every day they shall be in congress, or attending a committee of the states, and two dollars for every mile travelling to or returning from either, and their ferriages, to be paid them by the treasurer. Preamble.

What number of members of congress may represent the state.

Allowances for themselves and families.

**II.** And that the said delegates may always keep in remembrance that œconomy is expected from them by their country: *Be it farther enacted,* That a general account of all their disbursements for housekeeping as aforesaid, shall by the said delegates be transmitted quarterly to the auditors of publick accounts, shall by them be passed and an order given on the treasurer, who is hereby directed to pay the same out of the publick money in his hands. Their accounts, how rendered & paid.

Delegates to congress, disabled from holding any office, judiciary or executive.

III. And whereas by the said recited act *It is further enacted*, That if any person holding any office under the laws of this commonwealth, legislative, executive, or judiciary, be appointed a delegate to congress, such office thereby shall not be vacated, which may tend greatly to the prejudice of suitors in the supreme courts, and to the injury of the commonwealth, or innocent persons under prosecution by the delay of justice in criminal cases, and otherways to the great detriment of the publick, by the absence from this state of those holding offices in the judiciary or executive departments: *Be it enacted*, That from and after the passing of this act no person appointed a delegate to congress, shall exercise any office judiciary or executive, under the laws of this commonwealth, during the term of acting under such appointment; and so much of the said recited act as comes within the meaning of this act is hereby repealed.

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CHAP. XXIII.

[Chan. Rev. p. 113.] *An act to amend an act entitled An act concerning highways, mill dams, and bridges.*

Who shall attend surveyors of roads.

I. *BE it enacted*, That all male labouring persons, being tithable, shall when required, attend the surveyor and assist him in laying out, clearing, and repairing the roads in his precinct, except such who are masters of two or more tithable male labouring servants or slaves, who are hereby declared exempted from personal service or attendauce; but every other tithable free male labouring person failing to attend with proper tools when required by the surveyor, or refusing to work when there, or not providing and sending another person to work in his room; for every such failure, shall forfeit and pay three pounds, and the master or owner of tithable male labouring servants or slaves, shall be liable to the like penalty of

Penalty on delinquents.

three pounds for every such tithable he or she shall fail to send; and if any surveyor shall fail to send his own male labouring tithables, he shall forfeit and pay three pounds for every tithable he fails to send, which said penalties shall be to the informer, and recoverable with costs before a justice of peace of the county where such offence shall be committed. If any surveyor shall fail to perform his duty as required by the act of assembly, entitled "An act concerning highways, mill-dams, and bridges," he shall forfeit and pay ten pounds on the presentment of the grand jury of the county wherein he shall be surveyor, for the use of the said county, to be applied towards lessening the county levy, and where the information shall be made before a justice, the same shall be to the informer, recoverable with costs before a justice as aforesaid. So much of the said recited act as comes within the purview and meaning of this act, is hereby repealed.

How recoverable.

Penalty on surveyors for failure of duty.

II. *Provided always*, That nothing herein contained shall be deemed or taken to compel those persons to attend and work on the highways, who are exempted by law.

Persons exempted by a former act remain so.

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## CHAP. XXIV.

### *An act for raising a supply of money for the service of the United States.*

WHEREAS the continental congress impelled by the exigencies of a war, the object of which is civil liberty, have demanded supplies from the United States, adequate to the annual expenditure, whereby the ruinous expedient of future emissions of paper money will be avoided; and, since this state is bound by its own interest, and by the faith of freemen, so often and so solemnly pledged, to support the glorious cause with their lives and fortunes; since taxation alone can obviate that embarrassment in finance, which is now the last hope of the enemy; and, since one of two alterna-

Preamble.

tives, between which no friend to his country can hesitate, is unavoidable; either to support the common cause by taxation, or, after having lavished so much blood and treasure, to submit to an humiliating, inglorious, and disadvantageous peace; in order therefore to comply with the said requisitions, supported by justice, and warranted by necessity, *Be it enacted by*

*the General Assembly,* That the following duties and taxes be laid upon and paid for the following subjects of taxation, in addition to any taxes already laid or imposed on them, or any of them, to be collected, levied, and paid in manner hereafter directed; that is to say: By all free male persons above the age of twenty one years, and for all white servants (except apprentices under the age of twenty one years) to be paid by the owner, the sum of three pounds by the poll; except the officers of the line or navy, soldiers and sailors engaged in the service of this commonwealth, or of the United States; and excepting also all those who have been, or shall be exempted from the payment of Tax on levies by the county courts; by the owners of all slaves, or, by the executors or administrators of such owners, or, by their parents or guardians, where such owners are, or shall be infants, the sum of four pounds by the poll, on or before the twentieth day of February next; except such slaves as have been, or shall be exempted, on account of old age or infirmities, by the commissioners of the tax. For all coaches and charriots, the sum of forty pounds each; for all phætons, four wheeled chaises, and stage waggons, used for riding carriages, thirty pounds each; for all two wheeled riding chairs, the sum of ten pounds each, to be paid by the possessors of every such carriage. And, that the said taxes may be speedily and fully collected, *Be it farther enacted,* That the commissioners of the taxes in every county of this commonwealth, shall, immediately after the publication hereof, call upon the assessors of every hundred or district in their respective counties, shall furnish them with an abstract of so much of this act as points out their duty, and any one of such assessors, may, and they are hereby directed and empowered to apply personally to every such free man in their several hundreds or districts, and to demand and require from them, upon oath or affirmation, to be administered by any such assessor, the number of free

Additional  
taxes.

Poll-tax.

Exempts.

Tax on  
slaves.

On carriages

Duty of com-  
missioners of  
tax and as-  
sessor, in  
furnishing  
lists to sher-  
iffs.



male persons above the age of twenty one years, and all white servants except apprentices under the age of twenty one years, and the number of slaves in their families or possession respectively, and an account of the wheel carriages subjected to a tax by this act; and the said assessors shall, in ten days after receiving their said directions from the commissioners aforesaid, finish and complete the lists required by this act in their respective hundreds, and deliver the same, attested under their hands, to the commissioners of the tax, who shall cause duplicates of such lists to be delivered to the sheriffs or collectors of the taxes in every county of this commonwealth, and every such sheriff, upon receipt of the said lists, shall proceed, without delay, to collect, levy, or distrain, for all the taxes hereby imposed, in the same manner as other taxes or levies have heretofore been collected, levied, and received; and the said sheriffs shall make their returns of such collections severally, to the commissioners of the taxes for their respective counties, on or before the twentieth day of March next; shall be allowed three per centum for their trouble in collecting and paying the said taxes, and all insolvencies, by account certified under the hands of such commissioners to the auditors of publick accounts for their guidance and direction in settling with every such sheriff. The said commissioners shall also allow unto every assessor, for his trouble in taking and returning the lists required by this act, such sum as their respective services are entitled to, in the opinion of the commissioners, not exceeding the sum of twenty pounds each, to be paid to them by the collector of the said taxes. The commissioners of the said taxes shall and may receive, out of the said taxes the same allowances by the day, and they are hereby empowered to make the same allowances to their clerks as are severally given to them by an act of the last session of assembly, entitled "An act to explain and amend the acts of general assembly providing a supply of money for publick exigencies." Every sheriff or collector of the taxes hereby imposed, shall enter into bond, with good security, in the penalty of forty thousand pounds, to the courts of their respective counties, at the courts to be held in every such county in the month of February next, or if no court shall then be held for any county, at the next succeed-

Power and  
duty of sher-  
iffs in the  
collection.

Commis-  
sions.

Allowances  
to commis-  
sioners and  
assessors.

Bonds, by  
sheriffs.

ing court, payable to the governour for the time being and his successours, for the faithful collecting and paying of the taxes to be collected by virtue of this act; and where any sheriff shall fail or neglect to perform his duty herein, he shall be subject to the same penalty and mode of recovery as is provided by the act of general assembly, entitled "An act for raising

Penalty for concealing tithables & taxable property.

a supply of money for publick exigencies." Every person refusing to give in an account of their tithables, carriages, servants, and slaves, agreeable to the directions of this act, or concealing any such tithables, carriages, servants, or slaves, shall be subject to the same penalties for refusing or concealing as are inflicted by the last recited act. *And it is hereby farther enacted,*

Appropriations to meet requisitions of congress.

That the sum of fifteen hundred thousand pounds be reserved for, and appropriated to, the payment of the said requisitions of congress, out of the nett proceeds of the sales of British sequestered estate; the like sum of one other fifteen hundred thousand pounds, out of the taxes which are, or shall be collected and paid into the treasury this present year; the farther sum of six hundred thousand pounds, out of the sales of part of the specifick tax directed to be paid by an act of the last session, entitled "An act for laying a tax, payable in certain enumerated commodities," to be paid either by furnishing the United States with the specifick articles, and having credit for the same, according to their value, or by disposing of a sufficient part thereof and paying the money to the order of congress, at their option. No sale shall be made of any of the said enumerated commodities, but by and with the advice of the governour and council. And as a farther means of raising the necessary supplies for the service of the United States the ensuing year:

Duty on liquors foreign and domestic.

*Be it farther enacted,* That a tax or duty of eight shillings per gallon be laid upon all rum or brandy distilled, and also a tax of six shillings per gallon be laid upon all spirits distilled from grain within this commonwealth, from and after the first day of February next, to be collected and accounted for in the same manner as other taxes are to be collected and accounted for, under the general tax law. And that the burden of taxes may be as equally borne, as well by the merchants and dealers, as the planters and farmers, and at the same time every possible encouragement be

continued to the importers of merchandize: *Be it farther enacted*, That a duty or tax of two and a half *per centum ad valorem*, upon the amount of the sales, be imposed and laid upon all goods, wares, and merchandize, except salt, blankets, iron, steel, arms, and ammunition imported or brought into this state, and bought by any person, resident within the same, to sell again, to be paid by the purchaser. The vender shall render an account upon oath to the commissioners of the tax for the county, where every such sale shall be made, of every sale of goods, where the amount of the sale shall really and bona fide exceed one thousand pounds, to any one person, or company, or for his or their use, resident as aforesaid, within one month after every such sale, under the penalty of treble the value of the tax upon the amount of the goods so sold.

Duty on  
goods im-  
ported.

Exceptions.

The said commissioners shall, and they are hereby empowered and required to cause every such purchaser to be examined, upon oath, whether such goods are or shall be bought to sell again, or for his, or their own, or his or their own family's use and consumption; and the commissioners are hereby directed to proceed by warrant under their hands, to order and command the sheriff to collect the taxes imposed by this act, on the amount of so much of them as shall appear to such commissioners to have been bought to sell again; and if the purchaser or purchasers be resident within another county, such purchaser or purchasers shall render to the commissioners of the tax for the county, where the purchase shall be made an account upon oath of the amount of the goods so purchased, distinguishing what part of them were bought to sell again, or bought for his or their own, or his or their own family's use and consumption, and shall pay down to the said commissioners, the tax thereon, before they remove the same out of the county, under the penalty of treble the value of the tax upon the amount of the goods so purchased; and in case of the removal of such goods out of the county before the tax hath been paid as aforesaid, the said commissioners shall transmit to the commissioners of the tax wherein such purchaser or purchasers may reside, a duplicate by them attested, of the account returned by the vender, who shall thereupon proceed to have the said tax collected in the manner before directed.

Mode of col-  
lection.

Duty on goods brought into this state, for sale.

That a like tax or duty of two and one half *per centum* be imposed and laid upon all goods, wares, and merchandize, except salt, blankets, iron, steel, arms and ammunition imported and brought into this state, and bought by any person or persons not resident in this commonwealth, where the amount of such sale shall bona fide exceed one thousand pounds, and so in proportion for any greater quantity. The said tax or pound rate shall be retained in the hands of the vender or venders, of which he or they shall render an account upon oath to the commissioners of the tax for the county, within one month thereafter, under the penalty of forfeiting treble the tax so to be retained; and the said commissioners shall thereupon deliver a duplicate of every such account by them attested, to the sheriff of the county, to be by him collected from the vender, in the same manner that other taxes are collected. And that the venders of goods by retail may be compelled to pay an assessment on their stock in trade; *Be it farther enacted*, That all such venders of goods, wares, or merchandize, shall pay a tax of two and an half *per centum* on the amount of all such goods, wares, or merchandize, not of the growth or manufacture of this commonwealth, by them sold by retail (other than those by them imported from parts beyond the seas) in the course of the last twelve months preceding the time of their being assessed; and the assessors shall have the same power to examine such dealers upon oath or affirmation touching the amount of their respective sales, and every such retailer shall be subject to the same penalty as is provided in the like cases by the said act entitled "An act for raising a supply of money for publick exigencies."

Duty on stock in trade of retailers of goods.

Provision where retailers are about to remove.

Where any such retail dealers shall be about to remove out of the county, before he or they shall be so assessed, they shall severally give notice thereof, one month prior to such removal, to the assessors of the district, who shall immediately assess such dealer, in manner before directed, an account of which assessment shall be returned by them in ten days thereafter to the commissioners of the taxes for the county, and the said commissioners shall immediately, by their warrant to the sheriff, direct and command him to levy every such tax in manner before directed.

Every such retail dealer intending to remove, and not giving such notice as herein directed, or removing his effects privately or concealing them to evade the payment of the said taxes, shall forfeit and pay treble the amount of the taxes so intended to be avoided.

Penalty for removing without giving notice.

All the penalties imposed by this act shall be recovered by action of debt or information in the name of the commissioners of the tax for the county, for the use of the commonwealth, in any court of record; and where an action of debt shall be brought for any of the penalties imposed by this act, the court before whom any such action shall be depending, may rule the defendant or defendants to give special bail; any law or usage to the contrary notwithstanding, and shall proceed to the trial of every such suit without delay, and in preference to private suits. The accounts of the several taxes imposed by this act shall be kept separate and distinct from the accounts of all other taxes and duties, and the money to be collected therefrom, shall be applied to no other purposes than to the requisitions of congress. The auditors of publick accounts, and the treasurer, shall keep the accounts of the disposition of all the monies which shall be collected in consequence of this act, distinct from every other account; nor shall any payment be made of any money out of this fund, but to persons properly authorized by congress to receive the same, and by warrant to be signed by the governour. *Provided, That nothing in this act contained shall be construed to lay or impose any additional tax upon goods sold by publick vendue.*

Penalties, how recoverable

This act shall continue and be in force from and after the first day of January next, for and during the term of one year, and no longer.

*Ryder to the Bill for raising a supply of money for the service of the United States.*

And that the tax hereby imposed by the poll and on riding carriages, may be speedily collected and punctually paid in the treasury, *Be it farther enacted, That every sheriff or other collector of the said tax, shall pay the money arising therefrom into the treasury on*

When the poll-tax, and on carriages, payable into the treasury

or before the first day of April next, or in case of failure, the auditors of publick accounts, may, and they are hereby authorized and empowered to move for and obtain judgment against any such sheriff or collector and his securities, his or their heirs, executors, or administrators, for all balances remaining unpaid on the last day of the next succeeding or any other general court, and such sheriff not producing his *quietus* from the auditors, shall be sufficient evidence to such court to warrant them in entering up judgment as aforesaid. The several corporations within this commonwealth shall be subject to pay all the taxes and duties imposed by this act, to be collected, levied, and accounted for as is herein provided and directed in the case of counties; and the collectors in such corporations in case of failure or neglect of duty shall be subject to the same penalties, and the same proceedings shall be had against them, as is provided in the case of sheriffs. And where distress shall be made for any tax under this act and the goods sold, any balances remaining in the hands of the sheriff or collector shall be accounted for, and disposed of, according to the directions of the act of the last session of assembly, entitled "An act to explain and amend the acts of general assembly, providing a supply of money for publick exigencies."

Remedy against sheriffs and collectors for failure.

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CHAP. XXV.

*An act for incorporating the town of Alexandria in the county of Fairfax, and the town of Winchester in the county of Frederick.*

Towns of Alexandria and Winchester incorporated.

FOR incorporating the town of Alexandria in the county of Fairfax, *Be it enacted*, That it shall be lawful for the freeholders and house-keepers who shall have been resident in the said town three months next preceding such election, to meet at some convenient place in the said town yearly, on the second Tuesday in

February, and then and there to nominate, elect, and choose by ballot, twelve fit and able men, being freeholders and inhabitants of the said town, to serve as mayor, recorder, aldermen and common councilmen for the same; the persons so elected shall within one week after their election, proceed to choose out of their own body, by ballot, one mayor, one recorder, and four aldermen, and the remaining six shall be common councilmen, whose authority shall continue one year, and until others are chosen and qualified in their stead, and no longer, except such of them as shall be re-elected. That the mayor, recorder, aldermen, and common councilmen so elected, and those thereafter to be elected, and their successours shall, and are hereby made a body corporate and politick by the name of mayor and commonalty of the town of Alexandria, and by the said name to have perpetual succession with capacity to purchase, receive, and possess lands and tenements, and all goods and chattels, either in fee or any lesser estate therein, and the same to give, grant, let, sell, or assign; and to plead and be impleaded, prosecute and defend all causes, complaints, actions, real, personal, or mixt; and to have one common seal and perpetual succession: That the person who shall be elected the first mayor of the said town, shall, within one week after his election, take an oath or make solemn affirmation before some one justice of the quorum in the commission of the peace for the said county of Fairfax, for the due and faithful execution of his office; and every succeeding mayor shall be qualified to his office before the mayor for the time being. Every recorder, alderman, and common councilman, before he shall be admitted to execute his respective office, shall take an oath or make solemn affirmation before the mayor for the time being for the due and faithful execution of his office. No person shall hold or execute the office of mayor within the said town for more than one year, within any two years.

Officers, how elected.

Style of corporation of Alexandria.

Mayor, recorder, &c. how qualified.

How long mayor eligible.

The mayor, recorder, and aldermen for the time being and their successours for ever, are hereby declared and constituted justices of the peace within the said town, and to have power to appoint constables, surveyors of the streets and highways, and to hold a court of hustings once in every month, within the said town; and to appoint clerks, a serjeant and other proper of-

Judicial and ministerial powers of mayor, recorder and aldermen.

Powers of  
serjeant.

ficers, from time to time, where there shall be occasion. The said serjeant shall have the same powers in serving process, levying executions, and making distress on delinquents in civil and criminal prosecutions within the limits of the said town, as the sheriff of the said county is by law invested with, and to settle and allow reasonable fees, not exceeding the fees allowed in the county courts: That they, or any four or more of them (whereof the mayor or recorder for the time being shall be one) shall have jurisdiction, and on the second Thursday in every month hold pleas of actions, personal and mixt, arising within the said town; so as the demand in such action, personal or mixt, does not exceed ten pounds current money, or one thousand pounds of tobacco; may adjourn from day to day, and as a court of record give judgment and award execution thereon, according to law. Also that the mayor, recorder, and aldermen of the said town, shall have, use, and exercise all the powers, jurisdictions, and authorities out of court touching or concerning any crime or offence which any justice or justices of the peace of a county now have, or can or may use and exercise, and in the same manner to summon a court of justices of the county for the examination and trial of any criminal; and that as well in civil as criminal cases the authority and jurisdiction of the mayor, recorder, and aldermen of the said town, shall extend half a mile without and around the limits of the said town.

Limitation of  
jurisdiction.

*Provided always, and be it farther enacted,* That it shall not be lawful for the said court of hustings to take cognizance of, or hold plea in any action, personal or mixt, except the debt was contracted or cause of action originated within the said town or limits aforesaid. The mayor, recorder, aldermen, and common councilmen shall have power to erect and repair work-houses, houses of correction, and prisons, or other public buildings for the benefit of the said town; and to make bye laws and ordinances for the regulation and good government of the said town: *Provided* such bye-laws or ordinances shall not be repugnant to, or inconsistent with, the laws and constitution of this commonwealth; and to assess the inhabitants for the charge of repairing the streets and highways, to be observed and performed by all manner of persons residing with-



in the same, under reasonable penalties and forfeitures, to be levied by distress and sale of the goods of the offenders, for the publick benefit of the said town; with power to hold and keep within the said town annually, two market days in every week of the year, the one on Wednesday and the other on Saturday, and from time to time to appoint a clerk of the market, who shall have assize of bread, wine, beer, wood, and other things, and generally to do and perform all things belonging to the office of clerk of the market within the said town.

Market days

\* In case of misconduct in office of the mayor, recorder, aldermen, or common councilmen, or either of them, the others shall have power to remove him, or any of them: Provided, that such person or persons shall not be removed unless seven of the aldermen and common councilmen concur therein.

Officers, how removable for misconduct.

In case of vacancy in the office of mayor or recorder within the year, the eldest alderman shall succeed thereto. Vacancies in the office of aldermen within the year shall be supplied from the common councilmen in regular succession of seniority as they were chosen by the inhabitants of the said town; and the vacancies in the office of common councilmen within the year shall be supplied from the body of the freeholders within the corporation, by ballot of the mayor, recorder, aldermen, and common councilmen.

Vacancies, how supplied.

Every person elected to the office of mayor, recorder, alderman, or common councilman, and having notice of such election, refusing to undertake and execute the same, it shall be lawful for the mayor, recorder, aldermen, and common councilmen for the time being, seven of them concurring therein, to impose such fines upon the person or persons so refusing, as they in their discretion may think proper, so that the mayor's fine shall not exceed forty pounds, recorder's thirty pounds, alderman's thirty pounds, and common councilman's twenty pounds; and to award execution for such fines, to be applied to the use of the corporation; and others shall be elected in the room of those so refusing, in manner directed by this act for supplying vacancies in those offices. That the mayor, recorder, and two of the aldermen for the time being, shall have power, so often as they find occasion, to summon a common council of the said town, and that no assembly or

Penalty for refusing to execute office, to which elected.

Common council, how summoned.

Property  
heretofore  
vested in  
trustees of  
Alexandria,  
transferred  
to corpora-  
tion.

meeting of the inhabitants shall be deemed a common council, unless the mayor, recorder, and at least two aldermen and four common councilmen be present. No law, order, or regulation shall be binding and valid, nor shall the same be revoked or altered, or fine imposed for a breach thereof, unless seven of the aldermen and common council men assembled, concur therein. *And be it farther enacted,* That all the property, real and personal, now held by, and vested in, the trustees of the said town of Alexandria, for the use and benefit of the inhabitants thereof shall be, and the same is hereby transferred and vested in the corporation for the publick benefit of the said town. In all courts of law and equity this act shall be construed and taken most beneficially and favourably for the said corporation.

Town of  
Winchester  
incorpora-  
ted, in the  
same man-  
ner as Alex-  
andria.

*And be it farther enacted,* That the town of Winchester in the county of Frederick shall be, and the same is hereby declared to be made corporate in the same manner, to all intents and purposes, as the said town of Alexandria; and that the freeholders and housekeepers thereof shall be entitled to the same privileges and in like manner, and under the like conditions and limitations; shall have the power of electing twelve able and fit men, to serve as mayor, recorder, aldermen, and common councilmen for the same. The mayor of the town of Winchester first elected shall, before some justice of the quorum in the commission of the peace for the county of Frederick, take the oath of office. The mayor, recorder, and aldermen shall have the same jurisdiction in civil and criminal cases; and shall, on the second Thursday in every month, hold pleas of actions arising within the said town of Winchester, and the limits herein after mentioned, in like manner as the mayor, recorder, and aldermen of the town of Alexandria. The mayor, recorder, aldermen, and common councilmen of the town of Winchester, by the name of mayor and commonalty of the town of Winchester, shall in every instance have the same powers, rights, and privileges, and be subject to the same penalties, limitations, and manner of proceedings as the mayor, recorder, aldermen, and common councilmen of the said town of Alexandria; and their jurisdiction shall extend to and over the out-lots belonging to the said town of Winchester.

style of cor-  
poration.

Jurisdiction.

## CHAP. XXVI.

*An act to exempt the drivers of waggons in the continental service from militia duty.*

WHEREAS it is represented to the general assembly, that the service of the United States may be impeded by subjecting the drivers of waggons in the continental service to do militia duty; *Be it enacted by the General Assembly,* That all drivers of waggons, during their continuance in the continental service shall be, and they are hereby exempted from militia duty.

Drivers of waggons in continental service, exempted from militia duty.

## CHAP. XXVII.

*An act for explaining and amending an act entitled An act for adjusting and settling the titles of claimers to unpatented lands, under the present and former governments, previous to the establishment of the commonwealth's land office.*

[Chan. Rev. p. 112.]

I *BE it enacted by the General Assembly,* That whereas doubts have arisen concerning the manner of proving rights for military service, under the proclamation of the king of Great Britain, in the year one thousand seven hundred and sixty three, whereby great frauds may be committed; *Be it declared and enacted,* That no person, his heirs or assigns, other than those who had obtained warrants under the former government, shall hereafter be admitted to any warrant for such military service, unless he, she, or they produce to the register of the land office, within eight months

Rights for land, under the proclamation of 1763, how authenticated.

after the passing of this act, a proper certificate of proof made before some court of record within the commonwealth, by the oath of the party claiming or other satisfactory evidence that such party was bona fida an inhabitant of this commonwealth, at the time of passing the said recited act, or that the person having performed such military service, was an officer or soldier in some regiment or corps (other than militia) actually raised in Virginia before the date of the said proclamation, and had continued to serve until the same was disbanded, had been discharged on account of wounds, or bodily infirmity, or had died in the service, distinguishing particularly in what regiment or corps such service had been performed, discharge granted, or death happened, and that the party had never before obtained a warrant or certificate for such military service: Provided, that nothing in this act shall be construed in any manner to affect, change, or alter the title of any person under a warrant heretofore issued.

Powers of commissioners for adjusting claims to unpatented lands extended.

II. And whereas the time limited in the before recited act to the commissioners for adjusting and settling the claims to unpatented lands within their respective districts may be too short for that purpose; *Be it farther enacted*, That all the powers given to the said commissioners by the said recited act, shall be continued and remain in force, for and during the further term of two months, from and after the expiration of the time prescribed by the said act, and no longer.

Pre-emption warrants may be issued to actual settlers, on credit, if unable to pay the state price.

And where it shall appear to the said commissioners that any person, being an inhabitant of their respective districts, and entitled to the pre-emption of certain lands, in consideration of an actual settlement, is unable to advance the sum required for the payment of the state price, previous to the issuing of a warrant for surveying such land, the said commissioners shall certify the same to the register of the land office, who shall thereupon issue such pre-emption warrant to the party entitled thereto, upon twelve months credit for the purchase money, at the state price, from the date of the warrant. The said register shall keep an exact account of all such warrants issued upon credit, and shall not issue grants upon surveys made thereupon, until certificates are produced to him from the auditors of publick accounts of the payment of the purchase

But grants not to issue until payment of purchase money.

money respectively due thereon into the treasury; and if the same shall not be paid within the said term, the warrant, survey, and title found thereon shall be void, and thereafter any other person may obtain a warrant, entry, and grant for such land, in the same manner as for any other waste and unappropriated land: Provided, that nothing herein contained shall be construed to extend to any person claiming right to the pre-emption of any land for having built an house or hut, or made any improvements thereon, other than an actual settlement as described in the said recited act. No certificate of right to land for actual settlement or of pre-emption right shall hereafter be granted by the said commissioners, unless the person entitled thereto hath taken the oath of fidelity to this commonwealth, or shall take such oath before the said commissioners, which they are hereby empowered and directed to tender and administer; except only in the particular case of the inhabitants of the territory in dispute between this commonwealth and that of Pennsylvania, who shall be entitled to certificates upon taking the oath of fidelity to the United States of America.

III. *And be it farther enacted,* That all persons, their heirs or assigns, claiming lands by virtue of any order of council, upon any of the eastern waters, under actual surveys made by the surveyor of the county in which the land lay, may upon the plats and certificates of such surveyors being returned into the land office, together with the auditors certificate of the treasurer's receipt for the composition money of thirteen shillings and four pence per hundred acres due thereon, obtain grants for the same according to the rules and regulations of the said office; notwithstanding such surveys or claims have not been laid before the court of appeals. And all other claims for lands upon surveys made by a county surveyor duly qualified, under any order of council, shall by the respective claimers be laid before the court of appeals, at their next sitting, which shall proceed thereupon in the manner directed by the before recited act. Any person claiming right to land surveyed for another before the establishment of the commonwealth's land office, may enter a caveat and proceed thereupon in the same manner as is directed by the act of assembly for establishing the said office, and upon recovering judgment, shall be entitled to a

Provided that this privilege shall extend to actual settlements only.

Certificates for settlement & pre-emption rights not to be granted, unless to persons who have taken the oath of fidelity to this commonwealth.

Exception, as to inhabitants of disputed territory between this state & Pennsylvania.

How grants for lands, surveyed under orders of council, on the *Eastern Waters* may be obtained.

\* Caveats on surveys before establishment of commonwealth's land office, how proceeded in.

grant upon the same terms, and under the same conditions, rules, and regulations as are prescribed by the said act in the case of judgments upon other caveats, upon producing to the register a certificate from the auditors of the treasurer's receipt for the composition money of thirteen shillings and four pence per hundred acres due thereon.

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CHAP. XXVIII.

*An act to repeal and amend part of an act entitled An act to amend an act entitled An act for reviving several publick warehouses for the inspection of tobacco, and for other purposes.*

Salaries and allowances of inspectors of tobacco increased.

WHEREAS the allowance heretofore made to the inspectors for inspecting tobacco hath been found insufficient; *Be it enacted by the General Assembly, That* over and above such former allowance, the inspectors shall be allowed the farther sum of three dollars for every hogshead of tobacco which shall be by them inspected, from and after the passing of this act, to be paid by the person for whom such tobacco shall be inspected. And for making an adequate compensation for their services to such inspectors for want of timely publication of the act passed in the last session of assembly, for amending an act entitled "An act for reviving several publick warehouses for the inspection of tobacco," have not received the sum of two dollars per hogshead for all tobacco by them inspected, in lieu of their former salaries; *Be it enacted, That* the treasurer shall, and he is hereby authorized to pay to such inspectors, their full salaries as heretofore established until the end of the last inspection; such inspectors accounting upon oath, for all monies by them collected by virtue of the before recited act. And where

the same default hath been made in collecting the sum of eight shillings per hogshead, for warehouse rent, by virtue of the before recited act, the inspectors who shall ship such tobacco passed in the commencement thereof, shall demand and receive the said sum of eight shillings from the shipper, and account to the proprietor of their warehouses respectively for the same. And as the allowance made by the act of the last session of assembly, for reprising, repacking, and turning up tobacco is found inadequate to the trouble and expense attending that service: *Be it enacted*, That the farther sum of eighteen shillings per hogshead shall be allowed for reprising, repacking, opening, turning up, securing, and finding nails, to be paid by the same persons as is directed in the said recited act, passed in the last session of assembly.

And whereas it will be of advantage to the publick if the inspection at Warwick, in the county of Chesterfield, should be revived; *Be it enacted*, That the said inspection shall, from and after the passing of this act, be, and the same is hereby revived; and the warehouses formerly used for the purpose of inspecting tobacco at Warwick aforesaid, shall be continued for that purpose, subject to the same regulations for nominating and appointing inspectors and pickers, payment of warehouse rent, and the salaries to inspectors, as the other warehouses within this commonwealth. *And be it farther enacted*, That the county court of Norfolk shall recommend once in every year to the governour or chief magistrate for the time being, two proper persons for the purpose of reinspecting or repacking of tobacco in the said county, which tobacco shall be at the risk of the proprietor or proprietors thereof, and the inspectors shall be entitled to receive for their trouble, ten dollars for each hogshead from the person employing them.

Inspection  
at Warwick,  
in Chester-  
field county,  
revived.

And whereas it appears that inspectors of tobacco in many instances are obliged to cross ferries in order to attend their duty at their warehouses, the expense of which would greatly diminish the salaries allowed by law: *Be it farther enacted*, That from and after the passing of this act, inspectors of tobacco shall charge the expense of ferriages necessarily incurred in going to, and returning from their warehouses, in account with the publick over and above the salaries allowed by law.

*And it is hereby farther enacted, That the inspection established at Cave's warehouse, in the county of Stafford shall, from and after the first day of February next be discontinued.*

CHAP. XXIX.

[Chan. Rev.  
p. 114.]

*An act for establishing a fund to borrow money for the use of the United States, and for other purposes.*

Five eighths  
of a tax in  
tobacco ap-  
propriated  
as a fund for  
borrowing  
5,000,000l.  
upon inter-  
est.

1. FOR establishing a fund whereon to borrow a sum of money for the use of the United States, and to give the lenders the fullest assurance of being paid the interest thereof annually, and for making provision for repaying the principal money so to be borrowed at the appointed time: *Be it enacted by the General Assembly, That a tax of thirty pounds of inspected tobacco in transfer notes, shall be paid on or before the first day of August next, and at the same time in each of the next succeeding eleven years, by every tithable person in this commonwealth, except free white tithables between the age of sixteen and twenty one years, and those who shall have been discharged by the county courts from the payment of levies, and except also such slaves as have been or shall be exempted from taxation by the commissioners of the tax on account of old age or bodily infirmity. Five eighths of the nett produce of the said tax shall be appropriated as a fund, whereon the treasurer of this commonwealth for the time being may, and he is hereby empowered and required to borrow a sum of money not exceeding five millions of pounds, current money, from any person or persons willing to lend, in sums not less than one thousand pounds from any person, at an interest of five per centum per annum. The interest to grow due on all sums so borrowed shall be regularly paid to the lenders respectively, or to their order as hereafter limited, at the treasury annually as it shall become due,*



and the surplus remaining after all such interest, shall be paid arising from the said five eighths of this tax: The treasurer may and he is hereby empowered and required to pay to such of the said publick creditors as may be willing to receive their principal, giving preference in such payments to each creditor as he or they may make application for the same in priority of time, until the surplusage shall be paid away in each of the said years.

II. And for fixing the nominal sum of money, which every such creditor shall receive as interest and principal, agreeable to the directions of this act, so as to secure the creditors on the one hand from being losers by receiving less than the real value of the sum lent at the time of the loan, and to guard the state on the other hand from paying a greater sum either as interest or principal, than the real value of such interest at the time it shall become due, or the principal was worth at the time of the loan: *Be it farther enacted*, That the rule and standard for fixing the value of all the money to be borrowed, and of all interest and principal to be thereafter paid in consequence of this act, shall be as followeth: For all monies to be borrowed upon this fund between the first day of January next and the sixth day of the next general court, one hundred pounds of inspected nett crop tobacco shall be held, deemed, and taken as the standard and true value of thirty pounds current money, and so in proportion for any greater or lesser sum which may be borrowed by that time, and for all money to be borrowed after that day upon this fund. And for fixing the value of all interest accruing on all the money to be borrowed in consequence of this act, the following rules shall be observed. The judges of the general court, at some day during the first six days of their session in the month of March next, and at every succeeding session of that court during the continuance of this act, shall and they are hereby empowered and required to administer an oath to the grand jury attending every session of that court, well and truly to estimate the true market price of inspected crop tobacco, according to the best of their skill and judgment at the time, taking for their guide neither the greatest nor smallest, but the average market price at the time of making the estimate, which estimate shall be entered upon re-

Standard for  
adjusting  
value of  
principal &  
interest.

Forms and  
marks of  
treasurer's  
certificates;  
and mode of  
assigning  
them.

cord, from time to time, by the clerks of the said court, and every such estimate respectively, shall be held, deemed, and taken as the true and only standard and measure thereafter to fix as well the value of the money to be borrowed under this act, as of the interest accruing or principal be paid between that and the next succeeding estimate. The treasurer for the time being, shall make out and deliver to every lender of money upon this fund, one or more indented certificates, signed by him, and countersigned by some one of the auditors of publick accounts, or of their clerks, to be appointed for this special purpose, in the left hand corner thereof, and entered in their office to the debit of the treasurer, expressing the sum so borrowed, the rate of interest, payable annually therefor, and day of payment; and also the last estimate of money compared with tobacco agreeable to the directions of this act; and every such creditor shall be entitled to demand and receive so much money for interest, upon the money lent, as will purchase the same quantity of tobacco, at the time such interest shall become due, that the nominal sum then due for interest on the principal borrowed would have purchased at the time the money was lent, to be fixed by the certificate in the former, and by the estimate of the grand jury as aforesaid, for that period of time in which such interest shall become due, in the latter instance. In the payment of all sums to any creditor for principal money borrowed, the same rule, standard, and only measure shall be observed between the state and the creditor as is above directed for the payment of interest. All certificates to be issued for money borrowed by virtue of this act, shall be made payable to the lender, his executors and administrators; but such lender, or his executors or administrators, may by writing under his, her, or their hand and seal, and attested by two magistrates of this commonwealth, or of any other of the United States, or by any officer of publick notoriety, in any other country, assign and transfer any such certificate; and an assignment made agreeable to the directions of this act shall entitle every such assigner, his executors and administrators; and every subsequent assignee of any assignee, and the executors and administrators of every such assignee, to receive at the

treasury the interest and principal money due on every such certificate, in the same manner, and at such time, as the lender would have been entitled to receive the same by virtue of this act.

III. Every person who shall counterfeit, alter, or erase, any certificate to be issued by virtue of this act, or shall demand payment of any money on any such certificate, knowing the same to be counterfeited, altered, or erased, or shall be aiding, assisting, or abetting, in such forging or counterfeiting, altering, or erasing, shall be deemed and judged guilty of felony, and on being thereof legally convicted, shall suffer death without benefit of clergy. And that the lenders of money, upon the faith of this act, may have the fullest assurance of receiving the interest and principal of their respective debts, on the terms of this act, and at the appointed times; *Be it farther enacted*, and it is hereby declared, that the general assembly will make good all deficiencies which may happen in this fund, by either increasing the present tax, or substituting some other in aid thereof, that the publick faith hereby pledged may be preserved inviolate. The remaining three eighths of the amount of all the taxes to be collected by virtue of this act, shall be reserved for the purpose of purchasing military stores, clothing, and other necessaries for the use of the army and navy, as the executive of this state may from time to time direct, but subject to the future direction and controul of the general assembly. The clerk of the general court, when any new estimate shall be made of tobacco agreeable to the directions of this act, shall cause an attested copy thereof to be published for two months successively, in each of the gazettes of this state, and the treasurer moreover immediately after every June court, shall cause a copy of the last estimate so as aforesaid to be made, to be transmitted forthwith to every sheriff and other collector of the tax hereby imposed in this commonwealth. And for the better collection of the said taxes, *It is farther enacted*, That the sheriff or collector of every county and corporation in this state, at the court to be held for their respective counties or corporations in the month of April in each year during the continuance of this act, or at the next succeeding court, in case no court shall be held in that month, shall give bond with good security, to be approved by

Counterfeiting certificates, punishable with death.

Deficiency, if any, to be made good, and how.

Appropriation of the other three eighths.

Estimates of tobacco to be published and transmitted to collectors; & how they shall be appointed, and accountable.

such court in the sum of thirty thousand pounds, payable to the governour for the time being, and his successours for the use of the commonwealth, conditioned for the diligent and faithful collection and payment of this tax, to be levied, collected, accounted for, and settled with the commissioners of the tax, and paid into the treasury in the same manner, at the same time, and under the like forfeitures as are appointed, prescribed, and inflicted in the case of collecting the taxes upon assessments by one act of assembly entitled "An act for raising a supply of money for publick exigencies;" and the sheriffs and other collectors shall be allowed a commission of three per centum upon all sums of money and quantities of tobacco by them to be collected by virtue of this act, and a credit for all real insolvencies to be settled by the commissioners of the tax in each county and corporation respectively.

The tax payable in money instead of tobacco, according to what estimate;

IV. And for the ease and conveniency of the people in paying the said tax, *Be it farther enacted*, That the sheriffs and other collectors of this tax, shall cause a copy of the estimate to be made by the grand jury as aforesaid, at every June court, to be set up at the doors of their respective court-houses two several court days, in the months of August and September, and also at the door of every church, chapel, and meeting-house, in every such county and corporation two several Sundays in the said two months, during the continuance of this act; and all persons liable to this tax, may either pay the same in money at the price fixed by the grand jury in the preceding June court, or in tobacco agreeable to the directions of this act, and the law which shall be then in force for regulating the inspection of tobacco, deducting six per centum for such price for the difference between crop and transfer tobacco, where the payment shall be made in money.

May be discontinued for.

All persons neglecting or refusing to pay the tax hereby imposed agreeable to the directions of this act, may be proceeded against, and the sheriff or other collector may proceed against the said delinquent, and shall be entitled to the same commission in case of distress as is provided in case of failing to pay county and parish levies. And for preventing sheriffs and other collectors from withholding from the publick the tobacco which shall actually be collected, *It is farther enacted*, That the several collectors shall an-

nually, during the continuance of this act, account and settle with the commissioners of the taxes upon oath, which the said commissioners are hereby empowered and required to administer, for all the tobacco and money severally and actually by them received in discharge of this tax; every such sheriff or collector previous to their making such settlement, shall cause all the transfer tobacco by them so collected, to be prized and cropped agreeable to the direction of the laws which may be at such time in force for regulating the inspection of tobacco, and the commissioners shall allow them a credit in their accounts of six per centum for shrinkage, prizing, and nails, and thirty pounds of tobacco for each cask; and where any balance of tobacco not sufficient to make a hogshead shall remain in the hands of any collector, such balance or fraction, shall be accounted for by every such collector in his account for the succeeding year, or shall be by them respectively paid to the succeeding collectors; and the commissioners having allowed every collector credit for his commissions on collection, for all sums paid or due to them, their clerk, and to the assessors for their respective services, and for all real insolvencies, shall together with their account of the other annual taxes, transmit a duplicate of every such account to the auditors of publick accounts, noting the numbers, weights, and marks, of all crop tobacco in such collections.

Collectors shall settle their accounts with commissioners of the taxes; when and how.

V. The assessors of every hundred or district, shall in every year during the continuance of this act, at the time of making their assessment, demand an account upon oath or affirmation, which they are hereby empowered and required to administer, of all persons liable to this tax, an account of all his, her, or their tithables subject thereto, or which are then resident in his, her, or their family; and the assessors at the time of returning the accounts of their assessments, shall also return lists of the tithables so by them to be taken; and the commissioners of the taxes shall cause copies of the said lists of tithables to be delivered to the several sheriffs or collectors, at the time of delivering them the accounts of the assessments, to enable them to collect the tax. Every person refusing to give in to the assessors, an account of his, her, or their tithables as aforesaid, shall forfeit and pay treble the value of the tax upon every such tithable not given in, to be reco-

Duty of assessors.

Remedy against delinquents.

vered by action of debt in any court of record, in the name of the commissioners of the taxes for such county or corporation. Every person knowingly taking a false oath, or making a false affirmation in the premises, shall be subject to the like pains and penalties as are inflicted in the case of wilful and corrupt perjury.

Application of the money borrowed. Continuance of the act.

VI. All the money to be borrowed upon this fund, shall be applied to the payment of the money required by congress from this state, to such persons only as shall be authorised by congress to receive the same, and upon warrant from the governour; and the accounts of the receipts and payments in consequence of this act, shall be kept distinct and separate from all other accounts whatsoever. This act shall continue and remain in force for and during the term of twelve years, and no longer.

*Rider to the Bill for establishing a fund to borrow money for the use of the United States, and for other purposes.*

Owners of certificates not to be of the grand jury for estimating tobacco.

VII. *And be it farther enacted,* That no person interested by having money in, or interest due upon the said fund, or possessing any certificate for money advanced on the said loan, shall at any time be capable of serving on any grand jury for estimating the price of tobacco; and for discovery thereof, the judges of the general court are hereby empowered and required to examine upon oath any person who shall be summoned, or called upon such grand jury, concerning his interest in the same.

Operation of the act, partly suspended.

VIII. Provided, that the operation of so much of this act as relates to the time of the payment of the first year's tax, of thirty pounds of tobacco for every tithable, shall be, and the same is hereby declared to be suspended until the first day of December, in the year one thousand seven hundred and eighty, when the several sheriffs or collectors, having previously given bond and security, as herein before directed, shall proceed to collect, levy, and account for the said first year's tax, and pay the same into the treasury, on or

before the first day of March next following, in the same manner, and under the same rules, regulations, and penalties as are herein before prescribed.

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CHAP. XXX.

*An act providing a farther supply for the exigencies of government.*

WHEREAS it is found that the taxes already imposed for defraying the annual expenditure of this commonwealth, are not adequate thereto, in order therefore to make a farther provision for the exigencies of government; *Be it enacted by the General Assembly,* That an additional tax of one half per centum be laid upon all kinds of property assessed *ad valorem*, under the act of the last session of assembly, entitled “An act to explain the acts of general assembly, providing a supply of money for publick exigencies.” The like additional tax of one half per centum shall be paid for all monies which any person shall be in possession of at sunrise on the first day of March next; and an additional tax of six shillings and eight pence per head shall be paid for all neat cattle within this state. The said foregoing taxes shall be ascertained and accounted for in like manner, and under the same regulations and penalties, as the taxes are under the acts “For raising a supply of money for publick exigencies,” and to amend an act entitled “An act for raising a supply of money for publick exigencies,” and paid at the same time as is directed by the said first recited act. Provided that nothing herein contained shall extend to any negro or mulatto servant or slaves: And the farther additional tax of forty pounds be laid on each ordinary licence which shall hereafter be granted to any person within this commonwealth, to be paid to the clerk of the court, by which the said license shall be granted before the same shall issue, by him to be accounted for in like manner, and under the same penalties as the tax now subsisting on ordinary licenses is accounted

Additional taxes on property, money, and cattle.

On ordinary licenses.

Lots in Norfolk and Suffolk, the houses on which have been burnt by the enemy, exempted from taxes.

Taxes may be paid in advance.

Form of receipt.

Such receipts receivable in taxes, with interest.

And the holder entitled to a discount, at the nominal amount.

for. Provided nevertheless, that the lots in the borough of Norfolk and towns of Portsmouth and Suffolk, the houses on which may have been burnt, shall be exempt from any tax by this or any former law, except such lots as have been, or shall be sold or built on. *And be it farther enacted,* That any person may pay to the treasurer of this commonwealth for the time being, any sum or sums of money, not less than two hundred pounds, in advance for taxes not yet due, and which may hereafter accrue; for which sums the treasurer shall give his receipt, specifying the purpose for which the same is paid, which receipt shall be carried to the auditors, who shall enter the amount thereof to the credit of the person for whom the money was paid, in accounts to be by them kept specially for this purpose, and give one or more certificates for the same, in these words, to wit: "The auditors of publick accounts do hereby certify that, \_\_\_\_\_ hath this day paid to the treasurer of this commonwealth, the sum of \_\_\_\_\_

\_\_\_\_\_ pounds, to be applied to the discharge of taxes not yet due, according to an act of assembly, passed in the year one thousand seven hundred and seventy nine, entitled An act providing a farther supply for the exigencies of government. As witness our hands this day of \_\_\_\_\_ in the year \_\_\_\_\_."

Which certificate shall be received in discharge for any subsequent taxes, by the sheriff or collector, who shall allow to the person having the same, at the rate of six per centum per annum, on the amount thereof, to the time when his or her taxes became due; or where the amount of the certificate, with the interest due thereon, is greater than the amount of the taxes to be paid, the sheriff or collector may receive the order of the person holding the same on the treasurer, for any less sum than the certificate amounts to, indorsing the same, and the time when given on the back of the certificate, which order or certificates, as the case may be, shall be allowed by the auditors as a credit to the sheriff or collector, and be charged to the proper account of the person giving or paying the same, and due credit given for the interest accruing.

*And be it farther enacted,* That all persons paying money into the treasury in conformity to this act, or their heirs shall at all times hereafter be entitled to a full discount in the payment of their taxes, for the prin-



cipal; and the interest accruing thereon, according to the nominal value of the money by them respectively paid, until the same shall have been fully discounted. Provided that any person having right to any such certificate or certificates, may by will, dispose of or direct the application of the same, so as no one certificate be divided or applied to the credit of more than one person. And where any such person shall die intestate, such certificate or certificates, with the credits or discounts which such intestate would have been entitled to thereon, shall be vested in his or her heirs at law, who shall be accountable to the representatives of the intestate for their proportionable parts, according to the legal distribution of such intestate's other personal estate.

How transferable.

*And be it farther enacted,* That any person who shall forge, counterfeit, alter, or erase any certificate for money in advance for taxes, or any order for money due on, or to be discounted out of any such certificate, or shall pass or tender such counterfeits in payment, knowing them to be so counterfeited, altered, or erased, or shall be aiding, abetting, or assisting in such forging or counterfeiting, altering, or erasing, passing or tendering, shall be deemed guilty of felony without benefit of clergy, and shall suffer death. So much of this act as imposes any additional tax, or enables any person to pay to the treasurer any sum or sums of money in advance for taxes hereafter to accrue, shall continue and be in force, for and during the term of one year, and no longer.

Forging, counterfeiting, &c. such certificates, how punishable.

## CHAP. XXXI.

*An act to confirm certain sales and leases made by the trustees of the town of Alexandria, and to enlarge the said town.*

Preamble.

WHEREAS it hath been represented to this present general assembly, that the trustees of the town of Alexandria have sold and conveyed, as well as leased certain parcels of ground and sunken lands within the said town and adjoining sundry lots thereof, the proprietors whereof are apprehensive that such sales and leases may hereafter be controverted on suggestion, that the said trustees were not, in strictness of law, invested with power to make the same; for remedy whereof, *Be it enacted*, That all such sales, deeds, and leases *bona fide* made and executed by the said trustees before the passing of this act, shall be, and the same are hereby confirmed and declared valid. Provided that nothing herein contained shall be deemed or taken to affect the private claim or title of any proprietor of a lot within the said town. And whereas John Alexander having, in his lifetime, laid off several lots of land adjoining the said town; did, in or about the year one thousand seven hundred and seventy four, convey the same in fee to different persons subject to the payment of annual rents, and with condition that if the feoffees did not within two years thence next following build on each lot, a brick, stone, or framed house twenty feet square, with a brick or stone chimney; in that case, or in default of the payment of the rents, it should be lawful for the said John Alexander, his heirs or assigns, to re-enter and hold his or their former estate therein. And whereas from the great scarcity and difficulty of procuring materials for building the said houses during the present war with Great Britain, the proprietors of the said lots have not been able to build thereon within the time limited for that purpose in their deeds of conveyance; and the said John Alexander having in the mean time departed this life, leaving an infant son, to whom his interest in the said lots descends, and no agreement or compromise

Certain rules and leases of lots, made by trustees of town of Alexandria confirmed.

Certain lots laid off by John Alexander, annexed to the town of Alexandria.

can legally be made with such infant; application hath therefore been made to this assembly by the proprietors of the said lots, that they may be allowed a farther time to build upon and save the same; and that the said lots may be added to, and made part of the said town of Alexandria: *Be it therefore enacted*, That the proprietors of the lots so laid off and conveyed by the said John Alexander shall, and they are hereby allowed the term of two years, from and after the end of the present war, to build upon and save the same; any thing in their deed or deeds of conveyance to the contrary thereof notwithstanding; and that the said lots shall be, and the same are hereby annexed to, and made part of the said town of Alexandria. So soon as the proprietors of such lots shall have built upon and saved the same, they shall then be entitled to, and have and enjoy the same rights, privileges, and immunities which the other inhabitants of the said town hold and enjoy.

Proprietors allowed a further time, after the end of the war, to build upon, and save their lots.

CHAP. XXXII.

*An act concerning a Lead mine, the property of John and Mead Anderson.*

WHEREAS it is represented by John and Mead Anderson, that they have discovered a tract of unappropriated land, the soil of which is of little value, but that they have reason to believe there is on the said land a rich lead mine; that they are prevented from locating the same and proceeding to work the lead mine from an apprehension that it may be assessed to so great a sum that they shall not be able to pay the tax thereof; *Be it enacted*, That in all assessments to be made on the lands intended to be located by John Anderson and Mead Anderson, wherein there is supposed to be a large quantity of lead ore, the assessors shall rate or assess the said land according to the value of the soil, without taking into estimation the value of such lead

Lead mines, the property of John and Mead Anderson, to be assessed, for taxes, according to the value of the soil only.

mine, and the necessary buildings erected for extracting lead. *And be it farther enacted,* That in lieu of any tax upon such lead mine, the said John Anderson and Mead Anderson, their heirs or assigns shall annually (the computation of time to commence two years after they shall have begun to extract lead) deliver at the works, for the use of the publick, one fortieth part of the lead and other metal.

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CHAP. XXXIII.

*An act concerning Nonjurors.*

Acts imposing treble taxes, on persons refusing to take the oath of allegiance repealed.

Such taxes, when and how re-imbursed.

*BE it enacted by the General Assembly,* That so much of all and every act or acts of assembly as subjects nonjurors to the payment of treble taxes shall be, and the same is hereby repealed. *And be it farther enacted,* That every person who shall have paid double or treble taxes, on account of not having taken the oath of allegiance to this commonwealth shall, on producing to the commissioners of the tax for his county, a certificate of his having since taken the said oath, and on satisfying the commissioners that he hath been uniformly a friend to this government, be reimbursed all such sums of money by him paid over and above his just tax, and the same shall be deducted out of such persons tax the next year; and in case his tax for such year shall not amount to so much as he shall have paid, over and above his just tax, the overplus shall be paid him by the sheriff or collector, who shall be allowed the same in the settlement of his account with the commissioners.

## CHAP. XXXIV.

*An act to indemnify William Campbell, Walter Crockett, and others, concerned in suppressing a late conspiracy.*

WHEREAS divers evil disposed persons on the frontiers of this commonwealth had broke out into an open insurrection and conspiracy, and actually levied war against the commonwealth, and it is represented to the present general assembly, that William Campbell, Walter Crockett, and other liege subjects of the commonwealth, aided by detachments of the militia and volunteers from the county of Washington, and other parts of the frontiers did by timely and effectual exertion, suppress and defeat such conspiracy: And whereas the necessary measures taken for that purpose may not be strictly warranted by law, although justifiable from the immediate urgency and imminence of the danger: *Be it therefore declared and enacted*, That the said William Campbell, Walter Crockett, and all other persons whatsoever concerned in suppressing the said conspiracy and insurrection, or in advising, issuing, or executing any orders or measures taken for that purpose, stand indemnified and clearly exonerated of, and from all pains, penalties, prosecutions, actions, suits, and damages on account thereof: And that if any indictment, prosecution, action, or suit, shall be laid or brought against them, or any of them, for any act or thing done therein, the defendant or defendants may plead in bar, or the general issue, and give this act in evidence.

William  
Campbell,  
Walter  
Crockett, &  
others in-  
demnified,  
for suppress-  
ing a con-  
spiracy and  
insurrection.

## CHAP. XXXV.

[Chan. Rev. p. 116.] *An act for establishing several new ferries, and for other purposes.*

New ferries over the Rappahannock and Kentucky established.

Rates.

I. WHEREAS it is represented to this present general assembly, that publick ferries at the places hereafter mentioned will be of great advantage to travellers and others; *Be it therefore enacted*, That publick ferries be constantly kept at the following places, and the rates for passing the same shall be as follows, that is to say: From the land of Edward West, in the county of Stafford, across the north fork of Rappahannock river, to the land of Simon Miller, in the county of Culpeper; the price for a man, one shilling, and for a horse the same. From the land of Gavin Lawson, in the county of Stafford, across Rappahannock river to the land of Fielding Lewis, in the county of Spotsylvania, the price for a man one shilling and sixpence, and for a horse the same; at the town of Boonsborough, in the county of Kentucky, across Kentucky river to the land on the opposite shore, the price for a man three shillings, and for a horse the same; the keeping of which last mentioned ferry and emoluments arising therefrom, are hereby given and granted to Richard Callaway, his heirs or assigns, so long as he or they shall well and faithfully keep the same according to the directions of this act. And for the transportation of wheel carriages, tobacco, cattle, and other beasts, at the places aforesaid, the ferry-keeper may demand and take the following rates, that is to say: For every coach, charriot, or waggon, and the driver thereof, the same as for six horses; for every cart, or four wheel chaise, and the driver thereof, the same as for four horses; for every two wheel chaise, or chair, the same as for two horses; for every hogshead of tobacco, as for one horse; for every head of neat cattle, as for one horse; for every sheep, goat, or lamb, one fifth part of the ferriage for one horse; and for every hog, one fourth part of the ferriage for one horse and no more. And if any ferry-keeper shall presume to demand or receive, from any person or persons whatsoever, any greater rates than is hereby allowed for the carriage, or fer-

riage of any thing whatsoever, he shall, for every such offence, forfeit and pay to the party grieved, the ferriages demanded or received, and ten shillings; to be recovered with costs before a justice of peace of the county where such offence shall be committed.

II. *And be it farther enacted,* That so much of an act of assembly passed in the year one thousand seven hundred and seventy six, as compels James Bowie the younger, his heirs or assigns, to set over the ferry from the publick landing at the town of Port Royal, in the county of Caròline, across Rappahannock river to the land of Francis Conway; all such foot passengers as may incline to cross without demanding or receiving any ferriage for the same, shall be, and the same is hereby repealed.

Privilege of foot passengers at Bowie's ferry, at Port Royal abolished.

III. *And be it farther enacted,* That so much of an act of assembly passed in the year one thousand seven hundred and seventy-eight, as establishes a ferry from the land of Abraham Shepherd, in the county of Berkeley, over Potowmack river to the land of Thomas Swearingen, in the state of Maryland, shall be, and the same is hereby repealed.

Ferry over the Potomac, at Shepherd's town, discontinued.

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## CHAP. XXXVI.

*An act to repeal so much of the act for the support of the clergy, and for the regular collecting and paying the parish levies, as relates to the payment of the salaries heretofore given to the clergy of the church of England.*

[Chap. Rev. p. 117.]

I. *BE. it enacted by the General Assembly,* That so much of the act entitled "An act for the support of the clergy, and for the regular collecting and paying the parish levies," and of all and every other act or acts providing salaries for the ministers, and authorizing the vestries to levy the same, shall be, and the same is hereby repealed.

All acts providing salaries for ministers, repealed.

Vestries empowered to levy & make assessments for salaries in arrear; for complying with legal engagements; and providing for parish poor.

II. *Provided nevertheless*, That the vestries of the several parishes, where the same hath not been already done, may, and they are hereby authorized and required, at such time as they shall appoint, to levy and assess on all tithables within their respective parishes, all such salaries and arrears of salaries as were due to the ministers or incumbents of their parishes for services to the first day of January, in the year one thousand seven hundred and seventy seven; moreover to make such assessments on all tithables as will enable the said vestries to comply with their legal engagements entered into before the same day; and lastly, to continue such future provision for the poor in their respective parishes as they have hitherto by law been accustomed to make, and levy the same in the manner heretofore directed by law; any thing in this act to the contrary, or seeming to the contrary notwithstanding.

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## CHAP. XXXVII.

### *An act to amend an act entitled An act establishing a board of war.*

Of how many members, board of war to consist.

One to be inspector of military stores and provisions.

Their proceedings to be submitted to governor, &c. for approbation.

How the board convened.

WHEREAS it is expedient that the act entitled "An act establishing a board of war," should be amended, *Be it therefore enacted by the General Assembly*, That from and after the passing of this act, the board of war shall consist of four members only, one of whom shall be appointed by the said board, to be an inspector of the military stores and provisions in the several magazines within this state, who shall, over and above his salary, be allowed his reasonable travelling expenses, when performing the said service: Any two of the said members may proceed to business: All the resolutions, proceedings, and orders of the said board, shall be signed by the members present, and submitted to the governour, or in his absence, to the lieutenant governour or the president of the council, for his approbation. The president shall call the members together at such place as the governour



may direct; and shall be empowered, with the consent of a majority of the said board, to appoint two clerks to do the business thereof; so much of the said recited act, as comes within the purview of this act, stands hereby repealed.

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CHAP. XXXVIII.

*An act to prevent the misapplication of the money collected for taxes.* [Chan. Rev. p. 117.]

**I. WHEREAS** great inconveniencies have arisen Preamble. to the publick from the misapplication of the taxes collected by the sheriffs in several counties of this state, some of whom have applied the same to private purposes in speculative bargains for the emolument of themselves or their friends, thereby contributing to raise the prices of the necessaries of life, and to depreciate the paper currency in circulation, defeating the purposes of taxation, and hazarding the ruin of publick credit: And experience hath proved that the laws heretofore made, are insufficient to prevent or restrain so growing and dangerous an evil: *Be it therefore enacted by the General Assembly,* That if any sheriff or collector shall hereafter appropriate to his own use, or otherwise misapply any publick money which shall be by him collected for taxes, he shall forfeit and pay double the sum so appropriated or misapplied, to be recovered with costs on bill, plaint, or information in any court of record within this commonwealth, one half to the informer, and the other half to the commonwealth, or the whole to the commonwealth if information is made by a publick officer. Penalty on sheriffs and collectors, for misapplying publick money. How recoverable. And every person receiving such publick money, knowing it to be such, and applying it to private purposes, shall in like manner forfeit double the sum so received, to be recovered as before directed. And for the more effectually preventing such pernicious practices in future, the commissioners of the taxes in their respective counties, or a majority of them, shall, upon information or suspi-

Failing to make up an account and produce the money collected when required by the commissioners, incurr a weekly forfeiture.

Commissioners shall not be sureties for collectors.

Proceedings in prosecutions under this act.

Remedy by motion against sheriffs.

cion of any such misapplication, call upon the sheriff or collector to make up an account of the money which he shall have collected, upon oath, and to demand of him that the money collected shall be produced and compared with the accounts so made up; and if any sheriff or collector of taxes shall fail to make up his accounts, or to produce to the commissioners when required, the taxes collected as aforesaid, within the space of one week after such demand, he shall forfeit and pay the sum of one hundred pounds for every week thereafter, until he shall comply with the demand of the said commissioners, who shall give information, either to the attorney general, or to the attorney for the commonwealth in the county, either of whom as the case may be, shall lodge a bill, plaint, or information against such sheriff or collector, at the next court having cognizance of the said offence, which he shall renew so often as the said sheriff or collector shall continue his said offence. And no commissioner of the tax shall hereafter be admitted as security for any sheriff or collector, nor shall any person who is or shall be security for a sheriff, be eligible as a commissioner of the tax. Whenever a bill, plaint, or information shall be lodged in any county court, under this act, the said court shall compel the defendant to plead immediately to issue, which issue they shall proceed to try at the very next court thereafter, before any other matter or thing whatsoever: And if the said bill, plaint, or information is made in the general court, they shall cause the issue to be made up and tried at the same time. And should any sheriff or collector, after such process hath been legally served on him, fail to appear and plead at the next court or term as the case may be, such court shall order the clerk to make an issue for him, and proceed to trial in like manner as herein above directed. And for the more effectually securing the payment of all taxes now due, or which shall hereafter be collected, and not accounted for and paid as the law directs, the auditors of publick accounts shall have power to move for judgments against all sheriffs and collectors of taxes, without any farther notice than this act, on the first days of the June and December general courts, and on the first Saturday in the March and October general courts; and the said courts shall take cognizance thereof at all or any of

the said sessions, and give judgments accordingly, or for good cause may postpone the proceedings upon any such motion till a future day; and any judgment given on such motion shall carry twenty per centum interest, until the same shall be levied or discharged.

Twenty per cent. interest upon judgments by motion.

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CHAP. XXXIX.

*An act for confirming the titles of purchasers of escheated and forfeited estates.* [Chan. Rev. p. 118.]

I. WHEREAS some sales have been already made, and many others will soon be made under the "Act concerning escheats and forfeitures from British subjects," upon certificates from the clerk of the general court, that no claim had been filed in due time; and it hath been apprehended that should the inquisitions prove defective in substance, or the particular requisitions of the law not be complied with, the former owners may at a future day reclaim their estates, and expel the purchasers from the possession; and such apprehensions and doubts may deter many persons from purchasing, and cause such estates to sell at an under value; *Be it therefore enacted by the General Assembly,* That in every case where any estate shall have been found to belong to a British subject, in which the clerk of the general court hath certified, or shall certify, that no claim hath been filed to any such estate; or where any claim shall have been filed and discussed for the commonwealth, the title of the purchaser or purchasers thereto, shall be, and is hereby confirmed to him, her, or them, and his, her, or their heirs and assigns for ever, upon due payment of the purchase money; notwithstanding any defect in the inquisition, or that the requisitions of the above recited act may not have been complied with: Saving the right of all persons to assert their claim to the money arising from

Titles to estates found to have been escheated or forfeited, to which a claim either had not been made, or had been discussed for the commonwealth, confirmed to the purchasers; saving the rights of all persons to the purchase money.

such sales, as by the said act, and one other act passed at the present session of assembly, entitled "An act to amend the act concerning escheats and forfeitures from British subjects" is directed.

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CHAP. XL.

[Chan. Rev.  
p. 118.]

*An act for the protection and encouragement of the commerce of nations acknowledging the independence of the United States of America.*

I. FOR preserving friendship and harmony with those nations who have, or shall hereafter acknowledge the independence of the United States of America; speedily determining disputes wherein their subjects or citizens are parties, protecting and encouraging their commerce within this commonwealth; *Be it enacted by the General Assembly,* That it shall be lawful for the governour, with the advice of the council of state, to receive and admit, from time to time, a consul or consuls appointed by any such state to be resident within this commonwealth; such consul if he were not a citizen of this commonwealth at the time of receiving his appointment, shall be deemed a subject or citizen of the state from which he was appointed, and shall be exempted from all personal services required by the laws of this commonwealth from its own citizens; and if he shall do any act which by the laws of this commonwealth would subject him to criminal prosecution, it shall be lawful for the governour, with the advice of the council of state, in their discretion, either before the prosecution instituted, or in any stage thereof, to remand such consul to his own sovereign or state for punishment, and for that purpose to command him to be delivered by any civil officer in whose custody he may be. It shall be lawful for the said consul to take cognizance of all differences, controversies, and litiga-

Consuls from such states as acknowledge the independence of America, how received; deemed subjects or citizens of the states by whom appointed: guilty of crimes against this state, shall be remanded to their sovereigns for punishment.

Their pow  
ers;

tions arising between subjects or citizens of his own state only, and finally to determine and compose them according to such rules or laws as he shall think fit, and such determinations to carry into execution. And where he shall require aid for executing the same, it shall be lawful for the governour, with the advice of the council of state, using their discretion therein, to order any sheriff within his own county, or any military officer whatsoever, to execute or to aid and assist in executing any such determination; provided the same does not extend to life or limb of the offender. Where any sailor, seaman, or marine belonging to any vessel of such state within this commonwealth shall desert, or be found wandering from his vessel, it shall be lawful for the master of such vessel to reclaim such sailor, seaman, or marine, notwithstanding such sailor, seaman, or marine may in the mean time have been naturalized in this commonwealth. And any justice of the peace to whom the master shall apply, shall grant his warrant for taking and conveying such sailor, seaman, or marine from constable to constable to the said vessel, or on application from the consul, the governour, with the advice of the council of state, may issue such orders to any sheriff, constable, or military officer, who shall yield due obedience thereto. *And be it farther enacted,* That any suit commenced in the high court of chancery, or general court, by or against any subject or citizen of such state, shall be heard or tried in the term to which the process shall be returned regularly executed, or so soon afterwards as may be, and to this end, subsequent process to compel appearance may be returnable to any day of a term, and rules to brin the matter in dispute to speedy issue, may be given to expire at any shorter time than what is prescribed in ordinary cases. If such suit be commenced in the court of a county, city, or borough, it may, without any other reason, on the motion or petition of either party, be removed by writ of *certiorari*; and the hearing or trial thereof shall be accelerated by like means, as if it had originated in the court to which it shall be removed. And the court of appeals, high court of chancery, or general court shall determine every such suit brought before them, by writ of error or appeal, with all the expedition which the necessary forms of their proceedings will allow.

In execution thereof, how to be aided

Seamen deserting, how apprehended.

Mode of proceeding in suits, where in foreigners are parties.

## CHAP. XLI.

{Chan Rev.  
p. 118.]

*An act for continuing an act entitled  
An act to revive and amend an act  
entitled An act to make provision  
for the support and maintenance\* of  
ideots, lunaticks, and persons of un-  
sound minds.*

Act provid-  
ing for sup-  
port of idiots  
and lunatics,  
further con-  
tinued.

I. WHEREAS the act of assembly, passed in the year one thousand seven hundred and seventy eight, entitled "An act to revive and amend an act entitled An act to make provision for the support and maintenance of ideots, lunaticks, and persons of unsound minds," will expire at the end of this present session of assembly, and it is necessary the same should be continued, *Be it therefore enacted by the General Assembly,* That the act entitled "An act to revive and amend an act entitled An act to make provision for the support and maintenance of ideots, lunaticks, and persons of unsound minds," shall continue and be in force, from and after the expiration thereof, for and during the term of one year, and from thence to the end of the next session of assembly.

Further al-  
lowance for  
support of  
patients.

II. *And be it farther enacted,* That the farther sum of fifty pounds shall be allowed and paid for the maintenance and support of each person in the publick hospital.

\* The words "*and maintenance*" omitted in the original, evidently by mistake, but inserted in Chan. Rev. p. 118.

## CHAP. XLII.

*An act to suppress excessive gaming.*

See Revised  
Bills of 1779  
p. 60.  
[Chan. Rev.  
p. 119.]

I. *BE* it enacted by the General Assembly, That every promise, agreement, note, bill, bond, or other contract to pay, deliver, or secure money or other thing won, or obtained by playing at cards, dice, tables, tennis, bowles, or other games; or by betting or laying on the hands or sides of any person who shall play at such games; or won or obtained by betting or laying on any horserace, or cockfighting, or at any other sport or pastime, or on any wager whatsoever, or to repay or secure money or other thing lent or advanced for that purpose, or lent or advanced at the time of such gaming, sporting, or wager, to a person then actually playing, betting, laying, or adventuring, shall be void. Any conveyance or lease of lands, tenements, or hereditaments, sold, demised, or mortgaged; and any sale, mortgage, or other transfer of slaves, or other personal estate, to any person, or for his use, to satisfy or secure money or other thing by him won of, or lent, or advanced to, the seller, lessor, or mortgager, or whereof money or other thing so won, or lent, or advanced, shall be part or all of the consideration money, shall inure, to the use of the heir of such mortgager, lessor, bargainer, or vender, and shall vest the whole estate and interest of such person in the lands, tenements, or hereditaments so leased, mortgaged, bargained, or sold, and in the slaves or other personal estate so sold, mortgaged, or otherwise transferred, to all intents and purposes in the heir of such lessor, bargainer, mortgager, or vender, as if such lessor, bargainer, mortgager, or vender had died intestate.

Contracts  
for paying  
money, &c.  
won by gam-  
ing, void.

Conveyan-  
ces to se-  
cure money,  
&c. so won,  
enure to the  
benefit of the  
loser's heir.

II. If any person by playing or betting at any game or wager whatsoever at any time within the space of twenty four hours shall lose or win, to or from another, a greater sum, or any thing of greater value than five pounds, the loser and winner shall be rendered incapable of holding any office, civil or military, within the state, during the space of two years; and moreover shall be liable to pay ten shillings in the pound, for every pound over and above the said sum of five

Penalties on  
those who  
play or bet-  
at games or  
wagers

pounds, which he shall so win or lose; and upon information thereof made to any county court, and due proof thereof had, such county court shall levy upon the goods and chattels of the offenders, the full penalty incurred, to be applied to lessening the levy of the county wherein such offence shall be committed; and upon a conviction before such county court, shall incur the forfeiture hereby inflicted, and be *ipso facto* deprived of his office aforesaid. Any person who shall bet or play for money or other goods, or who shall bet on the hands or sides of those who play at any game in a tavern, racefield, or other place of publick resort, shall be deemed an infamous gambler, and shall not be eligible to any office of trust or honour within this state.

Penalty on tavern keepers permitting gaming in their houses.

III. Any tavern-keeper who shall permit cards, dice, billiards, or any instrument of gaming to be made use of in his house; or shall permit any person to bet or play for money or other goods, in any outhouse, or under any booth, arbour, or other place, upon the messuage or tenement he possesses, and shall not make information thereof, and give in the names of the offenders to the next court which may be held for the county, city, or borough wherein he resides, shall be deprived of his license, and moreover shall pay to the informer, one hundred pounds, to be recovered by action of debt, in any court of record.

Power of justices of peace to bind gamblers to their behaviour.

IV. Two justices of the peace may cause any person not possessing a visible estate, nor exercising some lawful trade or profession, who shall be suspected by them to support himself for the most part, by gaming, to come or be brought before them, and if the suspicion shall appear upon examination to be well founded, may require security of him for his good behaviour, during the term of twelve months, and if before the expiration thereof, he shall play for or bet any money or other thing, at any game whatsoever, he shall be adjudged to have broken the condition of his recognizance.

Lotteries & raffling prohibited.

V. No person, in order to raise money for himself or another, shall publickly or privately put up a lottery of blanks and prizes, to be drawn or adventured for, or any prize or thing to be raffled or played for; and whoever shall offend herein, shall forfeit the whole sum of money proposed to be raised by such lottery,



raffing, or playing, to the use of the commonwealth. The presiding justice, as well in the general, as in all the inferiour courts of law in this commonwealth, shall constantly give this act in charge to the grand juries of their courts at the times when such grand juries shall be sworn. This act shall commence and be in force, from and after the first day of March next.

Charge to grand juries.

### CHAP. XLIII.

#### *An act for the relief of Christopher Godwin.*

WHEREAS it is represented to this present general assembly, that Christopher Godwin did on the third day of May one thousand seven hundred and seventy two, lease a certain house, garden, and pasture, lying in the county of Nansemond, unto John Hamilton, for the term of twenty years, paying annually on the first day of May the sum of ten pounds, wherein was inserted a clause, that if no distress should be found on the premises for the space of the said twenty years, it should be lawful for the said Christopher Godwin to re-enter.

Christopher Godwin, re-vested of his house, &c. in Nansemond, leased to John Hamilton, who had joined the enemy.

And whereas the said John Hamilton having about the ninth day of April one thousand seven hundred and seventy five, privately removed from this state and joined the subjects of his Britannick majesty, leaving no effects on the premises, and his property real and personal hath since been escheated and forfeited to the commonwealth, whereby the said Christopher Godwin is likely to lose the arrears of rent as well as those which might hereafter become due; for remedy whereof, *Be it enacted*, That the said house, garden, and pasture shall, and the same are hereby declared to be re-vested in the said Christopher Godwin.

## CHAP. XLIV.

*An act to amend an act entitled An act to increase the salaries of the clerks to the auditors of publick accounts.*

Salaries of clerks in auditors' office increased.

WHEREAS the salaries allowed to the clerks of the auditors of publick accounts by an act entitled "An act to increase the salaries of the clerks to the auditors of publick accounts," have been found inadequate to their services; *Be it enacted by the General Assembly,* That the additional sum of four hundred pounds per annum shall be given to each of the respective clerks aforesaid.

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 CHAP. XLV.

*An act concerning the naval office of the district of South Potowmack.*

Naval officer of district of South Potowmack, to appoint a deputy to reside in Alexandria.

WHEREAS it hath been represented to this present general assembly, that it will be expedient that a naval office should be kept in the upper part of the district of south Potowmack; *Be it therefore enacted,* That the naval officer of the said district be empowered, and he is hereby required to appoint a deputy to reside in the town of Alexandria, there to keep an office for the entering and clearing of vessels, in like manner, as such naval officer might or ought to do if personally present:

*Provided nevertheless,* That an office shall continue to be kept in the lower part of the said district, where a general register shall be made of all vessels trading to the said district.

## CHAP. XLVI.

*An act for dividing the parish of Drysdale, in the counties of Caroline and king and Queen.*

WHEREAS it hath been represented to this present general assembly, by the inhabitants of the parish of Drysdale, in the counties of Caroline and King and Queen, that they labour under many inconveniencies by reason of the great extent thereof; *Be it therefore enacted*, That from and after the first day of February next ensuing, the said parish of Drysdale shall be divided into two distinct parishes, by a line to begin at the lower corner of the land of John Page, esq. upon Mattapony river, and run along his lower line, and those of Christopher Smith, Anthony Seale, and Frederick Phillips, to the corner of the lands of Edmund Pendleton, the elder, esq. and Edmund Jones; thence along the lines between them to Morococick creek; thence up the creek to the mouth of Phillips's run; thence up the said run to Digges's upper line; thence along that line and the course thereof continued to the line of Essex county; and that all that part of the said parish which lies to the eastward of the said line, shall be one distinct parish, and retain the name of Drysdale; and that all the other part thereof shall be one other distinct parish, and be called and known by the name of Saint Asaph.

Parish of Drysdale, in Caroline & King and Queen counties divided, St. Asaph formed.

Boundaries.

*And be it further enacted*, That the present vestry of the said parish of Drysdale be, and the same is hereby dissolved; and that the inhabitants of the said parishes of Drysdale and Saint Asaph respectively, who have a right to vote for vestrymen, shall meet at some convenient time and place, to be appointed and publickly advertised by the sheriffs of the said counties of Caroline and King and Queen, before the first day of March next, and then and there elect twelve able and discreet persons, who shall be a vestry for the said parishes respectively; but the collector of the said parish of Drysdale shall have power to collect and distrain for any dues which shall remain unpaid by the inhabitants of the said parishes of Drysdale and

Saint Asaph, at the time of the said divisions taking place, and shall be answerable for the same in like manner as if this act had never been made.

Glebe of Drysdale parish to be sold, and money divided between parishes of Drysdale & St. Asaph, in proportion to the value of the two churches.

And whereas on the division of the said parish of Drysdale, the present glebe and the buildings thereon will be inconveniently situated, *Be it enacted*, That the said glebe, with the appurtenances be, and the same are hereby vested in Edmund Pendleton, the elder, William Lyne, Anthony Thornton, jun. Thomas Coleman, Mungo Roy, and James Upshaw, gentlemen, commissioners, or any four of them in trust, that they shall sell and convey the same for ready money or on credit, as to them shall appear most advisable for a valuable consideration to be *bona fide* received to any person or persons willing to become purchasers thereof, to hold to such purchaser or purchasers in fee simple: That the money arising from the sale thereof shall be equally divided between the said parishes of Drysdale and Saint Asaph, except as herein after directed; and the vestries of the said parishes respectively shall apply the money in the purchase of other lands for a glebe for the use of their respective ministers for the time being for ever. *And be it farther enacted*, That the present vestry of the said parish of Drysdale shall, and they are hereby directed and required, on or before the said first day of February next, to appoint one or more impartial and disinterested person or persons to value the two churches now in the said parish of Drysdale, and upon such valuations being returned to the commissioners appointed by this act to sell the glebe of the said parish of Drysdale, they shall deduct so much as the one shall exceed the other in value, out of the sale of the glebe, and pay such difference of value to the vestry of the parish in whose favour the same shall be adjudged.

See post chap. XLIX, this section amended.

## CHAP. XLVII.

*An act for the manumission of certain Slaves.*

WHEREAS application hath been made to this present general assembly, that John Hope, otherwise called Barber Cæsar, a negro man slave the property of Susanna Riddle of York town; that William Beck, a mulatto slave the property of Thomas Walker, the younger, of the county of Albemarle, and that a mulatto girl named Pegg, the property of Lewis Dunn, of the county of Sussex, may be severally emancipated; *Be it therefore enacted*, That the said negroes, John Hope, otherwise called Barber Cæsar, William Beck, and Pegg, shall, and they are hereby respectively declared to be free, and may enjoy all such rights, privileges, and immunities, as free negroes or mulattoes by the laws of this country do enjoy; saving to all and every other person, his or their heirs, executors, and administrators, (except the said Susanna Riddle, Thomas Walker, the younger, and Lewis Dunn, and those claiming under them) any right, title, or claim they may have to the said negroes, as if this act had never been made.

*John Hope, alias Barber Cæsar, a slave of Susanna Riddle, of York; William Beck, a mulatto, belonging to Thomas Walker, jun. of Albemarle; and a mulatto girl Pegg, the property of Lewis Dunn, of Sussex, emancipated.*

## CHAP. XLVIII.

*An act to repeal so much of the several acts of assembly which empower the county courts to make provision for the support of the wives, parents, and families of the soldiers of this state in the service of this commonwealth, or in the service of the United States, and for other purposes.*

Preamble.

WHEREAS the several acts of assembly empowering the county courts to make provision for the support of the wives, parents, and families of the soldiers of this state, as well those in the service of this commonwealth, as those in the service of the United States, have created an expenditure greatly exceeding the expectations of the legislature, and must prove very burthensome to the good people of this commonwealth, if longer admitted; for remedy thereof, *Be it enacted by the General Assembly,* That so much of the several acts of assembly which empower the county courts to make provision for the support of the wives, parents, and families of the soldiers of this state in the service of the United States, or in the service of this commonwealth, shall be, and the same stands hereby repealed, *Provided nevertheless,* That the county courts may, and they are hereby empowered to grant allowances to the wives, parents, and families of any soldier now in actual service, upon proof to them made, that such wives, parents, or families are so poor that they cannot maintain themselves; such allowance not to exceed one barrel of corn and fifty pounds of nett pork for each person, annually.

All acts empowering county courts to provide for wives, parents and families of soldiers repealed.

Proviso, in favor of those in indigent circumstances.

## CHAP. XLIX.

*An act to explain and amend the act of the present session of assembly for dividing the parish of Drysdale, in the counties of King and Queen and Caroline.*

WHEREAS by an act passed this present session of assembly, entitled "An act for dividing the parish of Drysdale in the counties of Caroline and King and Queen," it is provided that the present vestry of the said parish of Drysdale shall appoint one or more impartial and disinterested person or persons to value the two churches now in the said parish, and upon such valuation being returned to the commissioners appointed by that act, they are directed to sell the glebe of that parish, and deduct so much as the one church shall exceed the other in value, out of the sale of the glebe, and pay the difference of value to the vestry of the parish in whose favour the same may be adjudged. And whereas it has been made appear to this general assembly, that the remaining parish of Drysdale, as the division has taken place, will have far the lesser number of subscribers for supporting a minister of the church of England, but the largest church, and which will be in some measure useless to them, and if they should be obliged to pay to the vestry of the new parish of St. Asaph, the difference in value between their churches, they will pay for buildings of little or no advantage to them, and from the smallness of their number, may not be able to purchase a new glebe, or maintain a minister; and it is reasonable that the inhabitants of the new parish of Saint Asaph, who prayed for and have obtained a division of the parish, should be content with their own church, without burdening the now parish of Drysdale, who were averse to a division, with making a compensation for buildings which this division has rendered useless; *Be it therefore enacted by the General Assembly, That no valuation shall be made of either of the churches in the said former parish of Drysdale; nor shall there be*

So much of act of present session (ante chap. XLVI) as directs an estimate of the value of the two churches in the parishes of Drysdale & St. Asaph to be made, & the proceeds of the sale of the glebe to be divided, in proportion, repealed.

any compensation made by the one parish to the other for any supposed difference in value between the said churches; any thing in the said recited act to the contrary notwithstanding.

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CHAP. L.

*An act for re-enlisting the troops of this state in the continental army, and for other purposes.*

Officers of Virginia line, and of the two state regiments, and of artillery, in continental service, empowered to re-enlist their men.

Bounty.

Executive authorised to send assistance to sister state of North Carolina.

Militia and state troops to be sent.

Drafts, under former laws, to be completed.

*BE it enacted by the General Assembly,* That the officers of the Virginia line, and of the two state regiments, and of the artillery regiment in the continental service, shall have power to re-enlist any soldiers whose times of service may expire within the course of the ensuing year, and to pay them the sum of seven hundred and fifty dollars, as bounty money, with which they shall be furnished out of the treasury of this state, under the directions of the governour and council. And that the executive may be enabled to afford such assistance to our sister state of South Carolina as the exigency of their situation may require, during the recess of the assembly; *Be it enacted,* That the governour, with the advice of the council may, and he is hereby empowered to order any number of militia of this state, not exceeding fifteen hundred, and so many of the state troops as can be marched thither according to the terms of their enlistments, or are willing to march, as they in their discretion shall think proper, to the assistance of the said state of South Carolina. *And be it farther enacted,* That if any county or division have not yet been drafted according to an act "For obliging the several delinquent counties and divisions of militia in this commonwealth to furnish one twenty fifth man," that the respective commanding officers of the militia shall take the most speedy and effectual measures to draft any such delinquent divisions which do not furnish a man on or before the first day of April next, according to the method prescribed



by the last recited act; and the governour, with the advice of the council, shall take proper measures to have the men so drafted, collected, and sent on to join the continental army.

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CHAP. LI.

*An act to regulate and ascertain the number of land forces to be kept up for the defence of the state.*

THAT the state may incur no greater expense than the exigencies of affairs requires, and that the publick revenue may be aided by every means which prudence and œconomy dictate, *Be it enacted by the General Assembly,* That the body of cavalry directed to be raised under the act of the last session of assembly, entitled "An act concerning officers, soldiers, sailors, and marines," shall be reduced to three troops, to be fully completed and retained in the service of this state, under the regulations and conditions expressed in the said recited act. *New organization of state troops.* That the regiments of infantry directed to be raised under the act of the last session of assembly, entitled "An act for raising a body of troops for the defence of the commonwealth," be reduced. *Cavalry.* That the men recruited under the said act for the defence of the eastern limits of this state, be drafted into, and incorporated with, the garrison and artillery regiments of this state. *Infantry.* The garrison regiment to be first completed, and the surplus of recruits applied to the completion of the artillery regiment, and to be commanded by the officers of the said garrison and artillery corps. *Garrison and artillery regiment.*

*Be it farther enacted,* That one regiment only shall be raised for the defence of the western limits of this state. The said regiment to be completed and in aid thereof, the corps of infantry under the command of colonel Slaughter, to be attached to, and considered as part of the said regiment. *Regiment for defence of western frontiers.* All privates recruited under the last recited act for the defence of the western

limits of this state, shall be incorporated into the said regiment, and shall be commanded by officers to be commissioned by the governour, with the advice of his council.

Enlistments,  
by county  
lieutenants,  
how long to  
continue.

*Be it further enacted,* That the lieutenants of the several counties within this state be, and they are hereby directed and required to expedite the enlistments to be made agreeable to the said last recited act, and to continue the same until the first day of February in the same year. Thereafter the said county lieutenants are required to discontinue all farther enlistments under this said recited act, when they shall report to the executive the number of men enlisted in their respective counties, and send them under a militia officer to such place of rendezvous as the governour and council shall direct.

Money re-  
ceived for  
enlisting  
men, how  
accounted  
for.

*Be it farther enacted,* That all collectors, or others possessed of money furnished by or collected from any division or divisions for the purpose of the said recited act, shall render accounts thereof to the commissioners of tax in their respective counties, on or before the first day of March, one thousand seven hundred and eighty. And the said commissioners are hereby directed and required to report the same to the auditors of publick accounts, who shall be empowered on the twentieth day of the March general court to move for judgments against any person failing to account with and pay to the treasurer the balance of such money remaining in his hands.

Summary  
remedy.

*Be it enacted,* That the officers commissioned under the said last recited act shall be disbanded, the men to be continued in service agreeable to the tenor, and according to the period of their respective enlistments, and no longer.

## CHAP. LII.

*An act to regulate the Navy of this commonwealth.*

WHEREAS from the present state of our navy it is found expedient to reduce the number of vessels now in the service of this commonwealth, and to apply the money arising from the sale of such as are useless in aid of the publick revenue, *Be it enacted by the General Assembly*, That the executive be empowered, and they are hereby directed to order the sale of the ships Tartar and Dragon, the gallies Henry, Manly, Hero, Page, Lewis, and Safe-Guard, by publick vendue, for ready money.

New organization of the navy.

Certain specified vessels to be sold.

*Provided nevertheless*, That the executive shall have power to retain for the state, such of the said vessels only as can consistently with the publick interest be employed in the commercial concerns of this commonwealth.

Proviso.

*Be it farther enacted*, That the ship Thetis, the brig Jefferson, the Accomack and Deligence gallies, the Liberty and Patriot boats, be retained in the navy of this state, and that the executive take order that they be equiped and manned with all deligence, as vessels of war. The executive are hereby empowered to retain such of the guns and other materials belonging to the vessels by this act directed to be sold, as they shall judge useful, and for the advantage of the commonwealth.

Certain specified vessels to be retained.

*Be it enacted*, That the Gloucester be retained in the service of this state as a prison ship; that the Tempest be retained until the Thetis be ready for the sea; and then the executive are empowered and directed to sell or employ the said ship as a merchantman, they shall think it expedient and for the publick interest.

Prison ship.

*Be it enacted*, That a boat of the like construction of the boats Liberty and Patriot be procured and employed in the service of this state, as a lookout boat, and that the executive take order herein.

Boats.

## CHAP. LIII.

[Chan. Rev. p. 120.] *An act for the recovery of arms, cattle, horses, and other property belonging to the commonwealth, or to the United States.*

Articles belonging to this state, or United States, how recovered from those who have the unlawful possession.

I. WHEREAS it is represented to the general assembly, that divers persons within this commonwealth are in possession of arms, cattle, horses, or other property belonging to this state, or the United States, and it is expedient that such persons should be compelled to deliver such articles to some officer of the line, or of the staff in the service of this state, or of the United States, *Be it therefore enacted*, That where any person shall be found not legally possessed of any bullock or other cattle, or any horse or horses, or arms belonging to this state, or to the United States, any officer of the line, or of the staff in the service of this state, or of the United States, shall be entitled to commence his action or petition in his own name against the delinquent for the recovery thereof, with full costs of suit, to the use of the United States, or of the commonwealth, as the case may be. The county courts are hereby empowered and required to proceed to the trial of any suit or petition commenced as aforesaid, in preference to all private suits, and to award execution for restitution of the effects and costs of suit, and shall transmit to the governour and council, copies of their proceedings in such suits, that the plaintiff may be amenable to their order as to the disposition of any property so recovered.

## CHAP. LIV.

*An act for making an adequate provision for the officers of government.*

WHEREAS the provision made for the treasurer of this commonwealth is quite inadequate to his services, *Be it therefore enacted*, That from and after the passing of this act, the treasurer for the time being, shall receive in lieu of his present salary, the sum of five thousand pounds per annum, and be empowered to employ such and so many clerks as he may judge necessary, the whole expense of whom to be paid by the publick, not exceeding the sum of six thousand five hundred pounds per annum.

Salaries of treasurer.

*And be it farther enacted*, That the several officers herein after mentioned shall, for their respective services, be entitled to the following salaries, to be paid out of the publick treasury, in quarterly payments, after the same shall have been audited according to law: To the governour or chief magistrate of this commonwealth, the sum of seven thousand five hundred pounds per annum: To the members of the privy council, the sum of twenty thousand pounds per annum, to be divided among them agreeable to their attendance on the duties of their office: To the judges of the high court of chancery, the general court, and the court of admiralty, for their services in their respective offices, as well as in the court of appeals, the sum of one thousand five hundred pounds per annum, each: To each auditor of publick accounts, the sum of three thousand pounds per annum: To the members of the board of war, the sum of three thousand pounds per annum, each: To the members of the board of trade, the sum of three thousand pounds per annum, each: To the attorney general, the sum of two thousand four hundred pounds per annum: To the clerks of the privy council, the sum of sixteen hundred pounds per annum, each: To the clerks of the auditors, the boards of war and trade, each, the sum of sixteen hundred pounds per annum, in lieu of, and not in addition to, the salaries which they respectively receive at present. This act shall continue and be in force, from and after the passing thereof, for and during the term of one year.

Governor.

Members of council.

Judges.

Auditors.

Members of board of war, and of trade.

Attorney general.

Clerks of cil.

Clerks to auditors, and boards of war &amp; trade.



AT A

# GENERAL ASSEMBLY,

BEGUN AND HELD

At the Public Buildings in the Town of Richmond, on Monday the first day of May, in the year of our Lord one thousand seven hundred and eighty, and in the fourth year of the commonwealth.

Thomas Jefferson, esq.  
governor.

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## CHAP. I.\*

*An act to embody militia for the relief of South Carolina, and for other purposes.*

WHEREAS a dangerous invasion of South Carolina now threatens the loss of the capital of that state, and the troops engaged in its defence may be overpowered by superiour numbers, if timely aid be not sent to them. And as it is incumbent upon this state, on every principle of policy and good neighbourhood, to assist our friends and fellow citizens in distress, as speedily and effectually as possible; *Be it enacted by the General Assembly,* That two thousand five hundred infantry be forthwith called into service, in legal rotation, from the following counties, and in the following proportions (to serve three months from the time of their joining the army in South Carolina, if not sooner discharged) that is to say: From Pittsylvania, ninety seven men; from Bedford, two hundred and two men; from Halifax, one hundred and forty

Preamble.

Troops ordered to relief of South Carolina.

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\* In the original none of the acts of this session are numbered by *chapters*, nor are they separated by *sections*.—Such only as were published in the *Chan. Rev.* will be so noted in this edition.

one man; from Charlotte, eighty nine men; from Mecklenburg, one hundred and twenty eight men; from Prince Edward, seventy five men; from Amelia, one hundred and fifty four men; from Lunenburg, eighty three men; from Dinwiddie, one hundred men; from Brunswick, one hundred and sixty one men; from Buckingham, eighty four men; from Amherst, one hundred and thirty five men; from Powhatan, forty seven men; from Cumberland, sixty one men; from Chesterfield, one hundred and fourteen men; from Goochland, seventy five men; from Louisa, ninety four men; from Henrico, eighty three men; from Hanover, one hundred and thirty five men; from Fluvanna, forty men; from Caroline, one hundred and twenty eight men; from Spotsylvania, ninety two men; from Orange, eighty men; and from Henry, one hundred and eight men; to be officered and commanded as is herein after directed.

Place of rendezvous.

How organized.

*And be it farther enacted by the authority aforesaid,* That so soon as the said quotas shall be completed, they shall be marched without delay to Hillsborough in North Carolina, as the place of general rendezvous; there to be formed into four regiments, each of which shall be commanded by a colonel, a lieutenant colonel, a major, ten captains, twenty lieutenants, ten ensigns, and the usual number of non-commissioned officers, and be allowed a surgeon and surgeon's mate, to be appointed by the colonel, or other officer commanding each regiment when formed; and the whole to be under the command of a brigadier general, who, together with the field officers, shall be chosen by joint ballot of both houses, and commissioned by the governour; and the captains and other inferiour officers shall be appointed in the respective counties, in the manner prescribed by law for militia drawn into actual service.

Discretionary powers given to the general.

*Provided always, and be it enacted,* That the brigadier general to be appointed by this act, may use his discretion upon a view of the then circumstances and situation of the enemy, either to form and march the militia by single battalions from the place of general rendezvous as soon as a number sufficient to form a battalion shall arrive there. or wait the coming of the whole two thousand five hundred, as in his judgment may best conduce to the purpose of relieving South



Carolina in the most speedy, prudent, and effectual manner: Any thing herein before contained to the contrary notwithstanding.

*And be it farther enacted,* That the pay of the militia hereby called into service, shall be as followeth: For the brigadier general, one hundred and twenty five pounds of tobacco, and ten rations per day; for a colonel, sixty pounds of tobacco, and six rations a day; a lieutenant colonel, fifty five pounds of tobacco, and five rations; a major, fifty pounds of tobacco, and four rations; a captain, forty pounds of tobacco, and three rations; lieutenants each, thirty pounds of tobacco, and two rations; an ensign, twenty pounds of tobacco, and two rations; an aid de camp to the brigadier general, fifty pounds of tobacco, and four rations; the brigade major, fifty pounds of tobacco, and four rations; a brigade quarter master, forty pounds of tobacco, and three rations; an adjutant and quarter master, fifteen pounds of tobacco each, in addition to their pay as officers in the line; a serjeant major, twelve and a half pounds of tobacco, and one ration; a surgeon, fifty pounds of tobacco, and four rations; a surgeon's mate, forty pounds of tobacco, and two rations; a serjeant, ten pounds of tobacco, and one ration; a corporal, eight and an half pounds of tobacco, and one ration; a quarter master's serjeant, twelve and an half pounds of tobacco, and one ration; a drummer and fifer the same as a corporal; and the privates each, seven and an half pounds of tobacco, and one ration per day. And where back rations shall be due to any officer, to be appointed under this act, that the same shall be paid for at the rate of two pounds and an half of tobacco for every ration so due.

Pay, rations, &c. of the militia, called into service.

And whereas the use of cavalry hath been found singularly serviceable in South Carolina; *Be it enacted by the authority aforesaid,* That a troop of fifty horse be raised in the following manner: That fifty of the men herein before directed to be called into service as infantry, be formed into a troop of cavalry, if so many shall be willing to find their own horses, to be commanded by a captain, one lieutenant, and a cornet; to be appointed and commissioned by the governour, with advice of council; and that the captain's pay shall be the pay of a major of infantry, the lieutenant of a captain of infantry, and the cornet and quarter master

Troop of cavalry how formed.

of a lieutenant of infantry; quarter master's serjeant, serjeants, twelve pounds and an half of tobacco each, and one ration; corporals ten pounds of tobacco and one ration each; and each private horseman, ten pounds of tobacco, and one ration per day; that they rendezvous at Petersburg in Virginia without delay, there to be equipt with the proper furniture. *And be it farther enacted,* That if any person so finding a horse, shall lose him in the publick service, without any default of the loser, that in such case, the owner shall be paid by the publick for his horse so lost. And if so many as fifty men of the above drafts cannot be found willing to furnish a horse each, that then any number of volunteers that shall be willing to find horses, be received in the corps aforesaid, and entitled to the same pay and other emoluments as the rest of the troop. And whereas the necessity of waggons to attend the troops is indispensable, and it having been found by experience that they cannot be obtained in sufficient numbers, without power to impress the same; *Be it enacted by the authority aforesaid,* That it shall and may be lawful for the governour, with the advice of council, to authorize any quarter master to impress and take into the publick service, for the use of the army, as many waggons as the nature of the service may, in the opinion of the governour and council, demand; and that for every waggon, team, and driver, so impressed, shall be paid fifty pounds of tobacco per day, and be found as usual. And to the end that the bounty heretofore directed by the general assembly to be paid to the militia that lately served in South Carolina may be paid in a manner most agreeable to the respective claimants; *Be it enacted,* That every person entitled to receive a bounty of forty pounds, under a resolve of the assembly, passed at the last session, shall have his option, either to receive the said bounty of forty pounds, or in lieu thereof, three bushels of salt, which the governour and council will provide for the purpose aforesaid.

Horses, how furnished.

Waggon provided.

Pay for waggons.

Bounty.

Money advanced.

And whereas it may be necessary, that some money be paid in advance to the militia hereby called into service; *Be it enacted,* That the sum of fifty pounds be advanced to every soldier at the place of rendezvous, to be hereafter deducted from his pay, at the rate of twelve shillings per pound, for every pound of to-

bacco that shall be due. *And be it farther enacted,* That the county lieutenant, or next commanding officer of each respective county, with five other officers, not below the rank of captain, or a majority of them, shall, without delay, determine on such and so many divisions of the militia whose tour of duty renders it their turn to serve, and as shall be sufficient to complete the quota of the county directed by this act. And if any officer shall refuse to act, not having a reasonable excuse, when ordered into service, according to his tour of duty or shall endeavour to dissuade or prevent any other officer or soldier from engaging or entering into such actual service; such officer so offending shall be cashiered, and moreover shall be turned into the ranks and serve as a common soldier during the time the detachment to which he belongs shall continue in service. If any non-commissioned officer or soldier shall fail to attend when summoned, not having a just and reasonable excuse, or refuse to march when ordered into actual service according to his tour of duty, or find an able bodied man in his room, or shall while in service, mutiny or desert, and thereof shall be convicted after due summons of all or any of these offences before a court martial, to be held at the usual place in the county, by the lieutenant or chief commanding officer, with the field officers and captains, or a majority of them, within ten days after the day appointed for marching such militia from the county, such offender shall serve as a regular soldier in the troops of the state eight months, and by order of such court martial, be delivered over to a recruiting officer for that purpose, to be appointed by the governour. *And be it farther enacted,* That if any county lieutenant or other officer, shall neglect or refuse to summon a court martial as is herein before directed for fixing on the divisions whose turn it may be to serve, or shall fail to discharge the duties by this act enjoined; every field officer so offending, shall forfeit and pay five thousand pounds of tobacco, and every captain three thousand pounds of tobacco, to be recovered with costs, by bill, plaint, or information in any court of record, giving ten days previous notice to such offender.

And whereas it is just and reasonable, that the families of such poor men as are called into service by this act, should have some temporary provision made for

Officers to allot the militia for service.

Fines on officers and privates, for various delinquencies.

Refusing to march.

Mutiny and desertion.

Provision for families of poor persons called into service.

their support, during the absence of their husbands or friends, *Be it enacted by the authority aforesaid*, That the commissioners of the taxes in the several counties herein before named, are hereby authorized and required, upon application to them made for such provision as aforesaid, that they, or a majority, do direct a reasonable quantity of corn or other grain to be delivered to such poor families from the publick magazines of grain, collected by a certain act of assembly entitled "An act for laying a tax, payable in certain enumerated commodities," provided that such allowance do not exceed that which is granted in similar cases, by an act entitled "An act to repeal so much of the several acts of assembly which empowers the county courts to make provision for the support of the wives, parents, and families of the soldiers of this state in the service of this commonwealth, or in the service of the United States, and for other purposes." And that where the grain in any county so making provision shall be exhausted, the commissioners of the tax for such county, be empowered to draw upon the commissioners of any neighbouring county for the corn they may want, to be transported at the publick expense, and such expense paid by the treasurer after being audited according to law.

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## CHAP. II.

[Chan. Rev.  
p. 120.]

*An act to secure to the publick certain  
lands heretofore held as common.*

Preamble.

See ante p.  
50.

I. WHEREAS certain unappropriated lands on the bay, sea, and river shores, in the eastern parts of this commonwealth, have been heretofore reserved as common to all the citizens thereof, and whereas by the act of general assembly entitled "An act for establishing a land office, and ascertaining the terms and manner of granting waste and unappropriated lands," no reservation thereof is made, but the same is now subject to be entered for and appropriated by any person or

persons; whereby the benefits formerly derived to the publick therefrom, will be monopolized by a few individuals, and the poor laid under contribution for exercising the accustomed privilege of fishing: *Be it therefore enacted by the General Assembly, That all unappropriated lands on the bay of Chesapeake, on the sea shore, or on the shores of any river or creek in the eastern parts of this commonwealth, which have remained ungranted by the former government, and which have been used as common to all the good people thereof, shall be, and the same are hereby excepted out of the said recited act, and no grant issued by the register of the land office for the same, either in consequence of any survey already made, or which may hereafter be made, shall be valid or effectual in law, to pass any estate or interest therein.*

Lands on the bay of Chesapeake, the sea shore, or shores of rivers and creeks, heretofore held as common, not to be granted.

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### CHAP. III.

*An act repealing part of the act entitled an act for sequestering British property, enabling those indebted to British subjects to pay off such debts, and directing the proceedings in suits, where such subjects are parties.*

[Chan. Rev. P. 121.]

1. *BE it enacted by the General Assembly, That so much of the act passed in the year one thousand seven hundred and seventy seven, entitled "An act for sequestering British property, enabling those indebted to British subjects to pay off such debts, and directing the proceedings in suits, where such subjects are parties," as enables persons owing money to a subject of Great Britain to pay the same, or any part thereof into the publick loan office, and obtain certificate of such payment in the name of the creditor, shall be, and the same is hereby repealed.*

So much of act for sequestering British property, &c. as allows debtors to pay their debts into the treasury repealed.

## CHAP. IV.

*An act to empower the justices of Spotsylvania county to hold courts in the house of John Holladay.*

Court of Spotsylvania to be held at house of John Holladay.

WHEREAS it is represented to this general assembly, that the courthouse in the town of Fredericksburg and county of Spotsylvania, is rendered unfit for holding courts in; *Be it therefore enacted*, That the justices of the peace in the said county shall, from and after the passing of this act, hold their sessions at the house of John Holladay, until the new courthouse now building in the said county shall be completed.

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 CHAP. V.

[Chan. Rev. p. 121.]

*An act to empower the sheriff of Henrico to summon a grand jury, and for explaining the several acts of assembly respecting the wages of the members of the general assembly.*

Sheriff of Henrico to summon a grand jury for general court.

I. *BE it enacted by the General Assembly*, That the sheriff of Henrico county shall before every session of the general court, so long as the same may continue to be held in the said county, summon a grand jury of twenty four freeholders, either within or without his county to attend the said court, any sixteen of whom appearing, shall be a sufficient number, And the said sheriff or his deputies, shall also perform the same services to the several superiour courts to be held in the said county, as the sheriffs of the counties of York and James City have heretofore discharged.

II. And whereas doubts have arisen upon the construction of the several acts of assembly, for fixing and paying the allowance of the members of the general assembly, and inconveniencies have also been occasioned from the fluctuating price of tobacco, and of the rates of the necessary expenses of the said members: To remedy which, *Be it enacted*, That the grand jury at each and every of the four annual sessions of the general court, shall upon oath, estimate in money the value of the tobacco then due, or to become due to the members of the general assembly, according to the worth thereof at the time of such valuation, and the competence of the same to defray the necessary and reasonable expenses of travelling and attendance; and the last valuation of such tobacco shall always be the rule by which the said allowance shall be settled, and paid to the several members, in the manner and under the regulations prescribed by law; provided that nothing contained in this act, shall affect the wages of the members of this present general assembly, until the 13th instant, June.

Wages of members of general assembly, payable in tobacco, how estimated in money.

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## CHAP. VI.

*An act to amend the act entitled an act to embody militia for the relief of South Carolina, and for other purposes.*

WHEREAS by the reduction of Charlestown, and the subsequent movements of the enemy, it hath become inexpedient to rendezvous at Hillsborough, the militia lately ordered into service for the defence of South Carolina; *Be it enacted*, That the governour with the advice of council, or the general commanding such militia, shall be, and they are hereby authorized and empowered to direct the rendezvous of the said militia, at any place or places whatsoever, that the publick service may require.

Governor or commanding general to direct the rendezvous of the militia, ordered to the relief of South Carolina.

## CHAP. VII.

[Chan. Rev.  
p. 121.]

*An act for regulating the fees of the register of the land office, and for other purposes.*

Fees of re-  
gister of  
land office.

I. WHEREAS the fees allowed by law to the register of the land office are very inadequate to the trouble and expense of conducting the business thereof, *Be it therefore enacted*, That the register of the land office shall be entitled to the fees herein after mentioned, to be paid by the party at whose instance any such service shall be performed, at the time of his or her requiring the same, that is to say: For issuing a warrant of survey, and recording the same, thirty pounds of tobacco; for recording the rights or certificates upon which such warrant of survey is founded, ten pounds of tobacco; for every warrant issued in exchange of another warrant, or where lands claimed under a former warrant shall be recovered upon a caveat, and recording the same, thirty pounds of tobacco; for receiving a plat and certificate, and giving a receipt for the same, five pounds of tobacco; for issuing and recording a grant, thereupon if the quantity therein contained exceed not four hundred acres, sixty pounds of tobacco; for every hundred acres exceeding that of four hundred, five pounds of tobacco; for recording a plat and certificate of survey, if the quantity does not exceed four hundred acres, twenty pounds of tobacco; for every hundred acres exceeding that quantity, five pounds of tobacco; for entering a caveat, or for a copy thereof, twenty pounds of tobacco; for a copy of any grant or patent of land, thirty pounds of tobacco; for a search for any thing, or for reading the same, if a copy be not required, ten pounds of tobacco; for recording a list of certificates proved in any county court, or allowed by the commissioners of any district, or for keeping a regular account of warrants, examined and cancelled, to be paid by the treasurer, on the auditors warrant for each certificate, or warrant contained in such list, three pounds of tobacco.

Fees for  
public ser-  
vices.

Surveyor's  
fees.

II. *And be it farther enacted*, That every surveyor, instead of the former allowance given by law, shall be



entitled to receive the following fees for the services herein after mentioned, to be paid by the person employing him: For every survey by him plainly bounded as the law directs, and for a plat of such survey, after the delivery of such plat, where the survey shall not exceed four hundred acres of land, two hundred and fifty pounds of tobacco; for every hundred acres contained in one survey above four hundred, fifteen pounds of tobacco; for surveying a lot in a town, twenty pounds of tobacco; and where the surveyor shall be stopped or hindered from finishing a survey by him begun, to be paid by the party who required the survey to be made, one hundred and twenty five pounds of tobacco; for running a dividing line, one hundred and twenty five pounds of tobacco; for surveying an acre of land for a mill, fifty pounds of tobacco; for every survey of land formerly patented, and which shall be required to be surveyed, and for a plat thereof delivered as aforesaid, the same fee as for land not before surveyed; and where a survey shall be made of any lands which are to be added to other lands, in an inclusive patent, the surveyor shall not be paid a second fee for the land first surveyed, but shall only receive what the survey of the additional land shall amount to; and where any surveys have been actually made of several parcels of land adjoining, and several plats delivered; if the party shall desire one inclusive plat thereof, the surveyor shall make out such plat for fifty pounds of tobacco; for running a dividing line between any county or parish, to be paid by such respective counties or parishes in proportion to the number of tithables, if ten miles or under, five hundred pounds of tobacco; and for every mile above ten, fifteen pounds of tobacco; for receiving a warrant of survey, and giving a receipt therefor, ten pounds of tobacco; for recording a certificate from the commissioners of any district of a claim to land allowed by them, to be paid by the claimant, ten pounds of tobacco; for making an entry for land, or for a copy thereof, ten pounds of tobacco; for a copy of a plat of land, or of a certificate of survey, fifteen pounds of tobacco.

III. *And be it farther enacted,* That every witness attending upon summons the high court of chancery, general court, or court of admiralty; and every witness, venire-man, or sheriff, attending the general court in

Witnesses  
allowance.

criminal cases, shall be paid sixty pounds of tobacco for each day's attendance, and two pounds of tobacco per mile for travelling, and their ferriages; and every witness attending upon summons in any county, or other inferiour court, or upon a survey of lands, shall be paid twenty five pounds of tobacco for each days attendance; and if residing in, and summoned out of another county, the same allowance for travelling and ferriages as witnesses in the superiour courts. And that all persons who shall hereafter become chargeable with tobacco for any of the services mentioned in this, or the act entitled "An act to amend an act for the better regulating and collecting certain officers fees, and for other purposes," shall at their election discharge the same, either in transfer tobacco notes, or money in lieu thereof, at such rate as shall be estimated by the grand jury, at each of the sessions of the general court, in the months of June and October in every year; confining themselves in making such estimate, to fix the same at one half of the average price of crop tobacco, which shall, and is hereby declared to be the rate at which the said tobacco fees due, or becoming due between every estimate, shall be paid in money. The clerk of the general court shall, as soon as may be after every estimate, furnish the register of the land office, and the clerks of the county courts each, with a copy of such estimate; that the register to be by him constantly kept in his office, and those to the clerks to be by them recorded.

Tobacco  
fees, how  
payable in  
money.

Marshal's  
allowance,  
of admiralty.

IV. And whereas the allowance heretofore made to the marshal of the court of admiralty is very inadequate to his risk and trouble; *Be it therefore enacted*, That the marshal of the court of admiralty, for taking charge of, and selling any vessel or cargo, the tackle, apparel, or furniture of any vessel, agreeable to the sentence of the said court, shall be entitled to receive, instead of the allowance heretofore made him by law, two per centum commission upon the amount of every such sale. So much of an act entitled "An act for regulating tobacco fees, and for other purposes;" and of an act entitled "An act for punishing persons guilty of certain thefts and forgeries, and fixing the allowance to sheriffs, veniremen, and witnesses in certain cases," as comes within the purview of this act, is hereby repealed.

## CHAP. VIII.

*An act for procuring a supply of provisions and other necessaries for the use of the army.*

WHEREAS in the present alarming and critical Preamble. situation of the war with a powerful enemy in the neighbouring southern states, it may be indispensably necessary to provide and collect in proper places, with the utmost expedition, large stores of provisions, either to supply our own militia or continental troops, or for supplying the troops sent by our good allies to the assistance of these United States; *Be it enacted by the General Assembly,* That the governour, with the advice of council, be empowered to appoint commissioners in such counties, within this commonwealth, as they may think necessary for the purpose of carrying this act into execution.

*And be it farther enacted,* That each and every Commissioners to procure provisions for the army, by purchase or impressment. of the commissioners, before they enter upon the execution of their trust, shall take the following oath or affirmation, which may be administered by any justice of the peace in the county for which the said commissioners shall be respectively appointed, to wit: "I A. B. do swear or affirm, that I will diligently and faithfully, without favour, affection, or partiality, execute the duty and trust reposed in me by an act of the general assembly of this commonwealth, entitled An act for procuring a supply of provisions and other necessaries for the use of the army." *Be it enacted,* That all and every of the commissioners appointed and qualified as before directed, shall have power and authority, and they are hereby required to examine into the state and quantity of the provisions in the possession of every person and family within their respective counties, where they shall have reason to believe such supplies may be obtained, and to purchase the same, at such prices as are herein after stated. And if the holder of such provisions or other necessaries shall refuse to sell the same, then the said commissioner shall seize the same for the publick use, under the following restrictions and limitations. **Provided ne-**

vertheless, that the commissioners shall leave in the hands of the tavern-keepers, a sufficient quantity of such enumerated articles, not only for the use of the family of such tavern-keeper, but as much as may be necessary for the accustomed consumption of such tavern. The commissioners aforesaid shall tender to each holder, for all provisions he can spare, receipts or certificates for the same, at the rates, and upon the conditions hereafter mentioned, that is to say: For pickled beef, twenty four shillings per pound; for salted pork, thirty shillings per pound; for bacon, forty eight shillings per pound; for Indian corn, seven pounds per bushel; for wheat, twenty pounds per bushel; for rye, twelve pounds per bushel; for oats, five pounds per bushel; for pease, eight pounds per bushel; for superfine flour, sixty pounds per hundred weight; for common flour, fifty pounds per hundred weight; for ship stuff, forty pounds per hundred weight; for white bisket, seventy five pounds per hundred weight; for brown bisket, sixty pounds per hundred weight; for West India rum, thirty pounds per gallon; for taffia, twenty pounds per gallon; for brandy, twenty five pounds per gallon; for corn spirits, fifteen pounds per gallon; for allum salt, forty pounds; for French or fine salt, thirty pounds per bushel; provided, that the same exemption from seizure of salt as is extended to the importers thereof under this act, shall also be extended to the manufacturers of salt within this commonwealth. And provided also, that the proof herein after demanded of the importer, that he did bona fide import the articles found in his possession, shall extend to prove that he has not, subsequent to the importation, sold the said articles to another. All such receipts or certificates shall be payable at the treasury; within six months from the date, with an interest at the rate of six per centum thereon; allowing always for the difference of value between the time of payment and the delivery of the articles; which difference shall be previously settled by the board of auditors, according to the respective prices of tobacco; or otherwise any person holding such receipt or certificate, may pay them to the collector in discharge of his or her next money tax, or his or her next specifick tax, in like kind and quantity.

Stipulated  
prices.

Certificates  
therefor,  
when and  
where pay-  
able.

*And be it farther enacted,* That if any person shall refuse to shew to the commissioners, when thereto required, his stock or quantity in possession, of any of the above enumerated articles, the said commissioners are hereby authorized and required to break open, in the day time, any house, barn, outhouse, mill, or storehouse, or other outhouses where any such enumerated articles may be suspected to be; and seize and take into his possession for the publick use of salted beef, pork, and bacon, the surplus; and of Indian corn, half the surplus; after leaving sufficient for the use of the family, or those in his or her service, to the first day of December next, of wheat, rye, oats, flour, rum, and other spirits, the surplus; after leaving sufficient for the use of the family to the first day of September, one thousand seven hundred and eighty one, and also a sufficient quantity of such grain for seed for the succeeding crop; of bisket, salt, rum and other spirits in the possession of any person or persons, for sale, not exceeding one half of the quantity on hand. If flour should be seized by the commissioners in the possession of any baker or bakers, then the said commissioners may store the same with such baker or bakers for the purpose of being made into bread, paying for baking thereof a reasonable allowance, to be ascertained by previous contract, should the person in whose possession such flour shall be so seized, be willing to undertake the same; and in case of refusal, then the said commissioners may cause the same to be removed to such other place as they may judge proper, for that or any other purpose. And if any person so called on by the commissioners shall wilfully secrete or conceal any of the before enumerated articles in his or her possession, he or she so secreting or concealing the same, being proved guilty thereof, shall forfeit and pay to the use of the commonwealth, treble the value of the articles so secreted or concealed; to be recovered by action of debt or information, instituted in any court of record by the said commissioners, or either of them. Provided always, that the quantity and kind of any of the above enumerated articles, to be collected by virtue of this act, in each county, may be farther limited by the directions of the governour, with the advice of council, as the publick exigence may permit. And to the end, that such limitation may be the more proper-

In what cases, doors may be broken.

ly directed, the commissioners to be appointed by this act shall make monthly returns of their collections to the governour. Provided also, that the said commissioners shall not seize any provisions which may have been procured for the use of the crews of any vessels, if the quantity so procured, be not more than sufficient for their voyage; and that any articles herein before enumerated, which shall be in the possession of the importer thereof, shall be, and the same are hereby excepted out of this act.

Storage and  
transp rta-  
tion of pro-  
visions, how  
provided  
for.

*Provided always and be it enacted,* That in every case where a doubt shall arise, whether any of the said enumerated articles have been imported by the person or persons possessing the same, the proof of such importation shall be upon the possessor. *And be it farther enacted,* That the said commissioners and each of them within the county for which they are respectively appointed, be authorized and required to hire and give certificates for the same in manner as before directed, or if need be, to seize any store-houses for the safe keeping the said enumerated articles, and to hire in manner aforesaid, or if need be to impress any horses, carriages, and their drivers, boats, and other vessels and their crews for transporting the same, and to hire persons and procure materials for making sacks, barrels, or other proper casks, or boxes for the containing or transporting the same; and in general to do all and every thing which may be needful for the procuring, collecting, and transporting the said enumerated articles, to such places either within or without the county, as shall be directed by the governour with the advice of council: All articles seized or impressed by virtue of this act, shall be paid for with certificates, in the same manner as is herein before directed to be paid to persons willing to sell what they had to spare.

Forging or  
counterfeit  
ing provi-  
sion certifi-  
cates, how  
punishable

*And be it farther enacted,* That any person who shall forge, counterfeit, alter, or erase, any certificate granted or directed to be granted by this act, or shall pass or tender such counterfeits in payment, knowing them to be so counterfeited, altered, or erased, or shall be aiding, abetting, or assisting in such forgery or counterfeiting, altering, erasing, or tendering, shall be deemed guilty of felony without benefit of clergy, and shall suffer death. The court of the county shall ascertain and certify the proper allowances to the com-

missioners for their expense and trouble, which being examined, and the errors corrected by the auditors for publick accounts, shall be paid by the treasurer. Any commissioner who shall be so appointed, and refusing or neglecting to act, shall forfeit and pay the sum of one thousand pounds to the use of the commonwealth, to be recovered with costs by action of debt or information in any court of record. The operation of this act so far as it relates to the seizure of salt, shall not be construed to extend to that article purchased by, and in quantities suited to the wants of, the owners for their private use, which may be in the custody of any other person (the *onus probandi* of such purchase, to lie on the person in possession) and shall cease on the first day of August next; and so far as it relates to any other matter or thing therein contained, shall continue and be in force until ten days after the beginning of the next session of general assembly, and no longer.

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### CHAP. IX.

*An act for giving farther time to obtain warrants upon certificates for pre-emption rights, and returning certain surveys to the Land Office, and for other purposes.* [Chan. Rev. p. 122.]

I. WHEREAS the time fixed by an act entitled "An act for adjusting and settling the titles of claimers to unpatented lands under the present and former government, previous to the establishment of the commonwealth's land office," for surveying and returning surveys to the land office upon entries made with the surveyor of a county, before the twenty sixth day of June one thousand seven hundred and seventy nine, for lands lying upon the eastern waters, and for returning the plats of legal surveys made upon the western waters under the former government, and exchange-

See ante p. 35.

Time allowed for returning surveys, and plats.

ing military warrants granted under the royal proclamation of one thousand seven hundred and sixty three, and not yet executed, will shortly expire, and many persons be thereby deprived of the benefit of such warrants and surveys: *Be it therefore enacted*, That all persons having such warrants, shall be allowed until the first day of July one thousand seven hundred and eighty one, to exchange such warrants; that the like time shall be allowed for returning such surveys to the land office, to such who were entitled to land for military service, for which certificates have not yet been obtained.

Further time allowed to the western commissioners.

II. And whereas the time limited in the act for explaining and amending the said recited act, to the commissioners for adjusting and settling the claims to unpatented lands within their respective districts, has been found too short for that purpose, *Be it therefore enacted*, That all the powers given to the said commissioners, except the commissioners for the county of Kentuckey, by any act or acts of assembly, shall be continued and remain in force for and during the farther term of twelve months.

Further allowance to them and their officers

III. And whereas the allowance made to the said commissioners, surveyors, and sheriffs, by the first recited act, is inadequate to their services; *Be it enacted*, That each commissioner for every day he hath or shall be necessarily employed, in going to, attending on, and returning from the business of his office, shall receive sixteen pounds; the surveyor six pounds; and the sheriff four pounds, instead of and in lieu of the former allowances given by the said recited act; and that all necessary expenses for expresses and paper, shall be allowed the said commissioners in settling their accounts. And whereas the expense of carrying the said act into execution, will be greatly increased, and it is reasonable and just that the greatest part of such expense should be defrayed by the persons who are to be benefited by the same, *Be it enacted*, That every person who shall institute any suit for the title of lands before the said commissioners, shall pay down the sum of ten pounds, which shall be taxed in the bill of costs against the defendant, if he shall be cast in the said suit and credited by the said commissioners in their account against the publick, in the

Tax upon litigants increased.



same manner as the tax of ten shillings per hundred is accounted for.

IV. *And be it farther enacted*, That the farther time of eighteen months be given to all persons who may obtain certificates from the said commissioners for pre-emption on their obtaining warrants from the register of the land office to enter the same with the surveyor of the respective counties in which their claims were adjusted: Provided that the court of commissioners for the district of the counties of Monongalia, Yohogania, and Ohio, do not use or exercise any jurisdiction respecting claims to lands within the territory in dispute between the states of Virginia and Pennsylvania north of Mason's and Dixon's line, until such dispute shall be finally adjusted and settled.

V. *And be it farther enacted*, That all surveys upon entries, the execution of all warrants, and the issuing of patents for lands within the said territory shall also be suspended until the said dispute shall have been finally adjusted and settled; but that such suspension shall not be construed in any manner to injure or affect the title of any person claiming such lands. And whereas the business of the commissioners for settling the claims to unpatented lands, will be much lessened in the counties of Monongalia, Yohogania, and Ohio: *Be it therefore enacted*, That the governour with the advice of council, be empowered to appoint commissioners within or without the said district as he may think reasonable: And to the end that pre-emption certificates heretofore granted by the commissioners of any district, and not returned to the register's office for want of time, or other impracticability, may not be lost to the holders thereof. *Be it enacted*, That where such pre-emption certificates may have been, or may hereafter be lost out of the owners possession, he or she upon a certificate from a court of record of such loss, which shall be granted upon satisfactory proof being made to such court, shall be entitled to receive from the register a warrant thereupon, in the same manner as he or she might have done upon the original certificate; that the farther time of twelve months after the passing of this act, shall be allowed to such persons to return the said certificates to the register's office for obtaining a warrant, and four months thereafter to enter the same with the surveyor of the coun-

Further time to enter warrants on pre-emption certificates with the surveyor

All claims within the territory claimed by Pennsylvania, suspended.

Further time to return pre-emption certificates, and providing in case of their loss.

ty, which entries shall be good and valid as though they had been entered within the time heretofore prescribed by the said recited act.

Lost war-  
rants, how  
renewed.

VI. And whereas many warrants from the register, may have been, or may hereafter be casually lost: *Be it enacted*, That upon satisfactory proof thereof being made, before any court of record, the owner shall obtain from such court a certificate, which shall authorize the register to issue a duplicate of such warrant, which shall have the same force as the original would have had; but such original shall be void, unless a grant shall be actually issued upon such original before application for the duplicate.

Regulations  
concerning  
warrants for  
military ser-  
vice under  
proclama-  
tion of 1763.

VII. And whereas some doubts have arisen upon the construction of the acts, directing the granting warrants for land due for military service under the king of Great Britain's proclamation in the year one thousand seven hundred and sixty three: It is hereby declared that no officer, his heirs, executors, administrators, or assigns, shall be entitled to a warrant of survey for any other or greater quantity of land than was due to him, her, or them, in virtue of the highest commission or rank in which such officer had served, nor in virtue of more than one such commission for services in different regiments or corps, nor shall any non-commissioned officer or soldier be entitled to a bounty for land under the said proclamation, for his service in more than one regiment or corps.

Further re-  
gulations.

VIII. *And it is farther declared*, That the register shall not issue to any person or persons whatever, his or their heirs or assigns, a grant for land for more than one service, as above described, nor to those who have received warrants for services since October one thousand seven hundred and sixty three, notwithstanding a warrant or warrants may have been heretofore issued, and the land surveyed, unless the claimant shall within six months from the end of this present session of assembly, produce to the said register, the auditors certificate for the payment of the state price of forty pounds per hundred, for the quantity of land in such warrant or warrants; and if such money is not so paid, that then the said warrants or surveys shall be to all intents and purposes void; and that the register may be able to comply with this law, he is hereby directed to make out, and keep an alphabetical list of all mili-

tary warrants issued under the former, as well as the present government; in case of any assignment making therein, the name of every assignor, and the several surveyors with whom military warrants obtained under the former government, have been lodged or located, are directed to transmit to the register in the month of November next, or before that time, a list of all such warrants.

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CHAP. X.

*An act for calling in and redeeming the money now in circulation, and for emitting and funding new bills of credit, according to the resolutions of Congress of the eighteenth of March last.* [Chan. Rev. p. 123.]

I. WHEREAS the just and necessary war into which the United States have been driven, obliged congress to emit bills of credit before the several states were sufficiently organized to enforce the collection of taxes, or funds could be established to support the credit of such bills; by which means the bills so emitted soon exceeded the sum necessary for a circulating medium, and consequently depreciated so as to create an alarming redundancy of money, whereby it is become necessary to reduce the quantity of such bills; to call in and destroy the excessive mass of money now in circulation; and to utter other bills, on funds which shall ensure the redemption thereof. And whereas the certain consequences of not calling in and redeeming the money now in circulation in the depreciated value at which it hath been generally received would be to increase the national debt thirty nine times greater than it really is, and consequently subject the good people of this commonwealth to many years of grievous and unnecessary taxation. And since congress

Preamble.

The state's quota of continental money and all state papers to be called in and destroyed.

by their resolution of the eighteenth of March last have called upon the several states to make proper provision for the purposes aforesaid; *Be it therefore enacted by the General Assembly, That* for the purpose of calling in and destroying this state's quota of the two hundred millions of dollars of continental money heretofore issued by congress; and also for calling in and destroying in like manner the money of this state now in circulation, whether emitted by the convention, or by the general assembly, either before or since the revolution, the following fund shall be appropriated, and the following taxes imposed. The product of the several taxes which are receivable in the months of August and September of the present year, in virtue of the act passed in the year one thousand seven hundred and seventy seven, entitled "An act for raising a supply of money for the publick exigencies," and of the several subsequent acts amendatory thereof, shall be applied to the said purpose of calling in and destroying the said money as before described: And in aid thereof, *Be it farther enacted, That* a new tax be levied and collected by a general assessment of all and every article or articles of property directed to be valued and assessed by the act of one thousand seven hundred and seventy seven; and also on plate, according to its real value, except only that the said valuations and assessment shall be in specie, as the same or the like property would have sold in the year one thousand seven hundred and seventy four, for ready money; and that an average price may be affixed to landed property within the respective counties, the commissioners of the tax shall, on or before the first day of October next, call together their several assessors, to meet at such place as they shall appoint, and shall then and there administer to them the following oath. "I do swear, or affirm, that I will, when called on by the commissioners of the tax for my county, truly, candidly, and without reserve, declare the worth of the several kinds of lands within my county as they would have sold for in ready money in the year one thousand seven hundred and seventy four, for specie, had the same been sold separately from other lands. So help me God." The said commissioners shall then proceed to describe the lands of their county (except lots in towns, which shall be separately valued by the asses-

The taxes payable in August and September of this year applied thereto.

Further taxes.

Commissioners and assessors to meet and class the lands.

Their oath on that occasion.

sors of the hundred in which such lots shall be) in so many general classes, not exceeding six, as their different natures or kinds may require; and shall call on each assessor singly to declare, under the obligation of his oath or affirmation, what he thinks each several kind of the said land would have sold for by the acre for ready money in the year one thousand seven hundred and seventy four, which several opinions they shall state in writing for each kind of land separately, and shall add together the sums at which the same kind of land is rated by the several assessors, and then divide the aggregate sum by the number of persons whose opinions were stated, and shall take the quotient or the sum nearest thereto, so as to avoid the difficulty of fractions, which may be thus approved by a majority of the said assessors, as the average price of such kind of land, and so shall proceed to deduce an average price for every other kind into which they shall have classed the land of their county as before directed; but lots of land in towns, ferry landings, mines of coal or metal, mills, and all other buildings, shall not be included within any class, but shall be valued by the assessors within whose bounds they are, as the same or the like would now sell for in specie. One of the said commissioners shall then administer to the said assessors, the following oath or affirmation. "I do swear or affirm, that I will, to the best of my skill and judgment, value and assess the several parcels of land within the bounds of my assessment as now classed and described; that I will faithfully, justly, and impartially value all other property to be assessed under this act, in gold or silver, as the same or the like property would have sold in the year one thousand seven hundred and seventy four, had the same been sold separately from other property of the same kind; that I will spare none for favour or affection, and none aggrrieve for hatred, malice, or ill-will, but in all things do my duty of an assessor honestly, impartially, and to the best of my abilities. So help me God." And if any assessor was not present at the meeting, the said last mentioned oath shall be administered to him by a commissioner or magistrate, before he shall proceed to assess. And if in the course of the said assessment the assessors shall differ in opinion, the medium between the two sums shall be taken as the true value of any kind of property.

General oath  
of assessors.

Rule if a difference in  
opinion between them

New taxes.

II. *And be it farther enacted,* That in lieu of the present tax imposed on the said property, there shall be collected, paid, and distrained for, the assessment or pound rate of thirty pounds of the money now in circulation, for every hundred pounds of such valuation of property, as the same would have sold for in ready money in one thousand seven hundred and seventy four; which said thirty pounds shall be paid at each of the three following periods. The first payment shall be on or before the first of January next; the second, on or before the fifteenth day of April next, and the third, on or before the fifteenth day of September. which shall be in the year one thousand seven hundred and eighty one.

Tax on money, tithables, servants, carriages, spirits, marriage & ordinary licenses.

III. *And be it farther enacted,* That at each of the said three last mentioned periods, the following farther taxes shall be paid in the paper money of this state, or of the continent now in circulation at the rates following: For every hundred pounds of the said money which any person shall have in his possession, either on the first day of October next, on the first day of March next, or on the first day of August, in the year one thousand seven hundred and eighty one, at sunrise of the said respective days, of which he shall render an account on oath as heretofore, he shall pay fifteen shillings; for every white male tithable above the age of twenty one years, shall be paid three pounds six shillings and eight pence (except the officers of the line or navy, soldiers or sailors in the service of this commonwealth or of the United States, or persons disabled in such service; except also such of the militia who may be in actual service at the time when the said taxes shall respectively become due, and those who have been or shall be exempted from the payment of levies by the county court;) for every white servant whatsoever, except apprentices under the age of twenty one years, shall be paid the like tax; for every head of neat cattle, six shillings; for every coach or charriot, twenty six pounds six shillings and eight pence; for each phaeton, four wheeled chaise, and stage waggon used for riding carriages, twenty pounds; for every two wheeled chaise and chair, six pounds six shillings and eight pence; for every gallon of brandy distilled within this state, ten shillings; and for every gallon of spirits in like manner distilled from grain and not before

taxed, eight shillings; for each marriage licence, ten pounds; and for every ordinary licence, two hundred pounds; the said tax on marriage and ordinary licences to be received and accounted for on oath by the clerk of the court. The same rules and regulations both in the assessments of the taxes for calling in the money now in circulation, and for redeeming the money herein after directed to be emitted, shall be observed with respect to and between landlords and tenants (unless the contract between them shall be specially otherwise) and the same discount for quitrents on the lands in the Northern Neck, as are directed by the said first recited act of one thousand seven hundred and seventy seven. And in order to fix the price of unappropriated lands belonging to this commonwealth at a rate to make up the depreciation of the money: *Be it enacted*, That the sum of one hundred and sixty pounds for every one hundred acres, shall hereafter be paid for all treasury land warrants, except pre-emption. All which said several taxes together with the consideration money for unappropriated lands, shall be payable in the bills of credit of the United States, or of this state now in circulation, or in Spanish milled dollars at the rate of six shillings each, and so in other lawful gold and silver coin at a proportionate value, or the bills of credit to be emitted upon the security of this commonwealth according to the said resolutions of congress of the eighteenth of March last. *Provided*, That the said specie and the said bills of credit so to be emitted, shall be received at the rate of one dollar for forty dollars of the said bills of the United States, or of this commonwealth now in circulation.

The price of waste lands raised; that and taxes in what money to be paid.

IV. And whereas the speedily calling in such large sums, may occasion difficulty in the payment of the said taxes for sinking the money now in circulation. *Be it farther enacted*, That good merchantable crop tobacco not inspected more than one year, when offered in payment, be received in discharge of such taxes, at the rate of forty five pounds per hundred, with an allowance of twelve pounds for cask and inspection; good merchantable hemp, at the rate of ninety pounds per hundred; good swingled flax, at one pound four shillings per pound; and good merchantable fine inspected flour, at the rate of thirty eight pounds per hundred; All of the said prices to be of the money now

Tobacco hemp, flax, and flour, to be received, and at what rates.

in circulation, to be delivered at the charge of the payer at such places, and to such commissioners, as the governour with the advice of the council shall appoint, whose certificates of receipt delivered to the sheriff, shall be equal to the payment of so much money; and the governour with the advice of his council shall take proper measures for selling the same, for the best price which can be had, and shall cause the product thereof to be paid into the treasury, to be applied to the foregoing purposes. And if the taxes herein directed to be paid, and the fund appropriated for the purpose of redeeming this state's quota of the two hundred millions of dollars heretofore issued by congress, and also of the state money now in circulation shall prove insufficient for the said purpose, the general assembly will hereafter provide and establish adequate funds for calling in, or redeeming at the same rate, so much thereof as shall then remain outstanding. And for determining the duty of, and making an adequate allowance to the commissioners and assessors for services herein; *It is farther enacted*, That the said assessors shall immediately after their meeting for ascertaining an average price of lands on the said first day of October next, proceed to assess and value all property of whatever kind which is directed to be assessed herein, or which is directed to be valued under the said law of one thousand seven hundred and seventy seven, before recited, according to the principle and under the rules prescribed by this act, upon which said valuation, an account of which shall be returned to the commissioners by the first day of November following; the said three payments of the tax called for by this act, shall be regulated and assessed, and by the said commissioners of the tax ordered to be collected. *Provided*, That the said assessors shall, in the months of March and August immediately preceding the second and third payment of the said tax, call on each person within their district for an account of brandy and spirits distilled since the last account thereof rendered; and also for a distinct account of the specie and of the paper money as before directed to be accounted for, which accounts together with any change of property, by transfer, by accident, by increase or decrease, or by the alteration in the number of free taxables, shall by the persons to whom they may respectively happen,

If taxes deficient, assembly will provide other adequate funds.

Assessors their duty.

Commissioners their duty.



be rendered to the said assessors on oath, who shall make application for that purpose, which accounts shall be returned to the commissioners, in the second instance, by the first day of April, and in the third, by the first day of September. And from the returns so made by the said assessors, the commissioners shall adjust the accounts and orders for collecting the said three payments respectively, and shall make out for the sheriff or collector, a list formed from such returns as a direction for his collection according to the said act of one thousand seven hundred and seventy seven, who shall and may distrain for all taxes imposed by this act, both for sinking the old money and for establishing funds on which to emit the new within twenty days after the same shall become due and payable, and shall, within twenty days thereafter, make up and render to the said commissioners an account of his said collection, who shall, within thirty days after receiving the said account so made up and rendered, return to the auditors an account of the said settlement, to enable them to adjust the dues and balances of the said sheriffs or collectors. And the said several sheriffs and collectors shall also be called to account for the said taxes according to the laws now in force to enforce the payment of the present taxes. If the said commissioners, or any of them, shall refuse to act, the county court shall fill up vacancies as directed by the laws now in force, who, thus chosen or appointed, shall, with their clerk, have and be allowed twenty pounds per day each, for every day they shall be employed in the said business, of the money now in circulation, for their trouble and expenses; and may also, at their discretion, make an allowance unto each of the said assessors, a sum not exceeding two hundred pounds, and not less than one hundred pounds of the like money, as a recompence for making the said general assessment in the month of October next; and may also make to the said assessors, an allowance, not exceeding eight pounds per day of the like money each, for every day which it shall appear to the said commissioners by the oath of the said assessor or otherwise, that he was actually employed in the months preceding the said second and third payments, in collecting returns and affidavits of the several alterations which may have happened in his district.

Sheriff or collector when to distrain,

and account.

Accounts to be returned by commissioners to the auditors.

Allowance to commissioners and their clerk;

to the assessors.

*V. And be it farther enacted,* That the money, both state and continental, called in by all and every of the funds and taxes above established shall not be reissued, but shall remain in the treasury to be burnt and destroyed; and that whatever sums of the like money shall by any other means be paid into the treasury, after the money hereafter to be issued under the resolutions of congress shall be ready for the purpose, the same shall remain in the treasury to be also burnt and destroyed. And in order to establish a means of defraying the expenditure of government, and also to furnish a circulating medium in lieu of the bills so called in to be destroyed; *Be it farther enacted,* That there be emitted on the funds herein after provided, and the faith of the United States as pledged by their said resolutions of the said eighteenth day of March last, a sum not exceeding the sum of one million six hundred and sixty six thousand, six hundred and sixty six and two thirds dollars, in bills of credit, bearing an annual interest of five per centum upon the funds of this commonwealth, the same being one twentieth part of thirty three millions, three hundred and thirty three thousand, three hundred and thirty three and one third dollars, hereby to be redeemed and destroyed as this commonwealth's quota of the said two hundred millions of dollars heretofore issued by congress. The face of the said bills, and the endorsement thereon shall be in the manner and words as is directed by the said resolutions. The said new bills thus to be issued shall be redeemable in specie by the said thirty first day of December, one thousand seven hundred and eighty six; and the interest thereon shall be paid, either on the redemption of the said bills, or annually, at the election of the holder, according to the said resolutions of congress, and the promises in the face of the said bills: The said bills to be emitted shall be completed no faster than in the proportion of one to twenty of the present circulating continental money brought in to be destroyed, in lieu of every twenty dollars of which money so destroyed, shall issue one dollar according to the said resolutions: for the preparing and signing of which, the governour shall, with the advice of his council, appoint proper persons in conjunction with commissioners to be appointed by congress to attend the completing the same, and to su-

The money called in to be burnt.

To be emitted for the purposes of this act, 1, 666 666 2-3 dollars, bearing 5 per cent interest

When redeemable.

Interest to be paid annually.

Restraint on the issuing the bills.

perintend the burning and destroying of the old money hereby called in and redeemed. As fast as the said new bills to be emitted shall be completed, six tenths of the same in value shall be received into the treasury of this commonwealth, to be thence issued as before directed, to support the expenses of the war and defray other publick charges; the other four tenths shall be subject to the orders of congress and carried to the credit of this commonwealth, in proper accounts to be opened and stated in the auditors books. And whenever interest on the said bills to be emitted shall be paid prior to the time of their final redemption, such bills shall be thereupon exchanged for other bills of the like tenour, to bear date from the expiration of the year for which such interest is paid, and then burnt and destroyed; and the commissioners to be appointed on the part of this state, are hereby authorized to join with the said commissioners of congress in completing such other bills for that purpose. And for effectually sinking or redeeming the said new bills of credit, and paying the interest thereon, which may be due from this commonwealth at the period prefixed for their redemption, *It is farther enacted*, That a tax of one hundred and seven thousand pounds (exclusive of all charges of collection and losses by insolvency or otherwise) shall be annually paid and collected from the last day of December, in the year one thousand seven hundred and eighty one, for and during the term of five years. And that the sum of seven thousand pounds thereof shall be annually retained and preserved in the treasury in specie, if so much specie shall be received in each year, or otherwise in the said bills of credit, or in the said hereafter enumerated commodities, to be exchanged for specie, or for the said new money, which shall be received in any of the said years, and shall be applied to the payment of the interest due from this commonwealth on the said money so to be emitted. *Provided*, That if any of the said bills shall be retained in the treasury for the payment of the said interest, over and above what are annually to be destroyed, the same shall, on being replaced by specie, be reissued. The remaining one hundred thousand pounds of the annual product of the said tax shall, if paid in the said bills so to be emitted, be annually cancelled and destroyed, if paid in whole or in part in

Their appropriation.

To redeem these bills and pay the interest; 107,000l. to be raised annually for five years.

7000l. for the interest.

100,000l. for sinking the principal.

specie; the said specie shall be retained in the treasury for the final redemption of such of the said bills of credit as may remain outstanding at the period of redemption; and if paid in the commodities hereafter to be enumerated, the governour, with the advice of his council, shall take proper measures for settling the same, either for the said new bills of credit, or for specie, at the best price which can be obtained, and shall take care to pay the product thereof into the treasury, to be applied to the foregoing purposes, in the same manner as if the said tax had been paid therein. And in order to raise the said sum of one hundred and seven thousand pounds, *It is farther enacted*, That a tax or pound rate of one per centum, according to the value, or twenty shillings in every hundred pounds, be laid and levied upon all articles of property before directed to be valued and assessed for the redemption of the money now in circulation; and also the like tax on every hundred pounds of specie, and so in proportion for a greater or lesser sum, to be levied and paid, at the rate of one half per centum, or ten shillings for every hundred pounds of such property twice in each and every of the said five years, to wit: On or before the last days of May and September. And that at each and every of the said periods there be also paid for the same purpose, a tax of two shillings for all free male persons above the age of twenty one years, and the same sum for all white servants (except as before excepted in the poll tax herein imposed for calling in the old money.) A tax of three pence per head for neat cattle; a tax of twenty five shillings for all coaches and chariots; of twenty shillings for all phætons, four wheeled chaises, and stage waggons used for riding carriages; and of five shillings for all chairs and two wheeled chaises. Also a tax at the rate of ten shillings in the hundred pounds, upon every merchant's or factor's worth, or stock in trade. And a tax of one shilling in the pound upon the annual profits of all publick offices not fixed by certain salaries. All the said taxes to be rated by the assessors, with the right of appeal to the commissioners of the tax, if the party shall be aggrieved or over rated, whereupon the commissioners, upon the oath of the party or other satisfactory evidence, may alter the rate according to their best judgment and discretion. A like tax of two shillings

By a tax of one per centum on all assessed property.

Payable a moiety half yearly,

And other taxes.

in the pound shall be gathered and paid upon all annuities, including the quitrents payable to the proprietor of the Northern Neck, other than annuities arising out of property, for which the owner is subject to assessment, and pensions given by the general assembly. A tax shall also be paid of three pence per gallon on all brandy; and of two pence half-penny upon all spirits distilled from grain within this commonwealth. Also a tax of five shillings upon all marriage licenses, and of fifty shillings upon all ordinary licenses; the said tax on marriage and ordinary licenses, to be received and accounted for on oath, by the clerk of the county. All which said taxes hereby imposed for establishing a fund for thus redeeming and sinking the money so to be issued under the resolutions of congress, shall be payable in Spanish milled dollars, at the rate of six shillings, and other lawful gold and silver coin at a proportionable value in the said new bills of credit to be emitted upon the funds and security of this commonwealth, according to the resolutions of congress of the eighteenth of March last; or during the war, in good merchantable crop tobacco, not inspected more than one year when offered in payment, at the rate of twenty two shillings and sixpence per hundred, with an allowance of six shillings for cask and inspection; in good merchantable hemp, at the rate of forty five shillings per hundred; or in good swingled flax, at the rate of seven pence per pound, to be delivered at the charge of the payer, at such places, and to such commissioners as the governour, with the advice of the council, shall appoint, whose certificates of receipt, delivered to the sheriff, shall be equal to the payment of so much money. And as it is probable a large surplus may arise, after paying the principal and interest of the said sum of one hundred and seven thousand pounds, *It is farther enacted*, That the same, if any, shall be annually applied to the use of this commonwealth towards supporting the expenses of the war; and defraying other publick charges; but if the said taxes should prove insufficient for raising the said sum of one hundred and seven thousand pounds annually as aforesaid, such deficiency shall be made good, and shall be provided for by the general assembly, by increasing the said taxes.

In what payable.

Disposition of any surplus.

Providing for deficiency

**All other taxes, except specific, to cease in Dec. 1781.** VI. *And be it farther enacted,* That all taxes heretofore imposed shall cease and be discontinued on the said last day of December, one thousand seven hundred and eighty one, except the specifick taxes heretofore established, whether the same be payable with or without an alternative, the laws relative to which shall still continue in force as if this law had never been made.

**Commissioners to act two years.** VII. *And be it farther enacted,* That the commissioners of the tax shall hereafter be chosen for and act two years instead of one; and together with their clerk shall, after the said last day of December, one thousand seven hundred and eighty one, take and be allowed fifteen shillings per day each for their services. The assessors shall be annually appointed by the said commissioners, but shall make their valuations under which these taxes are to be collected, only every other year, to wit: In the years one thousand seven hundred and eighty two, one thousand seven hundred and eighty four, and one thousand seven hundred and eighty six, between the first and last days of March in each year; but shall nevertheless observe the same method in ascertaining the transference increase or decrease of property in the intervals between the different assessments immediately preceding each assessment, as is herein before prescribed to be observed in ascertaining the taxes to be gathered for calling in and sinking the old money. The said several assessors shall be allowed not more than fifteen pounds, and not less than seven pounds ten shillings, at the discretion of the commissioners annually, for assessing in the said three years of one thousand seven hundred and eighty two, one thousand seven hundred and eighty four, and one thousand seven hundred and eighty six, and the sum of six shillings each per day, for every day it shall appear to the commissioners, by oath or otherwise, that they were respectively employed in rendering the services to be performed in the said intermediate terms between the different assessments.

**Their allowance.** VIII. *And be it farther enacted,* That the said commissioners shall respectively, either for refusing to serve in the said office when chosen thereto, or for any neglect of duty in the execution thereof, forfeit and pay one hundred pounds. The said assessors shall each for any of the like offences, forfeit and pay fifty pounds;

**Penalty on commissioners, assessors & sheriffs.**

and every sheriff and collector who shall fail to comply with the injunctions hereby laid upon him, shall forfeit and pay one hundred pounds. All the said forfeitures to be recovered by bill, plaint, or information in any court of record within this commonwealth, one half to the informer, and the other to the lessening the levy of the county in which the offender shall reside, and if there shall be no information, then the whole to the last mentioned purpose. The said commissioners, assessors, and sheriffs, shall also over and above the said penalties, be liable to an action on the case for damages in the name of the attorney general, for the time being, on behalf of the commonwealth, for all losses and injuries which shall accrue to the state by any offence aforesaid wherein the damages shall be assessed by a jury, which shall after judgment and execution therefor, be paid into the publick treasury for the purposes of government.

IX. *And it is farther enacted,* That the said sheriffs, commissioners, and assessors, shall in all things not herein specially directed, govern themselves according to the rules and regulations laid down and prescribed in the said act of one thousand seven hundred and seventy seven, entitled "An act for raising a supply of money for publick exigences." The court of the county shall in the months of October and March next, and in the month of July in the year one thousand seven hundred and eighty one, take bond of the sheriff with sufficient security, in the penalty of one hundred thousand pounds, payable to the treasurer of this commonwealth for the time being, and his successours, for the use of this commonwealth, and conditioned for the true and faithful collecting, paying, and accounting for all duties and taxes within his county hereby imposed, for calling in and sinking the money now in circulation; the said court shall likewise annually, after the first day of December one thousand seven hundred and eighty one, in the month of March in each year, for the five succeeding years, take a like bond of the sheriff in the penalty of four thousand pounds, conditioned for the discharge of his duty with respect to the taxes hereby imposed, for establishing a fund for the new money to be issued under the said resolutions of congress; the said bonds shall be recorded in the courts where they are taken, and an attested copy thereof

Bonds to be annually taken of the sheriffs by the courts.

shall be transmitted by the respective clerks without delay to the publick treasurer, which shall be admitted as evidence in any suit or proceeding founded thereon. If any person shall make, counterfeit, alter, or erase, any of the said bills of credit to be emitted under the said resolutions, or shall be concerned in aiding or abetting any person or persons in such making, counterfeiting, altering, or erasing, or shall be possessed of any plate or plates for the purpose of such counterfeiting, such person shall be adjudged guilty of the same crime, as if he had so made, altered, counterfeited, or erased the money now in circulation, or had been possessed of a plate or plates for that purpose; and such person shall be tried under the laws now in force, for punishing the said offences, which are hereby declared to be extended to any of the like offences committed with respect to the said bills of credit hereby to be issued.

Punishment  
on those  
who coun-  
terfeit these  
bills or pos-  
sess plates  
for that pur-  
pose.

Suspension  
of the act.

X. *Provided nevertheless*, That the execution of this act shall be suspended until his excellency the governor shall have received authentick advices that a majority of the United States of America (except Georgia and South Carolina, whose determination thereupon will probably be suspended until the enemy shall be expelled therefrom) have actually or conditionally approved of and acceded to the said resolutions of congress of the eighteenth of March last; and upon receiving such information, he shall with the advice of his council, immediately take care to carry this act into full execution, of which he shall apprise the good people of this commonwealth, by a proclamation to be issued for that purpose,



## CHAP. XI.

*In act to empower the high sheriffs to proceed in a summary way against their deputies, and for other purposes.* [Chan. Rev. p. 127.]

I. *BE it enacted*, That where the sheriff of any county heretofore hath, or shall hereafter appoint any person to be his under sheriff, to collect the taxes required by law in his county, and such under sheriff shall neglect or refuse to account for and pay such taxes to the sheriff under whom he hath been, or shall be appointed, or to the treasurer at the time appointed for paying the same; it shall and may be lawful for the general court, or court of the county whereof he hath been, now is, or shall be sheriff, upon motion to them made, by such sheriff, to give judgment against such under sheriff and his securities, their heirs, executors, and administrators, for all the money wherewith he shall be chargeable, and twenty per centum interest thereon, and to award execution for the same, provided that such under sheriff and his securities have ten days previous notice of such motion.

II. *Provided also*, That no execution shall be issued against an under sheriff and his securities, for the twenty per centum, unless judgment shall have been obtained against the sheriff for the same.

III. *And be it farther enacted*, That every sheriff, under sheriff, or collector of taxes now in office, shall in the court of his county, in one of the two succeeding courts after the passing of this act, take the following oath or affirmation, to wit: "I A. B. do swear or affirm, that all and every sum or sums of money that I may collect or receive by virtue of my office of sheriff or collector, shall not directly or indirectly by me or by my procurement, be disposed of to any other purpose than as directed by law." And every sheriff or collector of taxes hereafter to come into office, before he shall enter into the duties thereof, shall take the like oath or affirmation; and every sheriff or collector of taxes shall once at least in every month, under penalty of five thousand weight of tobacco for eve-

High sheriff's remedy by motion against deputy, for taxes, and damages.

Provided judgment had been obtained against the high sheriff, for the damages.

Oath to be taken by sheriffs as to taxes.

Sheriffs once a month to account with and shew money collected to commissioners.

ry failure, to be recovered with costs, at the suit of the commissioners, in any court of record, by bill, plaint, or information; one moiety whereof to the use of the commissioners, and the other for lessening the levy of the county; apply to one of the commissioners of the taxes of his county, with all the collections of taxes he shall have made, and before him the said sheriff, under sheriff, or collector, shall count the said money, and the said commissioner shall take an exact list of the bills so counted, and their respective denominations, with the amount of the whole, and transmit the account and list so taken, to the treasurer of the commonwealth, signed by himself; and a copy of such list shall, together with the money so counted, be sealed up by the said commissioners and returned to the said sheriff or collector, who shall not again open the same until he pays the money to the publick treasurer; and the commissioner for his trouble and expense herein, shall receive one fifth per centum on all the money so counted and sealed up. Any sheriff or collector of taxes misapplying any part of the money by him collected, and received to private purposes, and being thereof convicted, shall forfeit and pay treble the sum of the money so misapplied, for the use of the commonwealth, and suffer as in case of wilful perjury.

Commissioners duty therein,

And allowance.

Penalty on sheriffs misapplying money, collected.

Oath of quarter-masters and commissaries, as to application of public monies confided to them.

IV. *And be it farther enacted,* That every quarter-master and commissary, or their deputies now employed in the staff department, in the service of this commonwealth, shall in the court of his county, on one of the two succeeding courts after the passing this act, take the following oath or affirmation, to wit: "I A. B. do swear or affirm, that all and every sum or sums of money that I shall receive by virtue of my office for publick uses (as commissary, quarter-master, or deputies of either) shall be by me laid out to the best advantage for the publick, in such articles as I may be directed from time to time to purchase, and that I will not, directly or indirectly, by myself, or any person or persons whatsoever, dispose or make use of such money, or any part thereof, for my own emolument, or the emolument of any other person, for private purposes, other than my legal commission;" and every person who shall hereafter be appointed to either of the offices aforementioned, shall before he shall proceed to execute his office, take the like oath or af-

firmation, or failing so to do, he shall forfeit and pay five thousand pounds of crop tobacco, to be recovered with costs, by bill, plaint, or information in any court of record, by any person that will sue for the same. Any quarter-master, commissary, or the deputies of either, misapplying any part of the money by him received as aforesaid, to private purposes, and being thereof convicted, shall forfeit and pay treble the sum of the money so misapplied, for the use of the commonwealth, and suffer as in case of wilful perjury.

V. *And be it enacted*, That instead of the former allowance made to the sheriffs for collection, they shall hereafter receive a commission of five per centum on all publick monies by them to be collected.

Sheriffs  
missions for  
collecting  
taxes.

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## CHAP. XII.

### *An act for speedily recruiting the quota of this state for the continental army.*

WHEREAS the general assembly hath received authentick intelligence that his most Christian Majesty is determined to send a powerful land and marine force to co-operate with the United States in expelling the common enemy; and since both the pressing instances of Congress, and the obvious interest of this commonwealth irresistably impel us to make an exertion, whereby possessing a superiority of force we may ensure victory, and speedily terminate the war with a safe and honourable peace, *Be it enacted by the General Assembly*, That three thousand men shall be forthwith raised for the purpose of completing this state's quota of continental forces to serve until the last day of December, one thousand seven hundred and eighty one, and to be arranged in such corps or battalions belonging to this commonwealth as his excellency the commander in chief shall direct. The several counties and corporations within this commonwealth (ex-

Preamble,  
reciting the  
expected as-  
sistance from  
France.

Additional  
force to be  
raised, to  
complete  
this state's  
quota, on  
continental  
establish-  
ment.

One 15th  
man of the  
militia.

Militia to be  
laid off in di-  
visions, and  
each divi-  
sion to re-  
cruit a man.

cept the county of Illinois, and except also the coun-  
ties within the territory in dispute between this com-  
monwealth and Pennsylvania) shall for this purpose  
each of them furnish within thirty days after their mi-  
litia shall have been laid off into divisions as herein after  
directed, one fifteenth man of such of their militia as ex-  
ceed the age of eighteen years, including all the com-  
missioned and non-commissioned officers under the age  
of fifty years, deducting those who shall have march-  
ed at the time of the said draft, either for the assistance of  
Carolina or to defend the posts on the western frontier,  
but the remaining number shall furnish one fifteenth man  
as aforesaid. The county lieutenant or commanding  
officer of each county or corporation within this com-  
monwealth (except as before excepted) shall, immedi-  
ately after the receipt of this act, summon the field  
officers of his county or corporation, the four senior  
magistrates, not being field officers, and the commis-  
sioners of the tax, to meet at such place as he shall ap-  
point, within ten days after due notice to them given,  
which said field officers, magistrates, and commission-  
ers, or a majority of those attending, having first taken  
the oath to be administered by the senior magistrate  
to the other members, and by some one of the others  
to him, to do equal and impartial justice to the best of  
their judgment therein, shall, with the assistance of the  
captains or commanding officers of the several militia  
companies, who shall also be summoned to attend with  
their rolls, distinguishing carefully thereon invalids,  
those persons who may have arrived to eighteen years of  
age, those who may have come within the district of his  
company, and also those who may have removed or  
died since the delivery of his last list to the lieutenant  
of the county, and giving such information upon oath,  
proceed to lay off and divide the county and militia  
into as many separate districts and divisions as the  
number of men required by this act shall make neces-  
sary, in which districts they shall include all the as-  
sessable property in the said county or corporation,  
and shall so arrange it in the several districts as to  
have as equal a distribution thereof as the nature of the  
case will admit among the several divisions, which  
shall consist, as nearly as may be, of fifteen men each.  
The divisions thus constituted may collect among them-  
selves any sum of money in addition to the bounty

hereafter mentioned, and deposit it in the hands of some one of their body, to be by them chosen, who shall proceed therewith to recruit a man to serve in the continental army until the last day of December one thousand seven hundred and eighty one. *Provided*, That he shall not enlist a man out of any other division than his own, until such division shall have procured a man for itself. And to prevent fraud or collusion herein, any person liable to assessment, for reimbursing the said sum, or any other person on his or her behalf, shall have the right at any time of examining the same, and enquiring into the manner of contribution and collection. The said recruiting officer shall be furnished by the said commissioners of the tax with a list of the last taxes paid on the property within his district, who shall thereupon proceed to collect or distrain for the money so advanced, making such taxes the rule of proportion, and shall pay the money collected to those who may have advanced the same for the purposes aforesaid, after deducting their rateable proportion thereout. The county lieutenant or other commanding officer of the county or corporation shall assemble, on the said thirtieth day, his militia at such place as he shall appoint; and if any division shall then fail to deliver a recruit as aforesaid, the said commanding officer, together with the field officers and captains of the county, or a majority of them, shall immediately proceed to draft an able bodied man by fair and impartial lot out of such division, to serve in the continental army for the term aforesaid; who may nevertheless be permitted to procure an able bodied man in his room; and any person who, either before or after the said draft, shall enlist an able bodied soldier to serve in his stead during the war, shall, upon delivering him to the county lieutenant or commanding officer of the militia of his county or corporation, and taking his receipt, be exempted from all future drafts, except in case of actual invasion; the soldier so enlisted shall receive the bounty allowed by this act, and be marched with the other recruits in the manner herein after directed. No man shall be drafted, unless it shall appear to the said commanding officer that he possesses bodily ability to discharge the duty of a soldier; neither shall any recruit be accepted of in a division by the said commanding officer, unless he be an able bodied man.

If not recruited in 30 days, to be drafted.

Term of service.

Substitutes admitted.

Bounty.

And in order to encourage the said men to enlist, or to furnish them with a present support when drafted, that blank loan office certificates of one thousand pounds of nett inspected tobacco each, equal to the number of men required from any county or corporation, shall be transmitted to the respective commanding officers of the militia, who shall pay one of the said certificates to each of the said recruits or drafts, which said certificates shall be payable to the said recruits or draft holding the same, his heirs, executors, administrators, or assigns, at the end of the term for which he was enlisted.

Place of rendezvous.

*And be it enacted,* That the commanding officer of each county may furlough the soldiers obtained by this act on the day of the draft aforesaid for the space of ten days, after which he shall direct them to rendezvous at some convenient place in the county, from whence the said commanding officer shall cause the said recruits to be marched, under an officer of his militia, either to Fredericksburg, the town of Richmond, Winchester, Accomack courthouse, Alexandria, or Staunton, as may be most convenient to the county from whence they go; at which respective places the governour, with the advice of council, will appoint proper officers to review and receive them, and also give necessary orders for furnishing the said recruits on their march with provisions that may be obtained under an act of the present session entitled "An act for procuring a supply of provisions and other necessaries for the use of the army."

Returns to be made to governor.

*And be it farther enacted,* That exact returns shall be made to the governour by the several commanding officers of the militia, before the next session of assembly, of the number of their respective divisions, together with receipts for the men by them actually furnished, who shall also transmit to the auditors of publick accounts, the names of the recruits and drafts to whom any of the aforesaid tobacco certificates are paid and delivered, returning such of them as remain undisposed of to the said auditors, to enable them to adjust and settle the accounts thereof on their books. Every person failing to do his duty as herein directed, shall forfeit and pay the following sums of tobacco, to wit: A county lieutenant or commanding officer shall forfeit five thousand pounds; a field officer, magistrate,

Fines for delinquencies.

or commissioner, three thousand; and each captain, two thousand five hundred pounds of tobacco, to be recovered with costs in the court of the county where such delinquent resides, on bill, plaint, or information, and to be applied, one half to the informer, and the other to the lessening the levy of his county.

*And be it also enacted,* That if any division previous to the day of draft, or any soldier after he is drafted, shall apprehend and deliver to the commanding officer in any county, a deserter from the continental army or from the troops of this commonwealth, and shall moreover cause such deserter to be conveyed to jail, therein to be secured by the warrant of such commanding officer, such division or draught upon producing a receipt for such deserter from the sheriff or jailer, shall be entitled to a discharge from finding a soldier or personally serving, and such deserter shall be marched with the recruits and drafts aforesaid, to one of the places of delivery herein before directed. And such commanding officer shall in his return made to the governour, particularly note the deserters so as aforesaid obtained.

A division or draft producing a deserter, relieved from service

*And be it farther enacted,* That if any person shall on the day appointed for the draft, behave himself mutinously or riotously, and endeavour to excite mutiny, riot, or resistance to the execution of this law, that each and every person or persons so misbehaving, shall be, and they are hereby declared soldiers for the war, in this state's quota of continental troops; and for the purpose of enquiring into such offences, if any such there shall be, the commanding officer of any county where such misconduct shall take place, shall call a court-martial of the field officers and captains of the county, or a majority of them, within three days after such draft, and upon due enquiry and proof produced of any such offender, the said court shall have power, and they are hereby directed to cause such offenders to be arrested and conveyed with the recruits obtained by this act, to Fredericksburg, Richmond, Winchester, Accomack courthouse, Alexandria, or Staunton, and delivered with them. *Be it farther enacted,* That any Quaker or Menonist who shall be so drafted, shall be discharged from personal service, and that the commanding officer at the time of such draft, shall and he is hereby empowered and required to employ any two

Mutiny, how punishable.

Quakers or Menonists drafted, exempted from personal service, but a substitute to be provided at expense of society.

or more discreet persons, to procure on the best terms they can, a proper substitute or substitutes to serve in his or their rooms, and to adjust and divide the charge thereof among all the members of the society of Quakers or Menonists, in the division to which such draft belongs, in proportion to their assessable property, and to authorize the sheriff of the county by warrant under his hand, to levy such charge by distress in case of any member refusing or neglecting to make payment thereof within five days after the same shall have been demanded, upon the goods and chattels of the person so refusing or neglecting; and for the more easy execution whereof, the Quakers and Menonists shall be placed together as near as the nature of the case will admit in the same divisions.

Allowance  
to widows &  
aged parents  
of soldiers  
dying in ser-  
vice.

*And be it further enacted,* That the county courts may, and they are hereby empowered to grant allowances to the widows and aged parents of any soldier who hath or may hereafter die in actual service, upon proof to them made that such widows or aged parents are so poor that they cannot maintain themselves; such allowance not to exceed one barrel of corn and fifty pounds of nett pork, for each person in such family annually, in lieu of any other provision heretofore made.

Act exempt-  
ing millers,  
and persons  
employed in  
iron works  
(except for  
the public)  
repealed.

*And be it further enacted,* That so much of the militia law as exempts millers and persons employed in iron works (except the iron works belonging to the publick) shall be, and the same is hereby repealed.



## CHAP. XIII.

*An act the more effectually to prevent and punish desertion.*

WHEREAS many of the soldiers in the immediate service of this commonwealth, and in the battalions belonging to this state in the continental army, have deserted therefrom, to the dishonour and great injury thereof; and as the laws already made are found to be insufficient to deter from desertion, or for the effectual apprehending, securing, and sending deserters to their several companies, from whence they have or shall desert: Therefore *Be it enacted by the general assembly of this commonwealth,* That the commanding officer of every militia company within this state be, and they are hereby directed and empowered to apprehend, all deserters from the continental army, or from the troops in the service of this state that may reside or come within their respective districts, and to command the assistance of the militia, if necessary, for that purpose, and deliver him or them so apprehended, if from the continental line, to some continental officer, or if from the state troops to some officer in the said service within the county, and in either case where there shall be no officer or post within fifty miles of the place where such deserter shall be apprehended, the deserter shall be committed to the jail of the county, there to remain until he shall be removed by some continental officer, or by order of the executive power of the state; and the jailer is hereby directed to advertise such deserter four times in the Virginia gazette; that the person conveying and delivering such deserter over and above a reward of sixty pounds for apprehending, shall be paid by the treasurer of this commonwealth, on certificate from the proper officer, or jailer, after the rate of one dollar per mile for his trouble and expense; and the jailer shall be paid his legal fees out of the publick treasury.

Deserters,  
how apprehended and dealt with.

*And be it farther enacted,* That if any commanding officer of a company of militia within this state, shall neglect to perform the duty by this act enjoined, he or they for every such neglect, shall severally forfeit

Penalty for failing to apprehend deserter.

and pay the sum of five hundred pounds, one moiety thereof to be for the use of him or them who shall prosecute for the same to final judgment, and the other moiety to be applied towards lessening the county levy, to be recovered by bill, plaint, or information in the court of the county where the said neglect may happen, and the attorney for this commonwealth, and all others acting, or who may act on behalf of this state in the several counties within the same, are hereby directed to assist in the prosecution of all offences committed against this act.

Duty and liability of commanders of vessels, in relation to deserters.

*And be it farther enacted,* That the commander of every ship or other vessel that shall hereafter sail from any port or harbour of this state, who shall ship or convey away on board his vessel, any deserter or deserters from the continental army, or from the forces raised for the defence of this state, on being convicted thereof, shall pay for every deserter so shipped and conveyed away, a fine of five hundred pounds, to be recovered as aforesaid, and inure one moiety to the state, and the other moiety to the informer; and all wages or parts of wages and other emoluments that might accrue to such deserter, shall be paid by the captain of such vessel, or the merchant or factor employing such deserter or deserters, into the state treasury. And every commander of any vessel within this state, shall before he sails upon his voyage, make out upon oath, and deliver to the naval officer for the port he shall last sail from within this state, upon his voyage aforesaid, a descriptive list of all his officers, marines, and mariners, belonging to his said vessel for the said voyage, together with the wages and other emoluments they are respectively entitled to, upon pain of forfeiting the sum of five hundred pounds, to be recovered and inure in the manner last mentioned. And the naval officer is hereby directed and enjoined, to transmit the said list immediately to the commissioner of the war office for this state, who is to take the same into consideration as soon as may be, and return such list to the naval officer, certifying the deserters (if any there are) contained therein. And the several naval officers are directed to make out attested copies of such lists so returned, for any person requesting the same, for which he shall receive three pounds; and if the agent of any officers, marines, or mariners belonging to any

Duty of naval officers.

ship or vessel as aforesaid, shall at any time hereafter, pay, deliver, or distribute any share or shares, or parts of a share of any prize which shall hereafter be taken by any such vessel (the commander of which is required by this act to make out such list) to any officer, marine, or mariner, who shall be certified by the commissioner of the war office as aforesaid to be a deserter, such agent shall be accountable to the treasurer of this state for the time being, for the share, or shares, or parts of a share, or wages, or parts of wages, and other emoluments so paid, delivered or distributed, and shall also forfeit the sum of five hundred pounds, to be recovered and applied as last mentioned. And the several commanding officers of the respective continental and state regiments, are hereby required to send descriptive lists of the deserters from their several regiments, to the commissioner of the war office of this state, for the purpose of detecting such deserters.

Lists of deserters to be transmitted to war office.

And whereas many deserters from the aforesaid regiments may be sensible of their folly and wickedness, in violating their faith and oaths, in dishonourably abandoning the cause of their country by desertion, and would gladly be restored to the favour of their fellow citizens, by a speedy return to their several companies and regiments during the war, or a certain time over and above their several engagements, were it not for the apprehension of an ignominious punishment; therefore to quiet the minds of such, and to prevent all appearance of excuse to any who shall dare to reject the pardon and indemnification in this act hereafter offered;

*Be it farther enacted by the authority aforesaid,* That the governour of this commonwealth be, and he is hereby desired to write to his excellency the commander in chief of the American army, immediately enclosing a copy of this act, and in the name of the general assembly of this state, requesting him to proclaim pardon to all deserters from the Virginia line of the continental army, who shall within two months after the publication of this act return to their several companies, if on land, and if at sea, within two months after their return, and serve during the war, if so engaged, and if otherwise, shall serve two years over and above the time for which he or they engaged; and the like pardon is hereby offered to all deserters from the

Pardon proclaimed to deserters, who return to their duty.

forces raised for the immediate defence of this state, who shall return to their duty within the time allowed to deserters from the continental army, and continue in the service in like manner. And in case the commander in chief shall offer pardon as aforesaid, such deserters as shall take the benefit of the same, and all such others as shall take the benefit of the pardon herein offered, shall be entitled to receive all the bounties, gratuities, and allowances offered or granted, or that are or may be due to the soldiers in the continental or state regiments, for the time that he or they may have served, as though he or they had never deserted. And all who shall neglect to avail themselves of the benefits thereof, including such as may hereafter desert from either army, shall, and may be apprehended by virtue of this act, any time hereafter, within the term of ten years; and if apprehended after the expiration of the present war, and before the expiration of the said ten years, shall be committed on board some vessel of war in the service of this state, or into some fort, garrison, or mines belonging to the same; there to serve the term of five years,

Punishment of those who neglect the offered pardon.

Penalty for employing or concealing deserters.

*And be it farther enacted,* That any person who shall employ for more than forty eight hours, or who shall conceal or secrete any deserter from the continental army, or the forces of this state, shall forfeit and pay the sum of five hundred pounds, to be recovered and applied as last mentioned: *Provided,* That any person prosecuted for employing, concealing, or secreting such deserters, shall be deemed and taken to have known him to have been such deserter, unless he shall give in evidence upon the trial, a certificate of some justice of the peace within this state, or of some field officer of the militia thereof, bearing date previous to the time of such employing, concealing, or secreting, certifying that such justice or field officer hath good reason to believe that the person so employed, secreted, or concealed, (mentioning his name and describing his person) is not a deserter.

Commencement of this act.

And to the end that no person shall be subjected to pay the penalties in this act, provided before the same shall be sufficiently promulgated, *Be it enacted,* That this act shall not be of any force or effect until forty days after the end of the present session of assembly; that a copy of this act be sent to each of the command-

ing officers of the several regiments in the continental line from this state, and of the several regiments which are or may be raised for the immediate defence of this state, who are hereby directed without delay, to cause the same to be published in their respective regiments.

And whereas congress hath recommended it to the respective legislatures, to provide for the apprehending and securing deserters from the army or navy of our allies; *Be it enacted*, That the commanding officer of every militia company within this state, shall pursue the same steps for apprehending deserters from the army or navy of our allies, as are prescribed for apprehending deserters from the continental army; and all such deserters so apprehended, shall be committed to the common jail of the county wherein he or they shall be apprehended, and the jailer shall thereupon advertise such deserter or deserters four weeks in the Virginia gazette, to the end that the French consul residing in this state, may have proper notice thereof, and take such measures therein, as he shall see fit; and the same reward and fee shall be paid for such apprehending and securing as are allowed in the case of deserters from the continental or state forces.

Deserters from the armies of our allies, how apprehended.

*And be it farther enacted*, That so much of all former laws as respects deserters, shall be, and the same is hereby repealed, except so much of an act entitled "An act for recruiting the quota of this state in the continental army," as relates to deserters.

## CHAP. XIV.

*An act affixing penalties to certain crimes injurious to the Independence of America, but less than treason, and repealing the act for the punishment of certain offences.*

Preamble.

See vol. 9,  
p. 170.

WHEREAS by the act "For the punishment of certain offences," penalties are annexed to particular cases of guilt, which, though inferiour in malignity to treason, are yet injurious to the independence of America; but the following among other doubts have arisen, upon the construction thereof, what court can of right claim jurisdiction of such crimes, and by what mode of prosecution offenders are to be brought to trial; *Be it enacted by the General Assembly,* That so much of the said act as comes within the purview of this, from and after the first day of August, in the year of our Lord one thousand seven hundred and eighty, shall stand repealed; but nothing contained in this act concerning the repeal of the aforesaid act, shall give any manner of benefit or advantage to any person or persons, who shall have committed any of the crimes described in the said act before the said first day of August, in the year aforesaid, and shall be tried for the same, before the first day of January, in the year of our Lord one thousand seven hundred and eighty one; but they, and every of them shall, being legally convicted thereof, according to the directions of that act, suffer such fine and imprisonment as they and every of them would have suffered, had this act never been made. From and after the aforesaid first day of August, in the year of our Lord one thousand seven hundred and eighty, he or she shall be adjudged guilty of a misdemeanor, and shall be punished with fine and imprisonment, who by writing, or by printing, or by open preaching, or by express words, shall maliciously, advisedly, and directly maintain or affirm, that the United States of America, or any or either of them ought to be dependant on the crown of Great Britain, or on the British parliament; or who shall maliciously,

Punishment of those asserting that the United States ought to be dependant on the crown or parliament of Great Britain.

advisedly, and directly acknowledge the king of Great Britain to be the lawful sovereign of the United States of America, or any or either of them; or who shall maliciously, advisedly, and directly acknowledge him, or herself, to be a subject of the king of Great Britain; or who shall maliciously, advisedly, and directly attribute to the king or parliament of Great Britain, any jurisdiction or power within this commonwealth; or who shall by any ways or means put in practice, to withdraw any person within this commonwealth, from his or her allegiance to the same, or any or either of the United States, or to move such person to promise any obedience or allegiance to the king or parliament of Great Britain; or who shall by any means be willingly withdrawn as aforesaid, or shall promise any obedience or allegiance to the king or parliament of Great Britain, as is aforesaid; or who shall endeavour to dissuade or discourage any person, not being his or her father, son, son-in-law, grand-son, brother, or husband, from enlisting into the service of this commonwealth, either among the troops raised or to be raised for the internal defence thereof, or as its quota of the continental army, or who shall maliciously and directly endeavour to dissuade or discourage any man belonging to the militia, from entering into service, when called upon by due authority; or who shall maliciously or directly advise any person to submit to the British enemy, in case of invasion, and not to attempt to withdraw him or herself from their power; or who shall maliciously and directly advise any person to entertain any one or more of the British enemy, unless in captivity; or who shall maliciously, advisedly and directly by writing, printing, or open speaking, wish health, prosperity, or success to the king of Great Britain; every counsellor, aider, abetter, or procurer of any offender against this act, shall be adjudged a principal, and suffer as in case of a principal. The general court or any county court shall have jurisdiction of any of the above-mentioned offences, although the same hath not been committed within the limits of such county; provided the offender shall have fled, or the county in which the same was committed shall be invaded; which offence may be prosecuted, either by indictment or information, in the name of the commonwealth. The petit jury shall assess the quantum of

Or, acknowledge their sovereignty, or himself a subject.

Or, shall discourage enlistments, or the military service; or advise to submit to the enemy.

Or, who shall wish health, or success to the king.

Jurisdiction of offence.

the fine, and duration of the imprisonment; the former of which shall not exceed one hundred thousand pounds weight of crop tobacco, nor the latter five years. This act shall be given in charge to every grand jury as often as the same shall be impaneled in the general court, or county court. If upon the acquittal of any person charged with any of the above-mentioned offences, the court before which he was tried shall be of opinion that there was probable cause for the accusation, they shall require surety for his good behaviour, in a reasonable penalty, and for a reasonable term; and in case of a refusal to give the same, he shall be committed to close jail, there to remain until such security shall be given. The clerk of the general or county court before whom any person shall be convicted of any of the above offences, shall cause the judgment of the court to be published for three weeks successively in the Virginia gazette. No person shall be prosecuted by virtue of this act for any words spoken, unless the information of such words be given to some justice of the peace within thirty days after such words spoken; and the prosecution of such offence be within six months after such information. Any justice of the peace may bind over any person charged with any of the above-mentioned offences to his next county court, or commit him to close jail in case of refusal to give security for his appearance. An information shall therefore be filed as aforesaid; and the county court may, if they see cause, compel the offender to enter into a recognizance, with sufficient security to answer the judgment of the court. This act shall continue in force during the war.

Charge to grand jury.

When security may be required.

Sentence to be published.

Limitation of prosecution.

Power of justices.



## CHAP. XV.

*An act to amend an act for raising a supply of money for the use of the United States, and for other purposes.*

WHEREAS the tax imposed by the act of the last session of assembly, entitled "An act for raising a supply of money for the service of the United States," upon the venders of goods, hath been found to be unjust, so far as it is retrospective or subjects them to a tax of two and a half per centum; *Be it therefore enacted by the General Assembly,* That so much of the said act as respects goods or merchandizes, sold by any vender, previous to the first day of January last; and also so much thereof as subjects such goods and merchandizes to a tax of two and a half per centum, shall be, and the same is hereby repealed; but the said act shall have full operation as to subjecting all goods and merchandize to a tax of two per centum, sold by any such vender since the said first day of January last. *Provided,* That any retail vender who may have paid such tax for goods sold before the said first day of January, shall have returned to him the money so paid. *And be it farther enacted,* That so much of an act passed in the year one thousand seven hundred and seventy nine, entitled "An act providing a farther supply for the exigences of government," as enacts that any person may pay to the treasurer of this commonwealth for the time being, any sum or sums of money, not less than two hundred pounds, in advance for taxes not yet due, and which may hereafter accrue, be, and the same is hereby repealed. *And be it farther enacted,* That the treasurer of this commonwealth for the time being (having first taken an oath before some justice of the peace, to do impartial justice therein, according to the best of his judgment, and obtained a certificate thereof) be, and he is hereby constituted and appointed the judge of all such counterfeit paper money as shall be tendered or offered in payment at the publick treasury; and he is hereby empowered and directed to deface each and every paper money bill so

Act subjecting retailers of goods to a tax repealed in part.

Act authorizing payment of taxes, in advance, repealed.

Treasurer constituted judge of counterfeit paper money.

His power to deface counterfeit bills.

When he  
may call to  
his assist-  
ance two of  
the auditors.

tendered or offered in payment, which, in his judgment shall have been counterfeited, erased, or altered, by cutting a piece out of such bill from as near the middle thereof as may be, of two inches in length and one in breadth at the least, where the owner or tenderer of the same shall not object to it; and in case of such objection, he shall call to his assistance two of the auditors of publick accounts, who, having first taken the like oath, shall, together with the treasurer, determine by a majority of voices whether any such suspected bill hath been counterfeited, erased, or altered, or be genuine, according to which determination such bill shall, or shall not be defaced as aforesaid. *Provided nevertheless,* That this act shall not take place until the end of this present session of assembly.

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## CHAP. XVI.

### *An act to amend the several acts of assembly respecting the inspection of tobacco.*

Salaries of  
inspectors of  
tobacco, rated in tobacco.

WHEREAS the mode heretofore adopted for paying inspectors hath been found improper, and the allowances very inadequate to their trouble; *Be it enacted,* That instead of the allowance heretofore made by law to the inspectors for inspecting tobacco, they shall be allowed and paid the following salaries, to commence from the tenth day of October next, that is to say: To each of the inspectors at Guilford's and Pungoteague, under one inspection, fifteen hundred pounds of tobacco; at Roy's, three thousand; at Kennon's, one thousand eight hundred; at Bolling's Point, four thousand two hundred; at Bollingbrook, four thousand two hundred; at Cedar Point, four thousand two hundred; at Hobb's Hole, one thousand eight hundred; at Bowler's, two thousand; at Layton's, two thousand four hundred; at Colchester, two thousand four hundred; at Alexandria, two thousand four hundred; at the falls

of Potowmack, one thousand eight hundred; at Poro-  
 potanck, one thousand eight hundred; at Deacon's  
 Neck, one thousand eight hundred; at Crutchfield's,  
 three thousand; at Page's, three thousand; at Warwick,  
 one thousand five hundred; at Cary's, three thousand;  
 at Rocky Ridge, four thousand two hundred; at Os-  
 borne's, four thousand two hundred; at John Bolling's,  
 three thousand; at Byrd's, four thousand two hundred;  
 at Shockoe's, four thousand two hundred; at Smith-  
 field, one thousand five hundred; at Shepherd's, one  
 thousand eight hundred; at Mantapike, and Frazier's,  
 under one inspection, one thousand eight hundred; at  
 Todd's and Aylett's, under one inspection, two thou-  
 sand four hundred; at Boyd's Hole, one thousand eight  
 hundred; at Falmouth, three thousand; at Dixon's,  
 three thousand; at Gibson's, one thousand eight hun-  
 dred; at Davis's, one thousand eight hundred, at North  
 Wicomico and South Wicomico, under one inspection,  
 one thousand five hundred; at Indian creek, one thou-  
 sand eight hundred; at Deep creek, one thousand eight  
 hundred; at Urbanna, one thousand eight hundred; at  
 Milner's, one thousand five hundred; at South Quay,  
 two thousand four hundred; at Cherrystone's and Hun-  
 ger's, under one inspection, one thousand eight hun-  
 dred; at Littlepage's, one thousand eight hundred; at  
 the Brick-House, one thousand eight hundred; at  
 Coan's, two thousand: at Boyd's, four thousand two  
 hundred; at Davis's, four thousand two hundred; at  
 Blandford, four thousand two hundred; at Quantico,  
 four thousand two hundred; at Dumfries, four thousand  
 two hundred; at Cat Point, one thousand five hun-  
 dred; at Totuskey, two thousand; at Cabin Point, two  
 thousand; at Gray's creek, one thousand five hundred;  
 at Aquia, two thousand four hundred; at Fredericks-  
 burg, three thousand six hundred; at Royston's, three  
 thousand six hundred; at Denbeigh, one thousand two  
 hundred; at Nomony, one thousand eight hundred; at  
 Leeds and Mattox, under one inspection, one thousand  
 eight hundred; at Yocomico and Rust's, under one in-  
 spection, two thousand four hundred; at the Capital  
 and College landings, under one inspection, one thou-  
 sand eight hundred; at Roe's, one thousand five hun-  
 dred. *Provided always,* That every person appoint-  
 ed, or to be appointed an inspector shall, before he  
 shall be entitled to the above-mentioned salary, enter

- into bond with good security, in the penalty of ten thousand pounds, payable to the governour for the time being, and his successours, to the use of the commonwealth, with condition for the true and faithful performance of his duty according to law. And if any person shall presume to execute the office of an inspector of tobacco, after the said tenth day of October next, without having previously given such bond, and taken the oath prescribed by law, he shall forfeit and pay five thousand pounds; one moiety thereof to the use of the commonwealth, and the other moiety to the use of any person who will sue for the same; to be recovered with cost, by action of debt or information, in any court of record.
- And be it farther enacted,* That there shall be paid to the inspectors at each of the said warehouses, twenty two pounds of tobacco for every hogshead of tobacco by them inspected, to be paid by the owner at the time of receiving and inspecting the same. That the inspectors at each warehouse shall, in lieu of the allowance now by law given for storage, pay to the proprietor thereof four pounds of tobacco for each hogshead so received and inspected; and for all tobacco lying more than twelve months, at the rate of six pounds of tobacco a year for each hogshead, to be paid by the shipper. There shall be paid the inspectors for every hogshead which shall be reprized, for reprizing and finding nails, fifteen pounds of tobacco, to be paid by the proprietor; for every hogshead priz-ed up and exchanged for transfer notes, and finding nails, fifteen pounds of tobacco to their own use; and the shipper of every such hogshead of tobacco shall pay to the inspectors at the time of shipping the same, four pounds of tobacco for storage, to the use of the proprietor of the warehouse from whence such tobacco shall be shipped. The grand jury at the session of the general court in the month of October in every year, shall estimate the current price of transfer tobacco, at which rate the tobacco herein before respectively mentioned shall be paid in money: And the clerk of the general court shall immediately after each estimate made, transmit a copy thereof to the several inspectors within this state for their direction. All tobacco found on board any vessel in casks, bulk, or parcels, for which no manifest is given (except where
- Inspectors to give bond.
- Penalty for acting without.
- Inspection fees.
- Storage.
- Re-prizing.
- Grand jury to fix the value of tobacco salaries and fees, in money.
- Tobacco on board vessels, in bulk or parcels forfeited.

it may be carried from one plantation to another, or water borne to be inspected) or where any tobacco pressed or packed to be shipped off without being inspected, in either case all such tobacco shall be forfeited, and may be seized by any person whatsoever. And the master or skipper, if a white man, offending herein, shall moreover forfeit three times the value of such tobacco, to be recovered with costs, by action of debt or information, in any court of record, by any person who will sue for the same; and if the skipper is a slave, he shall receive thirty nine lashes, and his master be liable to the above-mentioned penalty. If any inspectors shall give a receipt for tobacco not actually received, or shall purchase, either directly or indirectly, any tobacco, every such inspector shall, in either case, forfeit three times the value of such tobacco to any person who will sue for the same, to be recovered as aforesaid, and moreover be deemed incapable of holding his office. If any inspector shall neglect to attend at his warehouse, not having a reasonable excuse, he shall forfeit and pay fifty pounds of tobacco for every day he shall fail to attend, to any person who will sue for the same, to be recovered by warrant before any justice of the peace in the county where such inspector resides, and moreover be liable to the action of the party injured. If any warehouse be burnt by the common enemy, the loss sustained thereby shall not be made good by the publick. If any inspectors shall neglect to pay the proprietors of warehouses the rents of the same at the time required by law, it shall be lawful for any court of record, upon motion to give judgment against such inspectors for the penalty of their bond, and award execution thereupon, provided they have ten days previous notice of such motion; but such judgment may be discharged by accounting for and paying what shall be really due, within one month. *And be it farther enacted,* That the county court of Elizabeth City shall recommend, once in every year, to the governour or chief magistrate for the time being, two proper persons for the purpose of inspecting, reinspecting, or repacking of tobacco in the said county, which tobacco shall be at the risk of the proprietor or proprietors thereof; and the inspectors shall be entitled to receive for their trouble, six pounds for each hogshead, from the person employing them. *And be*

Exceptions.

Penalty.

Inspectors giving receipts for tobacco not passed, or dealing in tobacco, penalty for.

Penalty on inspectors failing to attend warehouses.

If warehouse burnt, by enemy, public not liable.

Remedy, by proprietors, against inspectors for rents.

County of Elizabeth City to recommend two inspectors annually.

*it farther enacted,* That no two principal inspectors belonging to the same warehouse shall be obliged to perform militia duty out of their county at the same time; but when any two such inspectors shall happen to be in a division or divisions called out at the same time, they shall cast lots which of the two shall perform a tour of duty; and every inspector excused from service on such casting of lots, shall perform his tour of duty when the division to which he may belong shall be next called into service. So much of every act and acts as comes within the purview of this act, is hereby repealed.

No two inspectors at same warehouse, to perform militia duty at same time.

The one to perform, to be decided by lot.

Continuance of act.

Proviso as to warehouse in Alexandria.

*And be it farther enacted,* That so much of the act entitled "An act for reviving several publick warehouses for the inspection of tobacco, and for other purposes," and of two other acts passed in May and October, one thousand seven hundred and seventy nine, as is not repealed by this act, shall continue and be in force, from and after the expiration thereof, together with this act, until the last day of September, one thousand seven hundred and eighty one, and from thence to the end of the next session of assembly. *Provided always,* That nothing in this or the said acts contained, shall be construed to affect the estate or right of the proprietor in the land whereon the warehouses in the town of Alexandria stand, after the term of eighteen months from the passing of this act.

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## CHAP. XVII.

*An act for altering the salaries heretofore given to the judges of the Superiour courts.*

Preamble

WHEREAS the separation of the judiciary from the legislative power is esteemed in the Declaration of Rights as one of those leading canons which ought to be the foundation of government; and the constitution of the commonwealth hath, in conformity to this principle, forbidden that the one shall at any time encroach

upon the other; but from the circumstances of the times it has heretofore become, and is now again necessary to vary the stipends annexed to the judiciary department, *Be it enacted by the General Assembly,* That the salaries given by any act of assembly now in force to the judges of the high court of chancery, of the general court, and of the court of admiralty, shall cease on the first day of May, in the present year of our Lord one thousand seven hundred and eighty; and that from and after that day, there shall be paid in this and every other year, to each of the said judges, out of the publick treasury, upon a warrant from the auditors of publick accounts, the following sums of money, by the following installments, the first day of June for this year being excepted, to wit: On the first day of September, so much money as shall be equal in value to five thousand pounds weight of merchantable crop tobacco; on the first day of December, the like sum; on the first day of March, the like sum; and on the first day of June, the like sum. And whereas the value of such tobacco can be best ascertained by a jury; but such jury ought to be free from the controul of any of the supreme courts; *Be it therefore enacted,* That the justices of the county of Henrico shall at their sessions in the months of September, December, March, and June, in every year (the session in the month of June in the present year excepted) cause a jury to be summoned, consisting of freeholders in some part of the commonwealth, but who are inhabitants of the said county, who shall enquire into and assess upon oath the value of tobacco in current money, at the time of their inquest; which assessment shall regulate the auditors in granting their warrant to the said judges. If no court should be held, or being held no jury impanelled according to the directions of this act, at the days herein before specified, a jury may be summoned and sworn as is above directed, at any session ensuing those days, and the assessment then made shall be the rule for the auditors as aforesaid.

Salaries of judges of High Court of Chancery, General Court, and Admiralty, rated in tobacco.

A jury to estimate value of the tobacco in money.

## CHAP. XVIII.

*An act for giving more permanent salaries to the governour, the council, and to the other officers of state.*

Salaries of  
governor,  
members of  
council, trea-  
surer, attor-  
ney general,  
auditors,  
commercial  
agent, com-  
missioner of  
the navy,  
commissioner  
of war of-  
fice, & clerks  
payable in  
tobacco.

WHEREAS from the circumstances of the times it has heretofore become, and is now again necessary to vary the stipends of the officers in the civil department of government, and it is expedient to put them on a more permanent footing, *Be it therefore enacted by the General Assembly,* That from and after the passing of this act, the several officers herein after mentioned shall be entitled to, and receive the following allowances, in lieu of their former salaries, to be paid out of the publick treasury, in quarterly payments, on warrants from the auditors of publick accounts: To the governour or chief magistrate, sixty thousand pounds of tobacco per annum: To the members of the privy council, one hundred and twenty thousand pounds of tobacco per annum, to be divided amongst them according to their attendance, on the duties of their office: To the treasurer forty thousand pounds of tobacco per annum: To the attorney general, twenty thousand pounds of tobacco per annum: To each of the auditors of publick accounts, thirty thousand pounds of tobacco per annum: To the commercial agent, thirty thousand pounds of tobacco per annum: To the commissioner of the navy, thirty thousand pounds of tobacco per annum: To the commissioner of the war office, thirty thousand pounds of tobacco per annum: And to the two clerks of the privy council, to the three clerks of the treasury, to the two clerks to the board of auditors, the commercial agent's clerk, to the clerk of the commissioner of the navy, and to the clerk of the commissioner of the war office, each, ten thousand pounds of tobacco per annum; the value of which shall be fixed and ascertained by the grand jury attending the general court, at the several terms of March, June, October, and December, annually; each quarterly payment to be discharged in money according to the said jury's valuation of tobacco, at the preceding term; and so much thereof as shall become due before the gene-

Value of the  
tobacco in  
money, esti-  
mated by  
grand jury



ral court in October next, shall be discharged agreeable to the valuation of tobacco by the grand jury at the last term in June.

*And be it farther enacted,* That the several officers above described, except the commercial agent, the commissioner of the navy, and the commissioner of the war office and their several clerks, shall receive from the first day of May last, instead of the salaries heretofore allowed, the same quantities of tobacco as by this act is in future allowed them, to be paid in money according to the valuation of tobacco made by the grand jury at the last general court.

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#### CHAP. XIX.

*In act for emitting and funding a sum of money for supplying the present urgent necessities of this commonwealth.*

WHEREAS the exigencies of the war require the farther emission of paper money until the act for calling in and redeeming the money now in circulation, and for emitting and funding new bills of credit according to the resolutions of congress of the eighteenth day of March last, shall have its operation: *Be it therefore enacted by the General Assembly,* That the treasurer of this commonwealth shall, and he is hereby directed and empowered to issue treasury notes in dollars, for any sum or sums which may be necessary for the publick exigencies until the bills of credit to be emitted agreeable to the said recited act shall be thrown into circulation; so that the sum or sums of money to be issued by authority hereof shall not exceed the sum of two millions of pounds. The treasurer shall cause the said notes to be engraved and printed in such manner and upon such paper as he shall judge best to secure them against counterfeits. The face of the notes thus to be emitted, shall read in manner following,

Further emission of treasury notes, or paper money, authorised.

Forty-for-  
one notes.

viz. "No. — — Dollars. This bill of — Dollars shall be exchanged and redeemed in Spanish milled Dollars, or the value in Gold or Silver at the rate of One for Forty, at the Treasury of *Virginia* on or before the last Day of December in the Year 1784, according to an act passed the fourteenth day of July, one thousand seven hundred and eighty," and on the back of the notes thus to be emitted, the treasurer shall cause such a device to be printed as will readily distinguish the said bills from any others heretofore emitted in this commonwealth. He shall also appoint proper persons to overlook the press, and to number and sign the said notes upon the best terms he can, always regarding to publish the names of such persons in the newspaper. The bills of credit to be emitted by virtue of this act shall be entered on the auditor's books to the treasurer's account, and be signed in the left hand corner by one of the auditors of publick accounts, or by one of their clerks, or by any assistant clerk to be appointed for this special purpose by the said auditors, who shall receive such an allowance for his trouble as they shall judge reasonable; without which signature the said bills of credit shall not be current.

New taxes.

Window tax

That a fund may be established which will prove sufficiently productive for the redemption of the bills of credit to be emitted by virtue of this act, a tax or rate of one shilling for every glass window shall be paid by the proprietor of each inhabited house within this commonwealth in the month of September one thousand seven hundred and eighty one, and so on in each of the three next succeeding years. The assessors in each county and corporation within this commonwealth shall at the time of making their other assessment in the month of August one thousand seven hundred and eighty one, and in the said month of August in every year during the continuance of this act, take an exact account of all the glass windows in each inhabited house within their respective districts or hundreds, and shall return a separate account thereof to the commissioners of the tax for their respective counties at the time when they are required to return an account of their assessment upon other property; which said commissioners shall also keep a separate account thereof, and deliver a copy to the collector of the taxes for their county on or before the first day of September

one thousand seven hundred and eighty one, and so on or before the first day of September in each of the other years in which this act shall continue to be in force. And the said collector shall proceed immediately to the collection thereof, in the same manner as by law he is directed to collect the taxes imposed by other acts, and shall account with and pay the same to the treasurer of this commonwealth, in the like manner and under the same penalty as is directed by an act passed this present session of assembly "For enabling the high sheriffs to proceed in a summary way against their deputies, and for other purposes."

A like tax or rate of twenty shillings shall be paid on each and every deed of conveyance and mortgage for lands that shall be recorded in any of the courts within this commonwealth, by the person or persons to whom the same shall be made, from and after the first day of October next, and so for each of the three next succeeding years, where the quantity of land therein mentioned shall amount to four hundred acres or upwards; and where the deed of conveyance or mortgage shall be for a quantity of land not amounting to four hundred acres, a tax or rate of ten shillings shall be paid therefor by the person or persons to whom the same is made, from and after the period last mentioned, and for the term of three years next succeeding it (except for lots in towns, in which case the like rate or tax shall be paid on each and every deed of conveyance and mortgage whereby such lots are conveyed or mortgaged, by the person or persons to whom the same shall be made, as for deeds of conveyance and mortgages for four hundred acres of land and upwards.)

The rate or tax hereby imposed upon deeds of conveyance and mortgages, shall be paid by the person or persons chargeable therewith, to the clerk of the court wherein such deed or mortgage shall be produced for proof, before the same shall be received, and without which payment the clerk shall not admit the same to record. A like rate or tax of eight shillings per hogshead from and after the first day of October next, and in each of the three next succeeding years, shall be paid by the exporter or exporters for each and every hogshead of tobacco by him, her, or them, to be exported either by land or water. Where the exporter or exporters intend to export tobacco by land,

Tax on conveyances.

On tobacco exported.

he, she, or they, shall first make application to the clerk of that county court from whence the tobacco is to be taken, and give the said clerk an exact account thereof, together with the place to which he, she, or they intend to carry it; and shall upon each hogshead thus intended to be exported, pay down to such clerk the said rate or tax of eight shillings for each and every hogshead before the same shall be exported from this commonwealth. If any person or persons shall export by land, any tobacco contrary to this act, he, she, or they, so offending, shall forfeit and pay the sum of five hundred pounds for each hogshead of tobacco so exported, to be recovered with costs by action of debt or information in any court of record, one half to the informer, and the other half to the use of the commonwealth. And where the exporter or exporters intend to export such tobacco by water, he, she, or they shall, upon receiving each and every hogshead of tobacco from the inspector of the warehouse where the same was or shall be inspected, pay or cause to be paid to the said inspector, the rate or tax of eight shillings for each and every hogshead by him, her, or them, so received for that purpose, otherwise such inspector shall not deliver the said tobacco. Where any warehouse may by an act of this present session of assembly have been discontinued, and there shall be no inspector to deliver thereout the tobacco which may have been there inspected, the court of the county in which any such warehouse shall stand, may and they are hereby authorized and required to appoint some proper person to act as inspector, who shall do all the duties of an inspector, except inspecting tobacco, and shall receive the said rate or tax of eight shillings for every hogshead of tobacco by him to be delivered, and shall account for and pay the same, under the same penalties and by the same time and manner, that inspectors of tobacco are hereby called upon to do; and such person appointed by the court, together with every inspector of tobacco within this commonwealth, shall for his trouble receive five per cent. upon all monies by him to be received in consequence of this act. Every inspector of tobacco within this commonwealth, immediately after receiving information of this act, to wit: At the first court to be held thereafter for his county, shall take an oath before the said court, faithfully and truly to collect and account for all money

by him to be received by authority hereof. And shall moreover then and there enter into bond with approved security in the penalty of ten thousand pounds, to account for and pay into the treasury all and every sum or sums of money by him to be received in virtue of this act, in the months of May and October annually, during the continuance thereof; which bond shall be payable to the governour, and be immediately transmitted to the auditors of publick accounts, who shall, in case any inspector shall fail to comply with the condition thereof, move for judgment thereupon in any court of record within this commonwealth, having previously given ten days notice to such delinquent inspector. All duties heretofore imposed upon the exportation of tobacco, by any act or acts of general assembly, shall be, and the same are hereby repealed. A tax or duty of one penny per gallon shall from and after the first day of October in the present year, and during each of the three succeeding years, be paid by the importer or importers upon each and every gallon of rum or other spirits imported into this commonwealth, whether by land or by water; if imported by land, then the importer or importers thereof shall immediately on its arrival in this commonwealth, apply to the clerk of that county in which such rum or other spirits shall first arrive, give him an accurate account of the quantity, and pay to the said clerk one penny for each and every gallon by him, her, or them, so imported. And in case any importer or importers, shall bring or cause to be brought into this commonwealth, rum or other spirits by land, without complying with the directions of this act; such importer or importers, shall forfeit all rum and other spirits thus imported, and moreover shall pay to the informer, the sum of five shillings per gallon on the same, to be recovered with costs, by action of debt or information in any court of record within this commonwealth. If rum or other spirits be imported by water, then the captain of the vessel or the owner thereof importing the same, shall before bulk is broken, and at the time the vessel bringing in the same is entered, pay to the naval officer in whose district such vessel shall enter, the said duty or tax of one penny per gallon upon all the rum and other spirits thus imported; or give bond with sufficient security payable to the naval officer of the district, for the use of the commonwealth, with a

Tax or duty  
on liquors  
imported

Regulations  
for collect-  
ing.

penalty in double the amount of the said duties, to pay the same within thirty days thereafter, and if any such bond shall be unpaid at the expiration of the said thirty days, the naval officer is hereby required to move for judgment on the same, at the next court to be held for his county, giving the obligors, or one of them, ten days previous notice of such motion, which court shall proceed to judgment, and immediately award execution thereupon, and the money so recovered shall be by the sheriff levying the execution (his fees being first deducted) paid to the naval officer, who shall account for and pay the same to the treasurer, in the same manner, and under the like penalties, as is herein after directed for other duties. In case any captain or owner of a vessel importing into this commonwealth, rum or other spirits in such vessel, shall fail to comply with the directions of this act, such vessel with her cargo, tackle, apparel, and furniture, shall be forfeited and subject to confiscation. Each and every naval officer, before he enters upon the discharge of the duties hereby directed to be by him performed, shall appear before the court of his county, in the month of August or September next, and there enter into bond with approved security, in the penalty of ten thousand pounds, payable to the governour for the time being, for the use of the commonwealth, conditioned for the true and faithful collecting, accounting for, and paying into the treasury, all and every sum or sums by him to be received in virtue of this act; which payments shall by each and every naval officer, be made to the treasurer in the months of May and October next, and so in each of the three next succeeding years. And shall moreover before such court, at the same time take an oath, truly and faithfully to comply with the directions of this act. The clerk of the general court, and of each respective county court within this commonwealth, shall immediately after receiving information of this act, to wit: At the next court to be held thereafter, take an oath before the court under which he shall act, truly and faithfully to collect, account for, and pay into the treasury the several duties and taxes received or to be received by him in virtue of this act. Each and every such clerk, shall in the months of May and October in the present year, pay into the treasury, and so on for each of the three succeeding years, all and

every sum or sums of money by him received for any tax or duty hereby imposed. And moreover at the time of taking the said oath, each and every such clerk shall enter into bond with approved security, in the penalty of ten thousand pounds, payable to the governour for the time being for the use of the commonwealth, conditioned for faithfully and truly accounting for and paying into the treasury the money to be by him collected in consequence hereof, at the respective periods aforesaid. Which bond, when thus taken, shall be by the said court before whom it is taken, transmitted to the auditors of publick accounts, who shall, and they are hereby authorized and empowered by motion, upon ten days previous notice to a delinquent clerk, in any court of record to obtain judgment against such clerk who shall fail to comply with the condition of his said bond. Each and every clerk for doing the duties imposed by this act, shall receive for his trouble five *per centum* on all duties and taxes by him collected under the same. If the events of war should render any of the aforesaid funds unproductive, then the houses and lands with their appurtenances in the city of Williamsburg, which have been heretofore used as a capitol, and palace, as also the publick lands in the county of James City, as well as those on the eastern shore, shall and the same are hereby ordered to be sold under the direction of the governour and council for gold or silver, or the bills of credit emitted by virtue of this act, which money arising from the sale thereof, shall be applied for the purpose of making good such deficiency. The taxes hereby imposed shall be paid by the respective persons chargeable therewith, in Spanish milled dollars at the rate of six shillings each, or in other gold or silver coin at a proportionable value, or in the bills of credit hereby to be emitted, at the rate of forty paper dollars for one Spanish milled dollar, or so in like proportion for other gold or silver coin. The notes or bills of credit to be by this act emitted, shall not be receivable by any collector for other taxes than those imposed hereby; and when thus received and paid into the treasury, they shall be burnt or otherwise destroyed under the direction of a committee, to consist of three proper persons to be appointed for that purpose by the governour with the advice of council; and all the gold and silver which

If taxes prove unproductive, then the capitol and palace in Williamsburg, & the publick lands in James City, and on the eastern shore to be sold.

shall be received by the funds and taxes established by this act, shall remain in the treasury for the sole purpose of redeeming such of the aforesaid paper bills of credit as shall remain outstanding at the time herein before limited for the redemption of the same.

Forging or  
counterfeit-  
ing, &c pa-  
per money,  
death with-  
out clergy.

*And be it farther enacted,* That he or she shall be adjudged a felon and suffer death without benefit of clergy, who shall forge or counterfeit, alter or erase, any bill of credit or treasury note to be issued by virtue of this act; or who shall cause or procure such bill of credit or treasury note, to be forged or counterfeited, altered or erased; or shall aid or assist in forging or counterfeiting, altering, or erasing, such bill of credit or treasury note; or shall pass or tender, or shall cause or procure to be passed or tendered, any such bill of credit or treasury note in payment or exchange, knowing the same to have been forged or counterfeited, altered, or erased; or shall have in his or her custody or possession, any press, type, stamp, plate, or other instrument necessary to be used in the fabrication of any such bill of credit or treasury note, and not actually used in some publick printing office; or any paper with or without signature, on which the characters and words contained in a genuine bill of credit or treasury note are or shall be impressed or inscribed, in like order as they are in such bill of credit or treasury note; or any such bill of credit or treasury note, which hath been altered or erased, knowing the same to be altered or erased, and shall not discover such press, types, stamp, plate, instrument, paper, or altered or erased bill of credit or treasury note, to two justices of the peace within five days after the same shall have come to his or her possession. Any person or persons charged with having been guilty of any one or more of the abovementioned offences, shall be prosecuted and tried in the manner as directed for the trial of the like offences, by an act of assembly passed in the year one thousand seven hundred and seventy nine, entitled "An act for punishing persons guilty of certain thefts and forgeries, and fixing the allowance to sheriffs, veniremen, and witnesses in certain cases."



## CHAP. XX.

*An act for giving more adequate wages to scouts.* [Chan. Rev. p. 128.]

I. WHEREAS the wages allowed to scouts for discovering the approach of the Indians, or any other enemy on the frontiers, as by an act of assembly entitled "An act for providing against invasions and insurrections," is inadequate to their fatigue and trouble, *Be it enacted*, That every scout appointed as by the before recited act is directed, shall, in lieu of the former allowance, be entitled to, and receive, for every day he shall be employed in such service, seventeen and an half pounds of tobacco, to be paid in money, according to the valuation of the grand jury made immediately preceding the service of such scout. Wages of scouts, rated in tobacco.

## CHAP. XXI.

*An act to vest certain escheated lands in the county of Kentucky in trustees for a publick school.*

WHEREAS it is represented to the general assembly, that there are certain lands within the county of Kentucky formerly belonging to British subjects, not yet sold under the law of escheats and forfeitures, which might at a future day be a valuable fund for the maintenance and education of youth, and it being the interest of this commonwealth always to promote and encourage every design which may tend to the improvement of the mind and the diffusion of useful knowledge, even among its most remote citizens, whose situation a barbarous neighbourhood and a savage intercourse might otherwise render unfriendly to science: *Be it therefore enacted*, That eight thousand acres of land, within the said county of Kentucky, late the Preamble.

Certain es-  
cheated  
lands, in  
Kentucky  
county, vest-  
ed in trus-  
tees for a  
publicschool

property of Robert M'Kenzie, Henry Collins, and Alexander M'Kie, be, and the same are hereby vested in William Fleming, William Christian, John Todd, Stephen Trigg, Benjamin Logan, John Floyd, John May, Levi Todd, John Cowan, George Meriwether, John Cobbs, George Thomson, and Edmund Taylor, trustees, as a free donation from this commonwealth for the purpose of a publick school, or seminary of learning, to be erected within the said county as soon as the circumstances of the county and the state of its funds will admit, and for no other use or purpose whatsoever: Saving and reserving to the said Robert M'Kenzie, Henry Collins, and Alexander M'Kie, and every of them, and all and every person or persons claiming under them, or either of them, all right and interest to the above mentioned lands, or any part thereof to which they may be by law entitled, and of which they shall in due time avail themselves, any thing herein contained to the contrary notwithstanding.

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CHAP. XXII.

[Chan Rev.  
p. 128.]

*An act for dissolving several vestries,  
and electing overseers of the poor.*

Preamble.

I. WHEREAS great inconveniences have arisen from the mode prescribed for making provision for the poor and other duties of the vestries, as by law now directed in the counties of Rockbridge, Botetourt, Montgomery, Washington, Greenbrier, Augusta, and Frederick, *Be it enacted by the General Assembly,* That where any of the above enumerated counties have vestries, or other bodies vested with powers to provide for the poor, the same are hereby dissolved. And for providing for the poor, and such other parochial duties as have heretofore been exercised by the vestries, churchwardens, or other bodies of the respective parishes, *Be it enacted.* That the sheriffs of the said counties shall, at their respective courts to be held in the

Vestries in  
several coun-  
ties dissol-  
ved.

Overseers of  
the poor to  
be elected  
for three  
years.

month of *October* next (first giving twenty days previous notice thereof) proceed to elect five freeholders, resident in their said counties, to serve for three years, and be known by the name of Overseers of the Poor; in which election the said sheriffs shall observe the same rules, regulations, and rights of suffrage as were formerly used in the election of vestrymen; saving and reserving to the church now, and at all times hereafter, every right, title, or claim appertained thereto, as formerly reserved by an act entitled “An act for exempting the different societies of dissenters from contributing to the support and maintenance of the church of England, as by law established, and its ministers, and for other purposes therein mentioned.”

II. *And be it farther enacted*, That the overseers of the poor, so to be chosen, or a majority of them, having first taken an oath in their respective counties, well and truly to execute the duties of their office, as well as the oath of fidelity to the state, shall be deemed a body politic and corporate, to sue and be sued, and be invested with all the powers, and subject to the same penalties that the vestries or churchwardens formerly were liable to, and vested with, before the passing of this act. And in case of the death, resignation, removal, or refusal to act of any such overseer or overseers, the court of the county shall appoint some other person or persons in the room of such who shall so die, resign, remove, or refuse to act, who having taken the oaths as before directed, shall continue in office until the next general election of overseers. Twenty days before the *October* court, triannually, the sheriffs of the said counties respectively, shall in like manner give notice to the freeholders and housekeepers of each county, to meet at the courthouse, on the first day of the succeeding court, for the election of overseers of the poor, to act for other three years, and so from time to time, that a perpetual succession of such overseers may be kept up by triennial elections.

III. *And be it farther enacted*, That the courts of the aforesaid counties shall direct their orders to the overseers of the poor to be elected by this act, in the same manner as they were formerly directed to the different vestries and churchwardens.

IV. *And be it farther enacted*, That if any sheriff shall fail or neglect to discharge his duty as is herein

To be a body politic & corporate, & succeed to the powers and duties of vestries and church wardens.

Vacancies, how supplied.

Elections, how made.

Penalty on sheriffs neglecting to

have elec-  
tions trien-  
nially.

before directed, he shall forfeit and pay five hundred pounds, to be recovered by action of debt, bill, plaint, or information, in any court of record in this commonwealth, one half to the informer, the other half to the use of the poor of the county in which such failure or neglect shall happen.

Former ves-  
tries to ac-  
count with  
overseers.

V. *And be it farther enacted,* That the present vestries of the counties aforesaid shall, on or before the first day of February next, make up and settle their accounts with the overseers of the poor of their respective counties, of all monies or tobacco by them levied or disbursed in virtue of the said office.

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### CHAP. XXIII.

{Chan. Rev.  
p. 129.]

*An act to revive and amend an act entitled An act for the inspection of pork, beef, flour, tar, pitch, and turpentine.*

Act for in-  
spection of  
pork, beef,  
flour, tar,  
pitch, and  
turpentine,  
revived and  
amended.

I. WHEREAS the act of assembly passed in the year one thousand seven hundred and seventy six entitled "An act for the inspection of pork, beef, flour, tar, pitch, and turpentine," expired on the twenty sixth day of June last; and it is expedient and necessary that the same should be revived and amended: *Be it therefore enacted,* That the act entitled "An act for the inspection of pork, beef, flour, tar, pitch, and turpentine," be revived and shall continue and be in force from and after the end of the present session of assembly, for and during the term of two years, and from thence to the end of the next session of assembly. And the several inspectors to be appointed in virtue of the said recited act, shall receive the following fees instead of those established by the same, to wit: For every barrel of pork or beef inspected and stamped, twenty shillings; for every barrel of tar, pitch, or turpentine, one dollar; for every barrel of flour containing two hundred and twenty pounds nett, or less, five shillings,

Fees altered

and in proportion for every cask of greater weight, and no more, to be paid down by the owner.

II. *And be it farther enacted,* That all the penalties and forfeitures to be incurred by the said recited act for failure or neglect of duty, shall be forty times as much as the respective sums of money specified in the said act, and shall be sued for and recovered in the same manner and applied to the same uses as therein directed.

Penalties altered.

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#### CHAP. XXIV.

*An act to repeal an act establishing a board of war, and one other act establishing a board of trade, and authorizing the governour and council to appoint a commissioner of the navy, a commissioner of the war office, and a commercial agent.*

FOR the purpose of introducing œconomy into all the various departments of government, and for conducting the publick business with the greatest expedition, *Be it enacted by the General Assembly,* That the act entitled “An act establishing a board of trade, and one other act establishing a board of war,” be and the same are hereby repealed; and it shall and may be lawful for the governour with the advice of council, to demand and receive from the commissioners of the board of war and of the board of trade, all the records, papers, vouchers, and other documents which shall belong to the commonwealth, and which have been heretofore in the custody or keeping of the said boards, and upon receipt thereof, to grant all and every of the commissioners such full and proper acquittances or indemnifications for, or on account of their transactions during their continuance in office as shall seem just and reasonable, and to dispose of such records and

Acts establishing a board of war and a board of trade repealed.

Commercial agent, commissioner of the navy, & commissioner of the war office to be appointed.

papers, in such manner as they shall think proper. And that the business which was heretofore conducted by the boards of war and trade, may be executed with the greatest expedition, *Be it enacted*, That a commercial agent, a commissioner of the navy, and a commissioner of the war office, be appointed by the governor with advice of council. The said officers shall be under the controul and direction of the governor and council, and discharge the several duties which shall be by the executive adjudged to appertain to their respective offices, to whom they shall from time to time be amenable for their good conduct, and by whose direction they shall act in their several functions.

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## CHAP. XXV.

### *An act to give farther time to delinquent counties to pay their specific tax, and for other purposes.*

Further time allowed to pay taxes, in certain enumerated commodities called the specific tax.

WHEREAS by an act of assembly entitled "An act for laying a tax, payable in certain enumerated commodities," every tithable within this commonwealth is chargeable with certain specifick commodities, payable on or before the thirty first day of March last, which act not having been promulgated, the courts of several counties had not timely notice to appoint commissioners and commissaries within the time prescribed by law; and in other counties where commissioners and commissaries have been appointed, the inclemency of the season and other unavoidable causes hath occasioned the said tax to be partially collected, for remedy whereof, *Be it enacted*, That every delinquent of the tax, due on or before the thirty first day of March last, shall, on or before the first day of October next, pay or deliver to the commissary of their respective districts the specifick commodities due as aforesaid, which, being paid, the said commissary's receipt shall

be a discharge, otherwise the commissioners shall immediately assess the value of such commodities due, and direct their respective sheriffs to proceed to collecting as by the aforesaid act is directed. *And be it farther enacted*, That the commissioners who shall be chosen in the months of August, September, or October next, by the before-mentioned act, shall have power, and they are hereby directed to carry this present act into execution. *And be it farther enacted*, That the commissioners and commissaries appointed, or to be appointed to receive the tax aforesaid, shall make an allowance of six per centum for all crop tobacco which they shall receive by virtue of this, or of the said recited act, to the person or persons paying the same.



#### CHAP. XXVI.

*An act for establishing the town of  
Louisville at the falls of Ohio, and  
one other town in the county of  
Rockingham.*

WHEREAS sundry inhabitants of the county of Kentuckey have, at great expense and hazard, settled themselves upon certain lands at the falls of Ohio; said to be the property of John Connally, and have laid off a considerable part thereof into half acre lots for a town, and having settled thereon, have preferred petitions to this general assembly to establish the said town, *Be it therefore enacted*, That one thousand acres of land, being the forfeited property of the said John Connally, adjoining to the lands of John Campbell and — Taylor, be, and the same is hereby vested in John Todd, jun. Stephen Trigg, George Slaughter, John Floyd, William Pope, George Meriwether, Andrew Hines, James Sullivan, and Marshem Brashiers, gentlemen, trustees, to be by them, or any four of them laid off into lots of an half acre each, with convenient streets and publick lots, which shall be, and

TOWNS of  
Louisville,  
at falls of  
Ohio, in Ken-  
tucky coun-  
ty, and of  
Harrison-  
burg, in  
county of  
Rockingham  
establis<sup>d</sup>

the same is hereby established a town by the name of Louisville. *And be it farther enacted,* That after the said lands shall be laid off into lots and streets, the said trustees, or any four of them, shall proceed to sell the said lots, or so many as they shall judge expedient, at publick auction, for the best price that can be had, the time and place of sale being previously advertised two months, at the court-houses of the adjacent counties, the purchasers respectively to hold their said lots subject to the condition of building on each a dwelling house, sixteen feet by twenty at least, with a brick or stone chimney, to be finished within two years from the day of sale. And the said trustees or any four of them shall, and they are hereby empowered to convey the said lots to the purchasers thereof in fee simple, subject to the condition aforesaid, on payment of the money arising from such sale to the said trustees for the uses hereafter mentioned, that is to say: If the money arising from such sale shall amount to thirty dollars per acre, the whole shall be paid by the said trustees into the treasury of this commonwealth, and the overplus, if any, shall be lodged with the court of the county of Jefferson, to enable them to defray the expenses of erecting the publick buildings of the said county. *Provided,* That the owners of lots already drawn shall be entitled to the preference therein, upon paying to the said trustees the sum of thirty dollars for such half acre lot, and shall be thereafter subject to the same obligations of settling as other lot holders within the said town.

*And be it farther enacted,* That the said trustees, or the major part of them, shall have power, from time to time, to settle and determine all disputes concerning the bounds of the said lots, and to settle such rules and orders for the regular building thereon as to them shall seem best and most convenient. And in case of death or removal from the county of any of the said trustees, the remaining trustees shall supply such vacancies by electing of others, from time to time, who shall be vested with the same powers as those already mentioned. *And be it farther enacted,* That the purchasers of the lots in the said town, so soon as they shall have saved the same according to their respective deeds of conveyance, shall have and enjoy all the rights, privileges, and immunities, which the freeholders and inhabitants



of other towns in this state not incorporated by charter have, hold and enjoy. *And be it farther enacted,* That if the purchaser of any lot shall fail to build thereon within the time before limited, the said trustees, or a major part of them, may thereupon enter into such lot, and may either sell the same again and apply the money towards repairing the streets, or in any other way for the benefit of the said town, or appropriate such lot to publick uses for the benefit of the inhabitants of the said town. *Provided,* That nothing herein contained shall extend to affect or injure the title of lands claimed by John Campbell, gentleman, or those persons whose lots have been laid off on his lands, but that their titles be, and remain suspended until the said John Campbell shall be relieved from his captivity.

And whereas it hath been represented to this present general assembly, that Thomas Harrison of the county of Rockingham hath laid off fifty acres of his land, where the courthouse for the said county now stands, into lots and streets which would be of great advantage to the inhabitants of that county if established a town for the reception of traders, *Be it therefore enacted,* That from and after the passing of this act, the said fifty acres of land so laid off as aforesaid, shall be, and the same is hereby established a town by the name of Harrisonburg; that the freeholders and inhabitants of the said town so soon as they shall have built upon and saved their lots according to the condition of their deeds of conveyance shall then be entitled to, and have and enjoy all the rights, privileges, and immunities granted to, or enjoyed by, the freeholders and inhabitants of other towns not incorporated.

## CHAP. XXVII.

*An act for putting the eastern frontier of this commonwealth into a posture of defence.*

Militia of certain counties called out for defence of eastern frontier.

WHEREAS there is reason to apprehend that an invasion is now meditating against the eastern frontiers of this state, and it is expedient to take every possible precaution for preventing the fatal effects resulting therefrom, *Be it therefore enacted*, That the governour, with the advice of the council, be empowered to direct the county lieutenants or commanding officers of Princess Anne, Norfolk, Nansemond, Isle of Wight, Southampton, Surry, Sussex, and Prince George, to order one sixth part of their respective militias to hold themselves in constant readiness to march at a moment's warning, taking care in such arrangement to fix upon those who will most probably answer the purposes of this act. And if the said sixth part shall at any time be called out into actual duty, the several county lieutenants or commanding officers of the said counties shall, in like manner, order one other sixth part of their respective militias to hold themselves in the same readiness. *Provided*, That nothing herein contained shall preclude the governour and council, or commanding officer in any of the said counties from ordering out a greater part of the militia, if occasion shall require. *And be it farther enacted*, That the governour, with the advice of the council, do adopt the most speedy and effectual measures for completely arming and accoutring one third part of the militia in the aforesaid counties, taking care that there be sent therewith a proper quantity of ammunition. And that the said arms, accoutrements, and ammunition may be effectually preserved, *Be it enacted*, That the captain of each company shall take a receipt from every man to whom he delivers a gun, bayonet, cartouch box, powder, or ball; and every such person shall be liable to pay double the value of the same if lost, or damaged by his default, to be recovered in any court of record within this commonwealth. And every captain appointed to command such part of the said militia as

are hereby directed to hold themselves in readiness, shall once in every fortnight call them together at some convenient place within their respective counties, for the purpose of training and disciplining them; and also for the purpose of inspecting and examining the condition of their arms, ammunition, and accoutrements. And every officer and soldier called upon to perform the duties required by this act, shall, for every day they are in the execution thereof, either within or without their respective counties, be entitled to the pay allowed by an act of assembly entitled "An act for making provision against invasions and insurrections." Every county lieutenant or commanding officer, captain, lieutenant, ensign, non-commissioned officer or private, failing to perform the several duties enjoined by this act, shall, for every failure, forfeit and pay the following sums to the use of the commonwealth, to be recovered in any court of record, viz. The county lieutenant or commanding officer, one thousand pounds; a captain, five hundred pounds; a lieutenant, three hundred pounds; an ensign, two hundred pounds; a non-commissioned officer, one hundred pounds; and a private, fifty pounds.

And whereas it is indispensably necessary that there should be a marine force for the protection of the sea coast of this state, and of Chesapeake bay and its depending rivers within this commonwealth, *Be it enacted*, That the governour, with the advice of council, be empowered to direct the commissioner of the navy to order the ships *Thetis*, *Tempest*, *Dragon*, together with the brig *Jefferson*, to be immediately repaired, manned, and made ready for the defence of the bay and sea coast; and that the *Henry* galley be in like manner immediately repaired, manned, and made ready for the purpose of defending *Hampton*, *Hampton Road*, and the adjacent waters. And whereas it is necessary that no officer should be retained in the marine department but such as are properly qualified, in order therefore to produce this reform, *Be it enacted*, That a board shall be appointed by the governour, with the advice of council, to consist of the commissioner of the navy, and of six of the captains the most approved for their ability, any four of whom, together with the said commissioner of the navy shall be sufficient to constitute the said board, having been first fix-

Navy to be  
equipped &  
manned.

ed in their command in the navy by the governour, with the advice of council; and which said six captains, previous to their appointments to the said board, and before they proceed to business, shall take the following oath, to be administered by the eldest captain to the commissioner of the navy, and then by him to all the said captains: "I A. B. do swear that I will well and truly discharge the trust in me reposed for the purpose of producing a reform in the navy, agreeable to the intention of this act; and that I will do the same to the best of my skill and judgment, without favour, affection, or partiality." And whereas inconveniences have arisen from fixing the gallies *Accomack* and *Diligence* at certain stations, for remedy thereof, *Be it enacted*, That so much of an act of assembly as confines the said gallies to particular stations, is repealed; and that the governour, with the advice of council, be at liberty to employ them in such manner as in their judgment shall be most conducive to the general defence. And as an encouragement for sailors to enter into the marine service, *Be it enacted*, That there shall be paid to every person who shall enlist into the said service for the term of three years or during the war, a bounty of one thousand dollars, and two dollars per day, together with such other privileges and emoluments as are allowed by an act entitled "An act concerning soldiers, sailors, and marines." And whereas experience has evinced the great utility of marines, *Be it enacted*, That a body of three hundred men be recruited for that purpose, to be commanded by five captains and fifteen lieutenants, the said captains and subalterns to be appointed by the executive. *And be it farther enacted*, That the said captains, together with the subalterns and all other commissioned officers in the service of the navy, the master, surgeon, and surgeon's mate shall be entitled to the same pay and rations, the same privileges and emoluments, and rank in the same degree with officers of the like rank belonging to regiments heretofore raised for the internal defence of this state. And for settling the rank of such officers to be appointed as before directed, *Be it enacted*, That the captains and subalterns shall hold rank as shall be settled by the governour, with the advice of the council, according to the priority of the completion of their respective com-

Bounty, in  
lands, &c.

Marines to  
be enlisted.

Pay and e-  
moluments.

panies. And for the more speedy enlistment of the said marines, *Be it enacted*, That the captains and subalterns to be appointed for the marine department by virtue of this act shall immediately after their respective appointments, proceed to enlist their following quotas, that is to say: Every captain shall enlist twenty five men; every first lieutenant, fifteen men; and every second lieutenant, twelve men; and every third lieutenant, eight men; and shall be at liberty to recruit the same in any part of this commonwealth, and shall receive one hundred dollars for every man so recruited, as a compensation for his trouble and expense in recruiting. And if any officer shall fail to recruit his quota of men on or before the first day of October next, the governour, with the advice of the council, shall take such measures therein as may seem most likely to expedite the raising such quota, whether it be by continuing the same officer, or by making a new appointment; and whenever a new appointment shall be made, on the failure of any officer or officers to raise their respective quotas, the men enlisted by such officer or officers so failing, shall be delivered over to the next officer appointed to succeed him, he refunding to the officer who enlisted the same, such recruiting expenses. And to the end that recruits raised by virtue of this act may be conveniently received and passed, *Be it enacted*, That every captain or subaltern shall carry each recruit to the commanding officer or county lieutenant of the county in which he may have recruited him, who, upon the request of such captain or subaltern, shall examine such recruit, and pass a certificate for such and so many as they may judge to be able bodied and sufficient for the purpose. And as an encouragement for marines to enter into the said service, *Be it enacted*, That there shall be paid to each marine so enlisting for the term of three years or during the war, a bounty of one thousand dollars, and one dollar per day, and all other privileges and emoluments as are allowed by an act concerning soldiers, sailors, and marines.

## CHAP. XXVIII.

*An act to suspend in part the operation of the act concerning escheats and forfeitures from British subjects, and for other purposes.*

Act concern-  
ing escheats  
and forfei-  
tures from  
British sub-  
jects, sus-  
pend<sup>d</sup>, as  
to lands, in  
Henry and  
Amherst,  
conveyed by  
John Har-  
mer to Wal-  
ter King  
Cole, and  
George Har-  
mer.

*BE it enacted by the General Assembly,* That all the lands on Leatherwood creek, in the county of Henry; and all that tract of land commonly called the Wartinountain tract, in the said county of Henry, which formerly belonged to Walter King and John Harmer, esquires of Great Britain, and which have been escheated under the act of assembly "Concerning escheats and forfeitures from British subjects," being now conveyed by the said Walter King and John Harmer to Walter King Cole and George Harmer, esquires, to wit: The part of the lands belonging to the said Walter King, to the said Walter King Cole, and the part belonging to John Harmer, to the said George Harmer; both of whom are now resident in, and citizens of this commonwealth, shall, and the same are hereby declared not to be subject to sale under the said recited act; and the escheator for the said county of Henry is hereby directed to surcease all farther proceedings on any inquisition which may have been taken thereon. And the said Walter King, having conveyed to the said Walter King Cole one fourth part of certain lands, which the said Walter King was entitled to on Hat creek, in the county of Amherst; and also one plantation to be laid off to the said Walter King Cole, out of the possessions of the said Walter King, commonly called Nassaw, as conveniently as might be to Hat creek, and to contain one thousand acres, together with all the negroes, stocks, emplements, and the whole of the crop made thereon in the year of our Lord one thousand seven hundred and seventy nine; which said lands, negroes, stocks, implements, and crop have been sold, and the money applied to publick uses, under the said recited act, *Be it therefore enacted,* That retribution shall be made to the said Walter King Cole, according to the measure prescribed by the said recited act; and the treasurer of this commonwealth is

hereby directed and required to pay to the said Walter King Cole, the amount of sales of the aforesaid lands, negroes, stocks, and implements, as well as the amount of sales of the crop aforesaid, that have been received into the treasury, or which may therefrom be hereafter received into the treasury. And the said John Harmer, having also conveyed to the said George Harmer, his whole estate, both real and personal within this commonwealth; and the said George Harmer having left Great Britain in expectation of receiving the said estate, which would have been sufficient for his support and maintenance, but the same being now escheated and sold, except the lands above mentioned, the said George Harmer is much distressed for want of the means of supporting and maintaining himself until it shall be determined whether retribution shall be made him, *Be it therefore enacted*, That the said George Harmer may, and he is hereby authorized to draw on the treasurer of this commonwealth for such sum or sums of money as may be judged necessary for his support and maintenance, by the governour and council, until it shall be determined, whether retribution shall be made the said George Harmer for his estate, confiscated and sold as aforesaid; and the treasurer of this commonwealth is hereby directed to pay the same out of the sequestered profits of the said George Harmer's estate, or the amount of sales thereof, upon the governour's warrant being produced to him therefor.

## CHAP. XXIX.

[Chan. Rev. p. 129.] *An act to enable the governour to provide a laboratory and proper magazines for the reception of arms, ammunition, and other publick stores.*

Laboratory and magazines to be provided.

I. WHEREAS it is expedient that proper magazines for the reception of the arms, ammunition, and other publick stores, and a laboratory be speedily provided, *Be it enacted by the General Assembly, That* the governour, with the advice of his council may, and he is hereby empowered and required to cause such and so many magazines as shall be judged necessary, and a laboratory to be immediately erected at the publick expense, at such place or places as they shall think proper; and that reasonable satisfaction may be made to the proprietors of all lands which by virtue of this act may be taken and appropriated to the uses aforesaid, the clerk of the county wherein any such land shall lie, is hereby empowered and required, on requisition from the governour for the time being, to issue a writ *ad quod damnum*, to be directed to the sheriff of the said county, commanding him to summon and empanel twelve able discreet freeholders of the vicinage, no ways concerned in interest in the said lands, nor related to the owners or proprietors thereof, to meet on the said lands respectively on a certain day to be mentioned in the said writ, not under five, nor more than ten days from the date thereof, of which notice shall be given to the respective proprietors of the said lands, if they be to be found within the county, and if not, then to their respective agents if any there be; which freeholders taking nothing, on pain of being discharged from the inquest and immediately imprisoned by the sheriff, either of meat or drink from any person whatever, from the time they came to the said place until their inquest scaled, shall be charged by the said sheriff impartially, and to the best of their skill and judgment to value the lands on which the said magazines and laboratory are to be erected, to be

Lands, how acquired.



laid off by order of the governour, and not exceeding three acres for each of the said buildings; and after such valuation made, the said sheriff shall forthwith return the same under the hands and seals of the said jurors, to the clerk's office of the said county; and the right and property of the said lands so laid off and valued, shall be immediately divested and be transferred to this commonwealth in fee simple; any want of consent or disability to consent in the said owners notwithstanding. The cost of building such magazines and laboratory, the cost of the said inquest, and the several sums at which the rights of the owners are valued, shall be paid by the treasurer, out of the publick money in his hands, to the undertakers of the said magazines and laboratory, to the said proprietors, and others respectively entitled, on warrants from the auditors, countersigned by the governour.

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CHAP. XXX.

*In act to continue and amend the act entitled An act for establishing the county of Illinois, and for the more effectual protection and defence of the same, and for other purposes.*

[Passed at the May Session 1780.—See printed acts of May Session 1780, page 40.]

FOR continuing the act of assembly passed in the year one thousand seven hundred and seventy eight, entitled "An act for establishing the county of Illinois, and for the more effectual protection and defence thereof," *Be it enacted by the General Assembly, That* the said act shall continue and be in force for one year after the passing of this act, and from thence to the end of the next session of assembly. *And be it farther enacted, That* the governour, with the advice of his council, may, and he is hereby authorized and

Act estab-  
lishing  
county of  
Illinois fur-  
ther contin-  
ued.

empowered to settle and adjust all accounts with the several commandants, Indian agents, agents of trade, and other officers in the Illinois department; and for their respective services, to make such reasonable allowance as to him shall seem just.

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CHAP. XXXI.

*An act for farther continuing and amending an act entitled An act for appointing naval officers and ascertaining their fees.*

Act for appointment, &c. of naval officers further continued.

WHEREAS the act of assembly passed in the year one thousand seven hundred and seventy six, entitled "An act for the appointment of naval officers and ascertaining their fees," which was continued by an act entitled "An act for continuing an act for appointing naval officers, and ascertaining their fees," will expire at the end of this present session of assembly, and it is expedient that the same should be farther continued; *Be it therefore enacted by the General Assembly, That* the act entitled "An act for appointing naval officers and ascertaining their fees," shall continue and be in force, from and after the expiration thereof, for two years, and from thence to the end of the next session of assembly. And the several naval officers shall demand and receive the following fees, in lieu of those established by the last recited act, to wit: For entering or clearing any ship or vessel of one hundred tons and under, thirty dollars; for entering or clearing any ship or vessel of more than one hundred tons, seventy five dollars; for taking a bond, twelve dollars; for a permit, twelve dollars; for a bill of health, twelve dollars; for a bill of stores, twelve dollars; for a certificate, twelve dollars; for a register, and recording the same, fifty dollars; for a copy thereof, or making an indorsement thereupon, twenty five dollars; for a copy of a manifest, fifteen dollars; for a passport, in conformity

Fees altered

to the twenty seventh article of the treaty of alliance between his most Christian Majesty and the United States of America, fifty dollars; all which fees shall be paid in current money of this commonwealth. The bonds to be taken by the several naval officers on granting permits instead of those directed by the said first recited act, shall be as follows, to wit: If the ship or vessel be of one hundred tons burthen or under, the bonds shall be for fifty thousand pounds current money; if upwards of one hundred tons burthen, the bond shall be for one hundred thousand pounds of like money; and the bonds to be taken from all masters of ships and vessels for prevention of the dangerous consequences that may arise from the breach and contempt of embargoes instead of those directed to be taken by the said first recited act, shall be as followeth, to wit: If the ship or vessel be of one hundred tons or under, the bond shall be for twenty thousand pounds current money; if above one hundred, and not exceeding two hundred tons, the bond shall be for forty thousand pounds; and if above two hundred tons, the bond shall be for one hundred thousand pounds; all which said bonds shall be forfeitable, and the penalties thereof sued for, and recovered in the same manner, and to the same uses as those directed to be taken by the said first recited act. *And be it farther enacted,* That all other bonds to be taken by the several naval officers in virtue of such office, and all penalties to be incurred by the respective naval officers, for neglect or breach of duty, shall be forty times as much as those directed to be taken or incurred by the said first recited act, to be also sued for and recovered in the same manner, and to the same uses as those directed to be taken and incurred by the said recited act: *And be it farther enacted,* That the master or commander of every ship or vessel shall, within forty eight hours after his arrival in any port, make report of, and enter his vessel and cargo with the naval officer of the district wherein the said vessel rides; and every master or commander of any ship or vessel failing herein, shall forfeit his said vessel and cargo; and any master or commander of any ship or vessel, breaking bulk, or disposing of any part of the cargo without obtaining a permit from the naval officer to trade within the said district, shall for-

Bonds altered.

feit his said vessel and cargo; to be seized in either of the above cases, by such officer or his deputy, and prosecuted in the court of admiralty, one moiety whereof shall be to the use of the informer, and the other moiety to the use of the commonwealth.

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CHAP. XXXII.

*An act for farther continuing an act entitled An act to empower the governour and council to lay an embargo for a limited time.*

Act empow-  
ering gover-  
nour and  
council to  
lay embar-  
goes further  
continued.

WHEREAS the act of assembly passed in the year one thousand seven hundred and seventy eight, entitled "An act to empower the governour and council to lay an embargo for a limited time," which was continued by several subsequent acts, will expire at the end of this present session of assembly; and it is expedient that the same should be farther continued, *Be it therefore enacted by the General Assembly,* That the act entitled "An act to empower the governour and council to lay an embargo for a limited time," shall continue and be in force from and after the expiration thereof, until the end of the next session of assembly, and no longer.

## CHAP. XXXIII.

*An act to authorize the citizens of  
South Carolina and Georgia to re-  
move their slaves into this state.*

WHEREAS many of the good and faithful citizens of Georgia and South Carolina, have been, and may be compelled by the common enemy to fly their country, and seek shelter and protection in this commonwealth, but are prevented bringing their slaves hither by an act of assembly entitled "An act for preventing the farther importation of slaves," and it is incumbent upon the good people of Virginia to afford all possible relief to such our brethren in their present distressed situation; *Be it therefore enacted by the General Assembly,* That it shall and may be lawful (the said recited act notwithstanding) for any citizen of either of the said states, who hath been or shall be expelled therefrom by the enemy, to remove, or cause to be removed, his or her slaves into this commonwealth, and to continue such slaves, as well as the slaves which under the like circumstances have been removed hither since the twentieth day of May last, and their increase within this commonwealth, until one year next after the expulsion of the enemy from, or the restoration of civil government in the state from which such slaves were respectively removed, and no longer. And all and every such slave or slaves, or any of their increase, which shall be suffered to remain here after the expiration of the said term of one year, to be computed as aforesaid, shall become free; except only such of the said slaves as may be sold by the owner for his or her necessary support and maintenance, in manner hereafter directed: *Provided always,* That every person removing any slave or slaves from either of the said states, and desiring to take the benefit of this act, shall deliver to the clerk of the first county within this commonwealth into which any such slave or slaves shall be brought, within one month after their arrival therein, an exact list or schedule of each and every slave so removed, distinguishing the name, sex, and as near as may be the age of such slaves respectively, and the

Citizens of South Carolina and Georgia authorised to remove their slaves into this state.

How long to remain, and under what circumstances they may be sold.

state from whence they were removed; and such persons as have already removed any such slave or slaves into this commonwealth since the twentieth day of May last, shall within one month after the passing of this act, deliver to the clerk of the county into which such slave or slaves were first brought, a list or schedule as aforesaid; which in either case, such clerk is hereby required to enter of record, giving to the person a certificate thereof, upon his or her paying down the fee of one dollar for each slave, and also to transmit to the clerk of the council within one month thereafter, an attested copy of such list or schedule. And to give farther relief to the suffering citizens of the said states; *Be it enacted*, That all and every slave or slaves removed into this state under the regulations of this act, shall be exempted from any assessment or tax, for the space of one year from the date of their having been registered in the clerk's office as aforesaid: *And be it farther enacted*, That the governour with the advice of the council, may from time to time, grant to any citizen of either of the said states, a permit in writing, to dispose of or sell, any or so many of such slaves as shall appear necessary for the comfortable support and maintenance of such citizen, and his or her family, causing all such permits to be entered by the clerk of the council, in a book to be kept for that purpose.

## CHAP. XXXIV.

*An act to amend the act entitled An act for establishing a loan office for the purpose of borrowing money for the use of the United States and appointing a commissioner for superintending the same.* [Chan. Rev. p. 130.]

I. *BE it enacted by the General Assembly, That* so much of an act entitled “An act for establishing a loan office for the purpose of borrowing money for the use of the United States, and appointing a commissioner for superintending the same,” as directs the loan office thereby established, to be kept in the city of Williamsburg, shall be and the same are hereby repealed; and that from and after the passing of this act the commissioner of loans for the time being, shall keep his said office at the town of Richmond, or such other place as the governour with the advice of council shall and may direct. *And be it farther enacted, That* in case of the death or resignation of any such commissioner during the recess of the general assembly, the governour and council shall and may appoint some other proper person to supply the vacancy thereby occasioned, to be approved of by the general assembly.

Commissioner of loans to remove his office to Richmond.

Vacancy in office, how supplied.

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 CHAP. XXXV.

*An act for giving farther powers to the governour and council, and for other purposes.*

WHEREAS in this time of publick danger, when a powerful and vindictive enemy are ravaging our southern sister states, and encouraged by success, are

Preamble, reciting the necessity of vesting the

executive  
with extra-  
ordinary  
powers.

Power to call  
out militia  
and appoint  
officers of  
experience.

To march  
the militia  
out of the  
state.

Governor &  
council au-  
thorised to  
confine or  
remove dis-  
affected per-  
sons.

In case of in-  
vasion or in-  
surrection,  
those who  
assist the e-  
nemy sub-  
ject to mar-  
tial law.

making a rapid progress towards our own borders, it has become highly expedient, as well to oppose the common enemy in general, as to provide for the safety and defence of this state in particular, to vest the executive with extraordinary powers for a limited time, *Be it therefore enacted*, That the governour, with advice of council, shall have full power, and he is hereby required, if need be, to call into actual service, from such counties as shall be judged most proper, any number of the militia, not exceeding twenty thousand men, including those already ordered out by virtue of the act of general assembly, entitled "An act to embody militia for the relief of South Carolina." And the militia to be called into service by virtue of this act, shall be officered and regimented by the governour, with advice aforesaid. The field officers may either be chosen from the militia field officers in the counties from whence the men shall be drawn, or from such persons as may be in this state, who have gained experience by long service in the continental army, as the governour, with advice of council, shall judge best. When regimented, they may be marched either to the northern states, or to the assistance of any of the southern United States. The troops to be drawn into service under this act, if marched out of this state shall be entitled to the same pay as those who are embodied by the before recited act for the relief of South Carolina. And whereas should this commonwealth be invaded, or there should be an insurrection within the same, it may be necessary for the publick security that disaffected persons should be confined or removed, *Be it enacted*, That the governour be authorized, with advice of council, and he is hereby authorized and empowered, with such advice, to commit to close confinement, any person or persons whatsoever, whom there may be just cause to suspect of disaffection to the independence of the United States, and of attachment to their enemies; or to cause any such persons to be removed to such places of security as may best guard against the effects of their influence and arts to injure this community, and benefit the common enemy. *And be it farther enacted*, That in case of any insurrection within this commonwealth, or the same shall be invaded by the enemy, either by land or water, that all and every person or persons within the same, who shall act



as guides to, or spies for them, or who shall furnish the enemy with provisions or other necessaries; or who shall encourage desertion from the army, or who shall dissuade or discourage the militia from opposing the enemy, or who shall give intelligence, aid, or comfort to the enemy, shall, and they are hereby declared to be subject to the law martial as declared by congress on the twentieth day of September one thousand seven hundred and seventy six, in the fourth article of the sixth section, and the eighteenth and nineteenth articles of the thirteenth section of the continental articles of war. And that for the trial of such offenders, a court-martial, to consist of not fewer than thirteen commissioned officers, one of whom shall be a field officer, shall be called by the county lieutenant or commanding officer of the militia in the county where such offence shall be committed, or in any other county of this commonwealth, where such offender may be found. And such officers shall, before they proceed to trial, take the following oath, to be administered by a field officer or eldest captain present to the president of such court, and then by him to the other members. "You shall swear well and truly to try and determine, according to your evidence, the matter now before you, between the commonwealth and the prisoner to be tried; and that you will duly administer justice according to law." The commonwealth's attorney for the county where the trial is held shall attend the court, and act as judge advocate; and in case of his absence, the court is hereby authorized to appoint a person to act in his stead, and the sheriff or constable, as the court may direct, shall also attend to put in execution the orders and sentence of the said court.

*Provided always,* That no sentence so given shall be carried into execution until the same shall be approved by the governour, with advice of the council. And to the end that the said articles may be properly promulgated, *Be it enacted,* That the executive shall cause a printed copy of them to be sent to the county lieutenant or commanding officer of every county in the commonwealth, and direct the same to be published three times in the Virginia gazette, together with this act. *And be it farther enacted,* That the powers given to the governour and council by an act of the present session, entitled "An act for procuring a sup-

Sentence not to be carried into execution until approved by governor & council.

Articles of war to be published.

Powers of  
governor, as  
to a supply  
of provisions  
extended.

ply of provisions and other necessaries for the use of the army," shall be extended to the obtaining of so many live cattle, linen for tents (except so much as is necessary for the use of each particular family) horses, waggons, boats or other vessels and their crews, and other necessaries as may be wanted for supplying the militia or other troops that are or may be ordered into actual service from this commonwealth; and also for supplying with provisions the convention troops and guard at the barracks in Albemarle; and the provisions and other necessaries so obtained, shall be valued and appraised by two disinterested persons, to be chosen by the owner thereof and the commissioner, being first sworn by the commissioner, and if those two disagree in opinion, they shall choose an umpire; and in case the owner shall refuse to choose a person to assist in making the said appraisement, the commissioner is empowered to appoint both; and such cattle and other necessaries shall be paid for, either in the manner as provisions procured by the said act are directed to be paid for, or by draughts on the treasury, as to the executive shall seem most convenient. *Provided always,* That not more than one half of the bullocks and barren cows belonging to any person, fit for slaughter, shall be subject to such seizure. And whereas several well disposed spirited friends to their country have offered to collect and serve as volunteers in the horse, provided they can be armed, accoutred, and provided with forage and other provisions at the publick expense, *Be it enacted,* That the governour, with advice of council, be authorized and empowered, and he is hereby authorized and empowered to call into the publick service as many companies of volunteer cavalry as the publick good may require, and to arm, accoutre, and furnish with pay, forage, and provisions, such volunteers at the publick expense *Provided* such volunteers shall agree to serve in the continental army till the last day of December one thousand seven hundred and eighty one. And such volunteers shall nevertheless compose and make part of the several divisions directed by an act passed this present session of assembly, entitled "An act for speedily recruiting the quota of this state for the continental army." And every division to which any such volunteer shall be allotted, shall have credit for, and be considered as hav-

Volunteer  
cavalry call-  
ed into ser-  
vice.

To be cre-  
dited to their  
division of  
militia.

ing furnished the man required by the said recited act. And whereas a good printing press, well provided with proper materials, is indispensably necessary for the right information of the people; *Be it enacted*, That the governour, with the advice of council, be authorized, and he is hereby authorized and empowered to engage with, and employ, at the publick expense, and for the publick service, a good and able printer, of firm and known attachment to the independence of the United States, who may be willing to bring a good and well provided press into this commonwealth.

Governor,  
&c. authorized to set up a printing establishment, with an able editor, firmly attached to independence of U. States.

And whereas by an act passed this present session of assembly entitled "An act for putting the eastern frontier of this commonwealth into a posture of defence;" it is among other things directed that one-sixth part of the militia of several counties therein enumerated, be trained and disciplined by captains and subalterns within the said counties, and held in constant readiness to march at a moments warning. *Be it enacted*, That whenever circumstances shall render it necessary to call out into actual duty the aforesaid portions of militia, the governour be empowered, with the advice of council, to appoint such and so many field officers to command them as shall be adjudged necessary; and he is also empowered, with the advice aforesaid, to appoint a major to command the marines to be raised and recruited by the said recited act; which officers shall be entitled to such pay and rations as the executive may think just and reasonable. *And be it farther enacted*, That this act shall be in force until the end of the next session of the general assembly, and no longer, except so much thereof as relates to the publick printer, the volunteers to be called into service by this act, and the officers to be appointed to command the forces raised for the defence of the eastern frontier.

Field officers to command militia on eastern frontier, how appointed.

Major of marines.

And whereas it is highly probable that the troops of every kind to be raised within this commonwealth will be ordered to act in the southern states, which will render the several places of rendezvous fixed by the act passed this present session of assembly, entitled "An act for speedily recruiting the quota of this state in the continental army," very inadequate. *Be it therefore enacted*, That the governour, with advice of council, be empowered to appoint two or more places of

Rendezvous of militia.

Subject to  
continental  
articles of  
war.

To be tried  
by militia  
officers only.

Deserters,  
how apprehended and  
dealt with.

Quakers and  
menonists,  
on what  
terms ex-  
empted.

rendezvous on the south side of James river, for the purposes intended by the said recited act. *And be it enacted,* That the militia to be ordered into actual service by virtue of this law, as well as the militia already in actual service, under an act entitled "An act to embody militia for the relief of South Carolina, and for other purposes," shall, when in actual service, be subject to the continental articles of war. *Provided,* That all courts martial to be constituted for the trial of any offenders in the said militia, shall consist of such officers only as have immediate command in the said militia corps.

And whereas several soldiers lately called into service under the said recited act have already deserted, and it is likely many may desert who are to be raised under this act, and may not be taken until the militia shall be disbanded, to the great injury of the publick; *Be it farther enacted,* That the commanding officer of every county where such deserter or deserters may be found, is hereby directed to call a court-martial, to consist of five officers, not under the rank of a captain, who shall cause such deserter or deserters to be apprehended, conveyed, and delivered to the nearest officer having command in the troops of this commonwealth, to serve in the said troops for eight months; and such deserters shall moreover be subject to such rules and articles of war as the troops aforesaid are subject to. And the commanding officer of any county who shall fail to summon such court-martial, or to use his best endeavours to cause the said deserters to be apprehended and delivered as aforesaid, shall forfeit, for every offence, five hundred pounds, to be recovered in any court of record, by bill, plaint, or information, and to inure one half to the informer, and the other half to the publick.

*Provided,* That any quaker or menonist ordered into service by this or the last recited act, and failing to march, or deserting, shall be excused from personal service, but in every such case which hath happened or may happen, the county lieutenant or commanding officer of the militia shall direct the enlistment of a substitute, and levy the expense thereof on such of the religious society to which the delinquent belongs as

reside within his county, in the same manner as is directed by the act herein first recited, in the case of quakers and menonists, drafted for the continental service.

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CHAP. XXXVI.

*An act for establishing three new counties upon the western waters.*

WHEREAS the inhabitants of the county of Kentucky are subject to great inconveniences for the want of due administration of justice, arising principally from the great extent of the county, and the dispersed situation of the settlements, *Be it therefore enacted*, That from and after the first day of November next, the said county of Kentucky shall be divided into three counties, that is to say: All that part of the south side of Kentucky river which lies west and north of a line beginning at the mouth of Benson's big creek, and running up the same and its main fork to the head; thence south to the nearest waters of Hammond's creek, and down the same to its junction with the town fork of Salt river; thence south to Green river, and down the same to its junction with the Ohio, shall be one distinct county, to be called and known by the name of Jefferson. And all that part of the said county of Kentucky which lieth north of the line beginning at the mouth of Kentucky river, and up the same and its middle fork to the head; and thence south east to Washington line, shall be one other distinct county, and called and known by the name of Fayette. And all the residue of the said county of Kentucky, shall be one other distinct county, and called and known by the name of Lincoln.

Kentucky county divided, and Jefferson, Fayette, and Lincoln formed.

Boundaries

*And be it farther enacted*, That a court shall be held by the justices of each of the said counties of Jefferson, Fayette, and Lincoln, respectively, after they shall take place, upon the following days in every month, to wit: For the county of Jefferson, upon the

Court days.



first Tuesday in every month; for the county of Fayette, upon the second Tuesday in every month; and for the county of Lincoln, upon the third Tuesday in every month, in such manner as is provided by law for other counties and as shall be by their commissioners directed.

*Provided always,* That nothing herein contained shall be construed to hinder the sheriff of the said county of Kentucky as the same now stands entire from collecting or making distress for any publick dues or officers fees which shall remain unpaid by the inhabitants thereof at the time such division shall take place, but such sheriff shall have the same power to collect and distrain for such dues and fees, and shall be accountable for them in the same manner as if this act had never been made. *And be it farther enacted,* That the court of the said county of Fayette shall have jurisdiction of all actions and suits in law and equity which shall be depending before the court of Kentucky county, at the time the said division shall take place, and shall and may try and determine all such actions and suits, and issue process and award execution thereon. And the justices and militia officers in the said counties of Jefferson, Fayette, and Lincoln, after the division shall take place, shall exercise their several offices in their respective counties, of which they shall be resident at the time when the division shall take place, until new commissions shall be issued. *And be it farther enacted,* That the justices to be named in the commissions of the peace for the said counties of Jefferson, Fayette, and Lincoln, respectively, shall meet for the said county of Jefferson, at Louisville; for the said county of Fayette, at Lexington, and for the said county of Lincoln, at Harrodsburg; upon the first court day of each county, after the division shall take place, and having taken the oaths prescribed by law, and administered the oath of office to, and taken bonds according to law of, their respective sheriffs, every of the said courts may proceed to appoint and qualify a clerk, and fix upon places for holding courts in their respective counties, at or as near the centres thereof as the situation and conveniences of the respective counties will admit of; and the courts of such counties shall thenceforth proceed to erect the necessary buildings for such counties, at such places respectively, and un-

til such buildings shall be completed, they shall appoint such places for holding courts as they shall think fit. *Provided always,* That the appointments for holding courts, and of clerks for the several counties aforesaid, shall not be made, unless a majority of the justices of such counties be present, where such majority shall have been prevented from attending by bad weather, or their being at such time out of the county, but in such cases the appointments aforesaid shall be postponed until some court day when such majority shall be present. *And be it farther enacted,* That it shall be lawful for the governour, with advice of the council, to appoint a sheriff for each of the said counties of Jefferson, Fayette, and Lincoln, respectively; which said sheriffs so appointed, shall continue in office during the term, and upon the same conditions as is by law appointed for other sheriffs. *And be it farther enacted,* That the surveyor of the county of Kentucky as it now stands, shall, as soon as the division shall take place, make his choice of the counties so divided, and shall make out and deliver to each surveyor of the other two counties, a fair and correct copy of all entries for lands in such other county which have not been surveyed, with the warrants or rights upon which such entries were founded; for each of which entries, he shall be paid by the surveyor furnished with such copy, three pounds of tobacco.

Surveyor of Kentucky, where to reside; and his duty as to entries for land.

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## CHAP. XXXVII.

*An act for locating the publick squares, to enlarge the town of Richmond, and for other purposes.*

*BE it enacted by the General Assembly,* That the ground to be appropriated to the purpose of building thereon a capitol, halls of justice, state house for the executive boards, and an house for the governour, shall be located on Shockoe hill; and those to be appropriated to the use of the publick market, shall be below

Capitol and publick buildings located on Shockoe hill, market, below the hill.

Commissioners may vary the form of the square.

Irregular tenements, how to be laid off.

Streets enlarged.

Houses on streets to remain twenty years.

Discretionary power, as to streets, for ascending and traversing hills.

Injuries to individuals, how ascertained and paid.

the said hill, on the same side of Shockoe creek; which location shall be made immediately; and where the nature of the ground shall render other form more eligible for the said uses than a square, it shall be lawful for his excellency Thomas Jefferson, esquire, Archibald Cary, Robert Carter Nicholas, Richard Adams, Edmund Randolph, Turner Southall, Robert Goode, James Buchanan, and Samuel Du-Vall, esquires, directors, or a majority of them, to lay off in such form, and of such dimensions as shall be convenient and requisite. The said directors shall cause the several tenements of irregular shape and size included within the limits of the town of Richmond, to be laid off into regular squares with intervening streets at such intervals as in the other parts of the town, unless by varying the said intervals more favourable ascents may be procured up the hill. They shall cause all the streets on Shockoe hill to be enlarged to a breadth, not less than eighty, or more than one hundred and twenty feet, of which breadth also shall be such new streets as shall be laid off below the hill as before directed; and whereby such enlargement or laying off new streets, or from any other circumstances, any house already erected shall happen to be in a street, it shall be lawful for the said house to be continued twenty years, and no longer. They shall also lay off, in the most easy direction, whether straight or curved, so many streets for ascending and traversing with facility, the several hills in the said town as may be thought necessary in any supposed state of future increase and population, and at such intervals as shall be convenient, making them to communicate with the streets above the brow, and below the foot of each hill. The injury which individuals shall sustain by opening new streets through their lots, and the expense of laying off and marking the said streets, shall be estimated by a jury, on a writ of *ad quod damnum*, in like manner as directed by an act, entitled "An act for the removal of the seat of government," for estimating the ground to be taken for the publick buildings; and shall be assessed by the directors on the several land holders within the said town, in proportion to the value of their respective lots, which assessments shall be delivered to the sheriff of the county of Henrico, and shall be by him collected and paid to the several claimants in like



manner, under the like penalties, and subject to the like remedies as are provided by law for collecting and paying the publick taxes; and where the owner of any lot shall be not known, or not found, the sheriff shall levy the assessment on the said lot by sale of so much thereof as shall be necessary, offering the same by publick vendue, on advertising the same three weeks in the Virginia gazette, to him who will give the money required for the smallest proportion of the said lot, in such part thereof as the said sheriff shall designate, and his deed of conveyance to the purchaser shall operate as effectually in law for conveying the fee simple estate, as if the same were executed by the legal proprietor or proprietors.

And whereas it may be expedient to enlarge the said town of Richmond by laying off a number of lots to be added thereto; and it may also happen that some of the lands adjacent to the said town may be more convenient for the publick uses, *Be it therefore enacted*, That the said directors, if it be found expedient, shall cause two hundred additional lots or half acres, with necessary streets, properly arranged, to be laid off adjacent to such parts of the town as shall seem most convenient; and they shall be at liberty to appropriate the six squares aforesaid, or any part of them, either from among the lots now in the said town, or those to be laid off as before directed, or of the land adjacent to the former or latter lots; and the said six squares and two hundred lots shall thenceforth be a part of the said town; the rights of the several owners and tenants of the lots of land so to be added to the town, and not appropriated to the publick uses, are nevertheless saved to themselves. And whereas the navigation leading to Shockoe landing is much obstructed of late by freshes, and by the natural course of Shockoe creek being altered, by which, large banks of sand have been thrown up, which, if not quickly removed, may render the navigation to the upper landing useless, to the great damage of the town of Richmond, as well as to the back inhabitants. And whereas it has been represented that a sufficient sum of money will be subscribed to open the said navigation, either by turning the water of Shockoe creek into its old channel, or by clearing the present channel to the warehouse landing, which, if effected, will be greatly beneficial to the inhabitants

Town of  
Richmond  
enlarged.

Provision for  
improving  
navigation of  
Shockoe  
creek.

of the said town, as well as to the community at large;  
*Be it therefore enacted,* That the directors aforesaid shall be at liberty to open subscriptions for the above purpose, and the money so raised shall be by them laid out in such manner as in their judgment shall improve the said navigation, either by opening the old channel of the creek by bringing a greater quantity of water into that, or the present channel, or by such other ways as may best answer the intention of the subscribers, and benefit the publick.

AT A

# GENERAL ASSEMBLY,

BEGUN AND HELD

At the Public Buildings in the Town of Richmond, on Monday the sixteenth day of October, in the year of our Lord one thousand seven hundred and eighty, and in the fifth year of the commonwealth.

Thomas Jefferson, esq.  
governor.

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## CHAP. I.\*

*An act to explain and amend the act for calling in and redeeming the money now in circulation, and for emitting and funding new bills of credit according to the resolutions of congress of the eighteenth of March last.* [Chan. Rev. p. 130.]

I. WHEREAS various constructions have been made, and doubts have arisen on several parts of the act entitled "An act for calling in and redeeming the money now in circulation, and for emitting and funding new bills of credit according to the resolutions of congress of the eighteenth of March last;" and it is necessary that the same should be explained and amended, *Be it therefore enacted*, That the treasurer of this commonwealth shall, and he is hereby empowered and required to give in change, the money to be emitted by

See ante p. 241.

Treasurer to exchange paper money.

\* In the original none of the acts of this session are numbered by *chapters*, nor are they separated by *sections*.—Such only as were published in the Chan. Rev. will be so noted in this edition.

virtue of the said recited act for the money now current, except the money emitted by virtue of an act of the last session entitled "An act for emitting and funding a sum of money for supplying the present urgent necessities of this commonwealth," at the rate of one dollar of the former for forty of the latter, to any person willing to change the same.

Taxes payable on assessed property.

*And be it farther enacted,* That there shall be collected paid, and distrained for, the pound rate of ninety pounds of the money now in circulation, for every hundred pounds value of property assessed by virtue of the said act, to be paid at three equal payments; that is to say: The sum of thirty pounds on the first day of January next, and the like sum at each of the periods of the fifteenth day of April and the fifteenth day of September then next following, and no more. That every gallon of brandy or other spirits distilled from grain, and every marriage and ordinary licence shall and they are hereby declared to be only once subject to the payment of the tax imposed thereon, instead of paying the same at each of the periods before mentioned. And that all taxes imposed prior to the passing of the above recited act, except the specifick taxes heretofore established shall cease, and be discontinued on the last day of December one thousand seven hundred and eighty.

All other taxes to cease, except specifick.

This money declared a tender at one for forty.

III. And whereas the money emitted by an act of the last session of assembly, agreeable to the resolutions of congress of the 18th of March last, hath not been declared a legal tender, and it is politic and expedient that the money so emitted should receive all due credit among the good people of this commonwealth: *Be it therefore enacted,* That the money emitted by virtue of the said act, shall be received and passed as a legal tender in discharge of all debts and contracts whatsoever, so long as the same shall continue in circulation, except specifick contracts expressing the contrary: *Provided always,* That the said money shall be passed and received in all cases at the rate of one dollar thereof for forty dollars of the money now in circulation, agreeable to the said resolutions of congress of the 18th of March last.

Also the money issued by another act of May 1780.

IV. *And be it farther enacted,* That the money emitted by virtue of another act of the same session entitled "An act for emitting and funding a sum of mo-

ney for supplying the present urgent necessities of this commonwealth," shall be receivable in discharge of any tax or duty whatsoever, and shall in like manner be received and passed as a legal tender in discharge of all debts and contracts, so long as it shall continue in circulation (except as before excepted) and the treasurer is hereby empowered to exchange the money emitted by the said act, and so received in taxes for the continental money now in circulation emitted prior to the passing of the said act.

V. *And be it farther enacted*, That four tenths of the money emitted, agreeable to the said resolutions of congress of the 18th of March last, be retained in the office of the commissioner of continental loans within this state, to be by him applied agreeable to the directions of the act adopting the said resolutions; and the said commissioner is directed to certify to the auditors of publick accounts, all drafts or requisitions which may be made upon him by any order or resolution of congress, to be by them stated in account with the United States.

Appropriation of this money.

VI. *And be it farther enacted*, That the proprietors of the lots in the towns of Norfolk, Portsmouth, and Suffolk, the houses and improvements thereon, being destroyed either by the act of convention in 1776, or by the British army since that time, shall, and are hereby declared to be exempt from the payment of the taxes imposed by the said first recited act. *Provided*, That the lots in the said towns, the property whereof hath been since transferred or new improvements made thereon, shall, notwithstanding the above exemption, be still subject to the payment of the said taxes.

Certain lots in Norfolk, Portsmouth, and Suffolk, exempted from taxes.

VII. And whereas, since the assessment directed to be made by the said first recited act hath been completed, some of the good people inhabiting the counties on the eastern frontier of this commonwealth, have been deprived by the British army of many assessed articles of their property; *Be it therefore enacted*, That the commissioners of the tax in each of the counties, which have been thus distressed, may, and they are hereby empowered, upon satisfactory testimony being produced to them, that any person within their respective counties hath been deprived as aforesaid, of any assessed article of his property, grant a certificate

Also certain persons on the eastern frontier.

thereof to such person, directed to the collector of their county, who upon receipt of such certificate shall refund the amount of such persons tax upon such article or articles of property as shall be contained in the commissioners certificate, if such tax hath been collected, or if it hath not been collected, then the said collector shall cease to make any collection for such assessed articles of property.

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## CHAP. II.

### *An act for granting pardon to certain offenders.*

Preamble.

WHEREAS a number of ignorant people in the south western parts of this state have been deluded and misled by the emissaries of the common enemy, who have given a fresh proof that they spare no expense, and employ means the most dishonourable for accomplishing their purposes, bribing and seducing where their valour cannot subdue, and imposing by direct falsehoods upon the credulous, ignorant, and unwary, whereby some of the citizens of this commonwealth have been induced to take an oath of allegiance to the king of Great Britain, and engaged to enlist for or into his service: And whereas it is represented to this general assembly, that the said offending citizens have repented of their crimes and are humbly and sincerely solicitous to obtain pardon from their injured and offended country, and it is expedient to extend mercy and clemency to them; *Be it enacted by the General Assembly,* That all and every person and persons whatsoever in the counties of Henry, Bedford, Pittsylvania, Botetourt, Montgomery & Washington, who have taken the oath of allegiance to the British king, since 1776, or enlisted themselves or others in his

Pardon granted to those persons in the counties of Henry, Bedford, Pittsylvania, Botetourt, Montgomery & Washington, who have taken the oath of allegiance to the British king, since 1776, or enlisted themselves or others in his

service: And whereas it is represented to this general assembly, that the said offending citizens have repented of their crimes and are humbly and sincerely solicitous to obtain pardon from their injured and offended country, and it is expedient to extend mercy and clemency to them; *Be it enacted by the General Assembly,* That all and every person and persons whatsoever in the counties of Henry, Bedford, Pittsylvania, Botetourt, Montgomery, and Washington, who shall previous to the first day of November in the present year, have been guilty of taking an oath of fidelity to the king of Great Britain, since the expiration of the year one thousand seven hundred and seventy six, or enlisting others, or engaging to enlist themselves or others into the service of the said king; and who have

not superadded to the taking such oath and enlistment, any overt act criminal by law, shall and may go before some justice of the peace in any one of the said counties on or before the last day of February next ensuing, and take the oath of fidelity to this commonwealth, and subscribe the same in the presence of the justice administering it. And whereas Joseph Greer, Wayman Sinclair, John Wilks, William Chuke, Jacob Feazle, Anthony Epperson, John Ayres, Thomas Hunt, Richard Bandy, Rowland Wheeler, Josiah Meadows, Randolph Richardson, Joseph Wilson, Daniel Huddleston, Thomas Watts, and Edward Hore, were lately committed in order to their trial for the offences before recited, several of whom now remain in close confinement, and others of them were lately enlarged upon bail, and it is just that the benefit of this act should be also completely extended to them; *Be it farther enacted*, That all and every of the persons before named and now in the publick jail, may take and subscribe the oath of allegiance in the presence of some justice of the peace of the county of Henrico; and upon certificate to the governour from the justice administering the same, and notification thereof from the governour to the keeper of the publick jail, shall be by him discharged; and that every of the persons before named who were lately enlarged by the judges of the general court upon bail, may take and subscribe the same oath before some justice of the peace of the said connty of Henrico, or of the county in which he resides, and upon certificate thereof from the justice to the judges of the general court, produced at any day of their session in the month of December in the present year, one thousand seven hundred and eighty, or on the first day of their session in March next, shall be fully discharged from his recognizance. And every such person herein before named or described, and so taking and subscribing the said oath, shall from thenceforth be held, deemed, and taken to be fully and absolutely pardoned, exempted, cleared, and exonerated from all and every punishment, pains, and penalties whatsoever for the said offences.

*And be it farther enacted*, That every justice administering the said oath to such persons shall, within one month thereafter, return to the clerk of his county, a list of the persons who shall take the same, and make

service, on their taking the oath of allegiance to this commonwealth.

Benefit of this act extended to certain persons now in the publick jail.

the said subscription, to be by the said clerk fairly transcribed, and safely kept in his office. *Provided always,* That this act shall not extend to pardon, exonerate, or exempt from punishment, any person or persons guilty of other crimes than taking an oath of fidelity to the king of Great Britain, and enlisting for or into his service. But that every person guilty of any other crime whatsoever; and every person so as aforesaid, guilty of taking such oath of fidelity to the said king, or enlisting for or into his service, who shall fail or refuse to testify his repentance for so doing by taking and subscribing the oath of fidelity to this commonwealth, on or before the said last day of February as aforesaid, shall be held, deemed, and taken to be punishable in like manner as if this act had never been made.

This act shall be published by the sheriffs of each of the counties of Henry, Bedford, Pittsylvania, Botetourt, Montgomery, and Washington, within their respective counties, at the courthouse of the county, on some court day before the last day of January next.

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### CHAP. III.

#### *An act for recruiting this state's quota of troops to serve in the continental army.*

Preamble.

Additional  
troops for  
the war, to  
be raised.

WHEREAS the continuation of the present war arises in great measure from deficiencies in supplying the necessary quotas of troops and from their temporary enlistments when furnished, which hath induced congress and the commander in chief strongly to recommend the completion of this state's quota of men, by soldiers engaged for the war; *Be it enacted by the General Assembly,* That three thousand able bodied men shall be forthwith raised for the said purpose, to be arranged in such corps or battalions belonging to this commonwealth as the commander in chief of the



continental army shall direct. The several counties and corporations of this commonwealth (except the county of Illinois and the counties within the territory lately in dispute, between this commonwealth and the state of Pennsylvania) except the county of Monongalia, shall furnish within fifty days after their militia shall have been laid off into divisions (including such of the militia as have been consigned over to the regular service for any term not exceeding eight months) as herein after directed, the following numbers of men respectively, to wit. The county of Accomack seventy four men, the county of Albemarle fifty six men, the county of Amelia sixty nine men, the county of Amherst fifty five men, the county of Augusta eighty men, the county of Bedford ninety four men, the county of Berkely sixty eight men, the county of Botetourt forty eight men, the county of Brunswick including the county of Greensville seventy four men, the county of Buckingham thirty eight men, the county of Caroline fifty nine men, the county of Charles City nineteen men, the county of Charlotte forty men, the county of Chesterfield fifty two men, the county of Cumberland thirty men, the county of Culpeper one hundred and six men, the county of Dinwiddie forty six men, the county of Elizabeth City ten men, the county of Essex thirty nine men, the county of Fairfax forty nine men, the county of Fauquier sixty nine men, the county of Fluvannah eighteen men, the county of Frederick seventy three men, the county of Gloucester fifty two men, the county of Goochland thirty four men, the county of Green Brier thirty four men, the county of Halifax seventy men, the county of Hampshire sixty three men, the county of Hanover sixty one men, the county of Henrico thirty eight men, the county of Henry forty nine men, the county of James City twelve men, the county of Isle of Wight forty men, the county of Jefferson twenty four men, the county of Fayette eighteen men, the county of Lincoln forty nine men, the county of King & Queen thirty five men, the county of King George twenty six men, the county of King William twenty nine men, the county of Lancaster fourteen men, the county of Loudoun one hundred and seventeen men, the county of Louisa forty three men, the county of Lunenburg thirty eight men, the county of Mecklenburg sixty men, the county of Middlesex

Number to  
be furnished  
by each  
county.

fourteen men, the county of Monongalia south of Mason's and Dixon's line being extended to the Ohio thirty men, the county of Montgomery thirty eight men, the county of Nansemond forty six men, the county of New Kent twenty five men, the county of Norfolk fifty six men, the county of Northampton thirty one men, the county of Northumberland forty three men, the county of Orange thirty seven men, the county of Pittsylvania forty five men, the county of Powhatan twenty two men, the county of Prince Edward thirty four men, the county of Prince George twenty six men, the county of Princess Anne thirty seven men, the county of Prince William forty eight men, the county of Richmond thirty two men, the county of Rockbridge thirty eight men, the county of Rockingham forty nine men, the county of Shenandoah fifty seven men, the county of Southampton fifty two men, the county of Spotsylvania forty two men, the county of Stafford forty five men, the county of Surry twenty four men, the county of Sussex forty two men, the county of Warwick seven men, the county of Westmoreland thirty men, the county of Washington forty three men, the county of York fourteen men, and the city of Williamsburg nine men. And in order to raise an adequate bounty for the purpose of enlisting the said men upon the most just and equal terms; *Be it farther enacted*, That all persons within this commonwealth, shall be compelled and are hereby required to pay two per centum on all property taxed in specie, under the act intituled "An act for calling in and redeeming the money now in circulation and for emitting and funding new bills of credit according to the resolutions of congress of the eighteenth of March last," which said two per centum shall be paid either in specie, in the new bills of credit emitted under the resolutions of congress of the eighteenth of March last, in any other paper money current in this state at the rate of forty for one, in crop tobacco inspected since the first day of April last at the rate of seventy pounds of the last mentioned currency per hundred, or in good merchantable hemp at the rate of three hundred pounds of the like currency per hundred; provided that such hemp be previously delivered to a commissary appointed by virtue of an act intituled "An act for laying a tax payable in certain enumerated commodities," who shall give a

certificate for the same, expressing the weight thereof and the name of the proprietor; and the commissioners of the tax are hereby empowered to dispose of such hemp for the best price that can be obtained, so that it be not less than the rate aforesaid; and they shall transmit to the governour within twenty days after the day of draft, all such certificates and tobacco notes which remain undisposed of, and in no other alternative or certificates whatsoever.

And that the said tax or bounty may be collected in the most expeditious manner, *It is farther enacted,* That the commissioners of the tax in each county shall be furnished by the executive with a copy of this act as soon as may be, and shall immediately upon the receipt thereof, give directions either to an assessor or to some other person within each hundred to collect the same, which collector shall proceed immediately so to do, and if any person liable to the said tax shall not within fifteen days after having received notice of the amount of his tax discharge the same, the said collector shall have power to distrain for it in the like manner as is done for the other taxes; the said collector shall within forty days after his appointment, account for and pay to the said commissioners, or such of them as are not county lieutenants or commanding officers of the militia, all monies, tobacco notes, and certificates for hemp, to be by him received under this act, deducting thereout three per cent. on the amount of his collection, which shall be allowed him for his trouble. So much of the money thus received by the said commissioners as will be sufficient to discharge in their county the bounties hereafter expressed, shall be by them paid to the several recruits on the day of draft, and the balance transmitted to the treasurer of this commonwealth within twenty days after such draft; and if the tax to be raised in any county shall be insufficient to discharge the bounties due to the recruits raised in the county, the commissioners shall on the said day of draft, distribute the money as far as it will go among the several recruits and drafts, in proportion to the bounties hereby allowed to each, and they shall moreover state to the treasurer an account of the men raised in their county, distinguishing between those who enlist voluntarily for the war or for three years, and those who are drafted, and draw on him for

Taxes, when  
and how col-  
lected.

the balance due to the several divisions, which money shall be paid to the first man named on each division, so as to make up the full bounty hereafter allowed. The said commissioners shall take bond of each collector in double the amount of the money to be by him collected, for the faithful discharge of his duty, and if he should fail to account for and pay the money at the day appointed, the commissioners are hereby empowered and required to distrain on him for the amount of the same, in like manner as he may distrain on others. If the commissioners should fail to pay the money after they have received it, the commanding officer of the militia shall, on previous notice being given, obtain a judgment against them on motion for the amount of the said tax, either in the court of their county or in the general court, and they shall moreover for this or any other neglect of duty, be subject to the penalty of fifty thousand pounds of tobacco each. If any collector shall refuse to act when appointed, or shall in any other manner neglect his duty as herein defined, he shall forfeit and pay fifteen thousand pounds of tobacco.

Mode of recruiting men for three years or the war.

*And be it farther enacted,* That the county lieutenant or commanding officer of each county or corporation within this commonwealth, except as is before excepted, shall immediately after the receipt of this act, summon the field officers of his county or corporation, the four senior magistrates, not being field officers, and the commissioners of the tax, to meet at such place as he shall appoint, within ten days after due notice to them given; which said field officers, magistrates, or a majority of those attending, having first taken an oath, to be administered by the senior magistrate then present to the other members, and by some one of the others to him, to do equal and impartial justice to the best of their judgment therein, shall, with the assistance of the captains or commanding officers of the several militia companies, who shall also be summoned to attend with their rolls, distinguishing carefully thereon, invalids, those persons who may be under eighteen years of age, those who may have come within the district of his company to reside, and also those who may have removed or died since the delivery of his last list to the lieutenant of the county; all which informations shall be given on oath, proceed to lay off and divide

the militia, including all the commissioned and non-commissioned officers under the age of fifty years, into as many divisions as the number of men required by this act shall make necessary, taking care to number each division, which the commissioners shall keep a copy of; and that each division shall, taken collectively, possess as nearly as may be an equal share of property, to be averaged according to the said assessment in specie, all men who have been adjudged to serve six months in the army, in consequence of delinquencies on the late invasion, and those who may have taken paroles of the enemy on the late invasion, not being taken in arms, shall be included in the said divisions, and drafted with the rest; and any division may get a recruit out of such six months men, or any eight months men then in service; the divisions thus constituted may appoint some one of their body to recruit a man to serve in the continental army during the war, or for the term of three years. And in order to encourage enlistments, the sum of twelve thousand dollars shall be paid by the commissioners of the county to each recruit for the war, and the sum of eight thousand dollars to each recruit for three years, provided the above tax shall produce so much in their county, and if it shall prove deficient, the said division may compound therefor with their recruit, and the balance shall be repaid them as soon as the commissioners shall draw it from the treasury as before directed. And each recruit, and also all our soldiers now in service that have already enlisted, or who may hereafter enlist by the said first day of April next to serve during the war, and who shall continue to serve faithfully to the end thereof, shall then receive a healthy sound negro, between the ages of ten and thirty years, or sixty pounds in gold or silver, at the option of the soldier in lieu thereof, to be paid for, or procured by equal assessment on property; and moreover be entitled to three hundred acres of land, in lieu of all such bounties given by any former laws.\* Provided, that no

Additional  
bounties.

Land  
bounty; 300  
acres to sol-  
diers who  
have enlist-  
ed, or shall  
enlist, and  
serve to the  
end of the  
war.

\* On the subject of land-bounties, see the note to page 161 of this volume, in which a reference to this act was omitted.

The provisions of this act, which grants 300 acres of land to soldiers who had enlisted or should enlist for the war, and who should serve to the end thereof, instead of 200, as by the former act of October 1779, (ante p. 160) have been entirely overlooked, in practice. The reason is very obvious: those who were

soldier shall alienate or assign his title to the said land or slave, until his time of service shall expire. The

called upon to execute the various laws, upon this subject, naturally looked to the *Chancellors' Revisal*, as containing *all* the laws, in relation to land-bounties. But unfortunately, in that collection, which was a mere *compilation*, (See note to vol. 9. p. 176) a great number of acts were omitted, the *titles* only being published. Such was the case with the act before us. It is remarkable that, at this same session, the proportion of land bounty to officers was increased *one third*, in addition to any former bounty, (see post chap. 27, sec. 4;) and it is but reasonable to suppose that the legislature intended the same liberality to the soldiers. But the *title* of this act, only, having been printed in the *Chancellors' Revisal*, and the act at large, granting an increase of bounty to the officers, being published in that collection, the officers received their full quantity, while the soldiers have never received any land under this law.

Upon the whole, nothing seems clearer than that, *all our soldiers who were in service at the passage of this act, who had already enlisted, or who might thereafter enlist by the first day of April 1781, to serve during the war, and who continued to serve faithfully to the end of the war, are entitled to 300 acres of land, in lieu of all such bounties given by any former laws.* The former bounty, we have already seen was 200 acres.

It may be asked, why was not this law practised upon after the revolution? And why has it been permitted to remain so long a dead letter upon our statute book? If the want of its publication in the *Chancellors' Revisal* already noticed should not be deemed sufficient, other reasons may be offered. The act itself, is a very long one, occupying nearly five quarto pages, in the original, not separated by sections, and wanting marginal notes; nor is there any thing in the *title* which would lead to the conclusion that it contained any such provisions, as those found to exist in it. The Chancellors, in their compilation, no doubt, glancing at the title, and perceiving it to be "*An act for recruiting this state's quota of troops to serve in the continental army;*" had no difficulty in writing in the margin "*Had its effect*" and directing the title only to be published. The editor of this work candidly acknowledges that, although for upwards of thirty years he has made the laws of Virginia an object of his peculiar research; although for several years of that period he was a member of the executive council, and often called on, in his official capacity, to pass on claims for land bounty, and sincerely *thought* he had examined and noted *every law* in relation to that subject, yet that he never did read more than the title of this act, until the present day (August 1822) when he was compelled to read the whole act, in order to annotate it for the press. But is it more extraordinary that this act should pass unnoticed, which was never published in the *Chancellors' Revisal*, than that the act of May 1782, chap. 47, sec. 9, which gave an additional bounty for every year's service over six, and which found a place in that collection, should not have been acted upon until many years had elapsed, and many hundreds of warrants had been issued, without that addition to officers and soldiers, who, after the discovery of the law, received their additional allowance. Yet such was the fact.

said recruiting officer shall not enlist a man out of any other division, until such division shall have procured a man for itself. The county lieutenant or other commanding officer of the county or corporation shall assemble, before the said fiftieth day after the receipt of this act as aforesaid, his militia, at such place as he shall appoint; and if any division shall then fail to deliver a recruit as aforesaid, fit for present duty, between the ages of eighteen and fifty years, of able body and sound mind, who is neither a prisoner of war, a deserter from the enemy, nor engaged to serve for a longer term than eight months. The said commanding officer, together with the field officers and captains, or a majority of those present, shall immediately proceed to draft an able bodied man, by fair and impartial lot, out of such division, to serve in the continental army during the term of eighteen months, to be computed from the time of such draft, who may nevertheless be permitted to procure a substitute to serve for the said term of eighteen months, at any time within ten days after such draft. No man shall be drafted, unless it shall appear to the said commanding officer that he comes within the above discription of a recruit; neither shall any recruit or substitute be accepted of by him, unless he comes up to such discription. The said draft shall also be allowed the sum of four thousand dollars, to be paid him by the said commissioners, out of the funds hereby provided. The said commanding officer of the militia shall, within thirty days after such draft, make a return to the governour of the number of men raised within his county; and also the particular number of each division.

If quota not recruited, to be drafted for eighteen months.

*And be it farther enacted,* That the commanding officer of each county may, after the said day of draft, furlough the soldiers obtained under this act for the space of ten days, after which they shall be marched to such places, and under such regulations as the governour and council shall direct, at which place the said recruits shall be received by an officer to be appointed by the governour, with the advice of council, for that purpose, who shall give to the officer delivering the said recruits, a receipt in the name of the commanding officer of the county or corporation furnishing the men, specifying their number, and the time for which they are enlisted, and shall also transmit to the

Troops, how furloughed, reviewed, & rendezvoused.

governour, a duplicate of such receipt. The officer delivering the said recruits shall, at the same time give to the officer receiving them, a return to be made out for him by the respective commanding officers of militia, specifying in distinct columns, the names, age, size, trade, county from whence sent, place of residence, time enlisted for, date of enlistment, and whether drafted or enlisted, of each man. Every person failing to do his duty as herein directed, shall forfeit and pay the following sums of tobacco, to wit: A county lieutenant or commanding officer of militia, shall forfeit fifty thousand pounds; a field officer, magistrate, or commissioner, forty thousand pounds each; and each captain, thirty thousand pounds of tobacco. All penalties imposed by this act shall be recovered with costs, in any court of record, on bill, plaint, or information, and be applied, one half to the informer, and the other towards lessening the levy of the county, or the whole towards lessening the said levy, where there shall be no informer, except in those cases where the mode of recovery and application are particularly declared.

Mutiny, or  
resistance to  
this act, how  
punishable.

*And be it farther enacted,* That if any person on the day appointed for the draft shall behave himself mutinously or riotously, or endeavour to excite mutiny, riot, or resistance to the execution of this act, each person so misbehaving shall be, and he is hereby declared a soldier for the war, in this state's quota of continental troops. And for the purpose of enquiring into such offences, if any such there shall be, the commanding officer of any county where such misconduct shall take place, shall call a court-martial of field officers and captains of the county, or a majority of them, within six days after such draft, and upon due enquiry and proof produced of any such offender, the said court shall have power, and they are hereby directed to cause such offender or offenders to be arrested and conveyed, with the recruits obtained by this act, or sent to the army as speedily as the case can admit; *Be it farther enacted,* That any quaker or menonist, who shall be so drafted, shall be discharged from personal service; and the commanding officer at the time of such draft shall, and he is hereby required to employ one or more discreet persons to procure, on the best possible terms, a proper substitute or substitutes, to serve in his or their room for eighteen months; towards which the said sub-

Quakers and  
menonists  
drafted, ex-  
empted from  
personal ser-  
vice, but a  
substitute to  
be furnished  
at expense  
of society.



stitute shall be paid the same sum to which a draft is entitled; and the overplus of the charge, if any, shall be adjusted and divided among all the members of the society of quakers or menonists in the county, in proportion to their assessable property, and to authorize the sheriff of the county, by warrant under his hand, to levy such charge by distress, in case any member refuses or neglects to make payment thereof within five days after the same is demanded, upon the goods or chattels of the person so refusing or neglecting. Where any desertion shall happen before the recruits are marched from the place of rendezvous within the county in which they were raised, the commanding officer of the militia, on notice thereof with a description of the deserter, shall take the necessary measures for his apprehension and delivery at the nearest place of general rendezvous within the state. Any soldier falling sick at the place of rendezvous, or in his march may, at the request of his officer, be delivered to any justice of the peace within the county, who shall grant a certificate of such delivery, and make provision for his maintenance and recovery, the charges whereof being adjudged reasonable by the court of the county, shall be paid at the publick treasury. It shall be lawful for any justice of the peace, upon application from the commanding officer of any detachment, to authorize such commanding officer to impress into the publick service as many waggons, teams, and drivers as the nature of the service may, in the opinion of the magistrate, require; the owner of which shall be allowed fifty pounds of tobacco per day, and be found as usual, for each waggon, team, and driver; provided that no such impress shall extend to a longer period than six days, besides a reasonable time for returning home.

Desertions,  
how guarded  
against.

Sick soldiers  
provided for.

Waggons se-  
cured by im-  
pressment.

And whereas it has been a practice of many tradesmen to entice their apprentices to enlist as soldiers, and to sell them as substitutes for large sums of money; *Be it enacted*, That if any tradesman or other person to whom any infant is, or shall be bound as an apprentice, shall directly or indirectly take or receive, or agree to take or receive any money or other gratuity in consideration of such apprentice, his enlisting as a soldier or sailor in any corps whatsoever, every such tradesman or person so offending, not being an able

Penalty on  
masters re-  
ceiving any  
considera-  
tion for the  
enlistment  
of their ap-  
prentices.

bodied man under the age of fifty years, shall forfeit and pay double the sum of money or worth of such other gratuity so taken, received, or agreed for, to be recovered by action of debt or information, in any court of record within this state, one moiety thereof to the use of the informer, and the other moiety to the use of the commonwealth, to be applied as a bounty to enlist a soldier in the continental army during the war; and every such offender, being an able bodied man under the age of fifty years, and being thereof convicted before a court-martial, shall be deemed a soldier to serve in this state's quota of continental troops during the war, and shall be by the commanding officer of the militia of his county, delivered to some continental officer belonging to this state.

Penalty for  
selling re-  
ruits.

Additional  
penalties for  
concealing  
deserters.

And whereas a practice has prevailed of enlisting men for small bounties and afterwards selling them to districts or divisions for higher bounties than was given such soldier, which has greatly injured the recruiting service; *Be it enacted*, That every person guilty of such offence, shall be subject to the same penalties as tradesmen and others enlisting or selling their apprentices are subject to. And whereas the penalties imposed by the laws now in force, have been found not sufficient to prevent evil disposed persons harbouring or concealing deserters, to the great injury of the army; *Be it enacted*, That if any person or persons whatsoever, other than a son harbouring or concealing his father, a wife her husband, or a mother her son, knowing the person so harboured or concealed to be a deserter from the continental army of this or any other of the United States or from the troops of this commonwealth, every person so offending, over and above the penalties heretofore inflicted by law, if a woman, or not being an able bodied man, under the age of fifty years, for every such offence shall suffer six months imprisonment or forfeit and pay five thousand pounds of tobacco, to be recovered by action of debt or on information in any court of record within this state, one moiety thereof to the use of the informer, and the other moiety to the use of the commonwealth, to be applied as a bounty to enlist a soldier in this state's quota of the continental troops during the war; and every such offender, being an able bodied man under the age of fifty years, being convicted thereof before a court-mar-

tial of his county, shall be deemed a soldier to serve in this state's quota of continental troops during the war, and shall be by order of the commanding officer of his county, delivered to some continental officer belonging to this state. And that the penalties inflicted by this act, which are cognizable before a court-martial, may be inflicted, without delay, on all offenders, the county lieutenant or commanding officer of the county where the offence is committed, on information being made him, shall cause a court-martial to be held, to hear and determine thereon, to consist of five members, not under the rank of a captain, one of whom shall be a field officer; and every officer failing to attend such court-martial, being summoned thereto, without a reasonable excuse, if a field officer, shall forfeit and pay two thousand pounds of tobacco; if a captain, one thousand five hundred pounds of tobacco, to be recovered before any court-martial; one moiety of the same to be to the informer, and the other moiety to the use of the commonwealth, to be applied as a bounty to enlist a soldier in the continental army during the war. *And be it farther enacted,* That from and

after the first day of April next ensuing, any person enlisting a soldier between eighteen and fifty years of age, of able body, sound mind, at least five feet four inches high, and not being a deserter from the enemy, or from any corps of regular troops in the service of this or the United States, to serve during the war in the troops of this state in continental service, or a soldier in any of the aforesaid troops, and delivering such soldier to a person to be authorized by the governour to receive such recruits in each county, shall be exempted from all future drafts and all musters of the militia, except in case of an insurrection or actual invasion of this state, and then shall be subject to serve within the state only. The better to authenticate the delivery of such soldier as aforesaid, the receiving officer shall grant to the party producing him, two receipts, one of which shall be transmitted to the governour, and the other kept by himself for his voucher; which last, with the governour's indorsation, certifying that a duplicate thereof hath been lodged with him, shall entitle the party enlisting such soldier to the exemption intended by this act.

Person enlisting a soldier for the war, exempted from all further drafts or militia duty.

## CHAP. IV.

*An act for supplying the army with clothes, provisions, and waggons.*

Clothing for the army, to be furnished by certain counties, in what proportion, and of what to consist.

FOR furnishing a certain supply of clothing for the army, *Be it enacted by the General Assembly, That* each of the following counties and corporation shall furnish the number of suits of clothes annexed to each, and every suit shall consist of the following articles, to wit: Two shirts of linen or cotton, one pair of overalls, two pair of stockings, one pair of shoes, one wool, furr, or felt hat, or leather cap. The articles aforesaid shall be good in their kind and quality, of which the county lieutenants or commanding officers of militia in each of the counties and the corporation respectively, shall be judges. The county of Accomack shall furnish forty seven suits, the county of Albemarle forty seven suits, the county of Amelia one hundred and twelve suits, the county of Augusta forty six suits, the county of Amherst thirty eight suits, the county of Bedford forty seven suits, the county of Botetourt sixteen suits, the county of Brunswick including the county of Greensville one hundred and two suits, the county of Buckingham thirty eight suits, the county of Berkeley seventy one suits, the county of Caroline ninety three suits, the county of Charles City thirty six suits, the county of Charlotte thirty two suits, the county of Chesterfield eighty one suits, the county of Culpeper seventy four suits, the county of Cumberland thirty eight suits, the county of Dinwiddie eighty two suits, the county of Elizabeth City fourteen suits, the county of Essex fifty two suits, the county of Fairfax forty four suits, the county of Fauquier fifty five suits, the county of Frederick seventy six suits, the county of Fluvanna thirteen suits, the county of Gloucester seventy suits, the county of Goochland forty six suits, the county of Greenbrier eight suits, the county of Halifax forty suits, the county of Hampshire twenty six suits, the county of Hanover eighty seven suits, the county of Henrico fifty five suits, the county of Henry twenty nine suits, the county of James City twenty two suits, the county of Isle of Wight forty two suits,

the county of King George thirty eight suits, the county of King and Queen thirty eight suits, the county of King William fifty six suits, the county of Lancaster twenty five suits, the county of Loudoun fifty three suits, the county of Louisa forty one suits, the county of Lunenburg twenty nine suits, the county of Middlesex twenty two suits, the county of Mecklenburg fifty four suits, the county of Montgomery twenty three suits, the county of Nansemond forty two suits, the county of New Kent thirty five suits, the county of Northumberland thirty four suits, the county of Norfolk twenty seven suits, the county of Northampton thirty three suits, the county of Orange forty two suits, the county of Pittsylvania twenty suits, the county of Powhatan forty two suits, the county of Prince Edward thirty eight suits, the county of Prince George forty seven suits, the county of Princess Anne twenty five suits, the county of Prince William thirty nine suits, the county of Richmond thirty one suits, the county of Rockbridge seventeen suits, the county of Rockingham nineteen suits, the county of Southampton fifty suits, the county of Spotsylvania sixty suits, the county of Stafford forty suits, the county of Surry twenty eight suits, the county of Sussex forty suits, the county of Shenandoah twenty eight suits, the county of Warwick nine suits, the county of Westmoreland forty two suits, the county of Washington twenty three suits, the county of York twenty four suits, and the city of Williamsburg eleven suits. *And be it enacted,* That the four senior magistrates and the acting field officers or a majority of them in every county and corporation, shall on or before the first day of February next, meet at the court-house of the counties or corporation respectively, and lay out each county and corporation into as many districts as there are suits of clothes required from the county or corporation, taking care that the whole assessable property within the county or corporation be taken into account, and that each district shall include an equal amount thereof, as nearly as may be. Such justices and field officers shall, in each district, appoint some proper person to call upon the inhabitants of the same, to meet at some convenient place therein, within ten days after holding the court, and at the meeting of a majority of the said inhabitants, the particular contribution of each individu-

Mode of furnishing the clothing for the army, in each county

al towards furnishing the said clothes, may and shall be fixed and determined by a majority of those present, observing the rules of equality as near as can be according to property; and such contributions allotted to each individual shall be furnished by him or her within fifty days after such meeting and deposited in the hands of the person appointed to call the district together, who is hereby directed to receive the same and grant receipts for such contributions, which shall exonerate the person to whom they are passed for so much, and the receiver in the district shall deposit the same in the hands of the county lieutenant or commanding officer within ten days after he shall receive them, which shall exonerate such receiver. If any district shall fail to produce the clothes required from it in fifty days as aforesaid, the receiver shall let to the lowest bidder the providing of the deficiency at some publick place in the district after five days publick notice thereof, and shall levy the expense accruing upon the goods and chattels of all or any of the persons so failing, in the same manner as distress for taxes is directed by law, to be made by warrant from a justice of the peace, directed to the sheriff or constable appointed for the purpose, who shall receive the usual fees for making such distress. If the person who is such lowest bidder shall fail to produce the clothes within thirty days after his undertaking, he shall forfeit double the value thereof, to be recovered by warrant before a justice, on five days previous notice. In case a meeting of each district, or a majority, is not obtained after due notice as aforesaid within ten days, the receiver shall proceed to let the furnishing the said clothes to the lowest bidder, in like manner as if delinquency had happened after a meeting and allotment as above, and the charge of furnishing them thus incurred, shall be distrained for, and the said lowest bidder liable to be prosecuted for his failure or delinquency as above is directed.

Beef, for the  
army, how  
furnished by  
the several  
counties.

*And be it enacted by the authority aforesaid,* That each of the districts so as aforesaid laid off, shall cause to be delivered to a receiver within the county or corporation, to be appointed by the governour, with advice of council, at such time and place therein as shall be notified by the governour, one good heef, weighing at least three hundred weight nett, to be judged of by two indifferent persons on oath, the charge of procur-

ing and delivering which shall be apportioned among the people of the district at their said meeting, according to property as aforesaid; and in case of failure, the receiver shall let the same to the lowest bidder as in the case of clothes, and in like manner levy the expense thereof upon the district or persons. The said justices and field officers shall, within sixty five days after their first meeting, hold a court at the courthouse of the county, for the purpose of enquiring into the manner in which the several meetings shall have been appointed and held, the several allotments or contributions in the districts have been made and complied with, and in general to enquire into all and every delinquent under this act; and for this purpose the several receivers shall attend the said court, with an account of their proceedings in the respective districts; and if it shall appear that there is remaining any deficiency from the districts, or any of them, either of beef or clothes, they may order and direct the same to be made up out of any money arising from penalties hereby inflicted on persons undertaking as lowest bidders for districts or parts of districts, or by ordering such proceedings against deficient districts or persons as shall most speedily and effectually produce such deficiency, whether of clothes or beef, always regarding equality as to property. Provided always, that five days previous notice of the proceedings to be had, be given to such delinquent person or district, or a majority of the persons therein concerned; by the receiver of the district. *And be it enacted*, That the magistrates and field officers holding such meetings or courts may appoint a clerk to attend them, and minute their proceedings, and allow him a reasonable compensation for his service, not exceeding twenty pounds per day for each day he is employed; and the said receivers in districts shall be paid ten pounds per day for each day they shall be actually employed under this act, to be paid by the treasurer out of the publick money in his hands. The said court shall transmit to the governor, without loss of time, an exact account of the contributions of clothes and beef actually received, noting how much of each remains uncollected. A justice or field officer failing to do his duty as herein is directed, shall forfeit and pay five thousand pounds of tobacco; a sheriff, receiver, or constable, ten thousand pounds of tobacco.

Waggon, for the army, how furnished, by the several counties.

*And be it enacted,* That each and every of the counties and the corporation, from which suits of clothes and beef are directed to be procured, shall on or before the first day of March next ensuing, furnish and provide one good and serviceable waggon with a good cover and a team of four good horses and complete harness with a driver, who shall serve as a driver one month at the expense of such county respectively; and the courts of the said counties and corporation, are hereby authorized and required for this particular purpose, to meet at the court-houses on some day between the twentieth day of January and seventh of February next ensuing, and then and there assess and levy on the tithable persons or the property in the said counties and corporation assessable in specie, as may best conduce to equality, in respect to property, a sufficient amount either in money, tobacco, or hemp, to make payment for the said waggon, team, driver, and all necessary charges attending the same, and shall out of such levy or assessment, cause to be made, due payment for the articles hereby required for the said county or corporation; and the sheriffs or collectors in every of the said counties and the said corporation, are hereby required to make the collection of the levies or assessments so to be made or required, and to distrain for the same on refusal or neglect of payment, and shall receive a commission for so doing as in case of collecting taxes, and the said courts may appoint some proper person to purchase the articles hereby required, and shall cause the said waggons and teams to be delivered at such place or places as the governour with the advice of the council shall direct, without delay, and in good order for immediate service. If any court hereby directed to meet, shall fail so to do, on or before the time required, or meeting, shall fail to make or order the levy or assessment hereby required to be made, every justice qualified to act in his office in such county or corporation, shall forfeit and pay three thousand pounds of tobacco; and in case the sheriff or collector shall fail or refuse to account for and pay the money, tobacco, or hemp, hereby directed to be collected by any county or corporation court, by the time limited, the said sheriff or collector shall forfeit and pay double the amount of the said money, tobacco, or hemp, so by him unpaid, to be recovered with costs on



motion before the county or corporation court, on ten days previous notice to the sheriff or collector. If any county or corporation shall fail to produce the waggon and team as herein is required, at the time and place so as aforesaid, to be appointed, the governour with advice of the council is hereby empowered immediately to order prosecution against the justices, sheriffs, or collectors, who may have failed in their duty as required by this act; and out of the forfeitures such delinquents may have incurred, to direct purchases of waggons and teams to be made for the publick service. And to the end that proper information may be had of delinquencies, the clerk of every county and of the said corporation court, shall transmit to the governour within fifteen days after the last day appointed by this act for holding a court to make the levy, a copy of their proceedings, or in case no court shall be held, to certify the same, in order that prosecution may in that case be commenced against the offending justices. *And be it enacted*, That this act be transmitted by the governour to the first or eldest acting justice in every county or corporation, who is hereby required to summon the other justices to meet for the purposes of executing this act within the time as above-mentioned; and the charge of summoning such court, shall be levied on the county or corporation by the said court, in the aforesaid levy hereby to be made for obtaining the waggons and teams; and if the said first or eldest acting justice, shall fail to summon such court to meet as aforesaid, he shall forfeit and pay fifteen thousand pounds of tobacco, to be recovered and applied as before directed. Provided always, that the counties of Accomack and Northampton, shall be permitted in lieu of the waggon and team herein before described, to pay into the treasury on or before the time appointed for the delivery of the waggon, £. 150 in specie, or the value thereof in current money, or twelve thousand pounds of crop tobacco, inspected since the first day of July, one thousand seven hundred and eighty.

## CHAP. V.

*An act to revive and amend the act entitled An act for procuring a supply of provisions and other necessaries for the use of the army.*

Act for procuring a supply of provisions for the use of the army, revived and amended.

WHEREAS the act of assembly entitled "An act for procuring a supply of provisions and other necessaries for the use of the army," hath expired, and it is expedient and necessary that the same should be revived and amended, *Be it therefore enacted*, That the said recited act shall be, and the same is hereby revived, and shall continue and be in force until the end of the next session of assembly, except as to the period of time to which the quantities of certain provisions necessary for the use of the owner's family shall not be subject to seizure, which period, instead of the first day of December, one thousand seven hundred and eighty, shall extend to the first day of December, one thousand seven hundred and eighty one; and except as to the prices allowed for the several articles therein enumerated; and except also as it relates to salt, rye, superfine and common flour. The governour, with advice of the council, shall appoint a commissioner, whose business it shall be, after giving bond and security for the due and faithful discharge of his duty, to superintend the execution of this and the said recited act; he shall reside at the place where the executive shall sit, or in the neighbourhood thereof; shall and may appoint a deputy in each county where he shall judge it necessary, and the same to remove at pleasure; every deputy so appointed shall be accountable to the commissioner for his transactions; each deputy shall keep exact accounts of the provisions procured in his county, under the said act; he shall also settle with the commissioners of the specifick tax in his county, and make accurate returns thereof to the said commissioner once in every three months at least; the said deputy shall, from time to time, observe such instructions and regulations as the said commissioner, with advice of the executive, may think proper to establish for their government and direction; the said commissioner shall raise

proper accounts against the continent for such provisions as shall be taken and applied to the continental use; the said commissioner and deputies shall be entitled to such sums of money for their trouble as the governour, with advice of council, may think they respectively deserve, to be paid by the treasurer, on warrant from the governour; every such warrant to be previously entered in the auditors office. *And be it farther enacted*, That all seizures hereafter made by virtue of this and the said recited act, shall be paid for in manner and form therein prescribed, and at the following rates, to wit: For wheat, sixty six dollars and two thirds of a dollar per bushel; for Indian corn, twenty dollars per bushel; for pease, thirty dollars per bushel; for oats, fifteen dollars per bushel; for pickled beef, eight dollars per pound; for bacon, twenty dollars per pound; for salt pork, twelve dollars per pound; for brandy, sixty dollars per gallon; for whiskey, forty dollars per gallon; for taffia, fifty dollars per gallon; for West India rum, eighty dollars per gallon; for white biscuit, three hundred dollars per hundred weight; for ship bread, two hundred dollars per hundred weight; for fine flour, two hundred dollars per hundred weight; for seconds or ship stuff, one hundred and fifty dollars per hundred weight.

Prices of provisions.

*And be it farther enacted*, That if any person shall think him or herself aggrieved by any deputy in the execution of this or the said recited act, every such person shall have the right of appeal to the commissioners of the tax in his or her county, who, or any two of them, are hereby authorized and empowered to hear such complaint, and upon proof to them made, that such deputy hath acted contrary to the directions of this or the said recited act, shall order such deputy to make immediate restitution, and on failure so to do, he shall be liable to the action of the party grieved. And whereas the late invasion on the eastern frontier rendered it indispensably necessary for the governour and council to procure provisions in the mode prescribed by the said act, notwithstanding the expiration thereof, in order to supply the militia called into duty in consequence of such invasion; *Be it therefore enacted*, That all proceedings of the governour and council under the said act are hereby declared valid. And whereas great delays and inconveniencies will arise to

the army unless quantities of forage can be procured for the use of the same, *Be it enacted*, That the governour, with the advice of the council, be authorized and empowered to take such measures as shall be most effectual for providing sufficient quantities of hay, fodder, and other forage for the use of the said army. Provided, that not more than one sixth of the quantity of forage in the possession of any person shall be taken under this act, and the quantity so taken shall be ascertained and paid for in the manner directed by the said recited act.

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CHAP. VI.

*An act to establish a corps of invalids to serve as guards and on garrison duty.*

Corps of invalids, for guards and garrison duty, established.

WHEREAS there are great numbers of wounded and other soldiers discharged from the publick service as invalids, who receive liberal pensions from the community, and who if collected and formed into corps might render good service by doing garrison duty, and thereby compensate for the expense they create, and that such pensioners may be more amply provided for; *Be it enacted by the General Assembly*, That the governour with the advice of council, be authorized to collect all such pensioned soldiers as come within the above description, who are willing to enlist and are fit for garrison duty of any kind, and direct them to be formed into one or more companies as he shall think proper, to be officered by pensioned officers or others as to the executive shall appear most conducive to the publick good. And for the more certain and speedy collecting such invalids, *Be it farther enacted*, That the county lieutenant or commanding officer of the militia of each county and corporation within this commonwealth, shall and they are hereby directed to make diligent enquiry in their respective counties and corporations without delay, and report to the governour

a list of all such invalids, distinguishing in such list the nature of the wound or other incapacity that hath occasioned his discharge. *And be it farther enacted,* That such invalids when formed into corps as aforesaid, shall be station'd at such posts or places as it shall appear to the executive they may be most usefully employ'd, and such corps so embodied shall be entitl'd to the same pay, rations, and clothing, as the troops now in continental service in lieu of such pensions, and be subject to the articles of war that govern the troops in the immediate service of this commonwealth.

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CHAP. VII.

*An act for procuring a supply of money for the exigencies of the war.*

WHEREAS the immediate and pressing exigencies of the war require the farther emission of paper money until the measures heretofore adopted in this commonwealth for procuring supplies of money shall have their operation, *Be it therefore enacted,* That the treasurer of this commonwealth shall, and he is hereby directed and empowered to issue treasury notes in dollars for any sum or sums of money which may be necessary for the publick exigencies; the sum or sums of money to be issued by virtue hereof shall not exceed the sum of six millions of pounds, unless the exigencies of government should render a farther sum necessary, in which case, the governour, with advice of the council, may direct any farther sum, not exceeding four millions of pounds, to be emitted, and lay a state thereof before the next session of assembly, who will provide for the redemption thereof; and the governour, with the advice of council may, and he is hereby required, if the necessities of the state will permit at any time hereafter, to stop the emission of all or any part of the bills of credit hereby directed to be issued. The treasurer shall cause the said notes to be engraved and

Further emission of treasury notes, or paper money.

One for forty money.

Taxes for the redemption.

printed in such manner, and upon such paper as he may judge most likely to secure them against counterfeits; the face of the notes thus to be emitted shall read in manner following, to wit: No. ———, ——— Dollars. This bill of ——— dollars shall be exchanged and redeemed in Spanish milled dollars, or the value in gold or silver, at the rate of one for forty, at the treasury of Virginia, on or before the thirtieth day of December, one thousand seven hundred and ninety. And on each of the said notes the treasurer shall cause such a device to be printed as will readily distinguish the said bills from any others heretofore emitted in this commonwealth. He shall also appoint proper persons to overlook the press, to number and sign the said notes, upon the best terms he can, always observing to publish the names of such numberers and signers in the newspaper. The bills of credit to be emitted by virtue of this act, shall be entered in the auditors office to the treasurer's account, and be signed, on some part thereof the most convenient, by one of the auditors of publick accounts, or by one of their clerks, or by an assistant clerk to be appointed by the auditors for this special purpose, who shall receive such an allowance for his trouble as they shall judge reasonable, without which signature the said bills of credit shall not be current. And for establishing a fund which shall prove sufficiently productive for the redemption of the bills of credit hereby to be emitted; *Be it farther enacted,* That a tax shall hereafter be imposed upon the lands, slaves, and other property within this commonwealth, by way of general assessment, adequate to that end which tax shall be imposed, and collected in such manner as to redeem the whole of the bills of credit to be emitted by virtue hereof within five years, to commence from and after the thirtieth day of December, in the year of our Lord one thousand seven hundred and eighty five. The money hereby to be emitted shall be received in payment of all taxes heretofore imposed, or hereafter to be imposed, and shall be a legal tender in discharge of all debts and contracts, in the same manner, and under the same restrictions that the money emitted by the last session of assembly is declared to be by an act of the present session, entitled "An act to explain and amend the act for calling in and redeeming the money now in circulation, and for emit-

ting and funding new bills of credit, according to the resolutions of congress of the eighteenth of March last." The treasurer of this commonwealth shall; and he is hereby authorized and empowered to exchange any of the bills of credit hereby to be emitted for the paper bills of credit emitted by congress and now in circulation in this commonwealth, except the bills of credit emitted agreeable to the resolutions of congress of the eighteenth day of March last; and also for any of the bills of credit heretofore emitted in this commonwealth, with any person or persons who may be willing and desirous of doing the same.

*And be it farther enacted,* That he or she shall be adjudged a felon, and shall suffer death without the benefit of clergy, who shall forge or counterfeit, alter or erase any bill of credit or treasury note, to be issued by virtue of this act; or who shall cause or procure such bill of credit or treasury note to be forged or counterfeited, altered or erased, or shall aid or assist in forging or counterfeiting, altering or erasing such bill of credit or treasury note, or shall pass or tender, or shall cause or procure to be passed or tendered any such bill of credit or treasury note in payment or exchange, knowing the same to have been forged or counterfeited, altered or erased, or shall have in his or her custody or possession any press, types, stamp, plate, or other instrument necessary to be used in the fabrication of any such bill of credit or treasury note, and not actually used in some publick printing office, or any paper, with or without signature, on which the characters or words that are contained in a genuine bill of credit or treasury note are or shall be impressed or inscribed in like order as they are in such bill of credit or treasury note, or any such bill of credit or treasury note which hath been altered or erased, knowing the same to have been altered or erased, and shall not discover such press, types, stamp, plate, instrument, paper, or altered or erased bill of credit or treasury note, to two justices of the peace, within five days after the same shall have come to his or her possession; any person or persons charged with having been guilty of any one or more of the above mentioned offences, shall be prosecuted and tried in the manner as directed for the trial of like offences, by an act of assembly passed in the year of our Lord 1779, en-

Forging or counterfeiting paper money, death without clergy.

titled "An act for punishing persons guilty of certain thefts and forgeries, and fixing the allowance to sheriffs, veniemen, and witnesses, in certain cases."

Certificates  
receivable  
in taxes.

And whereas the anticipation of publick revenue, occasioned by the claims of those holding certificates for provisions and other articles obtained for publick use, under the acts and resolutions of the last and present sessions of assembly, may produce great embarrassment, unless such certificates are made payable in discharge of publick taxes; *Be it farther enacted*, That all certificates granted by the publick agents and commissioners, agreeable to any act or resolution of the last or present session of assembly, for horses, provisions, or other articles, furnished the publick, shall be and the same are hereby declared to be receivable in discharge of any tax or duty whatsoever, which may be due from the possessor thereof.

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#### CHAP. VIII.

*An act directing the money arising from the sales of the estate of John Meacom, deceased, to be paid to his widow and children.*

Money arising from the sale of the estate of John Meacom, which was forfeited and paid into the treasury, on his conviction & execution for the murder of one of his own slaves, directed to be repaid to his widow & children.

WHEREAS it hath been represented to this present general assembly, that John Meacom, deceased, was in the year one thousand seven hundred and seventy six, convicted of, and executed for murdering one of his own slaves, and his whole estate thereby became forfeited to the commonwealth, was soon afterwards sold, and the money arising from the sales thereof, paid into the publick treasury, whereby Ann Meacom the widow and five children, orphans of the said John Meacom, are rendered destitute of the means of support; and it being expedient to extend grace and favour to the widow and children of the said John Meacom; *Be it therefore enacted*, That the treasurer shall and he is hereby required, to pay the money arising from the



sale of the estate of the said John Meacom to the said Ann Meacom and five children, in the following proportions, that is to say, one sixth part thereof to the said Ann Meacom, and the other five sixths in equal proportions to the children of the said John Meacom, or to such person or persons as by law may be entitled to receive it for them.

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CHAP. IX.

*An act for adding part of the county of Augusta to the county of Monongalia.*

*BE it enacted,* That all that part of the county of Augusta, north-west of the line that divides Augusta from Green Brier on the top of the ridge, that divides the waters of Green Brier from those of Elk and Tyger's valley, and with that ridge to the ridge that divides the waters of Potowmack from those of Cheat, and with the same to the line that divides Augusta and Rockingham, shall be and the same is hereby added to and made part of the county of Monongalia. Part of the county of Augusta added to Monongalia. Provided always, that nothing herein contained, shall be construed to hinder the sheriff of the said county of Augusta from collecting and making distress for any publick dues or officers fees which shall remain unpaid by the inhabitants thereof, at the time of passing this act; but such sheriff shall have the same power to collect and distrain for such dues and fees, and shall be accountable for them in the same manner as if this act had never been made.

*And be it farther enacted,* That the court of the said county of Augusta, shall have jurisdiction of all actions and suits in law and equity which shall be depending before them, and shall and may try and determine all such actions and suits, and issue process and award execution thereon.

## CHAP. X.

*An act to extend the jurisdiction of a single magistrate in certain cases.*

Jurisdiction of a single justice increased, in a ratio with the depreciation of paper money.

WHEREAS by an act of assembly passed in the year one thousand seven hundred and forty eight, establishing county courts, and directing the rules and proceedings therein, it is enacted, that all causes under twenty five shillings or two hundred pounds of tobacco, are cognizable before a single justice of the peace. And whereas by the depreciation of the paper money, the power of a justice of the peace is in a measure done away, and creditors must be deprived of many of their just demands, or be compelled to institute suits in the courts of law, by which means the greater part of the debt will be expended in the prosecution for recovery thereof; *Be it enacted*, That a single justice of the peace may have cognizance and finally determine any cause whatsoever, where the sum shall not exceed two hundred pounds of tobacco or the value thereof in paper money, according to the depreciation or price of tobacco from time to time settled by the grand jury of the general court; and the said justice of the peace is hereby empowered to give judgment for any such sum as above mentioned, and may award execution for the same against the goods and chattels of the debtor or party against whom such judgment shall be given, which shall be executed and returned by the sheriff or constable to whom directed, in the same manner as in other cases of *fieri facias* are to be executed and returned, but no execution shall be by him granted against the body of the defendant.

## CHAP. XI.

*An act to amend the act for establishing a Land Office, and for ascertaining the terms and manner of granting waste and unappropriated lands.*

WHEREAS great inconveniencies attend the method of appointing deputy surveyors, as the laws heretofore have directed. For remedy whereof, *Be it enacted by the General Assembly,* That deputy surveyors may and shall be appointed in manner following, that is to say. The principal surveyor of any county desiring to have one or more deputy, or deputies commissioned, shall recommend such person or persons as he may think properly qualified for the office to the court of the county of which he is surveyor. The court shall thereupon appoint and direct one or more fit persons to examine into the capacity, ability, and fitness of the person or persons recommended to execute such office; and upon a certificate of such examination, and report of the capacity, ability, and fitness of the person or persons so recommended, the said court are hereby empowered and directed to appoint him or them to act as deputy or deputies, for whose conduct in every respect touching his office, the principal surveyor shall be answerable. And all deputies so appointed, shall have power and authority to act and do in all things, and to every intent and purpose as deputy surveyors heretofore acted by law.

Deputy surveyors, how appointed.

(See Oct. 1783, c. 32.)

## CHAP. XII.

[Chan. Rev.  
p. 132.]

*An act to amend an act entitled An act for adjusting and settling the titles of claimers to unpatented lands under the present and former government, previous to the establishment of the commonwealth's land office.*

Preamble. I. WHEREAS it is represented to this present general assembly, that from the inclemency of the weather during the sitting of the commissioners appointed to adjust and settle the titles of claimers to unpatented lands, many witnesses were prevented from attending the said commissioners and the parties at whose instance they were summoned, lost the benefit of their testimony, and thereby failed to support their claims. For remedy whereof *Be it enacted*, That it shall and may be lawful for any person, his or her heirs or assigns, aggrieved or injured by the determination of the said commissioners, to enter a caveat against a grant thereupon, until the matter shall be heard before the general court; and that any person or persons who may hereafter in like manner be aggrieved by the determination of any commissioners who shall sit for the purpose aforesaid, shall be entitled to the same mode of redress as above mentioned, and may petition the said court to have his or her claim considered, and upon its being proved that he or she laboured under such disability at the time of the meeting of the said commissioners thereupon; the court shall grant him or her a hearing in a summary way, and if it shall appear that the petitioners claim is just, the court may reverse the former determination and order a grant to issue for such land, or any part thereof, to the person to whom they shall adjudge the same, on the terms prescribed by an act entitled "An act for adjusting and settling the titles of claimers to unpatented lands under the present and former government, previous to the establishment of the commonwealth's land office."

Caveats allowed against the judgment of the commissioners.

II. And whereas the allowance made to commissioners who are appointed to carry into execution the abovementioned act, and to the surveyors, sheriffs, and clerks attending the same, are now insufficient. For remedy whereof, *Be it enacted*, That each commissioner for every day he shall be necessarily employed in going to, attending on, and returning from the business of his office, shall receive thirty pounds; the surveyor twelve pounds; and the sheriff eight pounds, in lieu of the allowance formerly provided.

Further allowance to commissioners and attendants.

III. And whereas the expense of carrying the said act into execution will be greatly increased, and it is reasonable and just that the greatest part of such expense should be defrayed by the persons who are to be benefited by the same, *Be it farther enacted*, That for every hundred acres of land contained within the certificates to be granted by the commissioners, the party receiving the same shall pay five dollars to the commissioners, besides a fee of twenty shillings for each certificate to the clerk.

Tax on litigants raised.

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### CHAP. XIII.

*An act to amend an act entitled An act to amend the several acts of assembly respecting the inspection of tobacco.*

WHEREAS the allowance to inspectors hath been found inadequate to their trouble; *Be it therefore enacted*, That instead of the allowance heretofore made by law to inspectors for inspecting tobacco, they shall be allowed and paid the following salaries, to commence from the tenth day of October last past, that is to say, to each of the inspector's at Guilford's and Pungoteague under one inspection 3500, at Roy's 5000, at Kennon's 3000, at Bolling's point 6000, at Bollingbrooke 6000, at Cedar Point 6000, at Hobb's Hole 3000, at Bowler's 3000, at Layton's 3000, at Colches-

Salaries and allowances of inspectors of tobacco increased.

ter 4000, at Alexandria 4000, at the falls of Potowmack 3000, at Poropotank 3000, at Deacon's neck 3500, at Crutchfield's 5000, at Page's 5000, at Warwick 5000, at Rocky Ridge 7000, at Osborne's 6000, at John Bolling's 4500, at Byrd's 7000, at Shockoe's 7000, at Smithfield 3000, at Shepherd's 3000, at Mantapike and Frazer's under one inspection 3000, at Todd's and Aylett's under one inspection 4500, at Boyd's Hole 3500, at Falmouth 5000, at Dixon's 5000, at Gibson's 3000, at Davis's 3000, at north Wycomico and south Wycomico under one inspection 3000, at Indian creek 3000, at Deep creek 3000, at Urbanna 3000, at Milner's 3000, at South Quay 4000, at Cherrystone's and Hungar's under one inspection 2500, at Littlepage's 3000, at the Brick House 3000, at Coan's 3000, at Boyd's 6000, at Davis's in the town of Blandford 6000, at Blandford 6000, at Quantico 5500, at Dumfries 5500, at Cat Point 3000, at Totuskey 3500, at Cabin Point 4000, at Gray's creek 3500, at Aquia 3500, at Fredericksburg 5000, at Royston's 5000, at Denbeigh 2500, at Nomony 3000, at Leed's and Mattox under one inspection 4000, at Yocomico and Rust's under one inspection 4000, at the capital and college landings under one inspection 3000, at Roe's 2500 pounds of crop tobacco.

*And be it farther enacted,* That there shall be paid to the inspectors at each of the said warehouses thirty four pounds of tobacco for every hogshead of tobacco by them inspected, in lieu of the former allowance, to be paid by the owner at the time of receiving and inspecting the same; and the inspectors at each warehouse shall in lieu of the allowance now by law given for storage, pay to the proprietor thereof six pounds of tobacco for each hogshead so received and inspected, and for all tobacco lying more than twelve months at the rate of twelve pounds of tobacco a year for each hogshead, to be paid by the shipper, there shall also be paid to the inspectors at each warehouse twenty five pounds of tobacco for every hogshead reprized, for reprizing and finding nails, to be paid by the proprietor, and twenty five pounds of tobacco for every hogshead prized up and exchanged for transfer notes and finding nails, to the use of the inspectors, in lieu of the tobacco directed to be paid for the said services by the act entitled "An act to amend the several acts

of assembly respecting the inspection of tobacco," and that the said tobacco shall be paid for in money at such rate as the grand jury estimated the same at the last October general court until March court next, at which time the grand jury shall estimate the current price of crop tobacco, at which rate the tobacco herein respectively mentioned shall be paid.

*And be it farther enacted,* That from and after the passing of this act, the inspection called Cary's shall be and the same is hereby discontinued, and the present inspectors at the said warehouse are hereby directed to deliver on oath a list of all such tobacco as remains in the said warehouse to the inspectors at Rocky Ridge inspection, who are hereby directed to give a receipt for the same and to take the said tobacco under their care, and in case of loss after such receipt given, shall be liable for the same as for tobacco lost from the warehouse where they are inspectors, and shall deliver the same when demanded, and take and receive of the shippers such fees as by law are due on tobacco shipped from other inspections, and account for the same as by law directed. *And be it enacted,* That this act together with all other acts heretofore passed relative to the inspection of tobacco, shall expire on the last day of November one thousand seven hundred and eighty one.

Cary's warehouse discontinued.

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#### CHAP. XIV.

*An act to amend the act for giving farther time to delinquent counties to pay their specific tax.*

WHEREAS by an act of assembly entitled "An act for laying a tax payable in certain enumerated commodities," every tithable within this commonwealth is chargeable with certain specific commodities, payable on or before the thirty first day of March last, and the time for payment of the aforesaid tax, was by an act passed at the last session extended to the first

Further time allowed to pay specific tax.

day of October last, which said act not being promulgated, and from other causes the said tax has been partially collected. For remedy whereof, *Be it enacted*, That every delinquent of the said tax due on or before the first day of October last, pay or deliver to the commissary of their respective districts on or before the first day of March next ensuing, the specific commodities due as aforesaid, which being paid, the said commissary's receipt shall be a discharge; otherwise the commissioners shall immediately assess the value of such commodities due, and direct their respective sheriffs to proceed to collecting as by the said recited act is directed. *And be it farther enacted*, That the commissioners who were chosen in the months of August, September, or October last, carry this act into execution.

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## CHAP. XV.

[Chan. Rev. p. 132.] *An act for the more effectual collection of taxes and publick dues.*

Preamble. I. WHEREAS it hath been found by experience that an alteration is necessary to be made in the auditors office, and that a solicitor or superintendant of accounts should be appointed for the more fully calling to account all persons indebted to the publick, *Be it therefore enacted*, That a person be chosen by joint ballot of both houses of assembly, to act as solicitor general and to be exempt from militia duty, and to continue in office until removed by the governour with advice of council, or by joint vote of both houses, and in case of death or resignation, that the governour and council during the recess of the assembly be empowered to appoint some other fit and able person to act in his stead until the end of the next general assembly. The solicitor so appointed, shall not be able to act or perform any of the duties of his office until he shall have taken the oath of fidelity to the commonwealth, and also an oath impartially and honestly to execute

Solicitor general appointed.

His oath.



his duty, which oaths shall be taken during the sitting of the honourable general court before the said court, and during their vacation before some judge thereof, or before any county court within this commonwealth, and be entered of record, any judge of the general court administering such oath to certify the same to his next court in order that the same may be recorded, and a certificate shall be given to the person so qualified by the judge or the clerk of such court before whom the said oaths may be taken. The said solicitor immediately on his qualifying as aforesaid, is hereby authorized and empowered to examine from time to time the books of accounts kept by the board of auditors, and to compare the same with their vouchers, to see that all monies to be paid by their warrants are entered and charged to the proper accounts therefor, or to the persons properly chargeable therewith and that the taxes levied be also credited to their respective and proper accounts, keeping all taxes raised under any one law separate and apart from the other. To cause a correct list of all balances due either to or from the publick to be stated together with the amount of the several taxes, and lay the same before the general assembly at the first meeting of every session. To state and prepare in a regular manner accounts against all and every persons indebted to the publick, on monies advanced them for any purpose, and failing to account with the auditors therefor in due and reasonable time and attend the attorney general therewith and with such vouchers as the said attorney may think necessary. Also to state accounts for money or other publick property against all publick officers of every denomination indebted to the publick, especially against sheriffs, escheators, clerks, inspectors, commissaries, quarter-masters, keepers of publick stores, paymasters, naval officers, county lieutenants, or recruiting officers, either in the land or sea service, to collect the vouchers likewise necessary to prove their accounts, and attend the attorney for the purpose of obtaining judgments thereon at such times as are already or may hereafter be directed by law for the more speedy recovery of money in their hands due to the publick.

II. And for the more effectually obtaining that end, *Be it enacted*, That it may and shall be lawful for the attorney general to move for judgments on any day

His duty.

Motions against delinquents.

during the setting of the general or oyer courts against any person or persons indebted to the publick. The solicitor hereby appointed is also farther authorized and required to state and enter into the auditors books, the amount of all judgments that may be obtained, together with the damages and costs, that the same may be charged to the proper account of the person against whom a judgment has been entered, and thereupon to issue executions and send the same by express to the sheriff or coroner, the charge of which express, as well as of giving notice being first paid by the publick, to be recovered of the person against whom such execution issued, by motion in the general or county court. The solicitor is also directed to attend to the stating and adjusting in a proper book or books for that purpose to be provided at publick expense, all accounts for monies heretofore advanced to sundry persons before the establishment of the auditors board, and still remaining unsettled and unaccounted for, and to charge on all such debts that may appear due, depreciation; regulating himself by the price of tobacco at the time of advance, from the best information he can procure, and the price of tobacco at the time of payment agreeable to the valuation of the grand jury. And for the more effectually settling the accounts of the publick, prior to the establishment of the auditors board, the said solicitor is empowered to inspect the books and papers of the committee of safety, the council of state, the treasury office, and the navy board, and to collect all papers and vouchers necessary for the recovery of the said money, and also to superintend the stating of the continental account both past and future, the collection of the vouchers necessary for the support thereof, and direct the mode most proper for the adjusting the same. And the said solicitor is directed in all doubtful matters of law, to require counsel of the attorney general, and when farther assistance in the prosecution of his duty is necessary to employ one or more clerks, who shall be allowed for their services what the solicitor and any two of the auditors shall think proper, so that the same shall not exceed the salaries given by law to the clerks of the auditors, to be paid by the treasurer on warrant from the auditors. And for the services of the solicitor, he shall be allowed and paid out of the publick treasury in quarterly payments

To take advice of the attorney general.

To appoint a clerk.

Solicitor's allowance.

on warrant from the auditors, thirty thousand pounds of tobacco, to be estimated in the same manner as directed by the act of assembly “For giving more permanent salaries to the governour, the council, and the other officers of state.”

III. And whereas great delays in collecting the money, arise from the commissioners failing to return the county assessments to the auditors office in due time, and by the remissness of county courts and assessors in the discharge of their duties respectively, *Be it enacted*, That the justices of every county failing either to appoint commissioners in cases directed by law, or neglecting their duty in any other respect as directed by the several acts of assembly for appointing commissioners and prescribing their duty, shall forfeit and pay five thousand pounds of tobacco each. The commissioners failing in their duty as required by the said acts, shall forfeit and pay ten thousand pounds of tobacco each, and the assessors failing or refusing to perform their duty as required by the said acts, shall each of them forfeit and pay five thousand pounds of tobacco.

Penalty on county courts, commissioners, and assessors, increased.

## CHAP. XVI.

*An act declaring what shall be a lawful marriage.*

[Chan. Rev. p. 133.]  
See May 1783, ch. 35.

I. FOR encouraging marriages and for removing doubts concerning the validity of marriages celebrated by ministers, other than the church of England, *Be it enacted by the General Assembly*, That it shall and may be lawful for any minister of any society or congregation of christians, and for the society of christians called quakers and menonists, to celebrate the rights of matrimony, and to join together as man and wife, those who may apply to them agreeable to the rules and usage of the respective societies to which the parties to be married respectively belong, and such marriages by dissenting ministers confirmed.

Who may celebrate rites of matrimony.

Former marriages by dissenting ministers confirmed.

riage as well as those heretofore celebrated by dissenting ministers, shall be, and they are hereby declared good and valid in law.

Exception  
in cases of  
incest.

II. *Provided always*, and it is the true intent and meaning of this act that nothing herein before contained shall extend or be construed to extend to confirm any marriages heretofore celebrated, or hereafter to be celebrated between parties within the degrees of affinity or consanguinity forbidden by law. *Provided also*, that no persons except the people called quakers and menonists, shall hereafter be joined together as man and wife, without lawful license first had, or thrice publication of banns in the respective parishes, or congregations where the parties to be married may severally reside, agreeable to the directions of an act of assembly passed in the year one thousand seven hundred and forty eight, entitled "An act concerning marriages." *Provided*, That the license so obtained may be directed to any regular minister that the parties to be married may require. Every minister of any society or congregation, not of the church of England, offending against the directions of the said act concerning marriages, shall be subject to the same pains and penalties in cases of omission or neglect as by the said recited act are imposed upon ministers of the church of England.

No marriage  
(except be-  
tween qua-  
kers and me-  
nonists) but  
on licence  
or publica-  
tion of banns

Penalty.

Fees.

III. *And be it farther enacted*, That instead of the fees prescribed by the said recited act, the several ministers may demand and receive for the celebration of every marriage, twenty five pounds of tobacco, and no more, to be paid in current money at the rate which shall be settled by the grand jury at the term of the general court next preceding such marriage.

Certificates  
of marriages  
to be return-  
ed to the  
clerk of the  
court and re-  
corded.

IV. *And that a register of all marriages may be preserved*, *Be it enacted*, That a certificate of every marriage hereafter to be solemnized signed by the minister celebrating the same, or in the case of quakers, by the clerk of the meeting, shall be by such minister or clerk, as the case may be transmitted to the clerk of the county wherein the marriage is solemnized, within three months thereafter, to be entered upon record by such clerk, in a book to be by him kept for that purpose, which shall be evidence of such marriage. The clerk shall be entitled to receive and demand of the party so married, ten pounds of tobacco for recording

such certificate. *And be it farther enacted,* That every minister or clerk of a quaker's or menonist's meeting, as the case may be, failing to transmit such certificate to the clerk of the court in due time, shall forfeit and pay the sum of five hundred pounds, to be recovered with costs of suit by the informer in any court of record. This act shall commence and be in force from and after the first day of January in the year of our Lord one thousand seven hundred and eighty one.

Penalty on minister or clerk of quaker society failing to transmit certificates.

V. For carrying this act into execution, *Be it farther enacted,* That the courts of the different counties shall and are hereby authorized on recommendation from the elders of the several religious sects, to grant license to dissenting ministers of the gospel, not exceeding the number of four of each sect in any one county, to join together in holy matrimony, any persons within their counties only; which license shall be signed by the judge or elder magistrate under his hand and seal.

County courts to licence dissenting ministers to marry, not exceeding four of one sect.

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CHAP. XVII.

*An act for dividing the county of Brunswick into two distinct counties.*

*BE it enacted by the General Assembly,* That from and after the first day of February next, the county of Brunswick shall be divided into two distinct counties, by a line to begin two miles above Chapman's ford on Maherrin river, and running a due south course to the boundary line between this state and North Carolina, and from the station aforesaid by another line due north to Nottoway river, and that all that part of the said county lying eastward of the said line, shall be called and known by the name of Greenville, and all the residue of the said county shall retain the name of Brunswick. That a court for the said county of Greenville, shall be held by the justices thereof on the fourth Thursday in every month after the said division shall

Brunswick county divided, and Greenville formed.

Boundaries.

Court days.

take place, in such manner as is provided by law for other counties, and shall be by their commissions directed.

*And be it farther enacted,* That the justices to be named in the commission of the peace for the said county of Greenville, shall meet at Hix's ford in the said county upon the first court day after the said division shall take place, and having taken the oaths prescribed by law, and administered the oath of office to, and taken bond of the sheriff according to law, proceed to appoint and qualify a clerk, and fix upon a place for holding courts in the said county, at or as near the centre thereof as the situation and convenience will admit of; and the court of the said county shall thenceforth proceed to erect the necessary publick buildings at such place, and until such buildings be completed, to appoint any place for holding courts as they shall think fit.

*Provided always,* That the appointment of a place for holding court, and of a clerk, shall not be made unless a majority of the justices of the said county be present. Where such majority shall have been prevented from attending by bad weather, or their being at the time out of the county; but in such cases the appointments shall be postponed until some court day when a majority shall be present. That the governour with advice of the council, shall appoint a person to be first sheriff of the said county, who shall continue in office during the term, and upon the same conditions as is by law appointed for other sheriffs. *Provided always, and be it farther enacted,* That it shall be lawful for the sheriff of the said county of Brunswick, to collect and make distress for any publick dues or officers fees which shall remain unpaid by the inhabitants thereof at the time such division shall take place, and shall also be accountable for the same in like manner as if this act had not been made. And that the court of the said county of Brunswick shall have jurisdiction of all actions and suits in law or equity which shall be depending before them at the time of the said division, and shall try and determine the same, and issue process and award execution thereon.

## CHAP. XVIII.

*An act for establishing several publick ferries and discontinuing a former one.* [Chan. Rev. p. 134.]

I. *BE it enacted by the General Assembly, That the* Batte's ferry discontinued.  
 ferry established from the land of the late Henry Batte, in the county of Henrico to the land of the late Alexander Bolling, in the county of Prince George, be discontinued, and that publick ferries be constantly kept at the following places, and the rates for passing the same shall be as follows, that is to say: From the land of John Fox in the county of Gloucester, across York river, to the land formerly the property of John Tabb on the opposite shore; the price for a man seven dollars, and for a horse the same; from the upper end of the land of Thomas Batte the younger, in the county of Chesterfield, across Appamattox river, to the lot of land the property of William Gilliam. in the town of Broadway and county of Prince George; and from the lot of land of the said William Gilliam, to the lands of the said Thomas Batte; the price for a man two dollars, and for a horse the same; from the lands of Landon Carter, in the county of Culpeper, across Rappahannock river, at Norman's ford; the price for a man two dollars, and for a horse the same; and from the lands of David Ross, in the county of Bedford, across James river at the mouth of Archer's creek, to the lands of Robert Bolling, deceased; the price for a man one dollar, and for a horse the same, and for the transportation of wheel earriages, tobacco, cattle, and other beasts, at the ferries aforesaid; the ferry keeper may demand and take the following rates, that is to say: For every coach, charriot, or waggon and the driver thereof, the same as for six horses. For every cart, or four wheeled chaise, or chair, the same as for two horses; for every hogshead of tobacco, as for one horse; for every head of nett cattle, as for one horse; for every sheep, goat, or lamb, one fifth part of the ferriage of one horse, and for every hog, one fourth part of the ferriage for a horse, according to the prices herein before settled at such ferries; and if any ferry-keeper shall

Several new ferries, and the rates of ferriage.

Penalty for  
over charg-  
ing.

presume to demand and receive from any person whatsoever, any greater rates than is hereby allowed, he shall for every such offence forfeit and pay the party grieved, the ferriage demanded or received, and ten shillings, to be recovered with costs before a justice of the peace where the offence shall be committed.

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CHAP. XIX.

*An act for dissolving the vestry of the parish of Albemarle in the county of Sussex.*

Vestry of  
parish of Al-  
bemarle in  
county of  
Sussex dis-  
solved.

WHEREAS it is represented to the general assembly, that only one of the vestry of the parish of Albemarle in the county of Sussex, was elected by the freeholders and housekeepers thereof, *Be it therefore enacted by the General Assembly,* That the same shall be and is hereby dissolved. *And be it farther enacted,* That the freeholders and housekeepers of the said parish of Albemarle shall, before the first day of March next, meet at some convenient time and place to be appointed, and publickly advertised by the sheriff of the said county of Sussex, at least one month before such meeting, and then and there elect twelve of the most able and discreet persons, being freeholders and resident in the said parish, for vestry-men, which vestry-men so elected, having in the court of the said county of Sussex taken the oaths prescribed by law, and in vestry subscribed to be conformable to the doctrine and discipline of the church of England, shall, to all intents and purposes, be deemed and taken to be the vestry of the said parish of Albemarle.

*Provided,* That any suit now depending, or hereafter to be brought by or against the vestry or churchwardens of the said parish, may be prosecuted in the same manner as if this act had never been made.



## CHAP. XX.

*An act to empower the court of Greenbrier county to have a waggon road opened from their courthouse to the eastern waters.*

WHEREAS it is represented to this general assembly, that the inhabitants of the county of Greenbrier labour under very great inconveniences for want of a waggon road from their courthouse through the mountains to some place on the eastern waters, from whence there is a waggon road to the town of Richmond, that such a road would not only be very beneficial and convenient to the said inhabitants, but of great publick utility, and that they are willing to pay the expense of viewing and clearing the same; *Be it therefore enacted by the General Assembly,* That the justices of the said county of Greenbrier, or a majority of them, shall have full power to appoint three or more proper persons, who being first sworn to view and mark a way for a waggon road from Greenbrier courthouse to the Warm Springs, or to the waggon road at the mouth of the Cow Pasture river, whichever the said commissioners shall think the nearest and best way, a report of which being returned to and approved of by the said court of Greenbrier, they, or a majority of them are empowered to employ a person or persons to clear and open the same agreeable to the said report, upon the best terms they can, the expense of which shall be delivered to the commissioners of the tax for the county for the next year, who shall proportion the same amongst the owners of property in the said county, according to the value of their respective estates, agreeable to the assessment made in October 1780, which shall be collected by the sheriff in the same manner as the last payment of the tax for the same year. *Provided always,* That the said inhabitants shall have the alternative of paying the said tax in money or clean merchantable hemp, to be delivered at the courthouse of the said county of Greenbrier, to whatever person the sheriff or collector may appoint to receive it, according to the price of hemp at Richmond, allowing a deduction for carriage.

Court of  
Greenbrier  
county au-  
thorised to  
have a wag-  
gon road o-  
pened from  
their court  
house to the  
eastern wa-  
ters.

And provided also, that no distress for the said tax shall be made before the first day of March one thousand seven hundred and eighty two.

*And be it farther enacted,* That the aforesaid county court of Greenbrier shall have full power to levy such sum or sums of money, from time to time, as will be necessary to keep the said road in repair, the expense of which to be levied and collected as above-mentioned.

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CHAP. XXI.

[Chan. Rev.  
p. 134.]

See ante p.  
164.

*An act to amend an act entitled An act to amend an act entitled An act concerning High-ways, Mill Dams, and Bridges.*

Penalty in  
tobacco on  
overseer.

On masters  
or overseers  
failing to  
send;

and on o-  
thers com-  
pelled to  
work on  
roads.

Penalty for  
felling a tree  
into a road  
and not re-  
moving it, or  
killing trees

I. WHEREAS the penalties imposed by an act of assembly entitled "An act to amend an act entitled an act concerning highways, mill dams, and bridges," have been found insufficient to compel the due execution thereof, *Be it therefore enacted,* That instead of the penalty inflicted by the said act upon every surveyor of a road for neglect of duty, he shall forfeit and pay two hundred and fifty pounds of tobacco; and that for every male labouring servant or slave, the owner thereof, or overseer as the case may be, shall fail to send when required by a surveyor, he or she shall forfeit and pay fifty pounds of tobacco, and all other persons who are dy the said recited act compelled to labour on roads, failing to attend and labour when required dy the surveyor, with such tools as he shall direct them to bring, shall also forfeit and pay fifty pounds of tobacco; which said penalties shall be to the informer, and recoverable before a justice of the peace of the county where such offence shall be committed.

II. *And be it enacted,* That if any person shall fell any tree or trees into such highway, or cause the same to be felled, and not cut and carried away immediately, or shall kill any tree or trees within the distance of

sixty feet from such highway, or cause the same to be killed and not felled, or shall make any fence into such highway, such person shall for every such offence forfeit and pay one hundred weight of tobacco, recoverable as aforesaid. And that if any person shall presume to cut, pull up, destroy, or deface, any stone or post or the inscriptions thereon, and be thereof convicted by confession, or the oath of one or more credible witnesses before a justice of the peace of the county where such offence shall be committed, he or she shall forfeit and pay two hundred weight of tobacco, recoverable as aforesaid.

near the road; or making a fence across; or to cut, pull up, destroy or deface a direction stone or post.

III. *And be it further enacted*, That all overseers of highways, shall be personally exempted from working on any other highway beside the road he is appointed overseer of. And where any presentment shall be made by a grand jury against any surveyor, the penalty shall be applied towards lessening the county levy. So much of the said recited act as comes within the per-view of this act, is hereby repealed.

Overseers exempt from working on other roads.

On presentments, the fines to the use of the county.

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## CHAP. XXII.

### *An act for the more equal division of the parishes of Amherst and Lexington, in the county of Amherst.*

WHEREAS it hath been represented to this present general assembly, that the dividing line between the parishes of Amherst and Lexington, as established by an act of assembly entitled "An act for dividing the parishes of Camden and Amherst and for other purposes," is unequal and unjust, in as much as it gave to the parish of Lexington too large a proportion of tithables, *Be it therefore enacted*, That instead of the dividing line mentioned in the said act, the said parishes shall be divided by the following lines, to wit: Beginning on the Flavanna river at the mouth of Elk Island creek, and with the said creek to Hilton's mill,

Boundaries of parishes of Amherst and Lexington, in county of Amherst altered.

from thence a direct line to Tye river at the mouth of Camp creek, thence up Tye river to the mouth of Piney river, thence up Piney river to Rose's mill, thence continued up Piney river to the fork thereof above Lucas Powell's plantation, and thence up the north fork to the blue ridge. The collector of the parish of Lexington, shall have power to collect and distrain for any dues which shall remain unpaid by the inhabitants of that part of the said parish of Lexington hereby made part of the said parish of Amherst, and shall be answerable for the same in like manner as if this act had not been made.

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CHAP. XXIII.

*An act for ascertaining the center of the county of Stafford.*

Commissioners to ascertain centre of county of Stafford, in order to fix the court house.

WHEREAS it is represented to this present general assembly, that the court of the county of Stafford hath failed by the time limited for that purpose, to carry into execution an act passed in the year one thousand seven hundred and seventy nine, directing them to fix on a place at or as near the center thereof as the situation and convenience would admit, for building a court house and prison; *Be it therefore enacted, That Francis Thornton of the county of Spotsylvania, Joseph Brock, John Herndon, John Taliaferro, and James Lewis, gentlemen, shall be and they are hereby appointed commissioners for the following purpose, that is to say: That they or a majority of them, shall on or before the fifth day of April next, ascertain the center of the said county of Stafford, and fix on a proper place as near thereto as convenience will admit, for building a court house and prison, and lay down the distance and bearing of such place from the present place of holding the said court, and return their proceedings to the court of the said county, and the said court shall make return thereof to the next general assembly; the*

expense of ascertaining the center of the said county, shall be adjusted and levied by the said court at the laying of their next county levy.

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CHAP. XXIV.

*An act for restoring certain slaves to  
George Harmer.*

*BE it enacted by the General Assembly, That so* many of the slaves, conveyed by John Harmer of Great Britain to George Harmer, now a citizen of this commonwealth, as were sold under the act of assembly entitled “An act concerning escheats and forfeitures from British subjects and for other purposes,” and purchased by the publick, shall on the tenth day of January next be vested in and restored to the said George Harmer, except a negro named Ned, who shall from and after the passing of this act be vested in the said George Harmer. The executive shall cause the said slaves to be delivered to the said George Harmer, agreeable to the directions of this act

Slaves sold as the escheated property of John Harmer, and purchased by the public, restored to George Harmer.

## CHAP. XXV.

*An act for the manumission of certain Slaves.*

Ned, & Kate, slaves of Henry Delony, & Benjamin Bilberry emancipated. WHEREAS application hath been made to this present general assembly, for the emancipation of Ned a negro man slave, the property of Henry Delony, of the county of Mecklenburg, and also Kate the property of Benjamin Bilberry;

*Be it therefore enacted,* That the said Ned and Kate shall and they are hereby declared to be free, and may enjoy all the rights, privileges, and immunities, that free negroes or mulattoes by the laws of this country do enjoy, saving to all other persons, their heirs, executors, and administrators (except the said Henry Delony and Benjamin Bilberry and those claiming under them) any right, title, or claim, they may have to the said negroes, as if this act had never been made.

## CHAP. XXVI.

*An act to vest certain houses and tenements in the town of Alexandria in John Sutton and his heirs, in fee simple.*

Certain houses and tenements in Alexandria vested in John Sutton. WHEREAS it hath been represented to this present general assembly, that James Connell, late of the town of Alexandria in the county of Fairfax, deceased, did in and by his last will and testament in writing, bearing date the seventeenth day of May, one thousand seven hundred and seventy seven, among other things give and devise his houses and tenements in the said town to John Sutton and his heirs, who then was, and continued for some time after the death of the testator, to be a subject of the king of Great Britain, but in the

month of September last was resident in, and a citizen of this commonwealth, whither he hath come, in expectation of getting the said estate, from assurances given him by the said James Connell to that purpose, in the year one thousand seven hundred and seventy five, when he was in this state. And whereas the said houses and tenements are liable to be escheated and sold as British property, under the act of assembly entitled "An act concerning escheats and forfeitures from British subjects," and the said John Sutton hath petitioned this assembly to suspend the operation of the said act in this case, and that the said estate may be confirmed to him agreeable to the will of the said James Connell; *Be it therefore enacted*, That the said houses and tenements so devised by the will of the said James Connell, shall not be subject to escheat and forfeiture, and that the same shall be and are hereby declared vested in the said John Sutton and his heirs in fee simple, any law to the contrary thereof notwithstanding. Saving to all persons, their heirs, executors, or administrators (except those claiming under the will of the said James Connell) any right, title, or claim, they may have to the said houses and tenements, as if this act had not been made.

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CHAP. XXVII.

*An act for making good the future pay of the army, and for other purposes.*

I. *BE it enacted by the General Assembly*, That the commander in chief and commanding officer in the southern department, be desired to cause the officers belonging to this state, to meet and agree upon the officers to command the regiments raised by this state for continental service, out of those who incline to continue in service, and in case they cannot agree among themselves about their rank, the same shall be deter-

{Chan. Rev.  
p. 135.]

See Nov,  
1781, c. 19;  
May 1782, c.  
47; Oct. 1782  
c. 1; May  
1783, c. 8;  
Oct. 1783, c.

4:  
Continental  
officers of  
this state re-  
duced.

Officers, to supply themselves with clothing.

Their pay & rations to be made equal to specie Also the soldiers pay.

Public stores discontinued, and clothier general appointed.

Half pay to widows and children of officers dying in service.

Paid by scale of depreciation.

Officers to have half pay for life.

mined and settled by the commander in chief; that from and after the passing of this act, the said officers shall supply themselves with clothing; and the better to enable them so to do, they shall be entitled to and receive the pay and rations as stated and allowed before the first day of January, one thousand seven hundred and seventy seven, in specie, or the value thereof in paper money, to be ascertained by the auditors, agreeable to the table of depreciation fixed by congress, or which shall be hereafter fixed by them, and the soldiers both in continental and state service, shall be also entitled to their pay in specie or the value thereof in paper money, to be settled and discharged in like manner as directed in the case of officers; that the publick store be henceforth discontinued, and the governour with advice of council, is hereby required and empowered to appoint a clothier general or some person to supply the Virginia troops with necessary clothes and blankets, the person so appointed, to give bond and good security for the due and faithful discharge of his office, and the clothes so supplied and furnished the said troops, shall be paid for by stopping so much of their pay as may be necessary for that purpose.

II. *And be it farther enacted,* That any officer of this state on continental establishment, who hath died or shall hereafter die in the service, and leave a widow, she shall receive annually for the space of seven years, half pay of such officer in specie or the value thereof in paper money, from the publick treasury, and in case there be no widow, or there being a widow, she dies or intermarries within the said term of seven years, the orphan children of such officer shall then be entitled to receive the said pay for the term aforesaid, or so much thereof as shall be unexpired at the death or intermarriage of such widow.

III. *And be it enacted,* That all allowances of half pay given by this state under any act or resolution of assembly to the widow of any officer who hath died in the service, shall hereafter be paid agreeable to the table of depreciation aforesaid; that the officers of this state in continental service, who shall continue therein to the end of the present war, shall receive half pay during life, or until they shall again be called into service.



IV. And whereas no provision has been made in land for the general officers of this state in continental service, therefore, *Be it enacted*, That there shall be allowed to a major general fifteen thousand acres of land, and to a brigadier general ten thousand acres of land, to be reserved to them and their heirs, in the same manner and on the same conditions as is by law heretofore directed for the officers and soldiers of the Virginia line in continental service, and there shall be moreover allowed to all the officers of this state on continental or state establishments, or to the legal representatives of such officers, according to their respective ranks, an additional bounty in lands, in the proportion of one third of any former bounty heretofore granted them.

Land-bounty to general officers.

Bounty in lands increased to other officers.

V. *And be it farther enacted*, That the legal representative of any officer on continental or state establishments, who may have died in the service before the bounty of lands granted by this or any former law, shall be entitled to demand and receive the same in like manner as the officer himself might have done when living, agreeable to his rank. And as a testimony of the high sense the general assembly of Virginia entertain of the important services rendered the United States by the honourable major general Baron Steuben, *It is farther enacted*, That fifteen thousand acres of land be granted to the said major general Baron Steuben, in like manner as is herein before granted to other major generals.

Legal representatives entitled to bounty.

Land given to Baron Steuben.

## CHAP. XXVIII.

*An act for farther continuing an act entitled an act to empower the governour and council to lay an embargo for a limited time.*

Act authori-  
sing execu-  
tive to lay  
embargoes,  
further con-  
tinued.

WHEREAS the act of assembly passed in the year one thousand seven hundred and seventy eight, entitled "An act to empower the governour and council to lay an embargo for a limited time," which was continued by several subsequent acts, will expire at the end of this present session of assembly, and it is expedient that the same should be farther continued, *Be it therefore enacted by the General Assembly,* That the act entitled "An act to empower the governour and council to lay an embargo for a limited time," shall continue and be in force, from and after the expiration thereof, until the end of the next session of assembly, and no longer.

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 CHAP. XXIX.

*An act for the more effectual and speedy clothing of the army.*

Preamble.

Funds vested in agent for clothing for the army.

WHEREAS the liberty, safety, and future happiness of the good people in this commonwealth, in great measure depend upon the speedy and well clothing the army, *Be it therefore enacted,* That the tax of thirty pounds of tobacco per poll, payable by virtue of an act of assembly entitled "An act for establishing a fund to borrow money for the use of the United States, and for other purposes;" be, and the same is hereby set apart and appropriated to and for the sole purpose of procuring necessaries for the army, except so much thereof as shall be necessary to repay the money borrowed under authority of the said act, and the whole

produce thereof, except as before excepted, shall be payable to the agent appointed by the governour with the advice of council, for the purpose of procuring such necessaries, and be at the absolute disposal of such agent for the purpose aforesaid, and in case the fund arising from the said tax shall prove insufficient for procuring the said necessaries, the governour with the advice aforesaid, is hereby empowered to issue, or cause to be issued, a sum of money sufficient for the purchase of fifteen hundred hogsheads of tobacco in aid of such fund, which money so issued shall be receivable in all taxes as other monies are. And if fifteen hundred hogsheads of tobacco shall prove deficient for the purpose of procuring such necessaries when placed in aid of the said tax, the general assembly will at their next session, make good such deficiency, and will fully and amply comply with such engagements, as the said agent shall enter into with the approbation of the governour with advice of council, for procuring the necessaries aforesaid, and moreover will provide funds for calling in and redeeming the money hereby directed to be emitted. *And be it enacted*, That any of the vessels belonging to this state at the discretion of the governour with the advice of council, shall and may be turned over and delivered to the said agent, to be by him employed in conveying, collecting, or transporting the necessaries aforesaid, or the commodities requisite to be exported, for procuring them notwithstanding any thing to the contrary contained in an act of this session, entitled "An act for the defence of the eastern frontier of this commonwealth."

*Provided always and be it further enacted*, That proper attention shall be paid to the defence of the commerce and the shores of Chesapeak bay and its dependencies, for which purpose there shall be constantly kept cruising, one armed vessel carrying at least fourteen guns, not less than four pounders, with a competent number of men, and a small armed tender for the said vessel. And for the purpose of procuring importations of salt, *Be it enacted*, That it shall and may be lawful to and for the said agent to export to the island of Bermudas, any quantity of Indian corn, not exceeding six thousand barrels, in payment for any quantity of salt that can or may be obtained for the same; and

Public vessels may be employed, in transportation of clothing.

Provided that one armed vessel and a tender shall be employed on the Chesapeake.

Corn may be imported in exchange for salt.

the said salt when obtained, shall be disposed of for publick purposes in the first place, and the remainder towards the people at large, in such manner as the executive may direct.

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CHAP. XXX.

[Chan. Rev.  
p. 136.]

*An act for farther continuing part of an act entitled an act for punishing persons guilty of certain thefts and forgeries, and fixing the allowance to sheriffs, venire-men, and witnesses, in certain cases, and for fixing the allowance to the clerk of the general court for ex-officio and publick services.*

So much of act of May 1779, as respects the punishment of persons guilty of certain thefts & forgeries, made perpetual.

I. WHEREAS so much of the act of assembly passed in the year one thousand seven hundred and seventy nine, entitled "An act for punishing persons guilty of certain thefts and forgeries, and fixing the allowance to sheriffs, venire-men, and witnesses, in certain cases," as respects the punishment of persons guilty of certain thefts and forgeries, will expire on the first day of January next, and it is expedient that the same should be farther continued: *Be it therefore enacted by the General Assembly,* That so much of the act entitled "An act for punishing persons guilty of certain thefts and forgeries, and fixing the allowance to sheriffs, venire-men, and witnesses, in certain cases," as respects the punishment of persons guilty of certain thefts and forgeries, shall be and is hereby continued and made perpetual.

Allowance to clerk of general court for ex officio services.

II. And whereas there is no provision made by law for paying the clerk of the general court, for *ex-officio* and publick services, and those services have become very considerable: *Be it therefore enacted,* That the clerk of the said court be allowed eight thousand pounds

of tobacco annually, for all his *ex officio* and publick services, to commence from the tenth day of December, one thousand seven hundred and seventy nine, to which period allowance hath been made for the same, and that the auditors of publick accounts be authorized and required to issue their warrant upon the publick treasurer for payment of the same quarterly, according to the estimated price of crop tobacco made by the grand jury next preceding the time of issuing such warrant.

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CHAP. XXXI.

*An act for the defence of the eastern frontier of this commonwealth.* (Chan. Rev. p. 136.)

**I. WHEREAS** the trade of this commonwealth hath of late been greatly obstructed, and the citizens of the same inhabiting the shores of the navigable rivers and bays, greatly distressed by means of small cruizers belonging to the enemies of America, which might be effectually prevented by a small force provided for that purpose: *Be it therefore enacted by the General Assembly,* That the brig Jefferson, with the armed boats Liberty and Patriot, be forthwith manned and fitted out for the purpose of suppressing the cruizers belonging to the enemy, and affording protection and safety to the good citizens inhabiting the shores of the bay and rivers, exposed to the ravages of such cruizers. The Thetis and the Lewis galley shall also be forthwith and without delay, made ready and compleated for the same service. That the armed vessels aforesaid, as well as others hereafter to be fitted for the service of the commonwealth, may with the greater ease and expedition be manned, the governour with the advice of council may, and he is hereby authorized and empowered, if the exigencies of the service aforesaid should render it necessary, to issue his warrant to any officer commanding an armed vessel in the service of this state, autho-

Preamble

Naval force to be fitted out.

Impress-  
ment of sea-  
men autho-  
rized, under  
certain re-  
strictions.

rizing and directing such officer to impress into the service of this commonwealth any seamen or mariners, under the following restrictions and limitations: The seamen on board any vessel belonging to the inhabitants of either sister state, and those on board any vessel belonging to foreigners, and in no part owned by any inhabitant or inhabitants of this commonwealth, shall be and the same are hereby exempt from impressment. The seamen on board any vessel to whomsoever belonging, loaded and outward bound, shall also be exempt from impressment. The seamen or mariners on board any other ship or vessel, except as before is excepted, shall and may be impressed into the service of the state, by warrant from the governour as aforesaid; provided that not more than one fifth man be taken from on board any such ship or vessel. The seamen or mariners so as aforesaid impressed into the service of the commonwealth, shall not be compelled to serve at any one time more than nine months, and when their time of service shall be ended, such men as shall faithfully continue to serve during the said term of nine months, shall be exempt from any future impress for twelve months thereafter; and to ascertain such faithful service, the officer discharging any seaman after the said term of nine months service, shall give a certificate to such seaman, stating the time of his service and when it ended or expired.

Pay of sea-  
men.

II. In order to render the naval service more agreeable, and to enable the seamen and mariners who may by virtue hereof be impressed into the service, or those who may voluntarily enlist or have already voluntarily enlisted into the same, to provide themselves with the necessaries of life, the pay of all such able seamen and mariners shall henceforward in lieu of the pay heretofore allowed, be two shillings per day, and the pay of ordinary seamen or landsmen shall be one shilling and six pence per day, and the pay of boys one shilling per day, in specie; and if it should so happen that the specie cannot be procured for the purpose of paying the same, then such seamen and boys shall receive in lieu thereof as much paper money as will be equivalent to the pay aforesaid, at the time the same is received by them, the difference between which, from time to time, shall be ascertained by the governour with the advice of council. The officers and men on

board any armed vessel in the service of this commonwealth, shall henceforward be entitled to the whole of any prize by them taken, to be distributed among them according to the continental regulations in such cases made and provided, saving nevertheless the right to all and every person or persons of claiming such prize as a recapture or otherwise, according to the admiralty regulations established by the continental congress or by this commonwealth.

Officers and seamen entitled to the whole of any prize taken.

III. For more effectually clothing and providing necessities for the seamen in the service of this state, and discharging with punctuality their pay, the governour shall and he is hereby directed from time to time to issue his warrant to the paymaster of the navy, for as much money as may be necessary to purchase canvas for hammocks, clothing, and slops, for the seamen and mariners, and also for their pay; the purchases of such canvas, clothing, and slops, shall from time to time be made, with advice of the commissioner of the navy, and when made, distributed by the said commissioner among the seamen and mariners, as he shall judge proper and necessary for the good of the service. The pay-master shall once in six weeks settle his accounts with the auditors of publick accounts, and in case of failure, the auditors shall and they are hereby directed to proceed against such pay-master as they are directed to do against delinquent sheriffs and collectors. The captains of each and every armed vessel in the service of this state, shall carefully attend to the issuing the clothing and slops to the seamen and mariners on board their respective vessels, and keep an exact account thereof against each seaman and mariner for what he receives, and the amount thereof shall from time to time be deducted from each seaman's pay, a copy of which amount shall in due time, before the day of payment, be by every captain returned upon oath to the pay-master, that he may ascertain the sum due to each seaman; a like copy shall also by each captain be returned to the commissioner of the navy once in every six months, who is hereby directed to lodge the same in the auditors office as a check upon such pay-master. Henceforward in lieu of the pay and clothing heretofore allowed to the officers of the navy, they and each of them shall receive the following allowances, to wit: A commodore fourteen shillings, a captain eight shil-

Clothing & necessities, how provided

Pay of officers & staff.

lings and three pence, a lieutenant six shillings, a master five shillings, a mate, four shillings, a midshipman two shillings and nine pence, a quartermaster two shillings and nine pence, a boatswain four shillings, a boatswain's mate two shillings and nine pence, a sail maker two shillings and nine pence, a gunner four shillings, a gunner's mate two shillings and nine pence, a quarter gunner two shillings and six pence, an armourer two shillings and six pence, a carpenter four shillings, a carpenter's mate two shillings and six pence, carpenter's crew two shillings each, a surgeon six shillings, surgeon's mate three shillings, and master at arms two shillings and six pence, per day, in specie, and in case specie cannot be procured, then as much paper money as will be equivalent to each officers pay as above, to be ascertained in the same manner as the pay of the seamen and mariners, shall be received by each officer.

Duties, on goods imported, to support the navy.

IV. That vessels of war in the service of this commonwealth may be properly supported, for the purpose of protecting the trade of Chesapeake bay, the following duties shall be paid by the owner or master of every merchant vessel to the naval officer of the port where such merchant vessel enters, to wit: A duty of fifteen pence in specie, shall be paid by the owners of each merchant vessel upon every ton such vessel will carry, which shall be ascertained by the register of such merchant vessel; upon every gallon of rum, gin, brandy, and other spirits, imported into this commonwealth by water, a duty of one penny in specie shall be paid; upon Madeira wine four pence per gallon; upon all other wines two pence per gallon in specie; upon molasses and other syrups a duty of one penny per gallon; upon coffee a duty of one shilling per hundred weight shall be paid; upon loaf sugar one shilling and six pence for every hundred weight shall be paid; upon clayed sugar one shilling and three pence shall be paid for every hundred weight; upon Muscovado sugar there shall be paid a duty of one shilling for every hundred weight; upon all imported dry goods, except salt, munitions for war, and iron from Maryland, there shall be paid one per centum upon the value, to be ascertained by the cost thereof, at the port where laden or put on board, by the captain or owner of the vessel importing the same. The duties hereby imposed, shall



be paid in specie or current money of this commonwealth equivalent thereto (the ratio whereof shall from time to time be fixed by the governour and council and transmitted to the respective naval officers) by the captain or owners of all and every vessel or vessels, at the port of importation, to the naval officer of the district with whom such vessel or vessels shall be entered; for the true and due collection whereof, every captain of a vessel shall at the time of entering the same, give bond and approved security to the naval officer, well and truly to pay the same within one month after such importation, the penalty of which bond shall be two thousand pounds specie, for a vessel of one hundred tons burthen, and one thousand pounds like money for a vessel of fifty tons burthen, and so in proportion for a larger or smaller vessel trading to this state; and where any vessel importing any of the dutiable articles aforesaid shall arrive in this state, the captain of which shall fail to give such bond as aforesaid, to the naval officer with whom his vessel shall be entered, at the time of entering the same, such vessel with her tackle apparel and furniture shall be subject to seizure by the naval officer or his deputy for the district wherein such vessel lies, and shall be forfeited, one half to the use of the commonwealth, the other half to the use and benefit of the naval officer or other person prosecuting for the same. And where any captain or commander of a vessel, trading to this commonwealth, shall after having entered into bond as aforesaid, secrete or conceal, or where the owner or owners of such vessel shall secrete or conceal any of the dutiable articles aforesaid, to avoid the payment of the duty imposed upon the same, the vessel with her tackle, apparel, rigging; and furniture, shall be forfeited therefor; one half of which forfeiture shall be to the use of the commonwealth, the other half to the person or persons who shall inform and prosecute for the same. To prevent delays in the payment of the duties hereby imposed, it shall and may be lawful for the general court, or court of the county wherein the naval office is kept, for the district within which any failure may happen, upon motion made by such naval officer, to give judgment against the person making default and his securities, their heirs, executors, and administrators, for the sum remaining due, with costs, and to award execution for the same, the

How collected.

parties having ten days notice of such motion. Each and every naval officer, before he enters upon the duties of this act, shall give bond with approved security, payable to the governour of the commonwealth for the time being, in the penalty of ten thousand pounds specie, conditioned, for the true and faithful performance of the duties hereby required of such naval officer, and in case of refusal, shall forfeit his office. Each and every naval officer after having entered into bond as aforesaid, which bond shall be lodged in the auditors office, shall once in every six months settle his accounts with the said auditors of publick accounts and after deducting five per centum for his commissions, shall pay the balance due from him for the duties hereby imposed, into the treasury, stating in each account by him rendered, from whom and for what the duties by him to be collected were paid. As an encouragement to captains and masters of vessels to make a true and faithful return of dutied goods, they shall be allowed to import in any vessel of one hundred tons burthen, two hundred pounds worth at first cost of goods, duty free, and to captains of any vessel of fifty tons burthen, there shall be allowed the privilege of importing one hundred pounds worth of goods at first cost, duty free, and so in proportion for larger or smaller vessels; but this privilege shall nevertheless be forfeited upon discovery of willful concealment or an untrue report made by any such captain or commander to the naval officer.

Encouragement to masters of vessels to make a true report.

Regulations of congress adopted for trial of offenders

V. The rules and regulations established by congress, shall in future be observed in this state, for the trial and punishment of all offenders in the navy of this commonwealth, and the workmen employed in the publick ship yard, foundery, rope walks, and other publick works, shall be and they are hereby declared to be exempt from military duty of every kind, if engaged to serve for six months. The duties hereby to be collected, shall be appropriated solely to the purposes of the navy of this commonwealth, and a distinct and separate account thereof shall be kept by the treasurer, stating the monies received upon these funds and the expenditure thereof. The pay-master, for his services herein shall be allowed two and a half per centum upon all the money by him expended in discharge of the duties hereby imposed upon him, in lieu of all former pay by him heretofore received.

Allowance to pay-masters

VI. For the more effectual future protection of the trade of Chesapeake bay, the commissioner of the navy shall, and he is hereby required, to obtain as speedily as possible, a true and exact plan of the gallies built by order of congress, at Philadelphia, in the year of our Lord one thousand seven hundred and seventy six, and as soon thereafter as may be, to cause two galleys of the same size and on the same construction, to be built and equipt to carry two thirty two pounders in the bow, and the like number in the stern, with six pounders at the sides; the said galleys shall be rigged as the commissioner of the navy shall direct, and the rigging, sails, guns, and other materials, shall be provided while the said gallies are on the stocks, to the end that no time may be lost in equipping them for a cruise after they shall be launched.

Two gallies to be built of the same construction as those at Philadelphia

VII. And whereas by an act of assembly passed in the year of our Lord one thousand seven hundred and forty eight, entitled "An act for the better management and security of orphans and their estates," the county courts are directed to cause such orphans coming under certain discriptions therein mentioned, to be bound out, *Be it enacted*, That the same shall be, and is hereby amended, so far as that the said county courts, instead of binding out all such orphans as shall come within the description in the said act contained, they shall and are hereby empowered and required to cause one half of such male orphans at least, who may live below the falls of the respective rivers in the eastern parts of this commonwealth, to be bound to the sea, under the most prudent captains that can be procured to take them.

Courts shall bind out at least half their male orphans to the sea.

VIII. To the end, that an hospital for the relief of sick and disabled seamen may be established, the several and respective naval officers within this commonwealth shall receive from each captain or commander of any vessel belonging to the same, at the time of their entrance or clearance, nine pence a month in specie, or an equivalent in current money as aforesaid, out of the wages due to the seamen on board his vessel, an account of which, each and every captain is hereby required to render upon oath, and pay to such naval officer, before he shall be permitted to clear or enter his vessel. And the paymaster of the navy shall deduct out of the wages due to the seamen and mariners in

Hospital for seamen established, by a duty on mariners.

Where hos-  
pital situa-  
ted.

the state, the like sum from their monthly pay, which sums, when collected, shall be paid by the naval officers and pay-master respectively, into the hands of such person as the governour, with the advice of council, shall appoint, the naval officer deducting therefrom five per cent. for his trouble of collection; and the hospital shall also be established at such convenient place as the governour, with the advice of council, shall fix upon, and be under the management of some proper person by him to be appointed for that purpose. All the other vessels belonging to this commonwealth, not herein before-mentioned, shall immediately be sold, under the direction of the commissioner of the navy, for the most that can be got for the same, in such manner as shall be most conducive to the publick interest; and the money arising from such sale shall be applied to the purposes of the navy.

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## CHAP. XXXII.

*An act to revive and amend an act entitled An act for giving farther powers to the governour and council.*

Act giving  
further pow-  
ers to the  
governor &  
council, re-  
vived and  
continued.

WHEREAS the act passed last session of assembly entitled "An act for giving farther powers to the governour and council," has expired, and it is expedient and necessary that the same should be again revived and amended, *Be it therefore enacted*, That the said recited act is, and stands hereby revived, and shall continue and be in force from and after the passing hereof, until the end of the next session of general assembly. And whereas by the arts of the enemy joined by disaffected persons, riots have taken place in some counties injurious to the peace and dignity of government; to prevent such pernicious practices in future, and in order to aid the civil power in the due and effectual execution of the laws, *Be it enacted*, That wherever

the governour shall have satisfactory information that any persons within this commonwealth shall be inclined to mutiny or riot, or in any manner to resist the execution of the act "For recruiting this state's quota of troops to serve in the continental army," he is hereby empowered to order one or more troop or troops of horse to be raised and embodied in any county where such persons shall so resist or assemble together with an intention to resist. And the governour with the advice of his council, shall have power to appoint the necessary officers to command, who together with the privates whilst on duty, shall be entitled to such pay and rations as are allowed in the continental line, and to be discharged when the governour and council shall think proper. The officers and privates of each troop or troops, shall furnish their own horses, arms, and accoutrements, which shall be paid for by the publick in case they are lost or destroyed in the service, without the neglect of the owner. *Provided nevertheless,* That all such horses, arms, and accoutrements, shall be valued by two respectable freeholders upon oath, at the time of entering into the said service.

Power of governor to call out force to suppress mutiny, or resistance to the laws for recruiting this state's quota of troops, for the continental army

*And be it farther enacted,* That in case of any invasion or insurrection within this commonwealth, it shall be lawful for the governour with advice of the council of state, by commission of oyer and terminer, to be made out either during the said invasion or insurrection, or after the same, and to be directed to the judges of the general court, to authorize the said judges or any three of them, to meet at such time and place within the commonwealth, as shall be limited within the commission, to hear and determine all treasons and misprisions of treason, and also all offences against an act of general assembly, passed in the year one thousand seven hundred and eighty, entitled "An act affixing penalties to certain crimes injurious to the independence of America but less than treason, and repealing the act for punishment of certain offences alledged to have been committed during the said invasion or insurrection;" the said judges shall enquire of such offences by a grand jury of the county where the court shall sit, and upon every indictment for any such offence, the same process, rule, and order, shall be issued, pursued, and observed, as is by law directed in cases triable before the said general court, at their or-

In case of invasion or insurrection, governor authorized to constitute special court for trial of treasons, &c.

Mode of proceeding.

inary sessions, and the trial of such offences if denied by the offender, shall be had by twelve lawful men, inhabitants of the county where the offender was apprehended, and such as shall be convicted of any such offence shall suffer such pains, losses of lands, goods, and chattels, as if they had been attainted and convicted of such offence before the said general court. The said judges may adjourn from time to time at their will until final determination, and shall be attended by the attorney general, the clerk and sheriff of the general court, which sheriff shall summon and impanel all juries for enquiring into and trial of such offences, misprision of treason, and other offences, and shall execute the judgments of such court, and make return thereof to the said clerk, by him to be recorded, together with all the proceedings. *Provided nevertheless,* That if the said court be directed to sit in any place westward of the blue ridge of mountains, it shall be lawful for the governour with advice of the council of state, to direct the said commission to any three or more persons learned in the law, and to procure the attendance of any other attorney on behalf of the commonwealth, in which cases the said court shall be attended by the clerk and sheriff of the county wherein their session shall be held, which sheriff shall execute their judgment and make return thereof to the said clerk, by him to be recorded, together with all the proceedings, and the same to be transmitted to the clerk of the general court, to be safely kept among the records of his office. Every juror summoned as aforesaid and failing to attend such court, unless for good cause shewn to be adjudged of by the court, shall be fined two hundred pounds of tobacco, and unless the same or the value thereof in money, at the rate settled by the grand jury at the preceding general court, shall be paid before the final adjournment of such court; the said fine shall be levied by such sheriff on the goods and chattels of the delinquent, to be applied towards defraying the expenses of holding such courts.

Accounts of  
Illinois de-  
partment to  
be settled  
by auditors.

And whereas by an act passed at the last session of assembly, entitled "An act to continue and amend the act entitled An act for establishing the county of Illinois and for the more effectual protection and defence of the same, and for other purposes," *It is enacted,* That the governour with advice of the council, may

settle and adjust all accounts with the several commandants, Indian agents, agents of trade, and other officers in the Illinois department, and for their respective services, to make such reasonable allowance as to him shall seem just, which has been found not only to call the attention of the executive from more important objects, but to occasion confusion in the publick accounts; for remedy whereof *Be it enacted by the General Assembly*, That from and after the passing of this act, all the above-mentioned accounts, shall be adjusted and settled by the auditors of publick accounts; any thing in the said first recited act to the contrary notwithstanding.

And for defence of the western frontier against the invasions of the Indian or British enemy, *Be it enacted*, That the governour with advice of council, shall have full and ample power to cause to be recruited and fully compleated, upon the best terms possible, the regiment under colonel George Rodgers Clarke's command, and that they be allowed the same pay and rations with other officers and privates on continental establishment, and be ordered into service whenever the governour with advice of council shall think proper.

*And be it farther enacted*, That the governour with advice of council, shall have power to authorize the raising and embodying any number of volunteers, in case of an invasion by the British enemy, and shall officer and regiment the same, as to him with advice of council shall seem best, which may be ordered into service or discharged when occasion may require, and be allowed such pay and rations as militia are entitled to.

Regiment  
under Col.  
George Ro-  
gers Clarke,  
to be com-  
pleted, for  
defence of  
western  
frontier.

Governor  
authorised to  
raise volun-  
teers, in case  
of invasion.





AT A

# GENERAL ASSEMBLY,

BEGUN AND HELD

At the Public Buildings in the Town of Richmond, on Thursday the first day of March, in the year of our Lord one thousand seven hundred and eighty-one, and in the fifth year of the commonwealth.

Thomas Jefferson, esq.  
governor.

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## CHAP. I.\*

### *An act to raise two legions for the defence of the state.*

WHEREAS at this critical juncture, when the enemy have made this state the object of their vengeance, it is necessary to provide a standing force, for the immediate defence thereof, *It is therefore enacted, That* two legions to consist each of six companies of infantry and one troop of cavalry, of one hundred men each, be forthwith raised to serve during the war, but not to take the field or to do duty except in cases of actual or threatened invasion, during which, they shall continually remain in the field, if the executive shall think proper, or except it be for the purpose of training, for which, the said legions shall be assembled by the commanding officer of each legion, when, and where he pleases, unless he shall be forbidden by the executive power of this state. Each company shall be commanded by a captain, two lieutenants, and one ensign, ex-

Two legions  
to be raised.

Number, of  
officers and  
staff.

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\* In the original none of the acts of this session are numbered by *chapters*, nor are they separated by *sections*.—Such only as were published in the Chan. Rev. will be so noted in this edition.

cept the troops of cavalry, which shall have a cornet, in lieu of an ensign, and each legion by a lieutenant colonel commandant, two majors, and the whole by a brigadier general, to be chosen by joint ballot of both houses of assembly. The lieutenant colonels commandant, shall, with the concurrence of the field officers, appoint the other officers of the legions, who shall receive state commissions from the governour. The officers and men shall be governed by and subject to the continental articles of war, and each man shall sign an enlistment, to be devised by the commanding officer according to the terms of this act, and shall take the oath of allegiance to this commonwealth. Immediately after any invasion shall cease, or the business of training shall be over, the men shall be marched to some magazine, there to deliver their arms, ammunition, and accoutrements, under the direction of the lieutenant colonels commandant, who shall be answerable for them, and all other military stores delivered to their charge. The lieutenant colonels commandant, shall supervise and direct the uniforming of their respective legions. The cavalry shall furnish their own horses, saddles, and bridles, but in case any horse shall be killed or ruined in the service, the state shall furnish another of equal value, provided such death or injury did not happen through the neglect or misconduct of the owner.

Pay and e-  
moluments. And to encourage men to engage in so useful a service, *It is farther enacted*, That all persons who shall serve in the said legions, shall be exempt from all militia duty and from all manner of drafts, except from the present draft; shall be clothed (except the commissioned officers) at the expense of the state, which clothes shall only be used whilst the legions are on duty or in service; shall receive the pay of continental troops whilst in service or under discipline, and half pay at all other times during the existence of the said legions, and be also allowed a present bounty of two thousand dollars, except the commissioned officers, who shall receive pay, rations, and forage, only whilst in service. All camp utensils, arms, and every military apparatus for the non-commissioned officers and soldiers, shall be furnished at the expense of the state, and shall whilst the men are out of service, be safely stored in some magazine to be provided for that purpose. The lie-

tenant colonels commandant, may also appoint a surgeon and two mates for each of the said legions; who shall be paid in the same manner as above directed. The officers of the legions entitled thereto, shall receive the same forage as those of like rank in the continental army, and both officers and men shall be allowed the same rations, but under the same restrictions, both as to the forage and rations, as are established in the continental army.

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CHAP. II.

*An act to remedy the inconveniencies arising from the interruption given to the execution of two acts passed at the last session of assembly, for recruiting this state's quota of troops to serve in the continental army, and for supplying the army with clothes, provisions, and waggons.*

See ante p. 326, 338.

WHEREAS through the interruption given by the present invasion, to the execution of two acts passed at the last session of assembly, the one entitled "An act for recruiting this state's quota of troops to serve in the continental army," and the other "An act for supplying the army with clothes, provisions, and waggons;" the said acts have in many counties been wholly suspended, and in others are proceeded on under great doubts and obstacles, insomuch that the time limited for the execution thereof, may expire before the said recited acts can be carried into full effect. And whereas the zeal of many counties hath, in compliance with a recommendation of the executive, led them to proceed in the execution of the said recited acts, whereby the instruments of the law may be subject to cavil and vexation from individuals, for remedy whereof *Be*

Further time allowed to execute the acts of the last session, for recruiting this state's quota of troops for the continental army; and for supplying the army with clothes, provisions and waggons.

*it enacted by the General Assembly, That in any county where the execution of the said recited acts or either of them shall have been suspended or delayed, it shall and may lawful for the magistrates, militia officers, commissioners, assessors, sheriffs, collectors, and other persons, charged with the execution thereof, immediately after the receipt of this act, to proceed thereto, in the same manner as they might have done by virtue of the said recited acts or either of them, having regard to the particular periods limited both for the commencement and for the execution of any particular duty therein required. Provided nevertheless, That the governor is hereby empowered, by and with the advice of council, to suspend in any particular county or counties, the operation of both or either of the said acts for so long a time as to him shall appear necessary and expedient.*

And whereas so much of the said last recited act as relates to the live beef to be furnished by the divisions, requires explanation and amendment, *It is farther enacted, That the executive shall call for the said beef whenever the publick necessities shall demand it, giving previous notice as is therein directed, and if it shall so happen that the said beef shall be required after the extraordinary court for punishing delinquencies shall have past, the respective county courts are hereby vested with the same powers as the said extraordinary court possessed, and shall at their sessions next succeeding any delinquency under the said last recited act, punish the same and remedy the inconveniencies to be derived therefrom, in the same manner as such extraordinary court might have done under the said act. All beeves to be furnished under the said act, shall weigh at least three hundred, including the fifth quarter; provided that any two or more divisions may jointly furnish their beef so that they do on an average weigh three hundred. And provided also, that if any division shall furnish a beef adjudged to be of a greater weight, that the person furnishing the same, shall receive a certificate for the overplus from the receiver, which shall be settled by the auditors and paid for out of the treasury; the said receiver furnishing the auditors with a list of such certificates, by which to adjust the said claims.*

*And be it farther enacted, That all and every person or persons charged with the execution of the said re-*

cited acts, who may have proceeded in that duty agreeable to the recommendation made by the executive, notwithstanding the expiration of the time limited for that purpose by the said recited acts, or either of them, shall be and they are hereby exonerated from all loss, injury, or damage, in consequence of such procedure; and that in case of any action, suit, or prosecution, commenced or to be commenced thereupon, the defendant or defendants may plead the general issue and give this act in evidence.

*And be it farther enacted,* That all persons directed to carry into execution the said recited acts, or either of them, shall perform the same duties on their revival by this act as if they had never expired, and shall respectively for any omission or neglect of duty, be subject to the same penalties and forfeitures as in and by the said recited acts or either of them are imposed or inflicted, to be recoverable in the manner as therein prescribed. *And be it enacted,* That no distress for the tax of two per centum on property valued in specie shall be made by any collector on the estate of any person in actual service, as a militia man, but the said tax shall be suspended, for and during the time of service in which the citizens of this commonwealth are respectively engaged in the militia, and no longer.

Tax on militia, in actual service suspended.

And whereas great abuses have been committed by persons called on to appraise provisions for the use of the militia when called into actual service, *Be it farther enacted,* That the auditors for publick accounts, on every such certificate produced to them, allow no greater price than is fixed by the act entitled "An act to revive and amend an act for procuring a supply of provisions and other necessaries for the use of the army."

## CHAP. III.

*An act for ascertaining the number of militia in this state.*

Returns of  
strength of  
militia to be  
forthwith  
made.

Penalty on  
officers for  
neglect.

*BE it enacted by the General Assembly, That the county lieutenant or commanding officer of every county in this commonwealth, be directed to transmit to the governour before the twentieth day of June, an exact account of the present numbers of their respective militias. That for this purpose, they call immediately upon the several captains or commanding officers of the respective companies in their several counties, for an exact list of each company, distinguishing all such as are under eighteen years of age. Any county lieutenant or commanding officer failing so to do, shall forfeit and pay ten thousand pounds weight of tobacco, and every colonel, lieutenant colonel, major, captain, or commanding officer of a company, failing to return such list when called upon for it, shall forfeit and pay five thousand pounds weight of tobacco, to be recovered with cost, by bill, plaint, or information, in the court of the county where the neglect shall take place, and be applied to lessen the levy of such county. *And it is farther enacted, That this act shall be forthwith printed, and sent by the executive to the county lieutenant or commanding officer of every county in this state.**

## CHAP. IV.

*An act to exempt artificers employed at iron works from militia duty.*

*BE it enacted by the General Assembly,* That every artificer actually and necessarily employed at any iron works in this state, shall be exempted from all military duty, during the time they are so employed; and that such and so many waggons or other carriages with their teams and drivers, as are also actually and necessarily employed at such works, shall be exempted from all impresses for publick service during such employment, any law to the contrary notwithstanding. This act shall continue and be in force until the end of the next session of assembly, and no longer.

Artificers employed at iron works exempted from militia duty.

## CHAP. V.

*An act for punishing the counterfeiters of the paper money of this state or of the United States; and for making the same a legal tender.*

WHEREAS the crime of counterfeiting the paper money of this state and of the United States in general, is highly prejudicial to the circulation of the same, and it is necessary that all persons guilty thereof should be punished in the most exemplary manner, *Be it therefore enacted,* That he or she shall be adjudged a felon and shall suffer death without benefit of clergy, who shall forge or counterfeit, alter or erase, any bill of credit or treasury note which hath been emitted or shall hereafter be emitted by congress or this state or any of the United States, or who shall cause or procure such bill of credit or treasury note to be forged or counterfeited, altered or erased, or shall aid or assist in

Forging or counterfeiting paper money of this state or of congress, death without clergy.

forging or counterfeiting, altering or erasing, such bill of credit or treasury note, or shall pass or tender, or shall cause or procure to be passed or tendered, any such bill of credit or treasury note in payment or exchange, knowing the same to have been forged or counterfeited, altered or erased, or shall have in his or her custody or possession any press, types, stamp, plate, or other instrument, necessary to be used in the fabrication of any such bill of credit or treasury note, and not actually used in some publick printing office, or any paper with or without signature, on which the characters or words that are contained in a genuine bill of credit or treasury note, are or shall be impressed or inscribed in like order as they are in such bill of credit or treasury note, or any such bill of credit or treasury note which hath been altered or erased, knowing the same to have been altered or erased, and shall not discover such press, types, stamp, plate, instrument, paper, or altered or erased bill of credit or treasury note, to two justices of the peace, any person or persons charged with having been guilty of any one or more of the above mentioned offences, shall be prosecuted and tried in the manner as directed for the trial of like offences, by an act of assembly passed in the year of our Lord, one thousand seven hundred and seventy nine, entitled "An act for punishing persons guilty of certain thefts and forgeries, and fixing the allowance to sheriffs, venire-men, and witnesses, in certain cases."

All paper money emitted by this state, or by congress declared a legal tender.

*And be it farther enacted,* That all the paper bills of credit which hath been emitted or shall hereafter be emitted by congress, and all bills of credit which have been heretofore emitted by this state, also all bills of credit that the governour with advice of council hath been empowered to emit, as well as all such bills as shall be emitted by any act or vote of this present session of assembly, shall to all intents and purposes, be a legal tender in discharge of all debts and contracts whatsoever, except specifick contracts, expressing the contrary; so much of the said recited act as comes within the perview of this act shall be and is hereby repealed



## CHAP. VI.

*An act for emitting a sum of money  
for publick exigencies.*

WHEREAS the necessities of the state require a farther emission of paper money, *Be it therefore enacted*, That the treasurer of this commonwealth shall, and he is hereby empowered to issue treasury notes in dollars for the sum of ten millions of pounds. And that in case aids shall not be furnished by the United States, adequate to our wants, or exigencies of affairs shall make it necessary to emit a farther sum of money for the purpose of prosecuting the war, *It is farther enacted*, That the governour, with the advice of the council, may, and he is hereby required to direct the emission in dollars of the farther sum of five millions of pounds, which money shall be receivable in all taxes whatsoever; and the publick faith is hereby pledged for the redemption of all sums of money issued under this act, on or before the thirtieth day of December, one thousand seven hundred and ninety two, by fair and equal assessment upon the whole property of this commonwealth. The treasurer shall cause the said notes to be engraved and printed in such manner, and upon such paper as he may think most likely to secure them against counterfeits. The face of the notes thus to be emitted, shall read in manner following, to wit: No. \_\_\_\_\_ dollars. This bill of \_\_\_\_\_ dollars shall be exchanged and redeemed in Spanish milled dollars or the value thereof in gold or silver, at the rate of one for forty, at the treasury of Virginia, on or before the thirtieth day of December, one thousand seven hundred and ninety two. On each of the said notes the treasurer shall cause such a device to be printed as will readily distinguish them from any others heretofore emitted. He shall also appoint proper persons to over-look the press, to number and sign the said notes, upon the best terms he can, always observing to publish the names of such numberers and signers in the newspaper. The bills of credit to be emitted by virtue of this act shall be entered in the auditors office to the treasurer's account and be signed by one of the

Further emission of paper money authorized.

One for forty

auditors or by one of their clerks or by an assistant clerk, whom the auditors may appoint for this special purpose, who shall receive such an allowance for his trouble as they shall judge reasonable, without which signature the said bills of credit shall not be current.



## CHAP. VII.

### *An act for burning the paper bills of credit of this state.*

*BE it enacted by the General Assembly, That a committee of five persons, any three of whom may act, be appointed by the governour and council as soon as may be, who shall have full power and authority, and they are hereby directed from time to time as may be most convenient to them, to meet at the treasury office in order to examine and burn all the paper bills of credit issued by the laws of this country either before or since the revolution, which shall be collected and paid into the treasury by the sheriffs and publick collectors, except such payments as shall be made under two acts of the last session of assembly, the one entitled "An act for recruiting this state's quota of troops to serve in the continental army," and the other "An act for the defence of the eastern frontier of this commonwealth." The committee appointed as aforesaid, shall from time to time deliver to the treasurer of this commonwealth certificates of the sum or sums of money so burnt, distinguishing of what emissions the same may be, which certificates the treasurer shall cause to be published in the Virginia gazette immediately thereafter.*

Paper money, paid in to the treasury to be burnt, except two emissions.

## CHAP. VIII.

*An act to continue the several acts of assembly which would otherwise have expired at the end or during the present session.*

WHEREAS the several acts for giving farther powers to the governour and council, and also divers other acts of the general assembly, will expire unless farther continued, *Be it enacted*, That all acts of assembly, either for the purposes aforesaid or for any other, which would have expired at the end of or during the present session of assembly, be and the same are hereby continued until the end of the next session of assembly and no longer, any thing therein to the contrary notwithstanding.

All acts of assembly which would have expired at the end of or during the present session, continued.

## CHAP. IX.

*An act to amend the act entitled An act for establishing a General Court.*

[Chan. Rev. p. 139.]

I. WHEREAS by the act of assembly establishing the general court, no provision is made in case a grand jury-man should be sick or die after being empanelled and sworn, by which means it has happened and may again happen that one or more of the jury may fall sick or die, and of consequence all the powers with which they are invested by the laws and constitutions are unexecuted; and whereas no power is given to a single member of the court, after a sufficient number has once met, to adjourn in case one or more of the said members should be sick or die during the term; for remedy whereof, *Be it enacted*, That whenever it shall so happen that one or more of the jury should be

Preamble.

Grand juror dying or taken sick, after sworn, so that he cannot attend, his place may be supplied by a by-stander.

sick or die after being sworn, that the judges, if it be necessary, shall cause to be summoned, empannelled, and sworn, any by-standers, being qualified according to law; and all the proceedings of such grand jury shall be binding in the same manner as in any other case.

One judge, or more, may adjourn the general court.

II. *And be it enacted,* That if any member of the court should be sick or die, or by any other unavoidable accident, should be prevented from attending at any time after a sufficient number hath met to constitute the same, it shall and may be lawful for any one or more of the remaining judges to adjourn from day to day throughout the term, until a court can be had.

Provision, in case of the grand juror taken sick during the present term

III. And whereas by the sickness and non-attendance of a jury-man during the present setting of the general court, the grand jury was dissolved by means of there not being members sufficient to proceed on business, in consequence whereof the price of tobacco could not be settled as by law directed, and the officers of government and others will be unpaid for their services, *Be it therefore enacted,* That immediately after the passing of this act, and during the present session of the general court, the judges thereof shall cause to be summoned a grand jury for the purpose aforesaid, any law to the contrary notwithstanding.

The governour empowered to rent a house for confining certain prisoners.

IV. And whereas the prison in the town of Richmond, is too small to contain the prisoners committed thereto, and from their being crowded together, there will be danger of infectious disorders, *It is farther enacted,* That the governour with the advice of council may, and he is hereby desired to rent a temporary building, most proper for the business, in or near the said town of Richmond, which shall be under the direction of the judges in the same manner as the prison now is, and which shall be applied to the purpose of confining such prisoners as the judges of the general court shall particularly order thither and no other.

One judge of the general court may qualify the auditors of public accounts.

V. And whereas great inconveniences have arisen from the law now in force, empowering the judges of the high court of chancery alone to qualify auditors of publick accounts, *Be it therefore enacted,* That either of the judges of the general court shall have full power to qualify all auditors of publick accounts that shall hereafter be appointed.

## CHAP. X.

*An act to amend an act entitled An act for giving farther time to obtain warrants upon certificates for pre-emption rights, and returning certain surveys to the land office, and for other purposes.*

See ante p. 237.

WHEREAS the time limited in the act entitled “An act for giving farther time to obtain warrants upon certificates for pre-emption rights, and returning certain surveys to the land office, and for other purposes,” to the commissioners for adjusting and settling the claims to unpatented lands within their respective districts, has been found to be too short for that purpose, *Be it therefore enacted*, That all the powers given to the said commissioners by any act or acts of assembly, shall be continued and remain in force for and during the farther time of twelve months, and from thence to the end of the next session of assembly, and that the same time be allowed for making and returning to the land office all surveys of land by virtue of entrys with the county surveyors heretofore made according to the established laws and usages, any law to the contrary notwithstanding

Powers of commissioners for adjusting claims to unpatented lands extended; also further time allowed for obtaining warrants upon certificates for pre-emption rights, and to return surveys to the land office.

## CHAP. XI.

*An act to amend the act entitled An act for laying a tax payable in certain enumerated commodities.*

Persons liable to tax, in certain enumerated commodities who have had their grain impressed for the use of the army, entitled to a discount as to so much.

WHEREAS the act entitled "An act for laying a tax payable in certain enumerated commodities," imposes a specifick tax, for the purpose of procuring grain for the use of the army; and whereas previous to the payment thereof for the present year, many persons have had their grain impressed for the purpose aforesaid, and it is reasonable that it should be discounted out of their said tax, *It is therefore enacted,* That all certificates given by any officer of the staff or line, either of the continent, of this state, or of the militia of this state, or which may hereafter be given for grain so impressed for the use of the army or of prisoners taken from the enemy, shall be both in the present year and also during the continuance of the said recited act, received in payment of the said specifick tax in the same manner as if the person paying had been possessed of the grain itself; and if the amount of the said certificate shall exceed the tax due by the person so paying the same, the receiver may take the whole as so much in advance for future debits of the said tax. *Provided,* That before any receiver of the said tax shall receive such certificate, the person paying it shall take before a magistrate the following oath or affirmation, which shall be by the said magistrate indorsed on the certificate. "I ——— do swear (or affirm) that I am not concerned in any deceit relating to this certificate with an intention to injure this commonwealth or the United States;" and shall also by him or herself or the person delivering the same, make oath that he or she believed the same was taken for the use of the army or of prisoners taken from the enemy. The certificates so received, shall be by the commissioners of the said tax returned to the auditors of this state, to be by them preserved as so many vouchers against the United States, and in returns of the said tax the said certificates shall be carefully distinguished

from the receipts in kind, so that the executive may know what quantity of the said tax hath been received in such certificates.

And whereas no compulsory mode is pointed out by the said act which hath been found efficacious to induce the commissioners and receivers of the said tax to discharge their respective duties as therein defined, *It is farther enacted*, That if any commissioner or receiver shall fail in his duty as prescribed either by this or the said recited act, he or they so offending, shall for each offence forfeit and pay five thousand pounds of tobacco, to be recovered for the use of the commonwealth in any court of record; and if the said commissioners shall fail to make proper returns of the grain or other alternatives so to be collected, the publick solicitor shall on the third day of the general court, without any previous notice, make a motion against them for the amount of the whole grain or other alternatives due from the said county, to fix which, the last return therefrom ascertaining the number of tithables, shall be admitted as proper evidence. The said court shall give their judgment in money, having first settled the value of the tax, supposing the whole to have been paid in Indian corn, according to the then highest current price in this state, and adding thereto twenty per centum over and above upon the amount of the said valuation, and in case the said commissioners shall fail to disburse the said tax as collected and returned, their returns shall be evidence against them in like manner, and all debits or ballances shall be recoverable on motion with twenty per centum addition as above directed. And that the commissioners may have a prompt remedy against their said receivers, they may at any time on giving ten days notice, recover a judgment in any court of record for the value of the deficiency, to be ascertained on the same principles as above mentioned, together with twenty per centum advance, out of which they shall forthwith replace the commodities in which the receiver was indebted to the publick, and the balance if any, shall be to their own use.

Penalty on commissioners and receivers of specific tax for neglect of duty.

Judgment, on motion, without notice.

How judgment rendered.

Damages.

Remedy by commissioners against receivers





AT A

# GENERAL ASSEMBLY,

BEGUN AND HELD

At the Public Buildings in the Town of Richmond, on Monday the seventh day of May, in the year of our Lord one thousand seven hundred and eighty-one, and in the fifth year of the commonwealth, and from thence continued by adjournment to the town of Staunton, in the county of Augusta.

Thomas Jefferson, esq. governor.

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## CHAP. I.\*

*An act concerning the adjournment of the supreme courts.*

[Chan. Rev. p. 139.]

I. WHEREAS upon the punctual administration of justice, criminal as well as civil, the public peace and well being depend for support, and it may be often interrupted by hostile alarms and other obstacles, if the courts be stationary at particular places; *Be it enacted by the General Assembly,* That so often as it shall appear necessary, it shall be lawful for the governor, with the advice of the council of state, by a proclamation, bearing date one month at least before the first day of meeting, and dispersed throughout the several counties (that of Illinois excepted) to cause the court of appeals, the high court of chancery, and the

Preamble,

Governor & council may by proclamation change the place of holding courts;

and the time.

\* In the original none of the acts of this session are numbered by *chapters*, nor are they separated by *sections*.—Such only as were published in the Chan. Rev. will be so noted in this edition.

Judges may adjourn if they think they cannot sit with safety.

Court of admiralty may sit any where on proper occasions.

Courts held under proclamation not one of the two for trial or discharge of criminals.

No discontinuance if courts not held in usual terms.

general court, to meet at any convenient place within the commonwealth, there to hold their respective sessions immediately succeeding each proclamation. If it shall so happen that the cause of adjournment shall occur within the space of a month next preceding the day of meeting, it shall be lawful for the governor, with the advice of the council of state, by a proclamation dispersed as aforesaid, to postpone the time of meeting beyond the day, taking care that one month at least shall intervene between the date thereof and such new day, and that the new day does not fall within the month next preceding a stated term, except that in the case of postponing the March and October session of the general court, no regard need be had to the June and December terms. If after a session begun, a majority of the judges of the aforesaid courts who are present, shall be of opinion, and so record, that they cannot sit with safety at the place fixed by law, or the proclamation aforesaid, it shall be lawful for them to adjourn to the succeeding term: and thereupon all business shall stand continued over. A majority of the judges of the court of admiralty may, on any necessary occasion, sit at places other than that appointed by law, but reasonable notice shall be given by the marshal or his deputy to all parties to suits depending therein of such adjournment, if to be found, or to their proctor if absent: And if neither they nor their proctor be found, three weeks publication in the Virginia Gazette shall be adjudged sufficient notice of the adjournment. Copies of any proclamation of adjournment shall be sent, under signature of the governor and seal of the commonwealth, to each of the judges aforesaid, whose court may be so adjourned. No court, thus holden under a proclamation, shall be adjudged one of those, at which, a criminal, petitioning to be tried, and not being tried shall be discharged and acquitted; nor shall there be a discontinuance in any proceeding whatsoever, if the courts aforesaid, or either of them, should not be holden in their usual terms.

## CHAP. II.

*An act to enable the congress of the United States to levy a duty on certain goods and merchandizes, and also on all prizes.*

See Nov. 1781, c. 9.  
Oct. 1782, c. 42.

WHEREAS the congress of the United States, by their act of the third day of February last, recommended it to the several states, that they vest a power in congress, enabling them to levy a duty of five per centum *ad valorem*, on certain goods wares and merchandizes, and also on all prizes and prize goods: *It is therefore enacted*, That the United States in congress assembled, shall be, and they are hereby authorized and empowered to levy a duty of five per centum *ad valorem*, to be paid in gold or silver, or the value thereof in the current money of the United States, or of this state, at the time and place of importation, upon all goods, wares and merchandizes of foreign growth and manufacture, which may be imported into this commonwealth, from any port, island or plantation not within any of the United States, after the first day of August, in the year one thousand seven hundred and eighty-one, except arms, ammunition, cloathing and other articles, imported on account of the said states or any of them, and except wool cards and cotton cards and wire for making them, and also except salt during the war; the said United States are hereby also empowered to levy a like duty of five per centum on all prizes and prize goods condemned by the admiralty court of this commonwealth as a lawful prize to be paid as aforesaid.

Congress authorized to impose a duty on goods and prizes.

And whereas it will conduce to the general interest, that the commercial regulations throughout the said states be uniform and consistent, *Be it therefore farther enacted*, That the said United States in congress assembled, are hereby authorized to appoint one or more collector or collectors in this commonwealth, to collect the said duties, according to such rules and ordinances for collecting and levying the same, as they

And to appoint collectors.

- shall judge expedient; *Provided*, That such rules and ordinances be not repugnant to the constitution and laws of this state.
- Proviso.
- And be it farther enacted*, That the monies arising from the said duties, shall be appropriated to the discharge of the principal and interest of the foreign debts already contracted, or which may be contracted, on the faith of the said states for supporting the present war.
- Appropriation of duties.
- And be it farther enacted*, That this act shall remain and continue in force until the full and final discharge of the debts herein before-mentioned, and no longer.
- Limitation.

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### CHAP. III.

*An act to amend the act for raising two legions for the defence of the state.*

Troops in the two legions exempted from drafts.

WHEREAS the act for raising two legions for the defence of this state needs amendment, in order to induce the well disposed citizens to enlist therein; *Be it enacted*, That all persons now enlisted, or who may hereafter enlist to serve in either of the said legions, shall be exempted from the present draft for filling up this state's quota of continental troops. And the county lieutenant, or other commanding officer of the militia, shall, in making up his accounts of men on whom the said draft hath fallen, or may fall, distinguish such as belong to the said legions, for which his said county shall have credit in the number demanded for the purpose aforesaid; *Provided*, That the presiding officer at any draft shall cause the men so inlisted in the said legions, to be fairly drawn for as in other cases, and such officer or other person guilty of collusion to throw the draft on any person so inlisted, shall forfeit and pay twenty thousand pounds of tobacco, to be recovered by the commanding officer of the legion, in any court of record by action of debt in the name of

such commanding officer, to which the drafted man shall belong, and applied by him towards procuring hospital stores for his sick. No person engaging either as officer or soldier in the said legions, shall be thereby debarred from enjoying or exercising any right, office or privilege which he might otherwise possess as a citizen of this commonwealth.

And whereas if the time of service was shortened it might conduce to the inlisting of men; *It is farther enacted*, That the officers may, and they are hereby empowered to recruit men for the term of three years Term of service.

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#### CHAP. IV.

*An act for establishing martial law within twenty miles of the American army, or the enemy's camp.*

WHEREAS it is necessary for the safety of the army, that all persons within a limited distance thereof should be subject to martial law; *Be it enacted*, That all persons whatsoever either in the American army or within twenty miles thereof, and also all persons within twenty miles of the enemy's camp, shall, and they are hereby declared to be subject to martial law, as declared by the continental rules, articles and regulations of war; and any person within the said limits, guilty of disobedience of orders or of any other offence, punishable by the said articles of war, shall be tried, acquitted or condemned, and punished as in and by the said rules and articles of war is ordered and prescribed. *Provided*, That this act shall continue and be in force until the end of the next session of assembly, and no longer.

Martial law declared within 20 miles of the American army, or the enemy's camp.

## CHAP. V.

*An act to empower the sheriffs to hold elections, in certain cases, at other places than those appointed by law.*

**Elections for members of assembly may be held in any place, secure from the enemy.** WHEREAS many places within this commonwealth have been exposed to the incursions of the enemy, whereby the freeholders of some counties have been prevented from meeting at the places appointed by law, to elect representatives to serve in general assembly; in order to prevent the like inconveniences in future, *Be it enacted by the General Assembly,* That during the present war, it shall be lawful for the sheriff of any county, when the usual place of holding elections shall appear to him insecure from the enemy, to hold his election at any other place within his county which shall be more safe, having given ten days notice thereof previous to the said election.

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 CHAP. VI.

[Chan. Rev. p. 140.] *An act for calling in and exchanging this state's quota of continental money.*

**Act of May 1780, ch. X. for calling in this state's quota of continental money repealed.** I. *BE it enacted by the General Assembly,* That so much of the act of assembly, entitled "An act to explain and amend the act for calling in and redeeming the money now in circulation, and for emitting and funding new bills of credit according to the resolutions of congress of the eighteenth of March last," as directs the treasurer to exchange the old continental bills in the manner as by the said act is directed, shall be, and the same is hereby repealed.

**Old money not a legal tender.** II. *And be it further enacted,* That from and after the first day of July next, the said old money shall

cease to be a legal tender in discharge of any debt or contract whatsoever: *Provided*, That the sheriffs and other publick collectors shall continue to receive the same in payment of all publick debts and taxes, and upon the settlement of their several collections to pay the same into the publick treasury in discharge thereof.

But receivable in taxes.

III. *And be it farther enacted*, That the treasurer of this commonwealth shall not pay out of the treasury, for any cause whatsoever, any part of the said money to be issued in virtue of the resolutions of congress of the eighteenth day of March, one thousand seven hundred and eighty, except by the directions of the executive or the legislature.

No more of this money to be paid out of the treasury.

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## CHAP. VII.

*An act for giving certain powers to the governour and council, and for punishing those who shall oppose the execution of laws.*

WHEREAS in this time of public danger, it is necessary to invest the executive with the most ample powers, both for the purpose of strenuous opposition to the enemy, and also to provide for the punctual execution of laws, on which the safety and welfare of the commonwealth depends; *Be it therefore enacted*, That the governor, with advice of council, is hereby empowered to call forth the forces and resources of this state, in such numbers and quantities, and for such purposes as the common good may make necessary, and to march or order them to such place or places as the service may require. The governour, with the advice of council, is also hereby empowered to procure by impress or otherwise, under such regulations as they shall devise, provision of every kind, all sorts of cloathing, accoutrements and furniture, proper for the use of the army, negroes as pioneers, horses both for the draft

Preamble.

Extensive powers of governor & council; to call forth the forces & resources of the state.

To impress property.

and cavalry, waggons, boats or other vessels and their crews, and also all other necessaries as may be wanted for supplying the militia or other troops employed in the public service. The governor, with advice of the council, may order out such particular officers as may be approved, to command any militia which shall take the field. The governor, with advice of the council, is also hereby empowered to apprehend or cause to be apprehended and committed to close confinement, any person or persons whatsoever, whom they may have just cause to suspect of disaffection to the independence of the United States or of attachment to their enemies, and such person or persons shall not be set at liberty by bail, mainprize or *habeas corpus*. The governor, with the advice of council, is also hereby empowered, if necessary, to send within the enemy's lines, any person or persons who hath or have heretofore refused to take the oaths of allegiance, unless such refusal shall have arisen from religious scruples or other reasons equally satisfactory, and whom they shall have good cause to suspect, do still continue inimical to the independence of the United States; and also any person or persons having been previously convicted by testimony on oath before the said executive of disaffection to the government, giving any person or persons at the least twenty days notice of such banishment, that he or they may have an opportunity to dispose of his or their property, which they are hereby permitted to do. And any person refusing to go when so ordered, or returning after having so gone within the enemy's lines, shall be adjudged guilty of felony and shall suffer death without benefit of clergy. And if the time of executing any law for recruiting men or raising supplies for the army hath elapsed or may hereafter elapse before it hath been compleatly executed, the governour, with advice of council, may, by his proclamation, appoint other dates for the execution of such laws, and any person or persons failing to carry into effect the law at such dates, shall pay and suffer the same penalties as they would have paid and suffered at the time of executing the said laws as therein prescribed. If any person or persons shall make opposition by force to laws for the express purpose of calling men into the field for the defence of this state, he or they shall be considered as civilly dead as to his or their property.

To order out particular officers.

To apprehend disaffected persons, who are denied bail, mainprize, or *habeas corpus*.

To send such persons within the enemy's lines.

To banish them.

Felony without clergy to return from banishment.

Persons opposing the laws for calling out military force, declared civilly dead.



which shall go and descend to his or their next heir, or be distributed among his or their next of kin according to law; every such person shall also incur and suffer all the pains, penalties and forfeitures of a pre-munire.

*And be it farther enacted,* That the governor, with the advice of council, may, if occasion shall require, appoint some three persons learned in the law, either of the judges of this commonwealth or of others, by commission of oyer and terminer, to hold courts at such time and place as shall be therein defined, which said court shall have full power to hear and determine all criminal matters which the general court could have heard and determined. The said court shall be attended either by the clerk or sheriff of the general court or by the clerk or sheriff of the county wherein it shall be held, either of which sheriffs shall summon grand or petit juries from the adjoining counties where the case may require it. *Provided,* That the said court may, by order, direct a venire to be summoned either of the by-standers or of others, where the circumstances of the case may prevent the getting of a jury from the vicinage. The said court shall be attended by the attorney general, or in his absence by any attorney for the commonwealth: And if the clerk of the county shall attend the said court, he shall transmit to the clerk of the general court a fair transcript of the proceedings of such court, to be by him carefully preserved among the records of his office. All persons owing suit or service to the said court so to be erected, shall be subject to, and pay the same fines, forfeitures and penalties for any neglect of duty, as the like persons bound to render suit or service to the general court are liable to. The said court thus constituted shall have power to adjourn from time to time as to them shall seem good, or as the public exigencies may require.

*And be it farther enacted,* That the governor, with the advice of council, if it shall be judged necessary may discontinue the state quarter-masters and commissaries, and put into the hands of the continental staff officers the disbursement of the state resources, who shall furnish the militia, as well as other troops employed in the defence of this state, with provisions and other necessaries; for which purpose the executive may, if they shall adopt this arrangement, make application

Special courts may be constituted by governor and council, with same powers, as to criminal matters, as general court.

Governor & council may discontinue state's quarter-masters, and commissaries, and transfer their powers to continental staff.

to congress for a controuling power over the said continental staff: *Provided*, That care shall be taken to keep distinct accounts of the supplies furnished by this state for continental purposes, and that regular returns be made thereof to the board of auditors for this state, to be kept as vouchers for the said supplies.

Stales in impressments, under this act.

*And be it enacted*, That all property taken or impressed by virtue of this act shall be duly appraised in specie on oath by two indifferent persons, and a certificate thereof delivered to the owner; and every person acting under an appointment from the governor to make impresses of any property whatsoever, shall previously shew his said appointment to the person or persons concerned, or to his or their agent if to be found: Any person making impressment contrary hereto shall forfeit and pay double the value of the thing impressed. This act shall continue and be in force from and after the passing thereof until the end of the next session of assembly, and no longer.

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### CHAP. VIII.

*An act to amend the act for regulating and disciplining the militia, and for other purposes.*

Militia in actual service, subject to articles of war.

WHEREAS the now existing laws to regulate and discipline the militia and for providing against invasions and insurrections, have been found inadequate to the end, *Be it therefore enacted by the General Assembly*, That the militia of this state when drawn out into actual service, and acting separately or in conjunction with regular troops, shall be and they are hereby declared to be subject to the continental rules and articles of war, except as hereafter is excepted; which shall be previously read to the militia so drawn into service. That every militia-man ordered into actual service, who shall refuse and neglect to appear at the time and place of rendezvous appointed for the company, corps or de-

tachment to which he belongs, without a reasonable excuse, or produce an able-bodied substitute to serve in his room (but no person shall be admitted as a substitute except he belongs to the militia of the same county, and if it shall come to such substitute's tour of duty before he returns, then the person employing him shall be obliged to serve in his room or procure a second substitute) shall, upon conviction before a court-martial, be declared a regular soldier for six months, and shall, by order of such court-martial, be delivered to a continental officer for that purpose, who shall give to the officer delivering him a receipt descriptive of his age, person, occupation, and residence, which receipt shall be returned to the county lieutenant or commanding officer of the county to which the delinquent belongs, to the end that every such delinquent may, in case of desertion before the expiration of his term of service, be duly apprehended and punished agreeable to the law-martial. And for the due conviction of all such delinquents, a court-martial shall, by order of the county lieutenant or commanding officer, be held within ten days at such place as he shall appoint, under the penalty of ten thousand pounds of tobacco on such county lieutenant or commanding officer neglecting to order the same, and of five thousand pounds of tobacco upon every member of such court failing to attend without a reasonable excuse.

*And be it enacted,* That where any quaker or menonist shall be allotted to any division of the militia, who is to perform the succeeding tour of duty, he shall not be compelled personally to serve the same, but it shall and may be lawful for the commanding officer of the militia of said county, to cause to be levied on all the society of quakers and menonists in such county according to their assessable property, by warrant under his hand directed to the sheriff or any person or persons whom he shall appoint, such sum or sums of money as he shall think sufficient to procure a substitute for each quaker or menonist whose tour of duty it is, and the money when collected shall be deposited in the hands of the commissioners of the money tax, who shall pay the same on warrant from the commanding officer of the said militia, to such substitute or substitutes as may be employed for such quaker or menonist.

Failing to appear at rendezvous, when ordered to march, or find a substitute, declared a regular soldier for 6 months

Rules as to substitutes.

Quakers or menonists, not compelled personally to serve: but a substitute provided at expense of society.

nist, and the overplus (if any) shall be returned to the said quakers or menonists in equal proportion to their different advancements or credited in their next money tax; and in case the money so collected shall not be applied as above directed before the next assessment, the said commissioners shall allow the same in discount of their several taxes. Any sheriff or collector failing to perform his duty as above, shall forfeit and pay five thousand pounds of tobacco, and each of the said commissioners who shall fail to perform his duty, shall forfeit and pay five thousand pounds of tobacco, to be recovered on motion by the said commanding officer of the militia in any court of record, giving ten days previous notice. The fines thus recovered shall go towards satisfying the quakers or menonists who shall be aggrieved thereby, and the overplus towards enlisting a soldier to serve in the continental army.

Penalty on  
militia de-  
serting.

*And be it farther enacted,* That any militia-man deserting while in actual service with public arms, shall, upon conviction before a court-martial, suffer death, or such other punishment as the said court shall inflict. And every militia-man deserting without public arms, shall suffer such punishment, not touching life or member, as a court-martial shall direct; to which end, if such deserter be apprehended before the discharge of the company, corps or detachment to which he belongs, he shall be forthwith returned thereto and be tried by the rules of the law-martial; but if such corps, company or detachment shall have been previously discharged, then such deserter shall be tried by a court-martial of the county to which he belongs; such court to be ordered by the county lieutenant or commanding officer of the militia upon receiving notice of the apprehension of any such deserter, under the same penalty for his neglect in so doing and for the failure of attendance in any member of such court as is before directed. And for the information of the county lieutenant or commanding officer of the militia, the officer commanding a company, corps or detachment, to which such deserter belongs, shall certify the same as soon as may be to such county lieutenant or commanding officer, under the penalty of five thousand pounds of tobacco for every failure.

And whereas there are many difficulties in bringing delinquent officers of the militia to punishment; *It is*

*farther enacted,* That any militia officer either on duty or not, for crimes relating to the duties of his office may be arrested in the same manner as is allowed by the law-martial, and when arrested shall be tried within the number of days prescribed by the continental articles of war, before a court-martial to be appointed by the commanding officer at the post or in the county, and if the rank of the delinquent officer shall make it impossible to get a court-martial for his trial under the said articles, the governor, on information thereof, shall order a court-martial to be appointed out of the militia at large within any reasonable time, for the trial of the offender. The governor may arrest and bring to trial in manner herein prescribed any officer of the militia whatsoever. The members of the said court so constituted, shall take the oath of secrecy and also an oath to be conformable in their sentence to the continental articles of war as therein written. Every sentence of the said court where the trial shall be before the court-martial of the county and the officer tried shall be a field officer, shall be transmitted to the governor for the time being, who may either approve or disapprove the same, according to the custom of the law-martial, but where the officer tried shall be under the rank of a field officer, in that case the lieutenant or commanding officer of the county where the trial shall be, shall have the power to approve or disapprove the sentence of the said court.

Militia officers, how arrested, and tried.

*And be it farther enacted,* That the militia of this commonwealth, when drawn out into actual service, except upon sudden alarms, for the defence of their respective counties, shall be entitled to and receive the same pay and rations as the officers and soldiers in continental service. The captain or other officer commanding a company or detachment, shall, when discharged, make out a pay-roll to commence from the day they join the army when to act within the state, and from the commencement of their march when they are to act out of the state, which shall be examined and certified by the commanding officer of the regiment or detachment to whom they belonged; which pay-roll shall be by the officer laid before the auditors of public accounts, who are hereby empowered and required to issue printed certificates agreeable thereto, and shall be by the captain or officer paid to the men

Pay of militia when in actual service.

Their certificates receivable in taxes.

Death to  
counterfeit  
them.

Tour of du-  
ty, what.

Further en-  
courage-  
ment to ap-  
prehend de-  
serters.

Courts to  
nominate  
militia offi-  
cers, with-  
out regard  
to seniority.

entitled to receive the same, which said certificates shall be receivable in taxes; and in case any person or persons shall counterfeit, alter or erase, or shall aid or assist in counterfeiting, altering or erasing, the certificates so issued, or shall attempt to pass the same knowing them to be counterfeited, altered or erased, he or she so offending shall be deemed a felon and suffer death without the benefit of clergy. No person shall be considered to have performed a tour of duty unless he shall have joined the army or detachment where ordered. A tour shall not exceed two months, unless the relief ordered shall not arrive in time from any unavoidable accident. The militia marching to and from camp shall be furnished with rations at the public expence.

*And be it farther enacted,* That as an inducement, additional to what the law hath already given, to persons for apprehending deserters, that any militia-man who shall apprehend and deliver an able-bodied deserter to any officer of the continental army or of the troops of this state, not being under the rank of a field officer in either service, and taking the receipt of such officer for the said deserter, or if the deserter be a militia-man shall deliver him to the commanding officer of the battalion or regiment from whence he deserted and taking the receipt of such officer, in either case it shall be considered as having thereby performed a tour of militia duty.

And whereas an opinion hath prevailed that the courts are obliged by law to promote officers in the militia according to seniority, whereby great mischief hath accrued to the country by improper appointments; *Be it farther enacted,* That the county courts in all their recommendations of militia officers, are and shall be at full liberty to nominate their militia officers hereafter to be appointed out of the people in their respective counties at large, without paying any regard to seniority. And for the due promulgation of this act and the better information of the militia, *Be it farther enacted,* That such a number of printed copies of this act and of the continental articles of war as the governor may deem necessary, shall be with all possible expedition transmitted to each county in this commonwealth for the use of the militia officers therein, and shall by such officers be read to their respective militias

at every general and petty muster. Each county lieutenant failing herein shall for every offence forfeit and pay the sum of five thousand pounds of tobacco; each field officer three thousand; and each captain two thousand pounds of tobacco.

*And be it farther enacted,* That all the penalties inflicted by the said recited acts, or either of them, shall cease, and in lieu thereof there shall be inflicted an additional penalty in the proportion of ten for one upon every officer, non-commissioned officer and private, for neglect or failure of duty therein prescribed; which penalties, as well as those inflicted by this act, shall be recovered and applied in manner therein directed.

And whereas it has happened that some counties have been thrown into confusion by means of the necessary papers for laying off the militia into divisions being lost or destroyed by accident or neglect; for remedy whereof, *Be it enacted,* That the field officers of any county where such case may be, shall, upon the receipt of this act, immediately proceed to lay off their said militia into divisions, and cause the same to be again drafted agreeable to the rules and directions laid down in the act entitled "An act for providing against invasions and insurrections," in order that a due and regular rotation may be kept up.

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## CHAP. IX.

*An act preventing a discontinuance of the general court, and suspending the proceedings of certain courts in particular cases.*

I. WHEREAS the additional session of the general court which ought by law to have been holden on the second Tuesday in the month of June, in the present year of our Lord one thousand seven hundred and eighty one, was omitted to be so holden from an inva-

Fines en-  
creased.

New draft  
of militia, in  
what cases.

Chan. Rev.  
p. 140.]

No discon-  
tinuance of  
general  
court, or its  
proceedings  
in conse-  
quence of a  
failure to  
hold a term.

sion of this commonwealth, and without some legislative provision a discontinuance of the said court may thereby be produced: And whereas amidst those distractions and exertions which are caused and called for by a state of war, no leisure is left for questions of a nature merely private: *Be it enacted*, That no discontinuance shall take place in the general court, or in any proceeding depending therein or belonging thereto, by the failure to hold the additional session aforesaid at the time aforesaid, but in every construction or adjudication in the said court or elsewhere, the adjournment from the session of the said court which was in the month of March in the present year of our Lord one thousand seven hundred and eighty one, to the said additional session, shall be taken and deemed as if it had been an adjournment to the session to be holden in the month of October in the same year, or to a session holden under a proclamation by the governour pursuant to an act of general assembly entitled "An act for giving certain powers to the governour and council, and for punishing those who shall oppose the execution of laws," according as the one or the other shall be first holden.

II. *And be it farther enacted*, That until a declaration shall be made by the general assembly to the contrary, neither the court of appeals, the high court of chancery, the general court, nor any county court, shall hear or determine any matter, cause, or thing, except mere pleas of the commonwealth, private questions brought on by consent, suits instituted for the division of estates, contestations of wills, and such other cases in which the law requires not a declaration or bill in equity to be filed; but the said courts shall still be open for the issuing of dedimuses, for the examination of witnesses, writs of *ne exeat reipublica*, injunction, and *habeas corpus*, *de homine replegiando*, for the institution of suits in *perpetuam rei memoriam*, and for no other purpose whatsoever. And as the issuing of patents whilst there is so great difficulty in entering caveats may produce much injustice, *It is farther enacted*, That the register shall not issue any patent until the term of six months shall have elapsed after such declaration as aforesaid shall take place; and any patent so issued shall be void. Any caveat may be entered against the issuing a patent at any time within the said six months.

Courts suspended, except in particular cases (Suspension removed Nov. 1781, ch. 12.)

The issuing of patents suspended. (Suspension removed Nov. 1781, ch. 29.)



Of the time between the first day of January, in the year aforesaid, to the last day of that session of the general assembly, at which the foregoing suspension of judiciary proceedings shall be removed, no account shall be made in any computation upon the act of limitations.

Time taken out of act of limitations.

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CHAP. X.

*An act for farther continuing an act entitled an act to empower the governor and council to lay an embargo for a limited time.*

WHEREAS the act of assembly passed in the year one thousand seven hundred and seventy-eight, entitled, "An act to empower the governor and council to lay an embargo for a limited time," which was continued by several subsequent acts, will expire at the end of this present session of assembly, and it is expedient that the same should be farther continued; *Be it therefore enacted by the General Assembly, That the act entitled "An act to empower the governor and council to lay an embargo for a limited time," shall continue and be in force from and after the expiration thereof until the end of the next session of assembly, and no longer.*

Act empowering governor & council to lay embargoes, further continued.

## CHAP. XI.

[Chan. Rev.  
p. 141.]

*An act for farther continuing an act entitled an act to revive and amend an act to make provision for the support and maintenance of ideots, lunaticks, and persons of unsound minds.*

Act making  
provision  
for ideots &  
lunatics, fur-  
ther contin-  
ued.

**I. WHEREAS** the act of assembly passed in the year one thousand seven hundred and seventy eight, entitled, "An act to revive and amend an act to make provision for the support and maintenance of ideots, lunaticks, and persons of unsound minds," will expire at the end of this present session of assembly, and it is necessary that the same should be farther continued; *Be it therefore enacted by the General Assembly, That* the act entitled "An act to revive and amend an act to make provision for the support and maintenance of ideots, lunaticks, and persons of unsound minds," shall continue and be in force from and after the expiration thereof, for and during the term of one year, and from thence to the end of the next session of assembly, and no longer.

## CHAP. XII.

*An act for continuing an act entitled* [Chan. Rev. p. 141.]  
*An act to exempt artificers employ-*  
*ed at iron works from militia duty.*

WHEREAS the act of assembly passed at the last session, entitled, "An act to exempt artificers employed at iron works from militia duty," will expire at the end of this present session of assembly, and it is expedient that the same should be continued; *Be it therefore enacted by the General Assembly,* That the act entitled "An act to exempt artificers employed at iron works from militia duty," shall continue and be in force from and after the expiration thereof until the end of the next session of assembly, and no longer.

Act exempting artificers at iron works from militia duty further continued.

## CHAP. XIII.

*An act for farther continuing an act entitled An act to amend an act for preventing forestalling, regrating, engrossing, and public vendues.*

WHEREAS the act of assembly passed in the year one thousand seven hundred and seventy-eight, entitled "An act to amend an act for preventing forestalling, regrating, engrossing and public vendues," will expire at the end of this present session of assembly, and it is necessary that the same should be farther continued; *Be it therefore enacted by the General Assembly,* That the act entitled "An act to amend an act for preventing forestalling, regrating, engrossing and public vendues," shall continue and be in force from and after the expiration thereof for and during the term of one year, and from thence to the end of the next session of assembly, and no longer.

Act for preventing, forestalling, regrating, engrossing and public vendues, further continued.

## CHAP. XIV.

*An act to revive an act entitled An act to enable the governor and council to supply the armies and navies of the United States and of their allies with grain and flour.*

Act to enable the governor to supply the armies and navies of the United States, and their allies, with grain & flour revived and continued.

WHEREAS the act of assembly passed in the year one thousand seven hundred and seventy-eight, entitled "An act to enable the governor and council to supply the armies and navies of the United States and of their allies with grain and flour," expired on the fourteenth day of July last, and it is expedient and necessary that the same should be revived; *Be it therefore enacted by the General Assembly,* That the act entitled "An act to enable the governor and council to supply the armies and navies of the United States and of their allies with grain and flour," be revived, and shall continue and be in force from and after the end of this present session of assembly for and during the term of one year, and from thence to the end of the next session of assembly, and no longer.



## CHAP. XV.

*An act to regulate the department of the war office.*

Preamble. WHEREAS it is necessary for the establishment of œconomy and greater regularity in the different departments of this state, to invest the commissioner of the war office with more ample powers, and more expressly to define his duty; *Be it therefore enacted by the General Assembly,* That the said commissioner shall have full power and authority to demand and receive such returns from the different public offices as

Powers and duties of commissioners of war more accurately defined.

may enable him to prepare for the inspection of government, as well the executive as the assembly, general abstracts of the state, applications, receipts and issues of the various articles of specific supplies, furnished by the several counties under the different laws for this purpose, and assigned to the respective departments according to the nature of their several employments. For this end, therefore, the quar-

Duties of  
quarter mas-  
ter general.

ter-master general shall once at least in every three months, make a report to the war office of all the stores be-  
 longing to his department, as well as exact accounts of all the forage collected by him or his agents in the different counties, by the various laws for raising specific supplies; he shall report the state of the magazines, with the quantity, quality and kind of stores in each, with a special account of his transfers and issues to continental agents or for continental purposes, as well as of all other issues and alterations in the number, quantity and state of his stores of every kind, which may have occurred since the next preceding general report. Similar quarterly returns are likewise hereby required from the commissary general, comprehending all the articles of provisions procured, received or issued by him or his deputies, distinguishing the counties who have furnished their respective quotas of specific supplies, as also those which have not, with the deficiencies due from each, and distinguishing likewise the quantities and articles of provision furnished for continental purposes or to continental agents, by himself or his deputies. The sub or state clothier shall also make exact reports to the war office of his receipts and issues, distinguishing the supplies furnished by the continent from those by the state, and specifying the articles of cloathing delivered by the different counties and what may still be due from them respectively. From the commercial agent a quarterly return shall be lodged in the war office of all the tobacco and hemp raised by the taxes and allotted to his disposal, as well as of the stores he may have purchased for the public, and what he has issued to the various departments. The commissary of military stores shall also make particular returns of the state of his department, including the laboratory and military magazines, and account for all receipts and issues. The commissioner of the

Commissary  
general, his  
duties.

State clo-  
thier.

Commercial  
agent.

Commissary  
of military  
stores.

Commissioner of war to discharge duties belonging to adjutant general's department.

Military commissions to issue from war office.

Salary of commissioner of war office.

war office is hereby further authorized to demand and receive from the commissioners of the specific tax and of provisions in each county, exact quarterly returns of the various articles by them collected agreeably to law, to whom also they have delivered them, and what may be due in their respective counties. The commissioner of war is likewise authorized and required to discharge the duties belonging to the adjutant general's department. All orders from the executive to persons acting in any of the different military departments or upon military matters shall issue through this office and be recorded in it. Here shall also be kept a roster for the regulation of militia duty through the state, and register of the names and rank of the militia officers, with half-yearly returns of the strength of their respective corps and the number and condition of their arms and accoutrements. In this office shall be lodged descriptive lists of all recruits, deserters and militia delinquents, with the proceedings and sentences of courts-martial. Here shall be recorded the rank roll of the Virginia continental and state lines, and the returns of the strength of their respective corps. From this office shall issue all warrants for commissions to continental officers, and all commissions for the officers of the militia, signed by the governor and attested by the commissioner. It shall be the duty of the said commissioner to digest the various returns before mentioned from the departments into general abstracts, for the inspection of the executive and the legislature. He shall also superintend the establishment of magazines, the regularity of issues, and shall in general direct and manage (being subject both in the before enumerated duties, and also in all other things, to the controul and direction of the governor with the advice of the council) all matters and things within the department of war, as well as all persons holding offices or performing duties within that department.

And whereas from the constancy, difficulty and extent of business, which will of necessity pass through the said office, it will be expedient that the salary of the commissioner and the number of assistants should be increased; *Be it enacted*, That from and after the first day of July, one thousand seven hundred and eighty-one, the commissioner of the war office shall, in lieu of the salary heretofore given by law, receive

forty thousand pounds of tobacco per annum, to be paid quarterly; and he is hereby empowered to appoint one first clerk; who in the necessary absence of the commissioner may superintend and conduct the business of the office, and also one assistant clerk. The said first clerk shall receive an annual salary of twenty thousand pounds of tobacco, to be estimated and discharged in like manner with the salaries given by law to other public officers, and the assistant clerk the same salary as is allowed to the clerk of the council.

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CHAP. XVI.

*An act for making the money emitted at this session of assembly a legal tender, and for punishing the counterfeiters of the same.*

*BE it enacted by the General Assembly,* That the money emitted or to be emitted by an act of this present session of assembly, entitled "An act to empower the treasurer to emit a further sum of money," shall be to all intents and purposes a legal tender for all debts, in like manner as the money emitted at the last session of assembly. Paper money emitted at this session a legal tender.

*And be it enacted,* That the same pains and penalties be inflicted on all persons for altering, erasing, counterfeiting or passing the same, or for having types or stamps as described in an act passed at the last session, entitled "An act for punishing the counterfeiters of the paper money of this state or of the United States, and for making the same a legal tender," as by the said act are imposed and inflicted against such offenders. Forging or counterfeiting, how punishable.

## CHAP. XVII.

*An act to empower the treasurer to emit a further sum of money.*

Further emission of paper money authorised.

WHEREAS the money already ordered to be emitted by an act of the last session, may be expended before the meeting of the next session of assembly, and it is expedient that the treasurer should be empowered to emit a further sum of money to supply the exigencies of government; *Be it therefore enacted*, That the treasurer of this commonwealth shall have power, and he is hereby required to issue treasury notes in dollars for any sum or sums of money which may be necessary for the exigencies of the state. The sum or sums of money to be emitted by virtue hereof, shall not exceed the sum of twenty millions of pounds, which money shall be receivable in all taxes whatsoever, and the public faith is hereby pledged for the redemption thereof, on or before the thirtieth day of December, one thousand seven hundred and ninety-four, by fair and equal assessment upon the whole property of this commonwealth.

One for forty

*And be it farther enacted*, That the governor, with advice of council, shall have power to stop the issuing of any part of the aforesaid sum if the situation of the country will permit. The treasurer shall cause the said notes to be engraved and printed in such manner and upon such paper as he may think most likely to secure them against counterfeits. The face of the notes thus to be emitted shall read in manner following, to wit: "No. ———— dollars. This bill of ———— dollars shall be exchanged and redeemed in Spanish milled dollars, or the value thereof in gold or silver, at the rate of one for forty, at the treasury of Virginia, on or before the thirtieth day of December, one thousand seven hundred and ninety-four." On each of the said notes the treasurer shall cause such a device to be printed as will readily distinguish them from any others heretofore emitted. He shall also appoint proper persons to over-look the press, to number and sign the said notes upon the best terms he can, always observing to publish the names of such numberers and sign-



ers in the news-paper. The bills of credit to be emitted by virtue of this act, shall be entered in the auditors office to the treasurer's account, and be signed by one of the auditors or by one of their clerks or by an assistant clerk, whom the auditors may appoint for this special purpose, who shall receive such an allowance for his trouble as they shall judge reasonable, without which signature the said bills of credit shall not be current.

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### CHAP. XVIII.

#### *An act for the relief of certain persons now resident on the western frontier.*

WHEREAS a number of poor persons with their families have removed to the Kentucky country, and by reason of great hardships they have encountered and expences incurred by them in their removal to that distant place and the parts adjacent, they have become unable to advance ready money to pay the state price of vacant lands. For relief of such poor persons, *Be it enacted by the General Assembly,* That the courts of the counties of Lincoln, Fayette and Jefferson, be, and they are hereby empowered and required to issue their orders to the surveyors of the said counties respectively, commanding them to lay out and survey for such poor settlers any tract of land in the said counties or either of them which shall be vacant. And the surveyor shall proceed with all possible expedition to survey such vacant land and make out plats and certificates for the same in the usual manner; and the register of the land office and all other officers of government, shall proceed in the usual manner for completing the titles of such lands as in similar cases. *Provided,* That no persons shall be entitled to lands under this act, except such as are now actually resident in that country or the parts adjacent, and the masters and mistresses of families there at this time, and have not

County courts in the Kentucky country, authorised to direct surveys to poor persons, actual settlers, not exceeding 400 acres to a family.

acquired a right to land there either in law or equity, and are too poor to procure lands in the ordinary method. And the courts of the said counties are hereby required diligently to enquire into the circumstances aforesaid, and to grant no order of survey to any person except as before excepted. No order of survey under this act shall exceed the quantity of four hundred acres for each family, and the surveyor shall lay out the same in one tract, the greatest length of which shall not exceed the breadth by more than one third. All persons claiming under this act, besides the usual office fees, shall pay into the public treasury after the rate of twenty shillings in specie, or the value thereof in paper money, for every hundred acres, within two years and an half from the date of the survey, as the state price, and in default of making such payment, all right and interest to such surveys shall be forfeited to the commonwealth, and the lands subject to the claim of any person who shall pay the said state price for the same, and prosecute by way of caveat in the manner prescribed by law. All orders of survey and proceedings contrary to the true intent and meaning of this act shall be void and of no effect or avail to the persons claiming under them. This act shall continue to be in force two years, and no longer.

Time of payment.

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## CHAP. XIX.

### *An act for making provision for the payment of the salaries of the officers of government.*

Preamble. WHEREAS the average price of tobacco fixed by the grand jury at the last session of the general court, for the payment of the salaries of the officers of government, hath been found inadequate, and any estimate to be made of the average price of that article in manner aforesaid or by the market price thereof, may, during

the fluctuation of the times, produce injustice to the said officers; *Be it therefore enacted by the General Assembly,* That for every hundred pounds of tobacco given by law to the officers of the civil list establishment respectively, including the commissioner of the war office, members of the general assembly, the clerks allowed to any of the said officers and those of the several public boards, there be allowed the sum of twenty shillings in specie, which specie shall be discharged in current money of the state according to such difference of exchange as shall be settled by the grand jury at the first session of the general court which may be held after the passing this act. And such difference of exchange shall thereafter continue to be made by the grand jury at each of the quarterly sessions of the general court in every year, and be the ratio by which the said salaries shall be discharged in future.

Salaries of officers of government how liquidated.

Grand jury to settle difference of exchange.

*And be it farther enacted,* That until the first session of the general court to be held after the passing of this act, there be allowed and paid to the said officers of government respectively (including their present quarterly salaries) the sum of one hundred and fifty pounds in the current paper money of this state for every twenty shillings in specie which may become due to them by virtue of this act.

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## CHAP. XX.

### *In act for enlisting soldiers to serve in the continental army.*

*BE it enacted,* That the governor, with the advice of council, immediately upon the passing of this act, shall proceed to appoint some discreet officer or officers in the respective counties within the state, to recruit by voluntary enlistments, any number of soldiers not exceeding the number of three thousand, for the term of two years or during the war; each soldier to be five feet four inches high, not being a deserter nor subject to fits, of able body and sound mind, fit for im-

Officers appointed, to enlist soldiers for two years, or the war.

mediate service. The recruiting officers shall be allowed all reasonable expences incurred whilst in discharge of duty, to be examined and settled by the auditors of public accounts, and a warrant shall issue to the treasurer for the payment of any sum so expended as to them shall seem just and reasonable. For every soldier enlisted as above described the recruiting officer shall be entitled to the sum of twenty shillings in specie, or the value thereof in paper money. The governor, with the advice of council, shall have power to advance any sum of money necessary for the full execution of this act, either to the officers aforesaid or to some other proper person in each respective county where the recruiting business shall be, first taking bond and good security if necessary for the faithful application of the same. The men when enlisted shall be entitled to subsistence from the day of their enlistment.

*And be it enacted,* That every soldier who shall enlist to serve in the continental army for the term of two years or during the war, shall be allowed the sum of ten thousand dollars, to be paid down as soon as he is sworn for that purpose, and shall also be entitled to all other immunities that other continental soldiers are. The governor, with advice of council, shall appoint the place of rendezvous and also a proper officer to take a review of all the troops that are enlisted, and shall order the same to be marched on to join the army with all possible expedition. If upon a review any soldier shall be deemed unfit for service, the officer so recruiting him shall be responsible for the bounty-money or find another in his room. The time of service shall begin from the date of the review, and not sooner.

Expenses of recruiting service, how paid.

Bounty and immunities.

## CHAP. XXI.

*An act for giving farther time to delinquent counties to pay their specific tax.*

WHEREAS it hath been represented that there are great deficiencies in the collections of grain under the act "For laying a tax payable in certain enumerated commodities," which hath in a great measure been owing to the frequent calls of the militia, by which means many were in service at the time the said act should have been complied with. And whereas the demand for grain for public use is pressing, and it is indispensably necessary that further time should be given for the collection of the same; *Be it therefore enacted*, That the commissioners of the grain tax in each county where the collection hath not been made, be empowered and required to receive from each person offering the same till the first day of August next, so much of the commodities as by the said recited act they may be chargeable with, of which public notice shall be given in their several counties, and the said commissioners shall, after the said first day of August, make proper returns to the executive of all such commodities by them received.

Further time  
allowed for  
payment of  
specific tax.

## CHAP. XXII.

[Chan. Rev. P. 142.] *An act to amend the act entitled an act for adjusting and settling the titles of claimers to unpatented lands under the present and former government, previous to the establishment of the commonwealth's land office.*

Allowances to commissioners for adjusting claims to lands, and their attendants, increased.

I. WHEEEAS the allowance heretofore made to the commissioners appointed to carry into execution an act entitled "An act for adjusting and settling the titles of claimers to unpatented lands," and to the sheriffs, surveyors and clerks attending the same, is inadequate to their trouble and expences; *Be it enacted*, That each commissioner for every day he shall necessarily be employed in going to, attending on and returning from the business of his office, shall receive sixty pounds, the sheriff thirty pounds for every day he shall attend, and the surveyor thirty pounds for every day he shall attend, in lieu of the former allowance made by the said recited act.

Tax on suitors increased.

II. And whereas the expence of carrying the said act into execution will be greatly increased, and it is reasonable and just that such expence should be defrayed by the persons to be benefitted thereby; *Be it farther enacted*, That for every hundred acres of land contained within the certificates to be granted by the commissioners, the party receiving the same shall pay twenty dollars to the commissioners, besides a fee of ten dollars for each certificate to the clerk.

County courts in district of Kentucky authorised to hear and determine land claims, left unfinished by commissioners.

III. And whereas the commissioners appointed for the purpose of carrying into execution the before-recited act, were discontinued in the district of Kentucky, whereby many good people of this commonwealth were prevented from proving their rights of settlement and pre-emption in due time, owing to their being engaged in the public service of this country; *Be it therefore enacted*, That the county courts in which such lands may lie, are hereby empowered and required to hear and determine such disputes as have not heretofore been

determined by commissioners acting in that country under the act of assembly; taking for their guide and direction the acts of assembly whereby the commissioners were governed. And the register of the land office is hereby empowered and directed to grant titles on the determination of such courts in the same manner as if the commissioners had determined the same.

Register to  
issue grants  
thereon.

### CHAP. XXIII.

*An act to empower the governor and council to fix the value of provisions impressed for the use of the army.*

WHEREAS great abuses have happened and may happen both in the inequality of the prices and the exorbitancy of the sums at which provisions to be impressed for the use of the army shall be appraised; *Be it therefore enacted*, That so much of the laws heretofore in force or which have passed during the present session of assembly, as relate to the valuation of any provisions so impressed, are hereby repealed, and in lieu thereof, *It is enacted*, That the governor and council be empowered to fix from time to time a reasonable price in specie for all the said articles, as enumerated in and by an act of October session, one thousand seven hundred and eighty, entitled “An act to revive and amend the act for procuring a supply of provisions and other necessaries for the use of the army,” and shall also be empowered to settle the allowance to be made in current money upon all certificates granted under this act, which shall be paid in taxes, to which said price and allowance the auditors of public accounts shall pay due regard, which shall be their guide for settling all certificates for the articles so enumerated; *Provided*, That where the quantum or weight of any such article may be matter of doubt, it shall be ascertained by the opinion of two indifferent persons under the same regulations as appraisements would have been made except for this act.

Governor &  
council au-  
thorised to  
fix the value  
of provisions  
impressed  
for the use  
of the army.





GENERAL ASSEMBLY,

BEGUN AND HELD

At the Public Buildings in the Town of Richmond, on Monday the fifth day of November, in the year of our Lord one thousand seven hundred and eighty-one, and in the sixth year of the commonwealth.

Thomas Nelson, jun. esq. governor.\*

CHAP. I.†

*An act for incorporating the town of Fredericksburg, in the county of Spotsylvania.*

1. FOR incorporating the town of Fredericksburg in the county of Spotsylvania, *Be it enacted*, That it shall be lawful for the freeholders and house-keepers who shall have been resident in the said town three months next preceding such election, to meet at some convenient place in the said town annually on the third Monday in March, and then and there nominate and elect by ballot, twelve fit and able men, being freeholders and inhabitants of the town, to serve as mayor, recorder, aldermen and common councilmen for the same; and the persons so elected shall, within one week after their election, proceed to chuse by ballot out of their

Town of Fredericksburg incorporated.

Officers, how elected.

\* Thomas Nelson, jun. esq. was elected governor June 12th 1781; and on the 30th of November 1781, Benjamin Harrison, esq. was elected his successor.

† In the original the acts of this session are distinguished both by chapters and sections.

own body, one mayor, one recorder, and four aldermen, and the remaining six shall be common councilmen, whose several authorities as mayor, recorder, aldermen and common councilmen, shall continue until the third Monday in March in the year succeeding, and until others shall be qualified in their stead, and no longer, unless where re-elected. That the mayor, recorder, aldermen and common councilmen so elected, and their successors, shall, and are hereby made a body corporate and politic, by the name of mayor and commonalty of the town of Fredericksburg, and by that name to have perpetual succession, with capacity to purchase, receive, and possess lands and tenements, goods and chattels, either in fee or any lesser estate therein, and the same to give, grant, let, sell, or assign again, and to plead and be impleaded, prosecute and defend all causes, complaints, actions, real, personal or mixt, and to have one common seal and perpetual succession. That the person who shall be first elected mayor of the said town, shall, within one week after his election, take an oath or make solemn affirmation before a justice of the quorum in the commission of the peace for the said county of Spotsylvania, for the due and faithful execution of his office; and every succeeding mayor shall be qualified to his office before the mayor for the time being; and every recorder, alderman and common councilman shall take the like oath or make the like affirmation with respect to their office, before the mayor for the time being: But no person shall hold the office of mayor for more than one year within any two years: *Provided nevertheless*, Where a vacancy shall have happened in the office of mayor within the year, the person elected for the remainder of that year, may be elected again at the next general election, and act in the said office until the next general election, and until another shall be elected and qualified in his stead.

II. *And be it enacted*, That the mayor, recorder and aldermen for the time being, are hereby declared and constituted justices of the peace within the limits of the said town, which limits shall extend to low-water mark on the north-west side of Rappahannock river, and a half a mile without and around the other limits of the said town, and have the like jurisdiction in all cases whatsoever, originating within the limits aforemen-

Designation  
of officers.

Style of cor-  
poration.

Corporate  
powers.

Officers, how  
qualified.

Limitation  
of office of  
mayor.

Territorial  
limits of ju-  
risdiction.

tioned, as the justices of the county courts within this state now have. That the said mayor, recorder and aldermen, or any four or more of them (the mayor or recorder being one) shall have power to hold a court of hustings on the third Monday in every month, and to hold pleas in all cases whatsoever, originating within the limits before described, in the same manner as the county courts may do. To have the sole power of licencing tavern-keepers and settling their rates, to appoint a serjeant, who shall have the power of a sheriff, constables, and other necessary officers of court, and surveyors of the streets and high ways, and to settle and allow reasonable fees of office, so as the same do not exceed the fees allowed the like officer in the county courts: *Provided*, That the said officers shall take an oath of office before the said court of hustings, before they shall be allowed to act, and that the serjeant shall moreover give bond and security for the due performance of his office, which bond shall be made payable to the mayor for the time being, and his successors, and may be put in suit by the party grieved, in like manner as sheriffs bonds. *And provided always*, That in civil cases, the said court of hustings shall not have jurisdiction where the demand shall exceed one thousand pounds of crop tobacco, or the value thereof in money at the time of entering the action, unless both parties shall be inhabitants of the town, at the time of suing out the first process in the suit.

Judicial and ministerial powers.

Civil jurisdiction limited.

III. *And be it farther enacted*, That the mayor, recorder, aldermen and common councilmen shall have power to erect work-houses, houses of correction, prisons, and other public buildings, for the benefit of the town, and to make bye-laws and ordinances for the regulation and good government of the said town; and to assess the inhabitants, and all property within the actual bounds of the said town, for the charge of repairing the streets: *Provided*, That such bye-laws and ordinances shall not be repugnant to, or inconsistent with, the laws and constitution of this commonwealth. And the mayor, recorder, aldermen and common councilmen shall have power to hold and keep within the said town, two market days, the one on Wednesday, the other on Saturday, in every week, and from time to time to appoint a clerk of the market, who shall have assize of bread, wine, wood, and other things,

Powers of corporation to erect public buildings; to pass bye-laws; to assess taxes.

Market days

Penalties for refusing to execute offices.

and generally to do and perform all things belonging to the office of the clerk of the market within the said town. And every person to be elected to any office as afore-directed, and refusing to undertake and execute the same, shall pay the fines following, that is to say: The mayor fifty pounds, recorder forty pounds, aldermen thirty pounds, common councilmen twenty-five pounds, serjeant one hundred pounds, constable fifty pounds, clerk of the hustings court, and clerk of the market, each fifty pounds, surveyors of the streets or roads thirty pounds each, to be imposed by the judgment of the said court of hustings for the use of the town, and levied by execution against the goods and chattels of the offender. And in case of misconduct in the office of mayor, recorder, aldermen, common councilmen, or either of them, the others, being seven at the least, shall have power to remove the offender; and as to all other offices, the power first appointing shall or may at pleasure revoke. And in case of vacancy in the office of mayor, recorder, aldermen or common councilmen, the vacancy shall be filled up in the following manner: The recorder shall succeed the mayor, the eldest alderman succeed the recorder, and so on according to priority, to be reckoned by the number of votes at the last election. And if a vacancy shall happen among the common councilmen, his place shall be filled from the body of the freeholders within the town, by ballot of the mayor, recorder, aldermen and common councilmen.

Officers, how removed for misconduct.

Vacancies, how supplied.

Common council, how convened.

IV. *And be it farther enacted,* That the mayor, recorder, and two of the aldermen shall have power, so often as they find occasion, to summon a common council of the said town, which shall consist of the mayor, recorder, two aldermen, and four common councilmen, at the least; that no law, order or regulation shall be binding and valid, nor shall the same be revoked or altered, or fine imposed for a breach thereof, unless seven members concur therein.

Property heretofore vested in trustees, particularly the donation of Archibald M'Pherson, transferred to corporation.

V. *And be it farther enacted,* That all the property, real and personal, now held or possessed by the trustees of the said town of Fredericksburg, in law or equity, or in trust for the use and benefit of the inhabitants thereof, and particularly the charitable donation of the late Mr. Archibald M'Pherson, now vested in the trustees of the said town, in trust for the educa-

tion of poor children, shall be, and the same are hereby transferred and vested in the mayor and commonalty of the said town, to and for the same uses, intents and purposes as the trustees of the said town now hold the same; any former law, or any clause or devise in the said Archibald M'Pherson's will, to the contrary thereof notwithstanding. And in all courts of law and equity, this act shall be construed, taken and held most beneficially and favourably for the said corporation.

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## CHAP. II.

*An act to repeal an act entitled an act for farther continuing an act entitled an act to empower the governor and council to lay an embargo for a limited time.*

I. *BE it enacted*, That an act entitled "An act for farther continuing an act entitled An act to empower the governor and council to lay an embargo for a limited time," shall be, and the same is hereby repealed.

Act empowering governor & council to lay embargoes repealed.

## CHAP. III.

[Chan. Rev. p. 142.] *An act for farther continuing an act entitled an act to exempt artificers employed at iron works from militia duty.*

Act exempting artificers at iron works, from militia duty, further continued.

I. WHEREAS the act of assembly passed at the last March session, entitled "An act to exempt artificers employed at iron works from militia duty," which was continued by an act passed at the last session, will expire at the end of this present session of assembly; and it is expedient and necessary that the same should be farther continued:

II. *Be it therefore enacted by the General Assembly,* That the act entitled "An act to exempt artificers employed at iron works from militia duty," shall continue and be in force from and after the expiration thereof, until the end of the next session of assembly, and no longer.

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 CHAP. IV.

*An act to suspend the execution of an act entitled an act to empower the court of Green Brier county to have a waggon road opened from their courthouse to the eastern waters.*

Act empowering court of Greenbrier county to have a waggon road opened from their courthouse to the eastern waters suspended.

I. *BE it enacted by the General Assembly,* That the execution of the act of assembly entitled "An act to empower the court of Greenbrier county to have a waggon road opened from their court-house to the eastern waters," and all proceedings had thereupon, shall be, and the same are hereby suspended for the term of two years.

CHAP. V.

*An act to empower the register of the land office to appoint a deputy on the western waters.* [Chan. Rev. P. 143.]

I. WHEREAS under the present mode established by law for obtaining grants for waste and unappropriated lands within this commonwealth, many of the good citizens thereof are subject to great inconvenience and expence in travelling to the land-office in order to produce the necessary title papers for obtaining grants on the same; for remedy whereof, **Preamble.**

II. *Be it enacted by the General Assembly,* That the register of the land-office shall, and he is hereby empowered to appoint a deputy, for whose good conduct he shall be accountable, to reside in some convenient part of the Kentucky country, whose business it shall be to receive the platts and certificates of all surveys made within the counties of Lincoln, Jefferson, and Fayette, together with the title papers upon which they are founded, to be by him registered in a book to be kept for that purpose; all which platts and certificates of survey, as well as all such title papers, the said deputy register shall once in every six months, or oftener if convenient, transmit to the principal land-office, to be proceeded on in the same manner as if the entry had been there first made. And when titles are completed upon the said platts and certificates of survey, the register shall forward the same to his deputy, who shall, after making a proper entry thereof in his office, deliver them out to the proprietors. **Register of the land office to appoint a deputy, to reside in the Kentucky country.**  
**His duties.**

## CHAP. VI.

*An act to secure to persons who derive titles to lots, lands or tenements under the lottery, or under a deed of trust of the late William Byrd, esquire, a fee simple estate therein.*

**I. WHEREAS** there are divers persons possessed of lots in the towns of Richmond and Manchester, and of lands and tenements contiguous thereto, who derive titles to the same under the lottery of the late William Byrd, esquire, whereof John Robinson, Peter Randolph, Peyton Randolph, Presley Thornton, John Page, Charles Carter, and Charles Turnbull, esquires, were appointed managers and trustees; and other persons are possessed of lands and tenements, who purchased and derived titles to the same, under a deed of trust, bearing date the eighteenth day of December, one thousand seven hundred and fifty-six, made and executed by the said William Byrd, esquire, to the said John Robinson, Peter Randolph, Peyton Randolph, Presley Thornton, John Page, Charles Carter, and Charles Turnbull, esquires, for the purpose of paying his, the said William Byrd's debts, which said deed of trust is recorded in the general court of this commonwealth. And whereas by the deaths of the said William Byrd, John Robinson, Peter Randolph, Peyton Randolph, Presley Thornton, and John Page, esquires, there are not now living a sufficient number of the said trustees to execute proper deeds of conveyance for the said lots, lands and tenements to the purchasers thereof, whereby the several proprietors are discouraged from improving the same: For remedy whereof,

**II. Be it enacted by the General Assembly,** That the said Charles Carter, esquire, the only acting surviving trustee of the said William Byrd, be, and he is hereby empowered and required, upon the application and at the costs and charges of the said purchasers, to execute deeds of conveyance in fee simple for the aforesaid lots, lands and tenements to the respective pur-

Charles Carter, esq. the surviving trustee of William Byrd, esq. authorised to convey lots and lands, held under Byrd's lottery, and a deed of trust.



chasers thereof, which said deeds so to be executed shall be as good and effectual in law for conveying the right to the said lots, lands and tenements, and to every of them, as though the same had been made and executed by a majority of the aforesaid trustees: *Provided nevertheless,* That nothing in this act contained shall be construed to alter or affect the title to any of the before-mentioned lots, lands or tenements, where two or more persons set up titles or claim to the same lot or tenement as purchasers, either under the aforesaid lottery or deed of trust, nor to affect the title or claim of the heir at law of the said William Byrd, esquire, to all or any of the aforesaid lots, lands or tenements; *Provided,* The said heir at law prosecute such claim within twelve months from the passing of this act.

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CHAP. VII.

*An act for dividing the county of Bedford.*

1. *BE it enacted by the General Assembly,* That from and after the first day of February next, the county of Bedford shall be divided into two distinct counties, by a line to begin at the mouth of Judy's creek on James river, thence to Thompson's mill on Buffalo creek, thence to the mouth of Back creek on Goose creek, thence the same course continued to Staunton river, and that part of the said county lying east of the said line, shall be called and known by the name of Campbell; and all the residue of the said county shall retain the name of Bedford. That a court for the said county of Campbell shall be held by the justices thereof on the first Thursday in every month after the said division shall take place, in such manner as is provided by law for other counties, and shall be by their commissions directed.

Bedford county divided, and Campbell formed.

Boundaries.

Court days.

15. *And be it farther enacted,* That the justices to be named in the commission of the peace for the said county of Campbell shall meet at the house of Micajah

Ferrill, in the said county, upon the first court day after the said division shall take place, and having taken the oaths prescribed by law, and administered the oath of office to, and taken bond of the sheriff according to law, proceed to appoint and qualify a clerk, and fix upon a place for holding courts in the said county, at or as near the centre thereof as the situation and convenience will admit of; and thenceforth the said court shall proceed to erect the necessary public buildings at such place; and until such buildings be compleated, to appoint any place for holding courts as they shall think fit. *Provided always*, That the appointment of a place for holding court, and of a clerk, shall not be made, unless a majority of the justices of the said county be present. Where such majority shall have been prevented from attending by bad weather, or their being at the time out of the county, in such cases, the appointment shall be postponed until some court day when a majority shall be present. That the governor, with advice of the council, shall appoint a person to be first sheriff of the said county, who shall continue in office during the term, and upon the same conditions as is by law appointed for other sheriffs.

III. *Provided always, and be it farther enacted*, That it shall be lawful for the sheriff of the said county of Bedford, to collect and make distress for any public dues or officers fees which shall remain unpaid by the inhabitants thereof at the time such division shall take place, and shall also be accountable for the same in like manner as if this act had not been made; and that the court of the said county of Bedford shall have jurisdiction of all actions and suits in law or equity, which shall be depending before them at the time of the said division, and shall try and determine the same, and issue process and award execution thereon.

IV. And whereas by the division of the said county, the court-house in the county of Bedford will be inconveniently situated; *Be it therefore enacted*, That the justices thereof shall hold their first court at the house of David Wright, and the said justices, or a majority of them, shall have power to fix on a place in the said county, as near the centre thereof as the situation and convenience will admit of, for building a court-house and prison. and until such buildings are

completed, to hold courts at such place in the said county as they shall think proper. That in all elections of a senator; the said county of Campbell shall be of the same district with the county of Bedford.

CHAP. VIII.

*An act for regulating the military and naval arrangements of this state.*

I. WHEREAS there are several corps of troops on the state establishment of this commonwealth, which having very few soldiers in them cannot render any essential services, but are nevertheless productive of a considerable annual expence, which ought to be retrenched: Preamble.

II. *Be it therefore enacted,* That the officers of the regiments and corps now in the service of this state (except so many of them as are necessary to command the men actually in service) be, and they are hereby reduced; and the governor, with the advice of council, is hereby directed and required to consolidate the officers and men which shall be retained in service, into one or more corps, according to the number of privates, in such manner as shall be judged most expedient: *Provided,* That as the number of privates shall be lessened by the expiration of their enlistments or otherwise, the governor shall, with the advice of council, make from time to time a proportionate reduction of officers. *Provided also,* That nothing contained in this act shall be construed to affect the legions under the command of brigadier general Spotswood. Officers, in state line reduced.  
  
Regiments consolidated

III. *And be it farther enacted,* That the governor, with advice of council, is hereby directed and required to make immediate enquiry into the departments of state quarter-masters, commissaries of purchases and issues, commissioners acting under the provision law, and the state hospital, and to dismiss all persons who Not to affect gen. Spotswood's legions.  
State quarter masters, commissaries, commissi- sioners, &c. not absolutely necessary, to be discharged.

shall not be found absolutely necessary for the service of the troops which shall continue in service, and for the transportation of troops, stores and other necessaries for the southern army.

IV. And whereas during the continuance of the present expensive war it is necessary to husband the resources of the state with the utmost œconomy; and since the finances of the commonwealth will not admit of the putting the naval establishment at present upon such a footing as to be productive of any public benefit adequate to its expenditure;

Officers of navy reduced; & staff, including paymasters general of army and navy dismissed.

V. *It is farther enacted*, That the officers of the navy of every denomination, be, and they are hereby reduced; also that all and every person of the naval staff establishment, including the commissioner of the navy, chaplains, surgeons, paymasters, or others, shall be, and they are hereby dismissed; and that the paymasters general both of the army and navy shall be included among the number hereby directed to be dismissed; *Provided*, That such officers as shall be thought necessary for the command of the look-out boat Liberty, shall be retained in the public service.

But officers, for look-out boat Liberty retained.

Executive to call all officers reduced or dismissed to account.

VI. *And be it farther enacted*, That the executive and the officers of government whose business it is, shall take care to call all persons hereby reduced or dismissed, who have received any public monies on account, who have possession of any public stores, or who may be in any manner indebted to the state, or chargeable with delinquencies of any kind, to a strict account and settlement, and to exact speedy payment for all balances which may appear to be due. The governor, with the advice of council, may also order any surplus stores of provisions which may be in possession of the state quarter-masters, commissioners acting under the provision law, or commissaries, and are of a perishable nature, to be delivered over to the similar continental departments, taking care that proper vouchers, to make the continent chargeable therewith, be lodged with the auditors; or may otherwise dispose of them in the most beneficial manner for the state.

Surplus stores, &c. transferred to similar continental officers.

## CHAP. IX.

*An act to suspend the operation of an act to enable the congress of the United States to levy a duty on certain goods and merchandizes, and also on all prizes.*

I. WHEREAS in consequence of an act of the congress of the United States, recommending it to the several states to vest congress with a power enabling them to levy a duty of five per centum *ad valorem*, on certain goods, wares and merchandizes, and also on all prizes and prize goods, the last session of this present general assembly passed an act "To enable the congress of the United States to levy a duty on certain goods and merchandizes, and also on all prizes;" and it being represented that the other states in the union have not passed similar laws:

Act authorising congress to levy a duty on goods imported, and on prizes suspended, until the other states have passed similar laws.

II. *Be it enacted*, That the operation of the said act shall be, and the same is hereby suspended, until the governor by his proclamation, which he is hereby empowered to issue on being certified that the different states have passed similar laws, shall declare the said act to be again in force.

## CHAP. X.

*An act for restoring to Robert Baine his former estate.*

Estate of  
Robert  
Baine, sold  
as escheated  
property,  
restored to  
him.

I. *BE it enacted by the General Assembly, That* so much of the estate of Robert Baine, as was sold by virtue of the act of assembly entitled “An act concerning escheats and forfeitures from British subjects,” and purchased by the executive for the use of this state, shall, on the first day of February next, be vested in, and restored to, the said Robert Baine. That retribution be made by the public to the said Robert Baine, in manner directed by the said recited act, for so much of his estate as was sold to individuals. The auditors of public accounts shall settle and allow the said Robert Baine so much money as shall compensate not only for the use of the estate held by the public, but also for any timber that may have been taken from the land of the said Robert Baine, for public use, and to draw on the treasurer for payment thereof. The executive shall cause the estate to be delivered to the said Robert Baine, agreeable to the directions of this act. *Provided always,* That the said Robert Baine shall take the oaths of allegiance to this state before he shall be entitled to the benefit of this act.

CHAP. XI.\*

*An act for the relief of persons who have been or may be injured by the destruction of the records of county courts.* [Chan. Rev. p. 143.] See May 1782, ch. 41.

I. WHEREAS during the late invasion, the records of several county courts within this commonwealth, with other papers of consequence, were burnt or otherwise destroyed by the enemy, and this assembly being willing to afford all possible relief to the persons concerned in the said misfortune, whose estates, titles and interests may be affected thereby: *Be it therefore enacted by the General Assembly,* That the courts of the counties where any such destruction may have happened, when any original deeds with the endorsement of the acknowledgment or proof thereof, and order for recording the same attested by the clerk of the court, or the copies of any deeds with the endorsements so attested, or of any wills with the endorsement of the proof and order for recording the same so attested, or of any judgment, decree, or order of court in like manner attested, the original records of which deeds, wills, judgments, decrees or orders are lost, (shall be produced to them for that purpose) shall order the clerk to again record all such original deeds, copies of deeds, or wills with the said endorsements respectively, and all such copies of judgments, decrees, and orders of the court of their county; and the said clerk, when he shall have recorded any thing in pursuance of this act, shall endorse on the same that the original hath been destroyed by the enemy, to which he shall subscribe his name, and likewise enter the same endorsement upon record with the thing recorded, which shall have the same operation and effect in law, to all intents and purposes, as if the said original records had not been lost.

Preamble

Where deeds, wills, judgments, decrees, or orders have been destroyed by the enemy, attested copies to be again recorded.

How far evidence.

\* In the *Chancellors' Revisal*, the sections of this act are differently arranged from the original. As most of the references, in other books, have been made to the *Chancellors' Revisal*, and not to the original acts, it is deemed most proper to preserve the arrangement made in that collection.

**II.** *And be it farther enacted,* That the clerks of the several courts shall do and perform the services in this act mentioned for the same fee that is or shall be allowed by law in other cases for a copy of any thing herein before-mentioned; and in like manner shall take no other or greater fee for the recording any deed which hath been already made and recorded, or shall be made by occasion only of the misfortune aforesaid, for the settling the right or title of any person or persons whatsoever to lands and tenements, slaves or goods and chattels, than in other cases is or shall be allowed by law for a copy of any such deed, any law, custom or usage to the contrary notwithstanding.

**III.** *And for perpetuating the testimony of witnesses in relation to any deed, will, inventory, or other writing recorded in the county courts where the original is lost and no attested copy thereof can be produced, Be it farther enacted,* That it shall and may be lawful for the governor, with the advice of council, to issue one or more commissions (as the case may require) under the seal of the commonwealth, to nine able and discreet persons directed, giving them, or any three or more of them, full power and authority to meet at some convenient place by them to be appointed, and to adjourn from time to time as they shall think fit, and to summon, hear and examine all witnesses at the instance of any person whatsoever touching the premises; and to take their depositions in writing, and to return the same, with such commission or commissions, to the executive, which depositions shall be by them laid before the general assembly at the next session, to the end they may be enabled to give such effectual relief to the sufferers by the loss of the said records, as to them shall seem most just and reasonable. And the said commissioners shall have power to appoint some fit person skilled in clerkship to attend them for keeping a journal of their proceedings, and drawing the depositions aforesaid, which person shall be paid for his services by each county respectively.

Fees of clerks.

For perpetuating testimony, executive to appoint commissioners.

How to take depositions, and where to return them.

Power to appoint a clerk.



CHAP. XII.

*An act to remove the suspension of the superior courts, and to alter the terms of holding the same.* [Chan. Rev. P. 144.]  
 See ante p. 421.

I. WHEREAS by an act passed the last session of assembly, the county, as well as other courts, were suspended under certain exceptions; and such suspension being now unnecessary and improper: *Be it therefore enacted*, That the said courts shall hear and determine any matter, cause or thing, in like manner as they could or might have done before the passing of the said act. That the sessions of the general court shall hereafter begin on the first day of April and October in every year, if not Sunday, and then on the Monday thereafter. That a court of appeals shall hereafter be holden on the twenty-ninth, or when that shall happen to be Sunday, on the thirtieth day of April and October in every year. That the two sessions of the court of chancery shall hereafter begin on the fifth day of May and November in every year, if not Sunday, and then on the Mouday following. Preamble.  
 Suspension of courts removed.  
 Terms of court of appeals, high court of chancery, & general court altered.

II. *Provided always, and be it farther enacted*, That the court of appeals shall have power to hold their court any number of days exceeding the term now fixed by law, as they may think necessary to go through the business depending before them, in which case the court of chancery shall stand adjourned to, and commence on, the day next succeeding the rising of the said court, if not Sunday, and then the day following. Court of appeals may sit beyond their term; and then the chancery term to commence the day after.

## CHAP. XIII.

{Chan. Rev.  
p. 144 }

See Oct.  
1782, c. 13.

*An act for calling in and funding the paper money of this state.*

Paper money not a legal tender; except for taxes.

To be returned to treasurer, & destroyed.

Not returned, forfeited

Loan office certificates, for paper money returned, to be delivered by treasurer, at the rate of one for a thousand.

When redeemable.

Interest payable annually.

I. *BE it enacted by the General Assembly, That* from and after the passing of this act, the paper money heretofore issued by this state shall cease to be a tender in payment of any debt or contract whatsoever, except in payment of taxes due to the several collectors thereof for the year one thousand seven hundred and eighty-one; and that on or before the first day of October, in the year one thousand seven hundred and eighty-two, the proprietors or holders of the said paper money shall deliver or cause the same to be delivered to the treasurer for the time being, at his office, where the said paper money so received shall be destroyed and not re-issued; and if any proprietor or holder of the said paper money shall refuse or neglect to deliver the same to the treasurer, at his office, as aforesaid, such proprietor or holder shall forfeit his, her, or their interest in the same, and the said paper money so withheld or neglected to be delivered, shall not, from and after the said first day of October, in the year one thousand seven hundred and eighty-two, be redeemable.

II. And whereas it is necessary that the just value of the public debt in specie, arising from the emissions of the paper money aforesaid, should be ascertained, and that equitable compensation should be made to the proprietors or holders of the said money, *Be it farther enacted by the authority aforesaid, That* the treasurer for the time being, upon the receipt of the paper money as aforesaid, shall deliver to the proprietors or holders thereof, a loan-office certificate, of the value of the said paper money received from such proprietors or holders, in specie, at the rate or difference of one thousand for one in specie, to be entered with the auditors of public accounts, which said certificates shall be redeemable, and paid in specie, by the treasurer for the time being, that is to say, The principal for which such certificate shall be granted, on or before the first day of December, in the year one thousand seven hundred and ninety, and the interest at the rate of six per

centum, as the same shall become due thereon, annually, from the date of the said certificates; and for the punctual payment of the interest aforesaid, as the same shall become due, the treasurer for the time being, shall annually set apart so much of the revenue arising from taxes upon lands, and paid into the treasury, as shall be sufficient to discharge the same, which money so set apart as aforesaid, shall be applied to the payment of the interest aforesaid, and to no other use or purpose whatsoever.

III. *And be it further enacted*, That the treasurer for the time being, shall preserve a check or counterpart to all certificates granted by virtue of this act, and shall compare the same upon any demand for payment of interest or principal thereof, before the same shall be paid; and when any payment shall be made by virtue of this act, the treasurer shall specify the same in his hand writing, together with the date thereof, upon the back of the said certificate; and where any of the said certificates shall be transferred by the proprietor thereof, the same shall be done by assignment in writing on the back thereof, declaring the day when, and the person to whom, the same shall have been assigned; and where any certificate shall be transferred contrary to this act, the same shall be forfeited to the commonwealth, and be cancelled whenever the same shall be presented to the treasurer for payment thereof: *Provided nevertheless*, That any person possessed of, or holding any money emitted by congress, or by this state, shall be at liberty to lay out the same in the purchase of warrants for unappropriated lands, at the price now established by law, at any time before the said first day of October next.

Payments, on certificates to be endorsed.

Transferrable by assignment only.

Paper money receivable for land taxes.

IV. *And be it further enacted by the authority aforesaid*, That so much of all and every other act or acts providing for the redemption of the bills of credit emitted by this commonwealth, as is within the purview of this act, be, and the same is hereby repealed.

Repeal of former laws:

## CHAP. XIV.

*An act to empower the justices of James City county to hold their courts at any other place within the same than Williamsburg, during the continuance of the small-pox there.*

Justices of James City authorised to hold their courts any where in the county, during the prevalence of the small-pox in Williamsburg.

I. *BE it enacted by the General Assembly, That the justices of the peace for the county of James City shall, and they are hereby empowered to hold their sessions at such place in the said county as they may think proper, so long as the small-pox, or the infection of that disorder, in the city of Williamsburg, shall make it prudent so to do in the opinion of the said justices.*

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 CHAP. XV.

*An act to empower the executive to fit out a certain naval force.*

Executive authorised to fit out a naval force, of four gallees.

I. **WHEREAS** many great but fruitless expences have been incurred by calling out the militia to oppose the incursions and depredations of the enemy, since the use of gallees for that purpose has been laid aside, and the commerce of this commonwealth has been greatly distressed and its coasts ravaged by a very small and contemptible naval force of the enemy: For remedy whereof,

II. *Be it enacted, That the governor, with the advice of the council, be, and he is hereby empowered and directed forthwith to cause to be procured or built, equipped, officered and manned, four such gallees as they may think most likely to answer the above purposes.*

CHAP. XVI.

*An act for establishing a new ferry.* [Chan. Rev. p. 145.]

I. *BE it enacted by the General Assembly, That a public ferry be constantly kept at the following place, and the rates for passing the same shall be as follows, that is to say, From the land of William Black, in the county of Chesterfield, across James river to the public landing at Rockett's, in the county of Henrico, the price for a man, four pence, and for a horse the same. And for the transportation of wheel-carriages, tobacco, cattle and other beasts, at the place aforesaid, the ferry-keeper may demand and take the following rates, that is to say, For every coach, chariot or waggon, and the driver thereof, the same as for six horses; for every cart or four-wheel chaise, and the driver thereof, the same as for four horses; for every two-wheel chaise or chair, the same as for two horses; for every hog-head of tobacco as for one horse; for every head of neat cattle as for one horse; for every sheep, goat or lamb, one fifth part of the ferriage for one horse; and for every hog, one fourth part of the ferriage for one horse, and no more. If the ferry-keeper shall presume to demand or receive from any person or persons whatsoever, any greater rates than is hereby allowed for the carriage or ferriage of any thing, he shall, for every such offence, forfeit and pay to the party grieved, the ferriages demanded or received, and ten shillings; to be recovered with costs before a justice of peace of the county where such offence shall be committed.*

Ferry from Black's to Rockett's established.

Rates.

Penalty for exceeding legal rates.

II. *And be it farther enacted, That from and after the first day of August next, the ferry heretofore kept from the lands of John Lynch, in Bedford county, across the Fluvanna to the opposite shore in Amherst, shall be discontinued; and that instead thereof, a ferry shall be kept from the lands of the same John Lynch, lately purchased of Edmund Winston, esquire, across the said river to the opposite shore in Amherst, for transportation, over which the same rates of ferriages shall be demandable in specie as were before the year one thousand seven hundred and seventy-seven, and*

Lynch's ferry discontinued, and another established.—See May 1782, c. 20.

the courts shall have the same powers and the keepers be subject to the same penalties at the new ferry, as they had or were subject to, at the present one, before the said term.

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CHAP. XVII.

*An act giving powers to the governor, with the advice of council, to appoint a special court for the trial of certain offenders.*

Preamble. I. WHEREAS so much of the act entitled "An act for giving certain powers to the governor and council, and for punishing those who shall oppose the execution of laws," as relates to the appointment of a special court of oyer and terminer for the trial of certain offenders, hath already had its operation: And whereas many persons are already apprehended in different parts of the country, who are suspected of being unfriendly to this commonwealth, and who must continue in close confinement until April next, unless relieved by some more speedy mode of trial: In remedy whereof,

Governor & council authorised to constitute special court with powers of general court, for trial of criminal matters.

II. *Be it enacted by the General Assembly, That the governor, with the advice of council, may appoint some three persons learned in the law, either of the judges of this commonwealth or of others, by commission of oyer and terminer to hold courts at such time and place as shall be therein defined, which said court shall have full power to hear and determine all criminal matters which the general court might have heard and determined. The said court shall be attended either by the clerk or sheriff of the general court, or by the clerk or sheriff of the county wherein it shall be held, either of which sheriffs shall summon grand and petit juries from the adjoining counties, where the case may require it. Provided, That the said court may, by order, direct a venire to be summoned either of the bye-standers or of*

Mode of proceeding.

others, where the circumstances of the case may prevent the getting a jury from the vicinage. The said court shall be attended by the attorney-general, or in his absence by any attorney for the commonwealth. And if the clerk of the county shall attend the said court, he shall transmit to the clerk of the general court a transcript of the proceedings of such court, to be by him carefully preserved among the records of his office. All persons owing suit or service to the said court so to be erected, shall be subject to, and pay the same fines, forfeitures and penalties for any neglect of duty, as the like persons bound to render suit or service to the general court are liable to; the said court thus constituted, shall have power to adjourn from time to time, as to them shall seem good, or as the public exigencies may require.

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### CHAP. XVIII.

#### *An act for the relief of military pensioners.*

I. WHEREAS by the act of general assembly for establishing a board of auditors, the said board was authorised to allow pensions and sums in gross to a certain extent to officers and soldiers of the army or navy raised by act of general assembly and disabled in the service, and to the widows of those slain or dying therein; which allowances having been made in paper currency, have, by the depreciation of that, become inadequate to the benevolent purposes of the said act:

See vol. 9, p. 537.

II. *Be it therefore enacted by the General Assembly,* That all such allowances made, or to be made, shall be payable in specie, the auditors taking care that they be properly reduced where, in consideration of such depreciation, they shall have been made larger than they should be when to be paid in specie.

Pensions payable in specie.

## CHAP. XIX.

[Chan. Rev. p. 145.] *An act to adjust and regulate the pay and accounts of the officers and soldiers of the Virginia line on continental establishment, and also of the officers, soldiers, sailors, and marines, in the service of this state, and for other purposes.*

See Oct. 1780, c. 27, and notes.

Preamble. I. WHEREAS from the depreciation of paper money and other concurring circumstances, the pay of the officers and soldiers of the Virginia line on continental establishment hath been altogether inadequate to their services: To the end, therefore, that justice may be done and redress afforded as far as the present circumstances of the state will admit, *Be it enacted by the General Assembly*, That the whole pay and subsistence of the officers and soldiers of the Virginia line in continental service shall be made equal to specie from the first day of January, one thousand seven hundred and seventy-seven; that the auditors of public accounts do settle and adjust the pay and accounts of the said officers and soldiers from the said first day of January, one thousand seven hundred and seventy-seven, to the last day of December, one thousand seven hundred and eighty-one. And the said auditors are hereby authorised and directed to estimate in specie all sums of continental and state money received by the said officers and soldiers on account of their pay within the period aforesaid, agreeable to the dates of their receipts respectively, and according to a scale of depreciation hereafter mentioned and contained. And printed certificates (payable on or before the first day of January, one thousand seven hundred and eighty-five, with interest at the rate of six per centum per annum) expressing the sum in specie, shall, by the said auditors, be individually given to the said officers and soldiers for the respective balances that may appear to be due them by the public. And the said auditors shall, in like manner, settle and adjust the accounts of all officers and soldiers of the said line who have fallen or

For what time pay shall be equal to specie.

Auditors to adjust accounts according to scale of depreciation; and give printed certificates payable with interest.

Also of officers and soldiers dead.



died in the service during the said period; and their lawful representatives shall be entitled to such certificates, and all other benefits and advantages hereby granted to the officers and soldiers now in the line.

II. And whereas a number of officers and soldiers, who are now out of the service by the resignation of the officers and expiration of the terms of the soldiers, received no pay for some space of time before their leaving the service, by which the public is considerably in arrears to them: *Be it therefore enacted*, That the said auditors shall in like manner settle the accounts of the said officers and soldiers to the time of their leaving the service, and grant them certificates for the sums that may be found due them in manner as herein before directed for the officers and private men now in the line. And the said auditors shall, after having adjusted and settled the accounts aforesaid, return an exact list to the treasurer for the time being of the sums due and certificates granted therefor, of which a correct account shall be kept by the treasurer for his government at the time the said certificates shall be redeemable. And in the mean time, for the immediate relief of the officers of the line aforesaid, the auditors of public accounts are hereby directed to issue immediately after the passing this act, to all such of the said officers who shall have been in the said line prior to the first day of May, one thousand seven hundred and seventy-seven, and still belong thereto, like certificates for the amount of two years pay in specie, agreeable to the allowances made by a resolution of congress of the twelfth day of August, one thousand seven hundred and eighty, payable as aforesaid, with interest at the rate of six per centum per annum; and to all such of the said officers who shall have come into the service since that period, similar certificates for the amount of one year's pay, provided they shall have been in service one year.

Or out of the service, for the time they served.

Auditors to return a list of certificates to treasurer.

Advance to officers.

III. *And be it farther enacted*, That the wages of the said officers and soldiers shall, in future, be regularly paid in specie, or the value thereof, once in every quarter of a year at least.

Future pay in specie.

IV. *And be it farther enacted*, That the said auditors be, and they are hereby authorised to call on all officers of the said line who have drawn, from the continent or state, monies for public purposes and have

Officers to account for money advanced;

In what manner;

not accounted for the same, to settle their accounts thereon, according to the table of depreciation by this act established; and where it shall appear to the auditors aforesaid, that from captivity or other circumstances, officers have sufficient reasons for not having had their accounts settled in due time, or where it shall be manifested that there has been no misapplication of the said monies on the part of the said officers, that in such cases no depreciation shall be charged thereon; and that where it shall be made appear that officers have advanced of their own monies for the public service, they shall be allowed the full depreciation thereon. And all officers who have received cloathing from the state at stated prices, are to account for the same.

And for cloathing.

Certificates to be received on sale of forfeited estates.

V. *And be it farther enacted,* That the sales of all forfeited and escheated estates which shall hereafter be sold, shall be made in specie or tobacco, at a price to be fixed by the auditors of public accounts, and the persons employed in selling the same are hereby authorised and directed to receive the certificates to be given to the officers and soldiers of the Virginia line by virtue of this act, as equal to specie; and in all cases where monies are payable to the public for the sales of forfeited estates, the said certificates are to be considered as a lawful tender for the like sums of gold and silver.

If sales paid for in specie that to be reserved for redeeming certificates.

VI. *And be it farther enacted,* That in case any of the above-mentioned forfeited estates shall be sold and paid for in specie, the persons receiving the same shall pay the said money to the treasurer for the time being, which he is hereby directed to reserve for redeeming the certificates aforesaid which shall remain unpaid, in such manner as the general assembly shall order and direct: And the certificates for the sales of the said forfeited estates, and in other cases where the same may have been paid to the public in lieu of specie, shall be, by the persons so receiving them, delivered to the treasurer aforesaid, who is hereby directed to keep them to be cancelled and destroyed in such manner as the general assembly shall order and direct.

Scale of depreciation.

VII. *And be it farther enacted,* That the following scale of depreciation shall be the rule by which the said auditors shall be governed in the settlement aforesaid, to wit:

*In the year one thousand seven hundred and seventy-seven.*

January one and a half, February one and a half, In 1777.  
 March two, April two and a half, May two and a half,  
 June two and a half, July three, August three, Sep-  
 tember three, October three, November three, Decem-  
 ber four.

*In the year one thousand seven hundred and seventy-eight.*

January four, February five, March five, April five, In 1778.  
 May five, June five, July five, August five, September  
 five, October five, November six, December six.

*In the year one thousand seven hundred and seventy-nine.*

January eight, February ten, March ten, April six- In 1779.  
 teen, May twenty, June twenty, July twenty-one, Au-  
 gust twenty-two, September twenty-four, October twen-  
 eight, November thirty-six, December forty.

*In the year one thousand seven hundred and eighty.*

January forty-two, February forty-five, March fifty, In 1780.  
 April sixty, May sixty, June sixty-five, July sixty-five,  
 August seventy, September seventy-two, October se-  
 venty-three, November seventy-four, December seven-  
 ty-five.

*In the year one thousand seven hundred and eighty-one.*

January seventy-five, February eighty, March nine- In 1781.  
 ty, April one hundred, May one hundred and fifty,  
 June two hundred and fifty, July four hundred, Au-  
 gust five hundred, September six hundred, October  
 seven hundred, November eight hundred, December  
 one thousand.

VIII. And whereas a considerable part of the tract of country allotted for the officers and soldiers by an act of assembly entitled, "An act for establishing a land-office, and ascertaining the terms and manuer of granting waste and unappropriated lands," hath, upon the extension of the boundary line between this state and North-Carolina, fallen into that state, and the intentions of the said act are so far frustrated: *Be it therefore enacted,* That all that tract of land included within the rivers Mississippi, Ohio and Tenissee, and the Carolina boundary line, shall be, and the same is hereby substituted in lieu of such lands so fallen into the

Further tract of territory allotted for the officers and soldiers in lieu of that fallen into N. Carolina.

said state of North-Carolina, to be in the same manner subject to be claimed by the said officers and soldiers.

When and  
how their  
lands may be  
surveyed.

IX. *And be it farther enacted*, That the governor, with the advice of the council, shall, as soon as the circumstances of affairs will admit, appoint surveyors, to be nominated, examined and commissioned in the usual form, for the purpose of surveying and apportioning the said lands and the tract heretofore reserved for the said purpose to the said officers and soldiers agreeable to their ranks respectively, in such manner and in such proportions as are allowed by act of assembly as a bounty for military services: And it shall be lawful for the said officers to depute and appoint as many of their number as they may think proper to superintend the laying off the said lands, who shall have power to choose the best of the same, thus to be allotted, and point the same out to the said surveyors, who shall proceed to survey the same in the proportion as they shall be directed by the said superintendants, and shall in the same manner be subject to their orders throughout the survey, which said surveys shall be at the expence of the officers and soldiers: And after such survey, the portions of each rank shall be numbered, and the said officers and soldiers shall, according to their ranks respectively, proceed to draw lots for the numbers, which they shall have power to locate as soon as they shall think proper; which said lands shall be free from taxation during the continuance of the present war. *Provided nevertheless*, That if at any time after the said location and allotment shall have taken place, any officer shall resign, or by his misconduct forfeit his commission, the lot by him so located shall revert to the state: *And provided also*, That nothing contained in this act shall be construed to debar the officers of the artillery and cavalry, citizens of this state who received their appointments originally in the same, and have by a regular line of succession been, or shall be, promoted to a corps raised in another state, from any of the benefits hereby granted, or intended to be granted, to the officers of the Virginia line.

Return to be  
made of state  
officers and  
their merit.

X. And whereas by the reduction of the battalions and corps in the state service, a considerable number of officers have become supernumerary; *Be it enacted*, That a return of all the state officers shall be made to

the next assembly, wherein the corps, the rank of each officer, the date of his commission, the number of men at first raised in each corps, number of men when reduced and time when reduced, shall be particularly specified by the executive; and the executive are hereby empowered and required to set on foot proper enquiries to discriminate such officers as by unworthy conduct, or by any means whatever, be thought unfit to be considered as entitled to half pay.

XI. *And be it enacted,* That the whole pay and subsistence of the state troops be made good from the first day of January, one thousand seven hundred and seventy-seven, according to their times of service; and that the auditors of public accounts shall immediately liquidate and adjust the accounts of the officers and soldiers of the state battalions and corps, on the same principles and agreeable to the same scale of depreciation as is above directed in the case of the continental officers, and give certificates equal to specie individually for the respective balances: And that the state officers who now are in actual service shall have the same advances of pay, and in the same manner, for their present relief, as the officers in continental service.

Their pay & subsistence to be made equal to continentals

XII. *And be it enacted,* That the bounties of land given to the officers of the Virginia line in continental service, and the regulations for the surveying and appropriating the same, shall be extended to the state officers.

Also their bounty in land, to be surveyed as the regulars.

XIII. *And be it also enacted,* That the same indulgencies and advantages given to the state infantry shall be, and are hereby given to the officers and soldiers of the state cavalry, and on the same terms.

Cavalry the same advantages as infantry.

XIV. *And be it farther enacted,* That the officers and seamen of the navy of this state, as they stand arranged by a late regulation, shall be entitled to the same advantages as the officers belonging to this state in the land service, agreeable to their respective ranks.

Officers and seamen of the navy same as land service.

XV. *And be it farther enacted,* That all tobacco arising from the sale of confiscated estates shall be appropriated to the redemption and payment of the said certificates, and to no other intent or purpose whatsoever; and the treasurer is hereby directed and required to take speedy and effectual measures for the sale of all such tobacco for specie or the said certificates, and

Tobacco received for confiscated estates to be sold and the money to redeem certificates.

shall appropriate all the specie arising from such sales to the payment and redemption of such certificates as shall remain unpaid, and to no other purpose whatsoever.

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CHAP. XX.

*An act for adjusting claims for property impressed or taken for public service.*

Preamble. I. WHEREAS it has been represented to this present general assembly, that sundry of the inhabitants of the several counties throughout this commonwealth, have laboured under many hardships and inconveniencies from the mode which has lately been pursued in impressing their property; insomuch that the auditors of public accounts have in divers instances refused to grant warrants upon certificates given for such impressment. And whereas many have procured valuations on oath to fix demands against the public for horses and other property taken or impressed for public service, at rates far beyond the real value. For remedy whereof, and for relief of all persons concerned,

County courts to receive claims for property impressed for the public service. II. *Be it enacted*, That from and after the passing of this act, the several county courts throughout this commonwealth are hereby empowered to receive all claims against the public on account of impressments made by any person for horses, provision and all other necessaries, impressed or taken for public service; the said courts shall ascertain the value of all impressed articles in specie, as it shall actually appear in proof to them, independent of any preceding valuation, and make report thereof to the next session of assembly, in order that proper measures may be adopted for paying off the several claimants according to justice, distinguishing articles applied to continental purposes, from those applied to the use of the state.

III. *And be it enacted,* That no claim for horses or other property impressed or taken for public service, shall be paid until the same hath been presented and allowed by such court as aforesaid, and reported to the next or the succeeding general assembly. And the said courts respectively shall cause a fair transcript of their proceedings in the business aforesaid to be laid before the succeeding assembly, specifying the ages, sizes, and other general designations of the horses, and also general descriptions of the other species of property so impressed or taken, in order that all possible information be obtained and laid before the general assembly, to enable them to render justice to individuals and save the public from unjust demands and impositions; and may make such allowance to their clerk for his extraordinary services herein, to be levied in their next county levy, as to them shall seem proper.

No claim for property impressed to be allowed, until passed by the court, & certified to the general assembly.

IV. *Provided,* That all certificates for provisions, upon which a price in specie has been affixed by the governor and council, agreeable to an act entitled, "An act to empower the governor and council to fix the value of provisions impressed for the use of the army," and which have been paid to the collectors in discharge of taxes, may be audited and paid into the treasury, any thing in this act to the contrary notwithstanding.

Exception, certain provision certificates.

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CHAP. XXI.

*An act to vest certain lands whereof Burgess Ball is seised as tenant for life, in trustees, and for other purposes.*

I. WHEREAS James Ball, late of the county of Lancaster, being in his life-time seised of a considerable real and personal estate, did, in and by his last will and testament in writing, bearing date the fifteenth day of July, one thousand seven hundred and fifty-four,

Certain lands whereof Burgess Ball is seised as tenant for life, vested

among other things give and devise all his lands in King George, Spotsylvania and Stafford counties, to his grand-son, Burgess Ball, during his natural life, and at his decease to his child or children, as he shall think fit, and their heirs, as by the said will, recorded in the county court of Lancaster, may appear. And it being represented, that the land in the county of Spotsylvania, containing fifteen hundred and eighty-three acres, is poor and not fit for cultivation, but from its vicinity to the town of Fredericksburg, and being well covered with wood, would sell for a good price; and that the tract of land formerly lying in the county of King George, but now Stafford, containing six hundred acres, would be too small to divide between any of his children; and that it would be greatly to the benefit of the said Burgess Ball and his growing family if the said lands were sold, and the money arising from the sales laid out in the purchase of other lands more fertile and advantageous, which cannot be done without the direction of the general assembly, as the said Burgess Ball is only tenant for life; and application being made for an act to pass for that purpose:

II. *Be it therefore enacted*, That the said fifteen hundred and eighty-three acres of land in the county of Spotsylvania, and six hundred acres in the county of Stafford, shall be, and they are hereby vested in William Fitzhugh, William Daingerfield, Alexander Spotswood, John Francis Mercer, and Mann Page, gentlemen, and their heirs, in trust, that they, or any three of them, shall, as soon as may be, sell the same for the best price to be had, and to convey the said lands to the purchaser or purchasers in fee simple, and to lay out the money arising from the sales thereof in the purchase of other lands to be conveyed to the said trustees for the use of the said Burgess Ball, during his natural life, and after his decease for the use of such child or children of the said Burgess Ball, and their heirs, as he shall think fit and direct by deed or will: *Provided always*, That nothing herein contained shall be construed to affect the title of any person or persons, bodies politic or corporate, to the said lands, other than those claiming under the said James Ball.



## CHAP. XXII.

*An act directing the mode of adjusting and settling the payment of certain debts and contracts, and for other purposes.* [Chan. Rev. P. 143.]

I. WHEREAS the paper currency of this state hath, from various causes, greatly depreciated in its value, insomuch that it is neither a proper medium of circulation nor a just standard whereby to settle and adjust debts and contracts, and it hath therefore become absolutely necessary to declare that the same shall no longer pass current, except in payment of certain taxes calculated for the express purpose of calling in and redeeming the same. Preamble.

II. And whereas the good people of this state will labour under many inconveniencies for want of some rule, whereby to settle and adjust the payment of debts and contracts entered into and made between the first day of January, one thousand seven hundred and seventy-seven, and the first day of January, one thousand seven hundred and eighty-two, unless some rule shall be by law established for liquidating and adjusting the same, so as to do justice as well to the debtors as creditors: *Be it therefore enacted by the General Assembly,* That from and after the passing of this act, all debts and contracts entered into or made in the current money of this state or of the United States, excepting at all times contracts entered into for gold and silver coin, tobacco, or any other specific property, within the period aforesaid, now remaining due and unfulfilled, or which may become due at any future day or days, for the payment of any sum or sums of money, shall be liquidated, settled and adjusted agreeable to a scale of depreciation herein-after mentioned and contained, that is to say, by reducing the amount of all such debts and contracts to the true value in specie at the days or times the same were incurred or entered into; and upon payment of said value so found in specie, or other money equivalent thereto, the debtors or contractors shall be forever discharged of and from the said debts or contracts, any law, custom or usage to the contrary in Debts and contracts, in paper money to be settled by a scale of depreciation.

Actual pay-  
ments full or  
partial, to  
stand for  
nominal a-  
mount.

any wise notwithstanding: *Provided always nevertheless,* That in all cases where actual payments have been made, by any person or persons, of any sum or sums of the aforesaid paper currency, at any time or times, either to the full amount or in part payment of any debt, contract or obligation whatsoever, the party paying the same, or upon whose account such sum or sums have been actually paid, shall have full credit for the nominal amount of such payments, and such payments shall not be reduced, any thing in this act, or in any other act or acts, to the contrary in any manner notwithstanding.

Executions  
suspended,  
except for  
debts due to  
the common-  
wealth.

III. And whereas many of the inhabitants of this state have been exposed to the ravages of the enemy, and other distresses incident to a state of war, by means whereof they have been by violence deprived of the fruits of their labour and industry, and thereby rendered for the present incapable of paying many of their just debts: *Be it therefore enacted,* That in all cases, except such as are hereafter excepted, where judgment has been or may hereafter be obtained for the payment of any sum or sums of money, execution shall not issue thereupon before the first day of December, one thousand seven hundred and eighty-three,\* except when judgment has been or may be obtained for any sum or sums of money due to the commonwealth, for taxes or otherwise, against any public collector, or any other person or persons whatsoever: And also in all cases where any such judgment hath been or may hereafter be obtained for monies due for the rent or use of any lands, plantations, houses, ferries or fisheries, or for the hire of any slave or slaves, or of any servant or servants: *Provided,* That all judgments so staid shall carry interest at the rate of five per centum per annum until paid.

Except also  
for rents, &  
hire of slaves  
or servants.

Scale of de-  
preciation.

IV. *And be it farther enacted,* That the following scale of depreciation shall be the rule to determine the value of the several debts, contracts and demands in this act mentioned, compared with silver and gold:

*In the year one thousand seven hundred and seventy-seven.*

January one and a half, February one and a half, March two, April two and a half, May two and a half,

In 1777

\* See May 1782, c. 44. October 1782, c. 45. Oct. 1783, c. 30.

June two and a half, July three, August three, September three, October three, November three, December four.

*In the year one thousand seven hundred and seventy-eight.*

January four, February five, March five, April five, In 1778.  
May five, June five, July five, August five, September five, October five, November six, December six.

*In the year one thousand seven hundred and seventy-nine.*

January eight, February ten, March ten, April six- In 1779.  
teen, May twenty, June twenty, July twenty-one, August twenty-two, September twenty-four, October twenty-eight, November thirty-six, December forty.

*In the year one thousand seven hundred and eighty.*

January forty-two, February forty-five, March fifty, In 1780.  
April sixty, May sixty, June sixty-five, July sixty-five, August seventy, September seventy-two, October seventy-three, November seventy-four, December seventy-five.

*In the year one thousand seven hundred and eighty-one.*

January seventy-five, February eighty, March nine- In 1781.  
ty, April one hundred, May one hundred and fifty, June two hundred and fifty, July four hundred, August five hundred, September six hundred, October seven hundred, November eight hundred, December one thousand.

V. *And be it enacted,* That where a suit shall be brought for the recovery of a debt, and it shall appear that the value thereof hath been tendered and refused; or where it shall appear that the non-payment thereof is owing to the creditor; or where other circumstances arise which, in the opinion of the court before whom the cause is brought to issue, would render a determination agreeable to the above table unjust; in either case it shall and may be lawful for the court to award such judgment as to them shall appear just and equitable. And where any verdict hath been given for damages between the first day of January, one thousand seven hundred and seventy-seven, and the first day of January one thousand seven hundred and eighty-two, and the judgment remains unsatisfied, it shall be lawful for the several courts within this commonwealth, in a summary way, by motion to them made, either before any exe-

Courts may determine disputes according to equity.

Rule for settling intermediate judgments.

cution issues, or at the return day of such execution, to fix, settle and direct at what depreciation the said damages shall be discharged, having regard to the original injury or contract on which the damages are founded, and any other proof or circumstances that the nature of the case will admit.

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CHAP. XXIII.

*An act to continue and amend the several acts of assembly respecting the inspection of tobacco, and for other purposes.*

Act respecting inspection of tobacco further continued and amended.

I. WHEREAS the act of assembly entitled, "An act to amend an act entitled An act to amend the several acts of assembly respecting the inspection of tobacco," hath expired, and it is expedient the same should be revived and amended:

II. *Be it therefore enacted,* That the said recited act shall continue and be in force from and after the expiration thereof, for and during the term of twelve months.

Meriwether's, Machodack and Glascock's warehouses revived and established.

III. *And be it farther enacted,* That the inspection of tobacco at Meriwether's warehouse, in the town of New-Castle and county of Hanover, at Machodack in the county of King George, and at Glascock's in the county of Richmond, shall be, and the same are hereby revived and established.

IV. And it being represented to this present general assembly, that the erecting a ware-house on the lands of Charles Lewis, near Rockett's landing, in the county of Henrico, will be of public benefit, and the proprietor of the land is willing to build the same:

Rockett's warehouse established.

V. *Be it therefore enacted,* That an inspection of tobacco shall be, and the same is hereby established at the said place, which shall be called and known by the name of Rockett's; and that the transfer notes issued by the inspectors thereof shall be payable for public dues, in the same manner as those of Byrd's and Shockoe.

VI. And whereas the mode established by law for paying inspectors salaries may become expensive to the public: For remedy whereof, *Be it enacted*, That instead of the allowance heretofore given by law to inspectors, they shall be allowed the following salaries in specie, that is to say: To each of the inspectors at Guilford and Pungoteague, under one inspection, thirty-five pounds; at Roy's fifty pounds; at Hobb's-Hole thirty pounds; at Kennon's thirty pounds; at Bolling's-Point seventy pounds, at Bollingbroke sixty pounds, at Bowler's thirty pounds; at Layton's thirty pounds; at Colchester forty pounds; at Alexandria forty pounds; at the falls of Potowmack thirty pounds; at Poropotank thirty pounds; at Deacon's Neck thirty pounds; at Meriwether's sixty pounds; at Crutchfield's sixty pounds; at Page's sixty pounds; at Rocky Ridge seventy pounds; at Osborne's seventy pounds; at John Bolling's sixty pounds; at Byrd's seventy pounds; at Shockoe seventy pounds; at Rockett's fifty pounds; at Smithfield twenty-five pounds; at Shepherd's twenty-five pounds; at Mantapike and Frazer's, under one inspection, thirty pounds; at Todd's and Aylett's, under one inspection, forty-five pounds; at Boyds-Hole and Machodack, under one inspection, fifty pounds; at Falmouth sixty pounds; at Dixon's sixty pounds; at Gibson's thirty pounds; at Davis's twenty-five pounds; at North Wycomico and South Wycomico, under one inspection, forty pounds; at Indian creek thirty pounds; at Deep Creek and Glascock's, under one inspection, thirty pounds; at Urbanna thirty pounds; at Milner's forty pounds; at South Quay forty-five pounds; at Cherrystone's and Hungar's, under one inspection, twenty-five pounds; at Littlepage's thirty-five pounds; at the Brick house thirty pounds; at Coan's thirty-five pounds; at Boyd's sixty pounds; at Davis's, in the town of Blandford, sixty pounds; at Blandford sixty pounds; at Quantico sixty pounds; at Dumfries sixty pounds; at Cat Point thirty-five pounds; at Totuskey thirty-five pounds; at Gray's creek thirty-five pounds; at Aquia forty pounds; at Fredericksburg sixty pounds; at Royston's sixty pounds; at Denbigh twenty-five pounds; at Nomony thirty pounds; at Leeds and Mattox, under one inspection, forty pounds; at Yocomico and Rust's, under one inspection, forty pounds; at the Capitol and College landings, under one inspection, thirty-five

Amount of inspectors' salaries, at the different warehouses, payable in specie.

pounds; at Roe's twenty-five pounds. And for the purpose of raising the said salaries and paying the warehouse rents, there shall be collected by the inspectors from the owners of tobacco, the sum of five shillings for each hogshead by them inspected and past, which shall be paid at the time of delivering the note or an order received for the delivery of the tobacco; and the inspectors at each ware-house shall, in lieu of the former allowance given for storage, pay to the proprietor thereof the sum of two shillings in specie for each hogshead of tobacco by them inspected and note given or tobacco delivered. *Provided always*, That if the inspectors at any ware-house shall not receive as much money for inspection as will be sufficient to pay the rents of the ware-house and salaries aforesaid, they shall in that case pay the proprietor the ware-house rents, and be allowed and paid only so much for their salaries as the balance of the money so received by them; and in case they shall receive more than sufficient to answer the purposes aforesaid, they shall account for and pay the overplus in manner directed by the said recited act: There shall be paid to the inspectors at each ware-house, five shillings specie for every hogshead reprized, for reprizing and finding nails, to be paid by the proprietor; and the sum of seven shillings specie for every hogshead of tobacco prized up and exchanged for transfer notes, and finding nails, to the use of the inspectors, in lieu of tobacco heretofore directed to be paid for the said services.

VII. And whereas several warehouses have been destroyed by the enemy, and the former proprietors may refuse or neglect to rebuild the same, to the great inconvenience of the public: *Be it therefore enacted*, That the court of the county where such refusal or neglect may be, may appoint two or more of their body to let to the lowest bidder the re-building the same, and to draw on the treasurer for payment thereof, except the inspection at Crutchfield's and the Brick house, which are hereby discontinued, unless the proprietors will rebuild at their own expence. And the court of every county that hath failed to recommend inspectors at the time directed by law, shall, and they are hereby empowered to recommend inspectors at any court after the passing of this act, who, upon being qualified according to law, shall proceed to the execution of their office.

**Tax on tobacco inspected.**

**Storage altered.**

**If inspection fees insufficient for rents and salaries, the inspectors to pay the rents and receive no more for their salaries**

**Fees for reprizing.**

**County courts to rebuild warehouses destroyed by the enemy, except Crutchfield's & the Brick house.**

**Inspectors may be recommended at any time.**

VIII. And whereas the revival and re-establishing the inspection of tobacco at Waddy's ware-house, in the county of New-Kent, and at Warwick, in the county of Chesterfield, will be of great utility: *Be it therefore enacted*, That the inspection of tobacco at the said ware-houses shall be, and the same is hereby revived and established, and the inspectors shall be allowed the following salaries, that is to say: To each of the inspectors at Waddy's thirty pounds, and at Warwick seventy pounds.

Inspection at Waddy's in New Kent, & Warwick in Chesterfield revived

Inspectors' salaries.

IX. *And be it farther enacted*, That the ware-houses at Cabbin Point, in the county of Surry, be, and the same are hereby discontinued, and in the room thereof, ware-houses may be built at Low Point, on the land of Archibald Dunlop, in the said county, at the proprietors expence, and the inspectors of the same shall be allowed the following salaries, that is to say: To each of the said inspectors the sum of thirty pounds.

Warehouse at Cabbin Point discontinued, and may be established at Low Point.

X. And whereas the houses formerly appointed for the reception of tobacco in the town of Manchester have been burnt by the enemy, and it may be a considerable time before other houses can be built for that purpose: *Be it therefore enacted*, That Francis Goode, James Lyle, and David Patteson, gentlemen, be appointed commissioners, with power to rent a house or houses for the immediate reception of tobacco in the said town of Manchester, provided the expence of hiring such house or houses shall not exceed three shillings specie per hogshead, to be paid by the person depositing the tobacco.

Warehouses in Manchester being destroyed by the enemy, commissioners to rent houses.

XI. *And be it farther enacted*, That all tobaccos remaining in any ware-house heretofore discontinued, shall, on or before the first day of May next, be sold by the commissioners of the tax of the county where such inspection is discontinued, having first advertised the sale of said tobacco in the Virginia gazette at least one month before the day of sale. And where no owner shall appear within one month after such sale, they shall account for and pay the money arising from the same to the treasurer within two months after such sale, under the penalty of five hundred pounds, to be recovered with costs by action of debt or information in any court of record, by any person who will sue for the same.

Tobaccos remaining in warehouses discontinued to be sold by commissioners of tax.

So much of act to encourage importation of salt as exempts importer from tax on tobacco exported, repealed.

XII. *And be it farther enacted,* That so much of the act of assembly entitled, "An act to encourage the importation of salt," as exempts the importer thereof, for every five bushels of salt imported, from the tax of eight shillings on a hoghead of tobacco, shall be, and the same is hereby repealed.

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CHAP. XXIV.

*An act to indemnify Thomas Nelson, junior, esquire, late governor of this commonwealth, and to legalize certain acts of his administration.*

Thomas Nelson, jun. esq. late governor, having been compelled, from necessity, to perform many acts of government, without advice of council, such acts legalized, and he fully indemnified.

I. WHEREAS upon an examination it appears, that previous to, and during the siege of York, Thomas Nelson, junior, esquire, late governor of this commonwealth, was compelled by the peculiar circumstances of the state and army, to perform many acts of government without the advice of the council of state, for the purpose of procuring subsistence and other necessities for the allied army under the command of his excellency general Washington:

II. *Be it enacted,* That all such acts of government, evidently productive of general good and warranted by necessity, be judged and held of the same validity; and the like proceedings be had on them, as if they had been executed by and with the advice of council, and with all the formalities prescribed by law.

III. *And be it farther enacted,* That the said Thomas Nelson, junior, esquire, be, and he hereby is, in the fullest manner, indemnified and exonerated from all penalties and damages which might have accrued to him from the same.



## CHAP. XXV.

*An act to amend an act entitled An act for farther continuing and amending an act for appointing naval officers, and ascertaining their fees, and for other purposes.*

I. WHEREAS the fees allowed by law to the several naval officers within this commonwealth, have become quite inadequate to their services: For remedy whereof.

II. *Be it enacted by the General Assembly, That* from and after the passing of this act, the said naval officers respectively, shall be entitled to demand and receive the following fees, to be paid in specie, in lieu of those established by an act of assembly entitled "An act for farther continuing and amending an act entitled An act for appointing naval officers and ascertaining their fees," to wit: For entering and clearing any ship or vessel of one hundred tons and under, ten shillings; for entering and clearing any ship or vessel of more than one hundred tons, five dollars; for taking a bond, half a dollar; for a permit, half a dollar; for a bill of health, three dollars; for a certificate, one dollar; for a register, and recording the same, four dollars; for a copy thereof, two dollars; for making an endorsement thereupon, half a dollar; for a copy of a manifest, three dollars; and for a passport, in conformity to the twenty-seventh article of the treaty of alliance between His most Christian Majesty and the United States of America, two dollars. The bonds to be taken by the several naval officers on granting permits, instead of those directed by the said recited act, shall be as follows, to wit: If the ship or vessel be of one hundred tons burthen or under, the bonds shall be for three hundred pounds specie; if upwards of one hundred tons burthen, the bonds shall be for five hundred pounds of like money: And the bonds to be taken from all masters of ships and vessels for prevention of the dangerous consequences that may arise from the breach and contempt of embargoes, instead of those directed to be

Naval officers fees increased, and payable in specie.

Bonds to be taken by naval officers altered.

taken by the said recited act, shall be as followeth, to wit: If the ship or vessel be of one hundred tons or under, the bonds shall be for five hundred pounds specie; if above one hundred, and not exceeding two hundred tons, the bond shall be for one thousand pounds of like money; and if above two hundred tons, the bond shall be for fifteen hundred pounds of like money; all which said bonds shall be forfeitable, and the penalties thereof sued for and recovered, in the same manner, and to the same uses, as those directed to be taken by the act of assembly passed in the year one thousand seven hundred and seventy-six, entitled, "An act for the appointment of naval officers and ascertaining their fees."

Bond and penalties, in specie.

III. *And be it farther enacted,* That all other bonds taken by the several naval officers in virtue of such office, and all penalties to be incurred by the respective naval officers for neglect or breach of duty, shall be taken in specie, and be the same as those directed to be taken or incurred by the last recited act, to be also sued for and recovered in the same manner and to the same uses as those directed to be taken and incurred by the said last recited act.

When masters of vessels to make report and entry.

IV. *And be it farther enacted,* That the master or commander of every ship or vessel shall, within forty-eight hours after his arrival in any port, make report of, and enter his vessel and cargo with the naval officer of the district wherein the said vessel rides; and every master or commander of any ship or vessel, failing herein shall forfeit his said vessel and cargo, and any master or commander of any ship or vessel breaking bulk or disposing of any part of the cargo without obtaining a permit from the naval officer to trade within the said district, shall forfeit his said vessel and cargo; to be seized in either of the above cases by such officer or his deputy, and prosecuted in the court of admiralty, one moiety whereof shall be to the use of the informer, and the other moiety to the use of the commonwealth.

Forfeitures for breach.

Naval officers to reside within their districts.

V. *And be it farther enacted,* That the several naval officers shall reside in their respective districts, and keep their offices at some convenient place on navigation; and in case of their non-residence or disaffection, the governor, with advice of council, be empowered to appoint some fit person to act in the said office until the meeting of the next assembly.

VI. *And be it farther enacted*, That this act, together with such parts of the said recited act passed in the year one thousand seven hundred and seventy-six, as comes within the meaning of this act, shall continue and be in force for and during the term of three years, and from thence to the end of the next session of assembly; and that all other acts coming within the purview and meaning of this act, shall be, and they are hereby repealed.

CHAP. XXVI.

*An act to empower the treasurer to borrow money, tobacco, hemp or flour, for the immediate support of government.* [Chan. Rev. p. 148.]

I. WHEREAS it is impracticable to collect any of the taxes for the ensuing year, soon enough to answer the many pressing and immediate demands of government, whereby great inconveniencies and much mischief may arise to the commonwealth: For remedy whereof, *Be it enacted by the General Assembly*, That the treasurer be, and he is hereby empowered and directed forthwith to borrow such sum or sums of specie, or such quantity of tobacco, hemp or flour, as he may find necessary to answer the demands which may be made on the treasury till the end of the next session of assembly, or till the collection of taxes may render such loan unnecessary: *Provided*, That such sums of money or quantities of tobacco, hemp or flour, shall not exceed one half of the probable nett produce of the taxes on each of the said articles respectively so borrowed; allowing an interest of six per centum on the tobacco, hemp or flour, and one hundred pounds specie for every ninety pounds of such money payable at the end of twelve months from the receipt of the same; and the treasurer's receipts given for such quantities of tobacco, hemp or flour, or for any sum or sums of money, shall be payable at the treasury, the tobacco, hemp or flour at the current prices of those articles when delivered;

Treasurer empowered to borrow money, tobacco, hemp or flour.

Interest at 6 per cent. on commodities and 100 for 90 on money.

Receivable  
in taxes as  
their denom-  
ination re-  
presents.

and the specie as before directed, to the first holder or assignee of such receipts, and shall also be received in payment of all such taxes as they shall, by their denominations, respectively represent: And the treasurer is also hereby empowered and directed to prepare and give the said receipts, guarded against counterfeits by such precautions and devices as he may think proper.

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CHAP. XXVII.

*An act for supplying the southern army with waggons and horses.*

Waggons &  
horses, how  
supplied for  
the southern  
army.

I. *BE it enacted by the General Assembly*, That every county within this commonwealth that hath failed or neglected to furnish and deliver a waggon and team, agreeable to the directions of the act of assembly entitled, “An act for supplying the army with cloaths, provisions and waggons,” shall, on or before the first day of March next, furnish the same agreeable to the said act. The sheriffs of the several counties who have so failed or neglected, are hereby ordered to summon the justices of their counties to meet on or before the tenth day of February next, at the place where the courts are usually held within the same, for the purpose aforesaid: Every sheriff failing so to do, shall forfeit and pay five hundred pounds specie. Every justice of any county, having such notice and failing to execute the said act by the time aforesaid, shall each forfeit and pay the sum of one hundred pounds like money. And the solicitor general for the time being is hereby directed, on any county failing to furnish the waggon and team hereby required within the time affixed for the delivery, to direct the attorney general to commence an action of debt, in the name of the commonwealth, against every such sheriff or justice who shall have failed in the duty prescribed by this act, for the penalties therein mentioned, which penalties shall be paid, on recovery, to the treasurer of this commonwealth, to and for the use of the same. Every waggon and team shall be

Penalty on  
justices and  
sheriffs for  
neglect.

How reco-  
verable.

delivered to the deputy quarter-master in the state, or to such persons as he shall appoint, and at the time of delivery valued in specie, for which valuation, the person receiving shall give the person delivering a receipt in writing, to be transmitted to the auditors of public accounts, and by them debited to the United States.

Waggons & teams, how disposed.

II. *And be it farther enacted*, That the governor, with the advice of the council, shall, and he is hereby empowered and required to appoint so many persons of credit and influence in different parts of the state, as he may think necessary, to purchase one hundred waggon horses: The persons so appointed shall give a receipt in writing to the seller for the specie price of each horse, and expressing in such receipt that the same shall be taken by any sheriff or collector for taxes on lands or slaves, or any other tax that may be by law appropriated for continental purposes; and every sheriff or collector shall be allowed the same in the settlement of their accounts, upon their being previously entered in the auditors office, and by the auditors shall be debited to the United States. And the governor is hereby desired to send forthwith a copy of this act to the sheriff of each county which has failed to comply with the above-recited act.

Governor & council to appoint persons to purchase waggon horses

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CHAP. XXVIII.

*An act to regulate and affix the pay of the militia heretofore called into service.*

I. *BE it enacted by the General Assembly*, That the pay of the militia called into service since the first day of October, one thousand seven hundred and eighty, shall be the same as that allowed and given to the continental officers and soldiers by an act passed this present session, entitled, "An act to adjust and regulate the pay and accounts of the officers and soldiers of the Virginia line on continental establishment, and also of

Pay of militia heretofore called into service, how regulated.

the officers, soldiers, sailors and marines in the service of this state, and for other purposes;" And the auditors are hereby directed to settle and adjust the accounts of the militia so called into service, agreeable to and under the same restrictions and limitations as by the act to amend the act for regulating and disciplining the militia and for other purposes, is directed.

### CHAP. XXIX.

[Chan. Rev  
P. 149.]

*An act to amend an act entitled An act for giving further time to obtain warrants upon certificates for pre-emption rights, and returning certain surveys to the land office, and for other purposes.*

Power of  
commission-  
ers for ad-  
justing  
claims to  
lands, fur-  
ther contin-  
ued.

Further time  
to obtain  
warrants, &  
enter them  
with the sur-  
veyor.

Allowance  
to commis-  
sioners and  
attending  
officers.

I. WHEREAS the time limited in the act entitled, "An act for giving farther time to obtain warrants upon certificates for pre-emption rights, and returning certain surveys to the land-office, and for other purposes," to the commissioners for adjusting and settling the claims to unpatented lands within their respective districts, has been found to be too short for that purpose: *Be it therefore enacted*, That all the powers given to the said commissioners by any act or acts of assembly, shall be and continue in force during the farther term of six months; and that the farther time of three months be allowed for obtaining warrants upon certificates of pre-emption rights, and entering the same with the surveyor of the county.

II. And whereas the allowance heretofore made to the commissioners appointed to carry into execution the said act, and to sheriffs, surveyors and clerks attending the same, is inadequate to their trouble and expence; *Be it enacted*, That each commissioner, for every day he shall necessarily be employed going to, attending on, and returning from the business of his of-

fice, shall receive twelve shillings and six pence in specie, the sheriff six shillings in specie, and the surveyor eight shillings in specie.

III. And whereas the expence of carrying the said act into execution hath been greatly increased, and it is reasonable and just that such expence should be defrayed by the persons to be benefitted thereby; *Be it farther enacted*, That for every hundred acres of land contained in the certificates to be granted by the commissioners, the party receiving the same shall pay one shilling and six pence in specie, besides a fee of six pence in specie to the clerk for every certificate. Tax on litigants.

IV. And whereas many disputes may arise between settlers in the several districts who have obtained settlement and pre-emption rights from the commissioners appointed to settle the claims of unpatented land; *Be it therefore enacted*, That the county courts shall and are hereby authorized to hear and determine all such disputes as may arise in surveying or laying off settlement or pre-emption rights; and where any such disputes shall arise, it shall be lawful for either party to petition the court and set forth the nature of their claim, and if the court shall be of an opinion that the claim of the petitioner is just, they shall order a summons to issue for the other party, who shall appear at the next court: And the said court shall then proceed to hear and determine the right and to settle the boundary lines between the claimants, in a summary way, without the usual formality of a suit of law; or may appoint a jury of twelve men to attend the surveyor at a certain day on the land in dispute, which jury shall, on oath, hear and determine the right of the claimants and settle the boundary lines; and the said jury shall return their proceedings to the next county court for their confirmation. County courts to hear and determine disputes in surveying pre-emption certificates.

V. *And be it farther enacted*, That where warrants have been obtained for military service, and surveys have not yet been made, it shall be lawful for the persons having such warrants to lay the same within the like time as is allowed to persons claiming lands upon pre-emption right, Within what time military warrants to be located.

VI. *And be it farther enacted*, That all persons who had, during the former government, made locations of land under military warrants, according to the laws and rules then in force, shall have the benefit of their Military warrants under former government.

said locations, provided they do not interfere with actual settlements made on such lands before the first day of January, one thousand seven hundred and seventy-eight, and shall be admitted to surveys and grants therefor upon re-entering their lands and hereafter complying with the rules and regulations of the land-office: *Provided*, That all lands claimed by virtue of such former locations shall be re-entered with the county surveyors within twelve months after the end of this present session of assembly.

When surveys shall be made of entries on the eastern waters.

VII. And whereas by the act of general assembly for adjusting and settling the titles of claimers to unpatented lands, a certain time was limited within which the surveyors of the counties on the eastern waters should survey all lands within their counties regularly entered for before the end of the session of assembly in which the said act was passed, which time was, by subsequent acts, extended to other definitive periods, and it not being in the power of the party claiming such entries to compel the surveyor to a performance of his duty, or to controul those accidents which may some times render such performance impracticable, it is therefore unjust that he should lose his rights; on any failure of duty in the surveyor, whether willful or involuntary: *Be it therefore enacted*, That the surveyors of the several counties on the said eastern waters shall proceed, with all practicable despatch, to survey the said entries before described, and for this purpose shall proceed in notifying the party, making the survey, delivering a plat and certificate, and in all other circumstances as by the act for establishing the land-office is directed in the case of surveys to be made on entries subsequent to the end of the said session of assembly; and the party interested shall be subject also to the same forfeitures of right if he fail in any thing prescribed by the same act last mentioned to be done on his part.

Orders of council for land on the eastern waters to be valid.

VIII. And whereas by the said law for establishing the land-office, all orders of council or entries in the council-books for lands not carried into execution by actual survey, were made void, which, so far as it respected lands on the eastern waters, produced much injury to individuals and no utility to the public: *Be it therefore enacted*, That all orders of council and entries in the council-books for lands on the eastern wa-



ters, which were in force at the passing of the said act, and which have been precluded from revival by entries or surveys regularly made for the same lands since the passing of the said act, shall stand revived and re-established, and the rights accruing thereon be vested in the persons then owning the same, their heirs or other representatives: And that the said orders of council or entries in the council-books shall stand on the footing of entries in the surveyors books, and as such be considered to every intent and purpose, save only that where they exceed the quantity of four hundred acres, they shall be good for their whole quantity, so far as they would have been good by authority of the said orders of council or entries in the council-books before the passing of the said act.

IX. And whereas many persons have obtained certificates for surveys of lands and returned the same to the land-office, and patents cannot issue for the same until six months after opening the courts of justice, whereby a great proportion of landed property will be covered from taxation, and an unjust inequality in the public burdens upon the good people of this commonwealth be produced: For remedy whereof, *Be it enacted*, That patents shall issue agreeable to all certificates for surveys of land at the times respectively and in the manner practised under the laws preceding the act of the last session entitled, "An act preventing a discontinuance of the general court, and suspending the proceedings of certain courts in particular cases," the said act notwithstanding. And the register of the land-office shall deduct out of the calculation of time for which patents have been usually detained, five months and no more for the late occlusion of the courts, and patents shall forthwith issue in all cases in the usual manner, the said recited act notwithstanding.

X. *And be it farther enacted*, That it shall not be necessary to exchange warrants for military service performed last war, but that all locations made under the same shall stand upon the same footing as those made under treasury warrants, and the parties shall be entitled to surveys and grants in the same manner.

Patents to issue as usual notwithstanding the act of May 1781, ch. 9.

Register to allow five months for the late occlusion of the courts.

Not necessary to exchange warrants for military service last war.

## CHAP. XXX.

*An act to enable Henry M'Cabe to dispose of certain lands.*

Henry M'Cabe authorised to sell certain lands in Loudoun & lots in Lunenburg, for payment of the debts of his father Henry M'Cabe, dec'd.

I. WHEREAS it is represented to this present general assembly, that Henry M'Cabe, some time in the year one thousand seven hundred and eighty, departed this life intestate, leaving several tracts of land in the county of Loudoun, and a lot and houses in the town of Alexandria, and a very small personal estate: That Henry M'Cabe, his only son in this country, has administered upon and sold the personal estate, which is not sufficient to pay the debts, and no part of the said lands can be sold without the direction of the general assembly; and the said Henry M'Cabe having made application for that purpose,

II. *Be it therefore enacted,* That it shall and may be lawful for the said Henry M'Cabe, to sell and dispose of, for the best price that can be had, a tract of land containing about two hundred and fifty acres, adjoining to the town of Leesburg, in the county of Loudoun, also the unimproved lots in the said town, and the tract of land near Kittocktin creek, of which his said father died seised, and to convey the same to the purchaser or purchasers in fee simple, accounting for the money arising from the sale of the said lands and lots in a legal course of administration.

[CHAP. XXXI.

*An act for regulating tobacco fees, and fixing the allowance to sheriffs, witnesses, and venire-men.* [Chan. Rev. p. 150.]  
 See ante p. 232.

I. WHEREAS it has become necessary to alter the mode for fixing the rate at which tobacco fees, sheriffs, venire-men and witnesses attendance should be discharged in money; *Be it therefore enacted*, That so much of the act of assembly entitled, “An act for regulating the fees of the register of the land-office, and for other purposes,” as directs the grand jury at the October and June courts to fix such rate in paper currency, shall be, and the same is hereby repealed: And that from and after the passing of this act, all persons who now are, or shall hereafter become chargeable with any tobacco fees for services mentioned in the said recited act, or in any other act now in force, shall discharge the same in transfer tobacco notes, or in specie, at the rate of twelve shillings and six pence for every hundred pounds of gross tobacco.

Valuation of tobacco fees by grand jury repealed.  
 Tobacco fees to be paid in money at 12s 6d. per hundred.

II. *And be it farther enacted*, That venire-men, witnesses and sheriffs attending the general court in criminal cases, shall be entitled to receive for that particular service, from the treasury by warrant from the auditors, the sum of seven shillings and six pence in specie for every day's attendance, and four pence per mile for travelling and their ferriages.

Allowances to venire-men and witnesses, and sheriffs, attending the general court, in criminal cases.

## CHAP. XXXII.

*An act for laying taxes in certain enumerated commodities.*

Poll tax,  
payable in  
commodi-  
ties.

I. *BE it enacted by the General Assembly,* That for every free man above the age of twenty-one years, and for every slave above the age of sixteen years, except such as by the courts of the respective counties shall have been or may be discharged from the county levy on account of age or infirmity, a list of all which free persons and slaves shall be furnished to the commissioners hereafter directed by this act by the clerk of their county court, half a bushel of wheat, or one bushel of Indian corn, rye or barley, or five pecks of oats, shall be delivered by him or her, or by his or her parent or guardian, being an infant, or by the owner of any slave or slaves, or by the parent or guardian of such owner, being an infant, to the commissioners appointed to carry this act into execution.

Tax in ba-  
con, for each  
free person.

II. *And be it farther enacted,* That there shall be delivered to the commissioners aforesaid, two pounds of good sound bacon for each free person above the age of twenty-one years, and for each slave above the age of sixteen years, to be paid by the said persons, or their parents or guardians as aforesaid.

Commission-  
ers to re-  
ceive taxes,  
how ap-  
pointed

III. *And for carrying this act into execution, Be it enacted,* That the court of each county within this commonwealth, shall, as soon as possible after the publication of this act, appoint two good and discreet men of their county, being freeholders, or in large counties at the discretion of the said court, three persons as commissioners to receive such wheat and bacon, or commodities enumerated as aforesaid, which commissioners shall have power to fix on so many places (not exceeding three) in the said county, as to them shall seem convenient, for the receipt and delivery of the said commodities, having regard as well to the convenience of the people as to the purposes of safe storing, manufacturing, and removal to the public magazines any of the same.

Penalty on  
commission-  
ers refusing  
to act.

IV. *And be it enacted,* That if any person or persons appointed to act as commissioners aforesaid shall

refuse to serve in the said office, or to give bond to the court appointing him for the faithful discharge of the same, he or they so refusing shall forfeit and pay the sum of twenty pounds specie each, recoverable by the attorney of the county, who shall prosecute for the same in any county court in this state, to be applied towards lessening the county levy in such county where the same shall be recovered.

V. *And be it farther enacted,* That the court of each county shall take bond, payable to the governor of this state for the time being, in the penalty of five hundred pounds, of each commissioner so appointed, for his faithfully discharging the duties of his said office, an attested copy of which shall be transmitted by the clerk of the said court to the executive within thirty days after the execution of such bond; the said commissioners shall notify by advertisements at the most public places within the county, the place or places appointed by them for the delivery of the aforesaid commodities, and shall have power to procure store-houses for the reception of the same, and to employ or contract with millers for manufacturing the said grain, and in general to take all lawful and proper means for the safe-keeping or removal of the said commodities when thereunto required by the commissioner of the war-office, or other lawful authority, and to pay the rent of the said store-houses and other expences attending the collection or transportation of the said commodities, either with part of the same, or by selling so much thereof for cash as may be sufficient for that purpose.

Bonds to be taken of commissioners.

Places of deposit, how notified.

Storage, how procured.

VI. *And be it farther enacted,* That all persons chargeable with the above taxes may in their option discharge the same, or such part thereof as they may think proper, by paying to either of the aforesaid commissioners for each bushel of wheat the sum of three shillings specie in Spanish milled dollars, at six shillings each, or in other gold or silver coin at a proportionable value, or six pence per pound in like money for each pound weight of bacon. And the said commissioners shall make out a correct list of all deficiencies on the first day of May, after which time it shall not be lawful for them to receive any of the commodities or money as aforesaid, which list they shall deliver to the sheriff of the county, who shall have power to distrain for the same, if not paid by the first day

Commodities, dischargeable in money, at what rates.

Distress, when and how to be made.

of July next in specie at the aforesaid rates of three shillings per bushel for wheat and six pence per pound for bacon, including an allowance thereon to the said sheriff for collecting the same, of four pence per bushel for wheat and one penny per pound for bacon, to be paid by the persons chargeable with such taxes.

Commissioners to make return to court, and to the executive and auditors.

VII. *And be it farther enacted,* That the said commissioners shall make a return to the court of their county immediately after the said first day of May, of all the commodities above enumerated, and also of all specie by them collected, and of all balances due at the period aforesaid, and also of all charges and expences incurred in the course of the said collection, and shall also transmit a return of the manner in which they have executed the trust reposed in them by this act to the executive, in such manner as the said executive may direct, which return shall be made on or before the first day of June, and shall also make return to the auditors of the list of balances delivered by them to the sheriff to collect; and the said commissioners shall observe and comply with all such orders and regulations respecting the collection, removal, sale or payment of all or any part of the said commodities and money collected, arising from the sale of the said commodities, as the executive may from time to time direct, excepting always that the said commissioners shall have power to apply so much of the said commodities or money as may be necessary to pay all expences of storing, manufacturing or removing the same, including a commission thereon for their own trouble at the rate of ten per centum, to be paid in kind: And moreover the said commissioners shall be exempted from all militia duty for and during the space of six months, to commence from the day of their appointments by their respective county courts.

To obey orders of executive.

Power of sheriff to distrain and his liability.

VIII. *And be it farther enacted,* That the sheriff shall have the same power to distrain, and be accountable in the same manner, as in the collection of other taxes, and shall pay all the money arising from the said taxes into the treasury on or before the first day of September next.

CHAP. XXXIII.

*An act for ascertaining the salaries to the officers of civil government.* [Chan. Rev. p. 150.]

I. WHEREAS the provision made for the officers of government by an act of assembly passed in May last, hath been found inadequate to their services, as well on account of the quantum as the depreciation between each quarterly payment: *Be it therefore enacted by the General Assembly,* That from and after the first day of January, one thousand seven hundred and eighty-two, the several officers herein after mentioned shall, for their respective services, be entitled to the following annual salaries, to be paid in specie out of the public treasury, in quarterly payments, after the same shall have been audited according to law: To the governor or chief magistrate, the sum of one thousand pounds; to the privy councillors, the sum of three thousand two hundred pounds, to be divided amongst them according to their attendance; to the judges of the high court of chancery, the general court and court of admiralty, each, the sum of three hundred pounds; to the treasurer, the sum of six hundred pounds; to the attorney general, the sum of three hundred pounds; to the auditors of public accounts, the sum of four hundred pounds; to the commercial agent, the sum of four hundred pounds; to the commissioner of the war-office, the sum of four hundred pounds; to the solicitor general, the sum of three hundred pounds, to the first clerk of the council, the sum of one hundred and fifty pounds; to the assistant clerk of the council, the sum of one hundred pounds; and to each of the clerks of the auditors, solicitor general, commissioner of war, and treasury, the sum of one hundred and fifty pounds; to the first clerk of the commercial agent, one hundred and fifty pounds; to the second clerk to the commercial agent, one hundred pounds.

II. *And be it further enacted,* That the salaries heretofore allowed to the said officers respectively, shall be made good to them in specie from the first day of July last, after the rate of twenty shillings for each hundred

Annual salaries to be paid quarterly in specie.

Governor.

Council.

Judges.

Treasurer.

Attorney general.

Auditors.

Commercial agent and commissioner of war office at an end.

Solicitor general.

Clerks.

Salaries from July to be made good.

pounds of tobacco; and the auditors are hereby authorised to audit the same, and to issue their warrants on the treasury accordingly.

Former acts repealed.

III. *And be it farther enacted*, That all other act or acts coming within the purview of this act, shall be, and the same are hereby repealed.

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#### CHAP. XXXIV.

*An act for allowing farther time to sheriffs or collectors of taxes due for the year 1781, and for other purposes.*

Preamble

I. WHEREAS the late invasion, and the ravages committed by the British army, have given such interruption to the several collectors of taxes within this commonwealth, as to prevent, if not render it impracticable for them strictly to perform the duties required of them by law: And whereas it is expedient that further time be given not only to the collectors, but also to all persons within the respective counties chargeable with taxes:

Sheriffs allowed a further time to collect and account for taxes of 1781

II. *Be it therefore enacted by the General Assembly*, That all sheriffs or collectors of taxes due for the year one thousand seven hundred and eighty-one, be allowed a further time for collecting, accounting for, and paying into the public treasury, all taxes due and payable for the year aforesaid, and they are hereby authorised and required to collect, account for, and pay into the public treasury, on or before the first day of April next ensuing, all taxes due by them respectively as aforesaid, according to the directions of the several acts imposing the same.

Judgments against sheriffs suspended & damages remitted

III. And whereas it is represented to the general assembly, that judgments on motion in behalf of the commonwealth have been rendered against several sheriffs of counties whose collection of taxes in their respective



counties have been prevented as aforesaid, and in other cases where the said sheriffs or collectors of taxes have applied at the auditor's office and have been ready to make a settlement of their said collections respectively, and also where sheriffs or collectors have lodged money in the hands of the treasurer, at his office, for the purpose of discharging the same;

IV. *Be it farther enacted*, That in all and every such case or cases, the respective sheriffs or collectors shall be discharged from the payment of damages and interest, in the said judgments contained, and execution thereupon shall be stayed until the said first day of April next ensuing: *Provided nevertheless*, That all and every sheriff or sheriffs, collector or collectors, against whom such judgments have been obtained, and who have, before the time appointed by law for accounting for and paying the amount of their said taxes, received the same in their respective counties, do forthwith make payment thereof at the public treasury aforesaid, any thing contained in any act to the contrary in any wise notwithstanding.

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CHAP. XXXV.

*An act to empower the justices of Elizabeth City county to hold their courts at any other place than the court-house in the said county.*

I. *BE it enacted by the General Assembly*, That the justices of the peace for the county of Elizabeth City, shall, and they are hereby empowered to hold their sessions at such place in the said county as they may think proper, so long as the court-house in the town of Hampton shall be occupied by the troops of our allies, as a hospital.

Justices of Elizabeth city county, authorised to hold their courts out of Hampton, while the court-house there is occupied by the troops of our allies, as a hospital.

## CHAP. XXXVI.

[Chan. Rev.  
p. 150.]

*An act to regulate impresses.*

All impresses prohibited.

Exceptions.

Proceedings on illegal impresses.

I. WHEREAS many continental officers, soldiers, commissaries, quarter-masters and other persons have, upon pretence of a right to impress, committed great violences upon the property of the citizens of this state; and it being the duty of the representatives of the people to protect them in the quiet possession of their property: *Be it therefore enacted*, That if any officer, soldier, commissary, quarter-master or other person shall presume to take from any citizen or citizens of this commonwealth, any part of their property by way of impress, unless it be by warrant from the executive, in case of actual invasion, or by sheriffs bringing criminals to the general court, it shall be lawful for any magistrate in the county where the offence is committed, upon information on oath, to issue his warrant for the immediate taking and safe-keeping of such offender or offenders, till they are delivered by due course of law; and all county lieutenants and other officers of the militia are hereby enjoined to support the civil power in securing and bringing such offenders to justice.

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 CHAP. XXXVII.

[Chan. Rev.  
p. 151.]  
See May  
1782, c. 52.

*An act to regulate the inspection of flour.*

Preamble.

I. WHEREAS the law now in force for the inspection of flour, is found insufficient for giving due encouragement to so valuable a branch of our commerce in guarding against abuses; and as sound policy requires that our flour trade should be put upon a respectable footing, which can only be done by establishing such regulations as will prevent the manufacturer from bringing to market any flour that will not pass the public

inspections with credit, or entitle the merchant to preference in every foreign market: *Be it therefore enacted by the General Assembly,* That so much of the act passed in May, one thousand seven hundred and eighty, as relates to the inspection of flour, be, and the same is hereby repealed.

So much of May 1780, c. 23, as relates to flour repealed.

II. *And be it farther enacted,* That all flour, before it shall be exported, shall be first inspected and weighed at the public inspections of tax flour at Alexandria, Fredericksburg, Richmond, Petersburg and West-Point, by the inspectors to be appointed under an act of this present session of assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue, who shall be allowed two-pence per barrel for their trouble, to be paid by the owner.

Flour before exported, shall be inspected.

Places of inspection.

Fee for inspection.

III. *And for ascertaining the condition of such flour as ought to pass inspection, and also the duty of the inspectors,* *Be it enacted,* That the barrels shall be made of sound and well seasoned timber of a sufficient thickness, and be hooped with twelve hoops, and to contain not less than one hundred and ninety-six, nor more than two hundred and four pounds weight of nett flour. The inspectors shall mark on each cask by them inspected, the name of the miller, the name of the place where it is inspected, and the quality, whether superfine, fine, or seconds; and when the flour is thus marked, they shall grant to the owner a certificate of the number of barrels so by them inspected, distinguishing therein the quantities and qualities of each kind, which shall entitle the owner to dispose of the same as flour fit for exportation.

How barrels to be made.

Contents.

Marks when inspected.

Certificates to be granted.

IV. *And be it farther enacted,* That for the convenience of millers as well as shippers of flour who live inconvenient to the public inspections, inspectors shall be appointed at the following places, to wit: New-Castle, York, Falmouth, Port-Royal, Hobb's-Hole, Colchester, Dumfries, Mauchester, Osborne's, Pokahuntus, Nomony, Broadway, Low-Point in Surry, Suffolk, South-Quay, and Norfolk; and the county courts in which the above posts are, are hereby directed and empowered to appoint inspectors, who shall take an oath for the faithful performance of their duty, and shall receive the same allowance for inspection, and be subject to the same penalties for neglect, as the

Other places of inspection.

Inspectors to be appointed.

Their oath.

When flour may be inspected at merchant mills; inspectors at Alexandria, Fredericksburg, West-Point, Richmond and Petersburg: *Provided nevertheless*, That where any merchant mill is, or shall be situated on navigable water below the falls, that it shall and may be lawful for the owner of such mill or mills, to call on one of the inspectors of flour in the county where such mill is, who is hereby directed to attend and inspect the same, and grant certificates as in other cases.

Or at landing if carried by water. V. *And be it farther enacted*, That all flour brought by water to the inspections aforesaid, may be inspected at the landings for the greater conveniency of the owner for exportation; and all flour that shall be shipped for exportation without being inspected as before directed, (a certificate of which shall be produced on oath to the naval officer of the district) shall be liable to be seized by the said officer, and being prosecuted before the court of the county where the seizure is made on the information of such officer and condemned by such court, shall, by the said officer, be sold for the benefit of the state, who shall receive for his reward ten per centum on the sales, and after deducting his commissions, pay the amount of such sales into the treasury. And all flour that shall be found on inspection to be false packed, shall be forfeited and given to the poor of the parish; and where any shall be refused for the want of good casks, the owner shall be at liberty to re-pack it in good casks before it is removed from the public inspection.

Flour shipped un-inspected, forfeited to the state.

How to be prosecuted.

Flour found to be false packed, forfeited to the poor. If refused for want of good casks, may be re-packed in such.

## CHAP. XXXVIII.

*An act to recruit the Virginia line on the continental establishment.*

I. *BE it enacted by the General Assembly*, That the governor, with the advice of council, shall appoint some discreet officer or officers in the respective counties within this state, to recruit, by voluntary enlistments, any number of soldiers not exceeding three thousand, for the term of two years, or during the war; each soldier to be not less than five feet four inches high, not being a deserter nor subject to fits, of able-body and sound mind, fit for immediate service. For every soldier enlisted as above described the recruiting officer shall be entitled to the sum of forty shillings specie. The governor, with the advice of council, shall have power to advance any sum of money necessary for the full execution of this act, either to the officers aforesaid or to some other proper person in each respective county where the recruiting business shall be, first taking bond and good security if necessary, for the faithful application of the same. The men enlisted shall be entitled to subsistence from the day of their enlistment.

Virginia line on continental establishment, to be recruited, for two years or the war.

Recruiting expenses.

Advance of money.

II. *And be it enacted*, That every soldier who shall enlist to serve in the continental army for the term of two years or during the war, shall be allowed the sum of twenty dollars, to be paid down as soon as he is sworn for that purpose, and shall be entitled to all other immunities that other continental soldiers are. The governor, with advice of council, shall appoint the place of rendezvous, and also a proper officer to take a review of all the troops that are enlisted, and shall order the same to be marched on to join the army with all possible expedition. If upon a review any soldier shall be deemed unfit for service, except rendered so after enlistment by sickness or accident, the officer so recruiting him shall be responsible for the bounty money, or find another in his room. The time of service shall begin from the date of the review, and not sooner.

Soldiers, enlisting for two years or the war, entitled to same bounty and immunities as other continentals.

III. *And be it further enacted*, That where any person shall furnish one able-bodied man to serve in the

Person furnishing a soldier for two years or the war, exempted from militia duty.

continental army for two years or during the war, and shall deliver the same to any continental officer appointed to receive soldiers recruited in this commonwealth on or before the first day of July next ensuing; and also produce a receipt from the commissioner of the war office, such person shall receive a certificate for the same, and shall be exempted from militia and military duties for and during the term of service of such substitute.

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CHAP. XXXIX.

*An act to empower the naval officers to receive the duties in their several districts.*

Naval officers to receive the duties in their districts.

I. *BE it enacted by the General Assembly,* That all duties and customs which now are, or shall hereafter accrue due to this commonwealth upon ships, goods, wares and merchandizes, or any other articles whatsoever, by virtue of any law of this commonwealth, may and shall be paid to the naval officer of the district where such duty or custom is directed to be paid; and the respective naval officers are hereby required to collect, account for and pay into the public treasury, the amount of all such duties or customs, according to the several acts imposing the same, and under the pains and penalties therein contained.

Continuance of act.

II. *And be it farther enacted,* That this act shall continue and be in force from the passing thereof until the end of the next general assembly, and no longer.

Goods imported by land, to be entered with the sheriff.

III. *And be it farther enacted,* That where any goods are imported by land, except for private use, due entry shall be made to the sheriff of the county wherein they may be brought, who shall take bond from the importer to pay the duties agreeable to the time prescribed by law.

## CHAP. XL.

*An act for ascertaining certain taxes and duties, and for establishing a permanent revenue.* [Chan. Rev p. 151.]

I. *BE* it enacted by the General Assembly, That the sheriff, and in case there should be no sheriff, the first acting magistrate of each county within this commonwealth, shall annually appoint some day in the month of February, or at any time before the fifteenth day of the next succeeding month, if prevented from holding such courts in the said month of February by any accidents, from and after the passing of this act, on which a court shall be held in his said county, and the said sheriff or magistrate, as the case may be, shall give notice thereof to the justices and to the clerk of his said county, who shall attend at the court-house thereof on the day appointed, if fair, if not, on the next fair day, and the said justices shall then and there appoint three reputable freeholders resident in their said county, to be commissioners for ascertaining the value of all lands within the same, except the lands belonging to the said commissioners, which shall be valued by two justices to be appointed by the respective courts, who shall proceed in the same manner, and be allowed the same pay and be liable to the same penalties, as directed in the case of commissioners by this act, which said commissioners, before they enter upon the duties of their office, shall take the following oath or affirmation, to wit: Commissioners of the tax how to be appointed.

“I, A. B. do solemnly swear (or affirm as the case may be) that I will truly, candidly and impartially ascertain and fix the value of the several kinds of land within my county, as the same shall be worth in specie, if sold for ready money, separately from other lands, after giving reasonable public notice, according to the best of my judgment: So help me God.” Their oath

Which oath or affirmation shall be administered by any magistrate within the county, and the two commissioners first named in the appointment of the court shall proceed to take an account in writing of the quantity of land belonging to all persons within their said county, except as before excepted, and also of the name of the Their duty

Lands and  
lots to be  
valued with-  
out regard to  
buildings.  
Rules of Oct.  
1777, c 2, to  
be observed.

How vacan-  
cies in the  
commission  
to be sup-  
plied.

Penalty on  
proprietors  
failing to  
give account  
of lands.

proprietor or proprietors thereof, and shall ascertain the value of the said lands by the acre, computing the same by an average of the value of the quantity contained in each tract or parcel of land separately, lots in any town excepted, which shall be valued separately from other lands, and with due regard to their situation; and where any lands or lots as aforesaid shall be valued pursuant to this act, the same shall be done without having regard to any buildings or other improvements thereon. And in all valuations of land pursuant to this act, the same rules and regulations shall be observed with respect to and between landlords and tenants (unless the contract between them shall be specially otherwise) and the same discount for quit-rents on the lands in the Northern Neck as are directed by the act of one thousand seven hundred and seventy-seven, entitled, "An act for raising a supply of money for the public exigencies." And in case of the death or inability of either of the two commissioners first named, the third commissioner shall then proceed to act in his stead; and in case of the death or inability of any two or all of the said commissioners, the first magistrate acting in the said county shall, by warrant under his hand and seal, appoint other reputable freeholders in his said county to act in their stead; which warrant shall be directed to, and executed by the sheriff of the said county, who shall return the same to the next succeeding court, there to be recorded as the act of the said court: And the persons so appointed shall take the oath as above mentioned, and shall perform the duties required of commissioners by this act, either in the whole or in part, as the case may require. And where any two commissioners acting pursuant to this act shall differ in opinion as to the value of any land or lots as aforesaid, the two sums shall be added together and one half thereof shall be taken for the value of said land or lots. And if any proprietor or proprietors of lands or lots as aforesaid, his, her, or their tenant, attorney, or overseer residing upon the land or lots aforesaid, or in case of any infant or infants, his, her or their guardian, shall refuse or neglect to give an account of the quantity of lands or lots held by any of them or under their respective management, within the time limited for the commissioners to make return of their proceedings according to this



act, such person or persons, so refusing or neglecting as aforesaid, shall forfeit and pay the sum of one hundred pounds, recoverable by information in any county court within this commonwealth, to be applied towards lessening the county levy, where the same shall be recovered; and the said land or lots shall be liable to double taxes upon the quantity when duly ascertained, or on the estimation of the said commissioners, in the list returned by them. And the said commissioners shall make out a fair list of the names of the proprietors of lands or lots, the quantity of land and lots belonging to each proprietor, and the value thereof, in separate columns, and return the same to the clerk of the court of their said county, on or before the first day of June annually; and the said clerk shall file the same in his office, and shall make out therefrom three fair copies, one of which shall be delivered to the auditors of public accounts, at their office, by the said clerk, on or before the first day of August in each year, one other copy to be set up in the court-house of the county on the next succeeding court day, and the other to be delivered to the sheriff or collector of public taxes in the said county, on or before the tenth day of June annually. And each commissioner shall be allowed the sum of fifteen shillings per day for the time he shall be actually employed in performing the duties required of him by this act, the account of which shall be allowed on oath by the court of the county, and certified by the clerk thereof to the sheriff or collector of the public taxes, for payment out of the public money in his hands. And the court of each county shall make such allowance to the clerk and sheriff of their said county for the services required of them as aforesaid, as they shall think reasonable, which shall be certified and paid in manner aforesaid; and all such payments shall be allowed to the said sheriff or collector, by the auditors of public accounts, on passing the accounts of the same. And when any sheriff, justice, clerk or commissioner shall refuse or neglect to perform the duties required of them respectively as above mentioned, such person or persons shall forfeit and pay for such refusal or neglect, the sum of one hundred pounds in specie, recoverable on information in any county court within this commonwealth, who shall thereupon enter judgment and award execution

Commissioners duty in returning list of lands to the clerk.

And of clerks therein.

Allowance to commissioners;

To clerk and sheriff.

Penalty on sheriff, justice, clerk and commissioner.

How to be recovered & appropriated.

for the said penalty, to be applied towards lessening the county levy where the same shall be recovered: *Provided nevertheless*, That the party shall have ten days previous notice of such information: *Provided also*, That where there shall be two or more battalions of militia in any county, the court of the said county may, if they see cause, appoint three commissioners for the district of each battalion, who shall in all respects be governed in their respective districts by the directions of this act, for the commissioners of counties.

Two sets of commissioners where two battalions of militia.

The taxes.

Land-tax.

Poll-tax.

Tax on slaves.

Horses.

Cattle.

Carriages.

Billiard tables.

Ordinary licences.

Justices to be appointed to take lists of taxable articles,

and return them to the clerk

II. *And be it further enacted*, That there shall be collected, paid and distrained, for the tax of one pound for every hundred pounds, and so in proportion for every greater or lesser sum, of the valuation of all lands and lots, as the same shall be returned by the commissioners to the clerk of each county within this commonwealth; also a tax of ten shillings by every free male person, above the age of twenty-one years, who shall be a citizen of this commonwealth, and also upon all slaves, to be paid by the owners thereof, except such free persons and slaves as shall be exempted on applications to the respective county courts through age or infirmity; also two shillings for every horse, mare, colt and mule; also three pence per head for all nett cattle; also five shillings per wheel for all coaches, chariots, phaetons, four-wheeled chaises, stage waggons for riding carriages, chairs and two-wheeled chaises; also fifty pounds for every billiard-table and five pounds for every ordinary licence; which said taxes shall be paid annually in the manner herein after directed.

III. *And for the regular listing of all articles enumerated above*, *Be it enacted*, That the court of every county respectively shall divide the same into convenient precincts, and annually before the tenth day of April, appoint one of the justices for each precinct to take a list of the said enumerated articles therein; and every such justice shall, before that day, give public notice of his being so appointed, and at what place or places he intends to receive the lists, by advertising the same at the most public places within his precinct, and shall accordingly attend on the said tenth day of April, if it be not Sunday, and then on the next day, and on or before the first day of June next following shall deliver to the clerk of the county court, together with the

vouchers by him taken, a fair list of the names of all free male persons above the age of twenty-one years as aforesaid, and resident within his said precinct, and of the names of all slaves, specifying to whom they belong; and also the number of nett cattle, horses, mares, colts and mules; wheels for riding carriages above specified in this act, billiard-tables and ordinary licences; which said enumerated articles shall be placed under the names of the persons to whom they belong, and the said clerk shall file the same in his office, and shall make out three fair copies from all the lists so taken and delivered to him, and shall dispose of the same in like manner and within the same time as is herein before directed in the case of the returns made by the commissioners for the valuing of lands, and the said clerk shall be allowed for his services, and shall receive payment in the same manner as is provided therein, and he shall moreover be subject to the same penalty, which shall be recoverable and applied in the manner therein also directed; and the sheriff or collector shall be allowed the same in passing his accounts with the auditors of public accounts. And if any justice so appointed shall refuse to take, or shall fail to return, such list and vouchers as aforesaid, he shall forfeit and pay two thousand pounds of tobacco for the use of the county where such failure or refusal shall be, towards lessening the county levy, to be recovered by information in any county court within this commonwealth, giving ten days notice of such information to the party. And that every master or owner of a family, or in his absence or non-residence at the plantation, his or her agent, attorney or overseer, shall, on the said tenth day of April, by a list under his or her hand, deliver, or cause to be delivered, to the justice appointed for that precinct, the names and number of all tithable persons abiding in or belonging to his or her family the ninth day of April, also the number of his or her nett cattle, horses, mares, colts and mules, wheels for riding carriages as herein before mentioned, billiard tables and ordinary licences; or the master or owner thereof, or in case of his or her absence or non-residence upon the plantation, the overseer, shall be adjudged a concealer of such and so many articles above enumerated as shall not be listed and given in, and for every article so con-

Clerk's duty therein,

His allowance and penalty.

Penalty on justice failing;

And on proprietors, overseers, &c. failing to give in accounts of taxable property.

cealed, shall forfeit and pay five hundred pounds of tobacco, to be recovered by information in any county court within this commonwealth, for the use of the county where such concealment shall be, for lessening the county levy. And when any of the articles above enumerated shall not be listed and given in as aforesaid, the master or owner shall be subject to the payment of the taxes in the same manner as if the same had been duly listed and given in. And if any justice appointed to take the list of articles above mentioned, shall not truly enter and list all those which belong to himself in that precinct, in which the list is taken by him, he shall be judged a concealer, and shall forfeit and pay for every article so concealed, one thousand pounds of tobacco, to be applied and recovered as aforesaid: *Provided nevertheless*, That if any owner, agent, attorney or overseer shall happen by sickness, absence, or ignorance of the person or place, to omit delivering his or her list on the said tenth day of April, to the justice appointed to take the same, it shall be lawful for such person to deliver or send his or her list to the house of such justice at any time before the last day of the said month, which shall discharge him or her from the penalty aforesaid.

How this penalty may be saved.

Bonds for collection to be annually taken of sheriffs:

A copy sent to the auditors which shall be evidence.

When the taxes to be collected.

When distributed for.

IV. And for the collecting and accounting for the taxes imposed by this act, *Be it enacted*, That the court of every county within this commonwealth respectively, shall, in or before the month of May annually, take bond of the sheriff, with sufficient security, in the penalty of ten thousand pounds, payable to the treasurer of this commonwealth for the time being, and his successors, for the use of this commonwealth, and conditioned for the true and faithful collecting, paying and accounting for all taxes in his county hereby imposed, and the said bond shall be recorded in the court where the same is taken, and an attested copy thereof shall be transmitted by the respective clerks without delay to the auditors of public accounts, which shall be admitted as evidence in any suit or proceeding founded thereon. And the said sheriff shall, from and after the tenth day of June annually, collect and receive from all and every person and persons chargeable therewith, the taxes imposed by this act in his said county; and in case payment be not made or received on or before the first day of July annually, the said sheriff shall have

power to distrain the lands or slaves, goods or chattels which shall be found upon the lands, and in the possession of the person so indebted or failing, notwithstanding such lands, slaves, goods or chattels, shall be comprised in any deed or mortgage; and if the owner thereof shall not pay the taxes due within five days after such distress, such sheriff or collector shall and may lawfully sell the same, or so much thereof as shall be sufficient to discharge the said taxes and the charges of distress and sale, giving six days notice of the day and place of sale, by advertising the same at the church or other public places in the parish wherein such distress shall be, on the next Sunday after the expiration of the said five days, which sale shall be good and effectual in law, against all persons whatsoever: *Provided*, That in all cases where any sheriff or collector shall make seizure of any lands by virtue of this act, he shall give at least four weeks notice in the public papers before any sale shall be made of the same; and where other sufficient effects can be had thereon, distress shall not be made of such lands: *Provided always*, That where unreasonable seizures or distresses shall be made, the party grieved shall have an action against the sheriff or collector, and shall recover full costs where any damages shall be given; and the said sheriff or collector shall duly account for and pay into the treasury of this commonwealth, on or before the first day of September annually, the full amount of all taxes imposed in his said county, deducting therefrom an allowance for insolvents, and such other allowances as this act directs to be made, and five per centum for his commissions thereon; and before any allowance shall be made in the case of insolvents, the sheriff shall return a list thereof to the court of his said county, and shall make oath that the same is a true list of insolvents within his county, an attested copy of which shall be delivered to the auditors of public accounts by the sheriff, and the same shall by them be allowed in passing the accounts of such sheriff. And in case the said sheriff shall fail to account for and pay into the treasury as aforesaid, the money or other articles in lieu thereof, imposed by this act, and received by him for taxes, every such delinquent sheriff or collector, shall be liable to a judgment against him, on motion to be made by the solicitor or other person appointed for that purpose, at any time

Where and how sheriff to advertise and sell.

Directions in case of lands distrained.

Penalty for unreasonable seizures or distresses.

Sheriff when to account & pay taxes.

How to account.

Commissions

Insolvencies, how allowed.

How proceeded against for failure.

Motion

during the sitting of the general court, in the month of  
**Damages.** **October,** after such failure, for the amount of the taxes  
 due, and ten per centum for interest and damages, for  
 the use of the commonwealth; and thereupon execution  
 shall issue. And there shall be paid by all and every  
**How taxes** person and persons chargeable therewith, to the sheriff  
**may be paid.** or collector of the same, the taxes herein before enu-  
 merated; which said taxes shall be paid in Spanish  
 milled dollars at the rate of six shillings each, or in  
 other current gold or silver coin at a proportionate va-  
 lue, or in the bills of credit herein after mentioned, or  
 in such produce of this commonwealth, at such rate,  
 and in such manner and proportion, as is herein after  
 mentioned, to wit: one tenth part, or two shillings in  
 the pound, of the tax on land, shall be payable at the  
**What pro-** option of the persons paying the said tax, in the bills  
**portion of** of credit emitted on the funds of this commonwealth  
**land tax in** and the faith of the United States as pledged by the  
**gold or sil-** resolutions of congress of the eighteenth of March, in  
**ver, & what** the year one thousand seven hundred and eighty; and  
**in certain** the interest due on the said bills shall be computed and  
**paper mo-** allowed to the payer at the time of payment thereof,  
**ney.** for the said tax: And the said bills of credit so received  
 shall be paid into the treasury and not re-issued, but  
 shall remain in the treasury to be burnt and destroyed.  
**Other taxes,** And all other taxes on articles enumerated as aforesaid,  
**payable in** to be paid by this act (except the tax on land) shall be  
**specie, to-** payable (at the option of the payer) one half thereof  
**bacco, hemp,** in specie, tobacco or hemp, and the other half in spe-  
**or flour.** cie, tobacco, hemp or flour, to wit: In inspectors re-  
 ceipts or notes for good merchantable crop tobacco,  
 not inspected more than one year when offered in pay-  
 ment, at the rate of twenty-five shillings per hundred,  
 with an allowance of twelve shillings and six-pence for  
 inspection and cask, or in transfer receipts or notes for  
 tobacco at the rate of one hundred and six pounds for  
 one hundred pounds of crop tobacco, at any public in-  
 spection within this commonwealth; or in inspectors  
 receipts or notes for sound, clean and merchantable  
 hemp, delivered at the warehouses provided or to be  
 provided for the reception thereof, at the towns of A-  
**Warehouses** lexandria, Fredericksburg, Richmond, Petersburg and  
**for hemp,** West-Point; which said receipts or notes for hemp shall  
**where esta-** be received in discharge of taxes, according to this act,  
**lished.** at the rate of fifty shillings per hundred; or in receipts

for sound and merchantable flour, delivered at the warehouses, provided or to be provided by the inspectors and receivers of hemp at the aforesaid towns in casks, and not inspected more than three months, when offered in payment, at the rate of sixteen shillings and eight pence per hundred, with an allowance of two shillings and six pence for cask and inspection; and any person or persons chargeable with taxes by this act, and paying the same in the manner herein directed, shall be discharged thereof, and may demand and receive of the sheriff or collector a receipt or discharge accordingly: *Provided nevertheless*, That the governor, with the advice of the privy council, may appoint such other place or places, person or persons, for the reception of flour pursuant to this act, as the exigencies of this commonwealth shall require, and the notes or receipts of such persons shall pass in payment of taxes in the manner herein before directed, for paying the notes of the receivers of flour, on public account. And the treasurer for the time being shall make out a fair list of the receipts so paid into the treasury for taxes as aforesaid, and shall deliver the same, duly certified, to the governor of this commonwealth, who, with the advice of the privy council, shall direct the said tobacco, hemp and flour to be sold from time to time as occasion may require, for current gold or silver coin, which shall be forthwith paid into the treasury, or otherwise to dispose of the said hemp, tobacco and flour in payment of the debts and contracts of this commonwealth, on the best terms that can be obtained, in like manner as if the same had been current gold and silver coin actually paid into the treasury, having a due regard to the appropriations which are or shall be made of the revenue of the commonwealth, arising from this act, by the general assembly. And the courts of the counties respectively in which the aforesaid towns of Alexandria, Fredericksburg, Richmond, Petersburg and West-Point shall be, are hereby authorized and required to provide good and sufficient warehouses for the storage of hemp and flour according to this act, and to appoint one or two reputable persons as the case may require within the said towns respectively, for the receiving, safe keeping and delivering of the said hemp and flour on public account, and for inspecting the said hemp; who, in the receipts given by them, or either of them,

Inspections of flour, where established.

Power of governor, &c. to appoint other places.

Treasurer to deliver lists of receipts to the governor, who shall direct the sale of the commodities.

Directions for appointing inspectors of flour.

At what places.

shall specify the names of the persons or owners delivering the same, the number and quantity of each bundle of hemp, and the warehouse number and nett weight of each barrel of inspected flour received, for which the inspectors manifest shall be produced and filed at the said warehouse as a voucher, to prove the inspection thereof, before the delivery by the owner. And the said courts respectively shall make such reasonable allowance to the inspectors or receivers aforesaid, for their services, as they shall think proper, and shall certify the same to the auditors of public accounts, and all other expences attending the said warehouses, for the receiving and delivering of the hemp and flour aforesaid, shall be allowed and certified in like manner, and shall be paid out of the money in the public treasury arising from the sale thereof. And the said inspectors or receivers of hemp and flour shall, before entering upon the duties of their office, give bond in a reasonable penalty, payable to the treasurer for the time being, or to his successors, for the use of the commonwealth, conditioned for the due and faithful performance of the duties required of them by law, in the execution of their said office; and in case of failure in any court, inspector or receiver respectively as aforesaid, such court shall be liable to the same penalties as is provided in the case of courts neglecting or refusing to appoint commissioners by this act, to be recovered and applied in like manner; and such inspector or receiver shall be liable to damages, upon the action of the party grieved, and shall moreover forfeit and pay the sum of one hundred pounds, recoverable in any county court, for the use of this commonwealth.

Tax on patents for lands exceeding 1400 acres; except bounties to officers.

V. *And be it farther enacted,* That there shall be received, accounted for on oath, and paid into the treasury of this commonwealth by the register of the land-office for the time being, every half year, to wit: on or before the first day of April and the first day of October in every year, the tax of five shillings for every hundred acres of land exceeding fourteen hundred acres contained in any patent hereafter to be granted, except in cases of land allowed to officers as bounties, which said tax the said register is authorised to demand and receive before granting the said patent; and the said register shall account for and pay the money arising from the aforesaid tax, in the same manner as is



directed by this act in the case of sheriffs accounting for and paying the taxes received by them, and in case of failure shall be liable to the like penalties, to be recovered in like manner.

VI. *And be it further enacted*, That on all vessels, at entrance or clearance from or to foreign parts, there shall be paid by the master or owner thereof, the duty of one shilling and three pence per ton, to the collector of duties at the port or ports established or to be established for the entrance and clearance of such vessels; and for every gallon of rum, brandy and other distilled spirits, and for every gallon of wine, which shall be imported or brought into this commonwealth either by land or water, from any port or place whatsoever, the duty or custom of four pence shall be paid by the owner or importer of the same; and for every hundred pounds of sugar which shall be imported or brought into this commonwealth as aforesaid, from any port or place whatsoever, the duty or custom of four shillings and two pence; and for every pound of coffee which shall be imported or brought into this commonwealth as aforesaid, from any port or place whatsoever, the duty of one penny; and for all other goods or merchandize which shall be imported or brought into this commonwealth as aforesaid, from any port or place whatsoever, the duty of one per centum, ad valorem on the amount per invoice of such goods and merchandize; all which said duties shall be paid by the owner or importer of any of the articles or merchandize above mentioned.

Duty on vessels;

On spirits & wine imported;

On sugar;

On coffee;

On all other goods imported.

VII. *And be it farther enacted*, That the master or purser of every ship or other vessel, importing any goods, wares or merchandize, liable to a duty, by virtue of this act, to any port or place within this commonwealth, shall, within forty-eight hours after his arrival, make a true and just report upon oath, with the collector of the duties in the said port or place, of the burthen, contents and loading of such ship or vessel, with the particular marks and numbers of every cask or package whatsoever therein laden, with spirits, wine, sugar, coffee and other merchandize, and the quantity of such spirits, wine, sugar and coffee, and the value of such other merchandize, and to whom consigned, to the best of his knowledge; and also where and in what

Masters of vessels importing goods, when and how to report.

port the same were laden and taken on board, upon penalty of forfeiting one hundred pounds current money.

Dutiable goods not to be landed before entry;

VIII. *And be it further enacted*, That no spirits, wine, sugar, coffee, or other merchandize liable to the said duties, imported or brought into this commonwealth by water, by any person or persons whatsoever, shall be landed or put on shore until due entry made thereof with the collector of the duties in such port or place, and a true account of the marks and numbers of every cask and package, as aforesaid, at that port or place where the same was shipped or taken on board, given on oath before the said collector, who shall certify the same upon the back of the original invoice, or a true copy thereof to him produced; and thereupon such importer, paying the duties laid by this act, or securing the payment thereof within six months, shall obtain a permit under the hand of such collector for the landing and delivery of the same; and all spirits, wine, sugar, coffee or other merchandize landed, put on shore or delivered, contrary to the true intent and meaning of this act, or the value thereof, shall be forfeited and lost, and may be seized or recovered by the said collector of the port or place where the same shall be put on shore or delivered, or by any other person or persons whatsoever. And the owner or importer of any of the aforesaid spirits, wine, sugar, coffee or other merchandize by land, shall in like manner make due entry of the same within ten days after the importation, with the collector of the duties aforesaid, and give a true account thereof upon oath, and pay the duties hereby imposed; or give bond with good security for payment thereof within six months, and thereupon obtain a permit, under the hand of the said collector, for selling or making use of the same; and all spirits, wines, sugar, coffee and other merchandize imported by land without such entry made and permit obtained, or the value thereof, shall be forfeited and may be recovered or seized by the collector of the said duties, or any other persons whatsoever: *Provided always*, That no person shall be required to give account upon oath, of the true contents of any pipe or lesser cask of wine, or any hogshhead or lesser cask of spirits imported, but shall have liberty to enter a pipe of wine, or hogshhead

Not till duty paid or bonded, and permit obtained; goods landed otherwise to be forfeited;

Same regulations as to goods imported by land.

How casks of liquors as to be entered.

of spirits, as aforesaid, at one hundred gallons, and all lesser casks after the same proportion, any thing in this act to the contrary notwithstanding.

IX. *And be it farther enacted,* That if any person or persons whatsoever, shall wittingly or willingly make a false entry, and be thereof convicted, such person or persons shall forfeit and pay one hundred pounds current money. Penalty for making a false entry.

X. *And be farther enacted,* That the collectors of the duties aforesaid, or any person by them appointed, shall have full power and authority to go and enter on board any ship or other vessel, and from thence to bring on shore any articles whatsoever, liable to a duty by virtue of this act, if such duty be not paid or agreed for within ten days after the first entry of such ship or vessel, or bond with good and sufficient security given for payment of the same, within six months next after such entry, which bond, if offered, the collector is hereby authorised and required to accept and take, and such articles so brought on shore, to secure and detain until due payment shall be made or security given for the same as aforesaid; and if such payment or security be not made or given within two days from the time of such seizure, the collector of the duties aforesaid is hereby empowered to sell the same, or so much thereof as shall be sufficient to discharge the said duties, and five per centum for the charges of such seizure and sale: *Provided nevertheless,* That notice shall be given of such sale, by advertising the same two weeks in the Gazette; and they are also empowered to stay and remain on board such ship or vessel until all such wines, spirits, sugar, coffee and other merchandize be discharged and delivered out of the same. If duty not paid or bonded in ten days after entry, collector may enter the vessel and seize the goods, and in two days sell as much as will pay the duty and charges.

And if any collector or collectors of the said duties, or any other person or persons deputed by them or any of them, shall directly or indirectly take or receive any bribe, recompence or reward, in any kind whatsoever, or shall connive at any false entry of the articles liable to a duty or custom by virtue of this act, the person or persons so offending shall forfeit and pay the sum of one hundred pounds current money, and be forever after disabled in his said office, and rendered incapable of holding any office or employment relating to the cus-

Penalty on collector receiving a bribe or conniving at a false entry.

And on person offering a bribe.      toms within this commonwealth; and the person or persons giving or offering such bribe, reward or recompence, shall forfeit and pay one hundred pounds current money.

Collector by warrant from a justice, accompanied by constable may break open any house in the day time to search for goods for which the duty is not paid or secured.      XI. *And be it farther enacted,* That it shall be lawful to and for all and every collector and collectors of the duties aforesaid, by warrant under the hand of a justice of peace (which warrant shall not be granted but upon an information made to him upon oath, and accompanied with a constable) to break open, in the day time, any house, warehouse or storehouse, to search for, seize and carry away any wine, spirits, sugar, coffee and other merchandize liable to a duty by this act, and for which the said duty shall not have been paid or secured to be paid as aforesaid. And if any collector or constable shall be sued or molested for any thing done in execution of the powers hereby given them, such collector or constable may plead the general issue, and give this act in evidence; and if in such suit, the plaintiff be non-suit, or judgment pass against him, the defendant shall recover double costs: And in all actions, suits or informations to be brought, or where any seizure shall be made pursuant to this act, if the property thereof be claimed by any person, as the owner or importer thereof, in such case the *onus probandi* shall lie upon such owner or claimer.

In suits and seizures the proof shall lie upon the claimer of the goods.

Master may detain goods consigned till duty paid or security given.      XII. *And be it farther enacted,* That when any wine, spirits, sugar, coffee or other merchandize shall be consigned to any person, other than the master or owner of the ship or vessel importing the same, every such person to whom such articles shall be so consigned, shall, upon the importation thereof, pay to the master or owner of the ship or vessel importing the same, the duty payable for such articles by this act; and if any person or persons to whom such articles shall be consigned as aforesaid, shall neglect or refuse to pay the said duty, or give bond, with security, for the payment thereof to the master or owner of the ship or vessel importing the same, at such time as the same shall become payable, it shall and may be lawful for the master or owner of such ship or vessel to detain such articles until the duty shall be paid, or secured to be paid, as aforesaid.

XIII. *And be it farther enacted,* That if any importer of wines, spirits, sugar, coffee or other merchandize shall desire to transport the same from one district to another within this commonwealth, he shall, before he depart out of the district wherein such articles shall be laden or taken on board, make oath before the collector of the duties in the said district, that he hath duly entered such articles, and paid, or secured to be paid, all the duties by this act imposed, and also deliver on oath an account of the quantity of such wines, spirits, sugar and coffee, and also of the value of such other merchandize, and that he will not take, or suffer to be taken on board the said ship, boat or other vessel, any more of the said articles than in the said account shall be specified, and shall likewise take a certificate from such collector of the account so delivered, and that such oath hath been made thereto; which certificate being produced to the collector of the duties in the district to which the said articles shall be transported, shall be a sufficient warrant for the owner thereof to sell the same, in such other district; and all articles whatsoever, on which there is a duty, which shall be transported by water from one district to another, and landed or sold, without producing such certificate as aforesaid to the collector in whose district the same shall be transported, shall be liable to be seized and forfeited.

Directions in case of transportation of goods imported, to another district

XIV. *And be it farther enacted,* That if any person or persons shall pay any of the duties accruing due by virtue of this act, at the time of making the entries hereby required with the collectors, in gold or silver coin, current in this commonwealth, of his or their own importation in the said ship or vessel at the time of said entry, and shall make oath that he or they did import the same, and did not carry it out of this commonwealth, with an intent to bring it back again and obtain a benefit thereby, such person or persons shall have an abatement of twenty-five per centum on all duties so paid and satisfied, and every collector is hereby required to make such allowance for money so imported and paid.

Premium for paying duties in imported money.

XV. And to prevent delays in the payment of the said duties, *Be it enacted,* That where any person shall

Proceedings on bonds for duties;

become bound for the payment of the said duties imposed by this act, and shall not pay the same at the time limited, whether such bond be payable to the commonwealth or to the collector of the said duties, it shall and may be lawful to and for the said collector to sue out of the general court, or the court of the county wherein such person or his securities respectively reside, one or more writs of *scire facias* in the name of the commonwealth, returnable to the said court, against the person or persons chargeable with the said duties, and his or their securities, their executors or administrators, to shew cause why execution ought not to issue against him, them, or any of them, for the duties so unpaid, and thereupon to sue out execution accordingly; and the said collectors respectively shall be allowed for collecting, accounting for and paying the said duties imposed by this act into the treasury of this commonwealth, the sum of five per centum on the money so collected by them, or any of them; and they are hereby required to account for and pay into the treasury aforesaid every half year, to wit: On the tenth day of April and the tenth day of October in every year, or within ten days afterwards, all money received by them respectively on public account pursuant to this act, upon pain of forfeiting one half of their commissions, to be carried to the credit of the public treasury, and of being suspended from their said office of collector until such payment be made.

Allowance  
to collectors,

Who are to  
account and  
pay half  
yearly.

Forfeitures  
appropriated.

XVI. *And be it farther enacted,* That the several forfeitures and penalties which shall or may arise in any wise by virtue of so much of this act as relates to the collections of duties on wine, spirits, sugar, coffee and other merchandize, and on tannage, shall be for and towards the erecting of public wharves, at the port of the respective districts within this commonwealth.

Lands, &c.  
seized, to be  
sold on credit,  
if they will not sell  
for three  
fourths of  
their value.

XVII. *And be it farther enacted,* That where any distress shall be made pursuant to this act, and the lands, goods or chattels will not sell for three fourths of their value in the opinion of the officer making such distress, the same shall be sold for three months credit, in the same manner as goods taken by *fieri facias*.

XVIII. *And be it farther enacted,* That all matters or things contained in any act or acts heretofore made for the imposing and collecting taxes and duties, except so much thereof as respects the manner of collecting, accounting for, and paying the arrears of taxes and duties now due, be and the same are hereby repealed.

All things in any prior act for imposing taxes, except specific repealed,





# RESOLUTIONS

AND

# STATE PAPERS

FROM 1779 TO 1781.

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*Resolutions and Reports of Commissioners on the subject of the disputed boundary between the states of Virginia and Pennsylvania.*

Pennsylvania boundary.

☞ THE papers relating to this subject, so far as they have yet been *published*, cast but a few rays of light on the points in controversy, between the two states.—Indeed, the resolution of the 18th of December 1776, and the final report of the commissioners of the 23rd of August 1785, who were merely appointed to run and mark the line, previously agreed on, are the only *official documents*, that have been published; and they were locked up in perfect obscurity, until the publication of the Revised Code of 1819. They will be found in the first volume of that work, pages 51, 52. But the *claims* of Pennsylvania to an extension of territory, and the grounds on which they were resisted by Virginia, are very imperfectly known.

The following papers are intended to fill up the chasm between the resolution of 1776, and the report of the commissioners of 1785; without which it is impossible to understand the principles on which the two states came to an amicable adjustment of their boundary.

[For the resolution of December 18th 1776, See 1 Rev. Code of 1819, chap. 16, pa. 51.]

Pennsylvania  
a boundary.



*Resolution respecting Commissioners  
on boundary line with Pennsylvani-  
a.*

Resolution  
agreeing to  
appoint com-  
missioners  
on the dis-  
puted bound-  
ary be-  
tween Vir-  
ginia and  
Pennsylvani-  
a.

In the House of Delegates, May 20th 1779.

Resolved that the governor be desired to inform the commissioners appointed on the part of Pennsylvania to adjust the boundary between that and this state, that this assembly will proceed to nominate commissioners for the same purpose; to signify that the place appointed by them is agreeable; but to desire that such meeting may be postponed until the assembly shall have risen, of which notice shall be given them.

E. RANDOLPH, C. H. D.

May 21st, 1779.

Agreed to by the senate,  
JOHN BECKLEY, C. S.



*Resolution respecting appointment of  
Commissioners to run the boundary  
line with Pennsylvania.*

Resolution  
for appoint-  
ing commis-  
sioners to  
adjust the  
boundary  
between  
Virginia and  
Pennsylvania,  
whose  
proceedings  
are to be ra-  
tified or dis-  
agreed to by  
the general  
assembly.

In the House of Delegates, June the 4th 1779.

Resolved that three commissioners ought to be appointed on the part of this commonwealth, by joint ballot of both houses of assembly, to meet with commissioners appointed on the part of the state of Pennsylvania, to adjust their boundaries, whose proceedings shall be subject to be ratified or disagreed to by the general assembly.

June 5th 1779.

Teste,

E. RANDOLPH, C. H. D.

Agreed to by the senate,  
JOHN BECKLEY, C. S.

*A Journal of the proceedings of the Commissioners from Virginia and Pennsylvania to agree upon certain boundaries for the state of Pennsylvania.*

Pennsylvania boundary.



*Baltimore, August 27, 1779.*

The commissioners met this day, viz. on the part of Virginia, James Madison and Robert Andrews, and on the part of Pennsylvania, George Bryan, John Ewing and David Rittenhouse.—Thomas Lewis, one of the commissioners from Virginia, was not present.

Journal of proceedings of Virginia and Pennsylvania commissioners.

The commissioners from each state first shewed their respective powers, and it was determined that their proceedings were to be reported to the assemblies of each state for their consideration.

It was then proposed that the commissioners from Pennsylvania should state their claims in writing, which they did in the following manner.

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LETTER I.

*To the Virginia Commissioners.*

*Gentlemen,*

IT appears from the charter of Pennsylvania that its eastern boundary is the river Delaware, from twelve miles above New-Castle, and below that point a part of a circle drawn at the distance of twelve miles from the centre of New-Castle; that its northern boundary is the beginning of three and fortieth degree of north latitude; and that its southern boundary is the said circle at twelve miles distance from New-Castle northwards and westwards unto the beginning of the fortieth degree of northern latitude, and then a straight line westwards to the limits of five degrees of longitude; and that it shall extend westward five degrees in longitude, to be computed from the said eastern bounds.

Pennsylvania commissioners to Virginia commissioners.

Pennsylvania  
a boundary.



On this we beg leave to remark, that the breadth from north to south of this tract of land, is three degrees of latitude, viz. from the beginning of the fortieth degree of north latitude unto the beginning of the forty third degree, and that the distance of the northern and southern limits so expressly contains three degrees of latitude, that it is not in the power of language to be more determinate and precise with respect to the breadth of the same; that the expressions the beginning of the fortieth degree, and the beginning of the forty third degree of latitude which mark the northern and southern boundary of Pennsylvania, are so clear and definitive as not to be capable of any other meaning than to determine the parallels where the thirty ninth and forty second degrees end, and are compleated, reckoned from the equator, as all nations reckon them.

It appears also from Mr. Penn's petition to the crown of England for this tract of land, that he requested a tract three degrees in breadth and five in length, in compensation for money advanced by his father, and that the said quantity of land was actually intended to be granted to him is evident from the express words of the grant, which includes that quantity.

We are, gentlemen, also of opinion, that the supposition or apprehension of the grantor, that the said circle round New-Castle would, somewhere in its course, intersect the beginning of the fortieth degree of latitude, when it is since found in fact that it does not intersect it, ought not in any reasonable and equitable construction to be adduced as an argument for curtailing the said grant or removing the southern boundary of the state farther towards the north, than the precise and indisputable expressions of the charter fix it to be, when it is a known and universal rule of determining the boundaries of land, that when two expressions in the grant point out two different terms or limits, the one vague and uncertain, the other known and determinate, to prefer that which is known and capable of an indisputable and certain determination; as if the line of a tract of land is said to extend from a fixed point, one hundred perches to a known tree, river or creek, although the number of perches should not reach so far. Now should there be supposed any uncertainty or ambiguity in the words which ascertain the place of the southern boundary of Pennsylvania,

which we do not admit, we plead only for the usual method of explaining what is dark and vague, by what is so precise and determinate, that it cannot possibly be mistaken, viz. *The beginning of the fortieth degree*; the other expression, viz. *Where the circle intersects the beginning of the fortieth degree*, being vague, and in fact now found to be impossible. We are persuaded, gentlemen, that you will the more readily concur in this opinion, when you reflect that the said circle was introduced, as a small part of the boundary of Pennsylvania, only with the design of securing to the Duke of York his favourite town of New-Castle, and a small territory around it, and by no means intended to prevent the southern boundary of Pennsylvania from being fixed at the beginning of the fortieth degree of latitude.—But, besides the constant practice and reasonableness of this mode of interpretation, which we are persuaded will be allowed by impartial judges, we are induced to insist upon it from an express provision in the charter itself made on purpose to prevent the proprietors from sustaining any detriment by any interpretation, which any word or clause in the same might be capable of bearing. The provision is this. “And if perchance it shall hereafter happen, any doubts or questions should arise concerning the true sense and meaning of any word or clause or section in this our present charter, we will, ordain and command, that in all things, and at all times such interpretation thereof be made and allowed in any of our courts whatsoever as shall be judged most advantageous and favourable unto the said William Penn, his heirs and assigns.”


We would only further suggest at present that this claim of Pennsylvania appears to us the more reasonable, as it is probable that it will not interfere with the boundaries of Virginia as described in their charter of the 23rd of May 1609, when they shall be determined according to the tenor of the same; but should it so happen that any part of the fortieth degree should be included in both charters, it is by a solemn act of the Convention of Virginia, ceded and confirmed to the state of Pennsylvania.

Yet, gentlemen, although we have no doubt of the justice and propriety of our claim, as above laid down, but on the contrary a full confidence that disinterested judges would allow us the whole of that tract of coun-

Pennsylvania  
a boundary.



Pennsylvania  
a boundary.



try which is so expressly contained in the charter, and so fully ceded by the state of Virginia; yet in as much as it might disturb the settlers on the south side of the river Potowmack, who have been long accustomed to the laws and government of Virginia; for the sake of peace, and to manifest our earnest desire of adjusting the dispute on amicable terms, we are willing to recede from our just rights, and therefore propose that a meridian be drawn from the head spring of the north branch of Potowmack to the beginning of the fortieth degree of north latitude, and from thence that a parallel of latitude be drawn to the western extremity of the state of Pennsylvania, to continue for ever the boundary of the state of Pennsylvania and Virginia.

We are, gentlemen,

Your most obed't. & very humble serv'ts.

GEORGE BRYAN,

JOHN EWING,

DAVID RITTENHOUSE.

To the Rev. James Madison, & }  
the Rev. Robert Andrews. }  
*Baltimore, August 28, 1779.*

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## LETTER II.

*To which the following answer was returned.*

*Gentlemen,*

Virginia  
commission-  
to Pennsyl-  
vania com-  
missioners.

IN answering your interpretation of the charter of Pennsylvania, we think it necessary not only to attend to the precise words of the charter itself, but to such evidence as may be collected from other charters. We can by no means agree with you in opinion that the southern limit is precisely defined by the words of your charter to be the beginning of the fortieth degree of northern latitude, nor can we suppose the charter of Pennsylvania was intended to contradict the charter of Maryland.

Let us first consider how far you have reason to affirm "that the distance of the northern and southern limits so expressly contains three degrees of latitude, that it is not in the power of language to be more determinate and precise with respect to the breadth of the same." We do not deny that the expressions, "the beginning of the fortieth, and the beginning of forty third degrees," mean those lines where the thirty ninth and forty second end, nor that they must be reckoned from the equator. If, gentlemen, your charter had been bounded by no other limits than those above mentioned, candour and justice would not have permitted us to hesitate a moment, whether the southern limit should actually be that line of five degrees in longitude computed from the Delaware where the thirty ninth ends. But since it is expressly said in your charter, that the eastern boundary shall commence at twelve miles distance upon the Delaware northwards of New-Castle and be limited by the beginning of the forty third, it follows that unless that circle either intersected or touched the beginning of the fortieth degree, a line of three degrees cannot be contained under the eastern boundary. It must therefore have been far within the power of language to have been more determinate and precise, if it had been intended that your charter should have extended three degrees on the eastern boundary, otherwise language could convey to us no precise idea at all.

Pennsylvania  
a boundary.



Your eastern boundary being confined to twelve miles northwards of New-Castle, let us next consider whether your southern boundary can possibly begin at the end of the thirty ninth degree. If it does, we beg to know from what point you are to compute your five degrees of longitude? It is evident from your own explanation that you can only come to a part of the circle southwards, and of consequence, the space between that part of the circle and the end of the thirty ninth degree can have no boundary; or in other words, having no boundary whence you are to compute your longitude, can have no claim to any territory southward of that point where your eastern boundary commences.

As to the idea that no argument should be adduced for curtailing the grant, "because the circle is found not to intersect that degree," but that the universal rule

Pennsylvania  
a boundary.



for determining the boundaries of land in cases of uncertainty from such expressions as you mention should be followed, we cannot think in the first place, that the instance given is by any means applicable; for, how you would extend your circle of twelve miles radius we cannot comprehend. Nor can we comprehend in what manner the one expression can be said to be more vague and uncertain than the other. The limits of a circle of twelve miles radius are as unequivocal, or as precise and determinate, as the beginning of the fortieth degree. But surely we shall not endeavour to justify one error by another. For, we would suppose in the case you mention, that the important words *more* or *less* should not be omitted, if it were intended a line should extend to any given boundary when the number of perches assigned fell short of the proposed distance.

We now beg leave to call your attention to the words of other charters. The Maryland charter is bounded northward by that part of the river Delaware which lieth under the fortieth degree of northern latitude from the equinoctial, *where New England ends*. The New England charter is to begin expressly *from forty degrees* of northern latitude. Maryland was therefore to be bounded not by the beginning, but the extreme part of the fortieth degree. To grant then to Penn a whole degree which was formerly granted to Baltimore, would have been absurd. It would have been granting a thing which Penn could never expect to possess.

But a clause in your charter, you are pleased to say, provides for all doubts or questions that may arise concerning the true sense and meaning of any word, clause or sentence in the said charter, and therefore the beginning of the fortieth degree of northern latitude must be admitted as the true southern boundary of the state of Pennsylvania. We believe it is universally acknowledged, that whenever the matter of any covenant or deed is wholly or in part impossible or unlawful, so far the covenant or deed is null and void. Let us then apply this established principle to the case before us Baltimore's grant extending to the beginning of the forty first degree of northern latitude, and being prior to Penn's, so much of Penn's grant as came into the fortieth degree and interfered with Baltimore's was unlawful, and therefore void. And although the sam



invalidating reason cannot be urged against Penn's grant where it interferes with Virginia, yet there being no eastern bounds southward of that point on the Delaware at twelve miles distance from New-Castle northward, from which western limits can be computed, so much of the grant as is southward of that point is null and void from the nature of the thing itself.

Pennsylvania  
a boundary.



What you suggest, gentlemen, to strengthen the reasonableness of the claim of Pennsylvania, from the probability that it will not interfere with the boundaries of Virginia, as described in its charter of May 23rd 1609, appears to us to have no weight; the northern boundary of Virginia, as described in that charter, beginning on the sea coast two hundred miles northward from Cape or Point Comfort, and running west and north-west, up into the land, throughout from sea to sea. Such a northern boundary, which is truly deduced from the quoted charter, will cross the river Delaware above New-Castle, and passing through the state of Pennsylvania with a west north west course, will emerge about the beginning of the forty second degree of northern latitude, from all which it is evident how much the claim of Pennsylvania interferes with the boundaries of Virginia, as described in the charter of the 23d of May 1609.

As to the act of the Convention of Virginia, which cedes and confirms to Pennsylvania whatever she can claim by charter, we only observe, that no act, however solemn, of any body of men can so far alter the nature of things as to make claims in themselves impossible and unlawful, possible and lawful.

Having so clearly shewn, as we think it must appear to every impartial judge, that Pennsylvania has no right to claim any territory southward of that point on the river Delaware, where her eastern bounds begin, we will now, gentlemen, advert to your concluding and conciliatory clause, which we have no doubt was dictated by the true spirit of peace and amity. We cannot, after the most careful examination of your concessions, and with the most perfect disposition to be satisfied with any reasonable proposal, discover that you have receded from any one thing on which you had the shadow of a claim. That tract of country which, consulting the tranquility of the settlers, you suffer us to retain, is chiefly, perhaps all, in the grant enjoyed

Pennsylvania  
a boundary.

by Lord Fairfax, and consequently as perfectly exempted from the claim of Pennsylvania as any part of Maryland.

Anxious as we are to put an end to the dispute subsisting between the two states, and to remove all grounds of future dissensions, by adjusting at this time their boundaries in an amicable manner; yet the undoubted right of Virginia to that tract of country westward of Maryland, and as far northward as the latitude of that point on the Delaware twelve miles distant from New-Castle northward, together with a regard for the peace of those who have settled in this tract, on a supposition that it was comprehended in the government of Virginia, determines us not to accede to the proposal you have been pleased to make. But we trust on a farther consideration of the objections of Virginia to your claim; that you will think it advantageous to your state to continue Mason's and Dixon's line to your western limits, which we are willing to establish as a perpetual boundary between Virginia and Pennsylvania on the south side of the last mentioned state. We are induced to make this proposal, as we think that the same principle which effected the compromise between Pennsylvania and Maryland should operate equally as strong in the present case.

We are, gentlemen,

Your most obed't. and humble serv'ts.

JAMES MADISON.

ROBERT ANDREWS.

To the Hon. George Bryan, the }  
Rev. Doct. John Ewing, and }  
David Rittenhouse, esquire. }  
*Baltimore, August 30th 1779.*



## LETTER III.

*Gentlemen,*

WE have received your answer to our claim of territory to the beginning of the fortieth degree of north latitude according to the tenour of our charter, and your rejection of the proposal we made for the sake of an amicable adjustment of the disputed boundary. We cannot help professing ourselves at a loss to perceive the force of your objections to the reasons which support our claim; but without making any observations upon them at present, we are willing to submit the merit of your reasonings on both sides to disinterested and impartial judges.

Pennsylvania  
commissioners to  
Virginia  
commissioners.

With respect to your proposal of extending Mason's and Dixon's line to the western extremity of Pennsylvania and to establish it as our southern boundary, we cannot look upon ourselves justified in continuing a line as our boundary which cuts off near a fourth part from our state, without obtaining a reasonable compensation for it; and therefore however desirous we may be of an amicable settlement of the dispute, we shall be under the disagreeable necessity of returning to our constituents with the report of the proposals we have made for the sake of peace; unless you can comply with an addition to your proposal, which we now make for your consideration, viz.

That Mason's and Dixon's line should be extended so far beyond the limits of Pennsylvania, as that a meridian drawn from the western extremity of it to the beginning of the forty third degree of north latitude, shall include as much land as will make the state of Pennsylvania what it was originally intended to be, viz. three degrees in breadth, and five degrees in length, excepting so much as has been heretofore relinquished to Maryland: And Virginia so far as it may be interested in any of the lands to the westward of Pennsylvania, shall renounce all claim to this additional compensation to Pennsylvania.

Pennsylvania  
a boundary.



And finally if this proposal be not complied with, it is our intention that it shall not be adduced to prejudice the claim of Pennsylvania hereafter.

We are, gentlemen,

Your most obed't. and very humble ser'v'ts.

GEORGE BRYAN,

JOHN EWING,

DAVID RITTENHOUSE.

To the Rev. James Madison, & }  
the Rev. Robert Andrews. }  
*Baltimore 30th August, 1779.*

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#### LETTER IV.

*Gentlemen,*

Virginia  
commission-  
ers to Penn-  
sylvania  
commission-  
ers.

Although our arguments against the claims of Pennsylvania have not made that impression on you, which we conceive they were calculated to effect, and however confident we are that the subjection of the merits of the cause to impartial and adequate judges would by no means establish those claims you have been pleased to make, yet having received no powers to refer the decision of the present dispute to other judges, we cannot accede to a proposition of that tendency.

As the state of Virginia must be the sufferer by any compromise short of the proposal first communicated to you, the idea of compensation is altogether inadmissible.

But considering of how much importance it may be to the future happiness of the United States, that every cause of discord be now removed, we will agree to relinquish even a part of that territory which you before claimed, but which we still think is not included in the charter of Pennsylvania.

We therefore propose, that a line run due west from that point where the meridian of the first fountain of the north branch of Potowmack meets the end of the thirtieth minute of the thirty ninth degree of northern latitude, five degrees of longitude to be computed from that part of the river Delaware which lies in the same

parallel, shall forever be the boundary of Virginia and Pennsylvania, on the southern part of the last mentioned state. We hope that this proposal will finally meet with your approbation, as it coincides most nearly with the claims of each state.

We are, gentlemen,

Your most obed't. & very humble serv'ts.

JAMES MADISON,  
ROBERT ANDREWS.

To the Hon. George Bryan, the  
Rev. Doctor John Ewing, & }  
David Rittenhouse, esquire. }  
*Baltimore, August 30, 1779.*

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### LETTER V.

Gentlemen,

WE will agree to your proposal of the 30th August 1779, for running and forever establishing the southern boundary of Pennsylvania in the latitude of thirty nine degrees thirty minutes westward of the meridian of the source of the north branch of the river Potowmack, upon condition that you consent to allow a meridian line drawn northward from the western extremity thereof, as far as Virginia extends, to be the western boundary of Pennsylvania.

We are, gentlemen,

Your most obed't. & very humble serv'ts.

GEORGE BRYAN,  
JOHN EWING,  
DAVID RITTENHOUSE.

To the Rev. James Madison, & }  
the Rev. Robert Andrews. }  
*Baltimore, 31st August 1779.*

Pennsylvania  
a boundary.



## LETTER VI.

*Gentlemen,*

Virginia  
commission-  
ers to Penn-  
sylvania  
commission-  
ers.

WE cannot agree to make that addition to our proposal of the 30th of August 1779, which you in the paper communicated to us this day, have made the condition of your acceptance. But from the same motive which has actuated us throughout the whole of this business, we will make a farther proposal which we think as advantageous to Pennsylvania as that first made by you to us. We will continue Mason's and Dixon's line due west five degrees of longitude, to be computed from the river Delaware for your southern boundary, and will agree that a meridian drawn from the western extremity of this line to your northern limit shall be the western boundary of Pennsylvania.

We are, gentlemen,

Your most obed't. & very humble serv'ts.

JAMES MADISON,  
ROBERT ANDREWS.

To the Hon. George Bryan, the }  
Rev. Doctor John Ewing, & }  
David Rittenhouse, esquire. }

*Baltimore August 31, 1779.*

## LETTER VII.

*Gentlemen,*

Pennsylvania  
commission-  
ers to  
Virginia  
commission-  
ers.

WE agree to your last proposal of August 31st 1779, to extend Mason's and Dixon's line due west five degrees of longitude, to be computed from the river Delaware, for the southern boundary of Pennsylvania; and that a meridian drawn from the western

extremity thereof to the northern limit of the state, be the western boundary of Pennsylvania forever. Pennsylvania boundary.

We are, gentlemen,

Your most obed't. & very humble serv'ts.

GEORGE BRYAN,

JOHN EWING,

DAVID RITTENHOUSE.

To the Rev. James Madison, & }  
the Rev. Robert Andrews. }

*Baltimore, 31st August, 1779.*

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### *Agreement of commissioners for southern and western boundary of Pennsylvania.*

*Baltimore 31st August 1779.*

WE James Madison and Robert Andrews, commissioners for the state of Virginia, and George Bryan, John Ewing and David Rittenhouse, commissioners for the state of Pennsylvania, do hereby mutually, in behalf of our respective states ratify and confirm the following agreement, viz. To extend Mason's and Dixon's line due west five degrees of longitude, to be computed from the river Delaware, for the southern boundary of Pennsylvania, and that a meridian drawn from the western extremity thereof to the northern limit of the said state be the western boundary of Pennsylvania forever: In witness whereof we have hereunto set our hands this thirty first day of August in the year of our Lord 1779.

JAMES MADISON,  
ROBERT ANDREWS.

GEORGE BRYAN,  
JOHN EWING,  
DAVID RITTENHOUSE.

Pennsylvania  
a boundary.



*Ratification of the boundary line between Pennsylvania and Virginia, on the part of Pennsylvania.*

In General Assembly of the Commonwealth of Pennsylvania.

*Friday, November 19th, 1779.*

Ratification of the boundary line, on the part of Pennsylvania.

Agreeable to the order of the day, the house took up the report of the commissioners appointed to settle the boundary line between this state and Virginia, and the same being read and fully considered

*Resolved unanimously,* That this house do ratify and finally confirm the agreement entered into between commissioners from the state of Virginia and commissioners from this state, which agreement is in the following words.

*Baltimore, August 31st, 1779.*

WE George Bryan, John Ewing and David Rittenhouse, commissioners for the state of Pennsylvania, and we, James Madison and Robert Andrews, commissioners for the state of Virginia, do hereby mutually, in behalf of our respective states, ratify and confirm the following agreement, viz.

To extend Mason's and Dixon's line due west five degrees of longitude, to be computed from the river Delaware, for the southern boundary of Pennsylvania; and that a meridian drawn from the western extremity thereof to the northern limits of the said state, be the western boundary of Pennsylvania forever. In witness whereof we have hereunto set our hands this thirty first day of August in the year of our Lord one thousand seven hundred and seventy nine.

GEORGE BRYAN,

JOHN EWING,

DAVID RITTENHOUSE.

JAMES MADISON,

ROBERT ANDREWS.

*Signed by order of the House,*

JOHN BAYARD, *Speaker.*

*Attested,*

THOMAS PAINE,

*Clerk of the General Assembly.*



*Resolutions of the General Assembly  
of Virginia, respecting the disputed  
boundary with Pennsylvania.*

Pennsylvania  
a boundary.

IN THE HOUSE OF DELEGATES

June 23d, 1780.

THE General Assembly of Virginia have had under their consideration the agreement entered into between the commissioners of this commonwealth and those of Pennsylvania, at Baltimore, on the 31st day of August in the year 1779, respecting the disputed territory and boundary line between the two states, together with the papers and proceedings thereupon; and although the general assembly of Virginia are far from thinking the reasoning of the Pennsylvania commissioners in support of their claim conclusive, or that this commonwealth is bound by the agency of commissioners whose powers were restrained to an agreement for ascertaining boundaries, to be referred to their respective assemblies, for their ratification or rejection; yet actuated by the same principles and motives which induced the Convention of Virginia, in that act which formed our new government, to make a cession and release of the territory contained within their respective charters to the neighbouring states, to promote the common cause of America, to prevent as far as in their power future dispute and animosity, and to prove the sincerity of their professions and desire to cultivate and maintain the most cordial harmony with their sister state of Pennsylvania united with us, by the most sacred ties, in the defence of our common rights and liberty, the general assembly of Virginia are willing to ratify the aforesaid agreement on the conditions expressed in the following Resolve, corresponding with the reservation in their offer of December 16th 1776.

Conditional  
ratification,  
on the part  
of Virginia.

Resolved therefore that the agreement made on the 31st day of August 1779, between James Madison and Robert Andrews, commissioners for the commonwealth of Virginia, and George Bryan, John Ewing and David Rittenhouse, commissioners for the commonwealth of Pennsylvania be ratified and finally confirmed, to wit, that the line commonly called Mason's and Dix-

Pennsylvania  
a boundary.

ou's line be extended due west five degrees of longitude, to be computed from the river Delaware, for the southern boundary of Pennsylvania, and that a meridian drawn from the western extremity thereof to the northern limits of the said states respectively, be the western boundary of Pennsylvania forever. On condition that the private property and rights of all persons acquired under, founded on, or recognized by the laws of either country, previous to the date hereof, be saved and confirmed to them, although they should be found to fall within the other; and that in the decision of disputes thereupon, preference shall be given to the elder or prior right which ever of the said states the same shall have been acquired under; such persons paying to that state within whose boundary their lands shall be included, the same purchase or consideration money which would have been due from them to the state under which they claimed the right: and where any such purchase or consideration money hath since the declaration of American Independence been received by either state for lands, which according to the before recited agreement shall fall within the territory of the other, the same shall be reciprocally refunded and repaid.

Resolved that upon the acceptance and full ratification of this condition and agreement on the part of the commonwealth of Pennsylvania, the governor be empowered with the advice of the council to appoint two commissioners on behalf of this commonwealth, in conjunction with commissioners to be appointed by the commonwealth of Pennsylvania, to extend the line commonly called Mason's and Dixon's line five degrees of longitude from Delaware river as aforesaid, and from the western termination thereof to run and mark a meridian line to the Ohio river, which is as far as the general assembly conceive the same can at present be extended and marked, without danger of umbrage to the Indians; giving to the said commissioners on the part of Virginia such instructions therein, as the governor with the advice of the council shall judge proper.

*Teste,*

JOHN BECKLEY, C. H. D.


1780, July 1st.

Agreed to by the Senate with an amendment.

WILL. DREW, C. S.

*Amendments proposed by the Senate  
to the resolution respecting the dis-  
puted boundary with Pennsylvani-  
a.*

Pennsylvani-  
a boundary.



At the end of the first resolution add " And that the inhabitants of the disputed territory now ceded to the state of Pennsylvania, shall not before the first day of December in the present year be subject to the payment of any tax, nor at any time to the payment of arrears of taxes or impositions heretofore laid by either state."

WILL. DREW, C. S.

4th July, 1780.

The House of Delegates agree to the Senates amendment touching the disputed boundary with Pennsylvania.

Mr. Mason to inform them of.

JOHN BECKLEY, C. H. D.

*Resolution instructing delegates in  
Congress, in treaty with Spain to  
stipulate for free commerce of Mis-  
sissippi.*

IN THE HOUSE OF DELEGATES,

Friday the 22nd of October 1779.

*Resolved,* That it be an instruction to the Delegates of this commonwealth in Congress, in case of any treaty with the court of Spain, for their taking possession of the provinces of East and West Florida, or either of them, *they* use their utmost endeavors to obtain an express stipulation in favour of the United American States, for the free navigation of the river Mississippi to the sea, for the purposes of trade and commerce, with the right of mooring vessels to the shores of the said river; and also the free navigation of the gulph of

Navigation  
of Mississip-  
pi.

Navigation  
of  
Mississippi.

Florida between the said river and the Atlantic ocean, with a free port, or ports, in the Island of New Orleans, or some other convenient place or places for exportation and importation, and the privilege of a consul to reside there, for the superintendance of the same.

*Teste,*

JOHN BECKLEY, C. H. D.

*November 2, 1779.*

Agreed to by the Senate with an amendment in the fourth line, by inserting after the word "they" "*continue to.*"

WILL. DREW, C. S.

*November 5, 1779.*

Agreed to,

JOHN BECKLEY, C. H. D.

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### *Resolution respecting the Navigation of the Mississippi.*

IN THE HOUSE OF DELEGATES,

*Tuesday, the 2nd of January, 1781.*

*Resolved,* That the navigation of the river Mississippi ought to be claimed by Virginia only as co-extensive with our territory, and that our delegates in congress be instructed to procure for the other states in the Union the free navigation of that river as extensively as the territorial possession of the said states reaches respectively, and that every further or other demand of the said navigation be ceded if insisting on the same is deemed an impediment to a treaty with Spain.

*Provided,* That the said delegates use their endeavour to obtain on behalf of this state or other states having territory on the said river, a free port or ports below the territory of such states respectively.

*Teste,*

JOHN BECKLEY, C. H. D.

*January 2nd, 1781.*

Agreed to by the senate,

WILL. DREW, C. S.

Land bounty

*Resolution for extending bounty and  
cloathing given by law to certain  
officers and soldiers.*

IN THE HOUSE OF DELEGATES,

*The 26th November 1779.*

*Resolved,* That all officers and soldiers being citizens of this commonwealth, belonging to any corps on continental establishment, and not being in the actual service of any other state, shall hereafter be entitled to all state provisions, cloathing, bounty, or other emoluments either in land or money, which have been or shall be allowed to those belonging to the line of this state, although such officers and soldiers do not immediately serve therein, and also to the six months pay presented to each officer and soldier by "An act to enable the officers of the Virginia line, and to encourage the soldiers of the same line to continue in the continental service.

*Teste,*

JOHN BECKLEY, C. H. D.

*November 27th, 1779.*

Agreed to by the senate,

WILL. DREW, C. S.

*Address of the General Assembly to  
the delegates of the United American  
States in Congress.*

IN THE HOUSE OF DELEGATES,

*Wednesday the 24th of May, 1780.*

A motion was made that the House do agree to the following address.

The address of the General Assembly of the commonwealth of Virginia, to the delegates of the United American States, in Congress assembled.

Address of  
the general  
assembly of  
Virginia to  
Congress, on  
the alarming  
situation of  
the southern  
states, as it  
respects the  
operations of  
the enemy.

Address to  
Congress.

The general assembly of Virginia having received representations from the legislature of North Carolina and from governor Rutledge of the present critical and alarming situation of the state of South Carolina; Charlestown besieged by a numerous army, blocked up by sea and land, all communication between the town and country cut off, the British troops actually in possession of the most valuable part of the country upon the sea and navigable rivers, and the Indian enemy (whose tribes are numerous and powerful in that quarter) making incursions upon their western frontier, and little hope of the garrison of Charlestown being long able to defend it; upon the capture or surrender of which, not only military stores to a great amount, but a considerable number of veteran troops and many valuable officers will be lost and no adequate means remain of defending that and the adjacent state of North Carolina or stopping the progress of the enemy, whose views will extend with their success, and may produce the most fatal consequences to the American cause. Under these circumstances the general assembly of Virginia are induced to think that the face of the American war is in a great measure changed, and that the principal object of the enemy this campaign is the conquest of the southern states. The general assembly of Virginia are making every exertion in their power to raise and send forward a body of militia, but conscious that such aid alone will not only be ineffectual, but too slow in its operation, and considering the present general attack by the Indians on their western and the prospect of an immediate invasion on their eastern frontier, in repelling which a great part of their militia will necessarily be employed, they think it their duty to call the attention of congress to this important object, and earnestly to conjure them without delay to adopt the most effectual means of defending and maintaining the southern states; which the general assembly of Virginia apprehend cannot be effected but by a farther speedy and powerful reinforcement of continental troops, and a supply of arms for the North Carolina militia, to whom the government of Virginia hath already furnished all it is able to spare.

And the said address, being read a third time, was on the question put thereupon, agreed to by the House, *nemine contradicente*.

Address to Congress.

*Teste,*

JOHN BECKLEY, C. H. D.

May 24th 1780.

Agreed to by the Senate, *nemine contradicente*.

WILL. DREW, C. S.

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### *Resolution respecting boundary between North Carolina and Virginia.*

IN THE HOUSE OF DELEGATES,

*The 5th day of July 1780.*

THE general assembly of Virginia having at a former session proposed to the assembly of the neighbouring commonwealth of North Carolina to pass mutual laws for securing real property to the owners, whether claimed by title of record or actual settlement, who on running the late boundary line might be found not to be in the state they settled under, and wishing to establish a principle for abolishing all local distinctions between states in one Union, whose citizenship is or ought to be reciprocal, have observed with great pleasure that the legislature of North Carolina have in part closed with their proposition, by passing a law in October one thousand seven hundred and seventy nine for the purpose of establishing titles by actual settlement. But as by a subsequent law the operation of the first act is suspended until their next session, in order to do justice between patentees under this government and mere actual settlers obtaining the same land, as it is doubtful whether the said patentees are in the said first law provided for; as a speedy decision of the matter would quiet the minds of men immediately interested therein, which it is hoped the assembly of North Carolina will give at their next session; and that they may have all necessary information on the subject,

Resolution respecting claimants to lands affected by running the boundary between Virginia and N. Carolina, in which the various modes of acquiring titles to lands, before the resolution, are pointed out.

N. Carolina  
boundary.

Resolved therefore that it be represented to the assembly of North Carolina, that there were under the regal government several modes of gaining a title to lands, none of which became complete, except by the obtaining a patent written on parchment and signed by the governor for the time being; and that a claim to unappropriated land, was only supportable between the time of entry and the time of obtaining such patent, after which the title of the patentee became indefeasible, unless by another patent of prior date.

That no title by settlement was recognized under the said former government, such title being first established by a resolution of convention of the twenty fourth day of May one thousand seven hundred and seventy six, which declared "that all persons settled on any unlocated or unappropriated lands to which there was none other just claim, should have the pre-emption or preference in the grant of such lands," but that this resolution could never have retrospect so as to defeat prior patentees, and thus prove so injurious to fair purchasers; neither can lands before patented come within the description of "unlocated or unappropriated." This assembly find themselves therefore impelled by every motive of law and justice, warmly to solicit the assembly of North Carolina to establish the several titles to lands under their former proposition, and must also inform the said assembly that patentees and purchasers under them have a right by the laws of this state to a preference to all other claims, and that a deprivation of this right would involve several fair and bona fide purchasers in unmerited loss, since they could never have foreseen that which was thought to be impossible, to wit: that a title under an express patent might be defeated. They will further observe, also that a certificate from the register of the land office is the legal mode of fixing the authenticity of patents.

The assembly of Virginia again profess their willingness, on being informed of the ultimate determination of the assembly of North Carolina, to meet them on the most liberal ground, and to do every thing on their part, that right may take place herein.

Resolved that copies of the foregoing resolution be transmitted by the governor to his excellency the go-



vernor of North Carolina, and to the speaker of the assembly.

N. Carolina  
boundary.

*Teste,*

JOHN BECKLEY, C. H. D.

July 6th 1780.

Agreed to by the Senate,

WILL. DREW, C. S.

### *Representation to North Carolina.*

IN THE HOUSE OF DELEGATES,


*The 12th of June 1781.*

MR. TYLER reported from the committee for Courts of Justice, that the committee had according to order prepared a representation to the general assembly of North Carolina, which he read in his place, and afterwards delivered in at the clerk's table, where the same was again twice read and agreed to by the house as followeth:

Representation to N. Carolina on the subject of titles to land, which may fall into that state, by the extension of the boundary line.

The Assembly of Virginia, although no notice hath been taken of two representations heretofore made to the legislature of North Carolina, will not yet entertain an idea that the neglect proceeds from any fixed intention of doing injustice; they do therefore once more warmly solicit the legislature of North Carolina, to make a provision for those persons who have obtained titles to lands supposed to be in Virginia, but which are now likely to fall in the state of North Carolina; and must at the same time observe, that they shall be compelled by every motive of public policy and of that protection due to their citizens, to refuse their assent to the establishment of any boundary line, until this their request, so consonant to the principles of the confederation, the bonds of good neighborhood, and the rights of mankind be complied with. How is it that the state of North Carolina have claimed their territory by charter from the king of England and yet deny efficacy to patents derived from the same source?

Representa-  
tion to N.  
Carolina.



If these charters are valid to define the limits of states, are not patents which possess the same foundation valid to prescribe the bounds of private ownership? If the legislature of North Carolina should explode the authority of these patents, they may draw themselves into a disagreeable predicament with respect to the United States, which needs only to be hinted at to be understood. But if the Indian title is the only good one, then doth Virginia positively claim the lands in dispute, by virtue of a purchase from the Cherokees in the year 1770 by the express permission of the crown; the bounds of which purchase, and not the late extended line, must be the mark of territory between the two states. Indeed Virginia built Fort Patrick Henry for the express defence of this land so purchased of the Cherokees. The assembly of Virginia do not wish the legislature of North Carolina to act in a judicial capacity, by saying that the title of any individual is to be preferred, but they ask them to establish the best Virginia title in whomsoever it may be placed, and to direct that the laws and usages of Virginia heretofore made, shall be the rule of determination; leaving the several claimants to prosecute their titles in the usual channels. This proposition was made by the assembly of Virginia before it was known in what manner a line extended by the king of England's charters would affect the claimants, which proves that it was not the effect of any particular motive. The assembly of Virginia hope whatever may be the result of this representation, that it will not go unnoticed, as the others have done, but that the legislature of North Carolina will favor them with their determination, 'till which the assembly of Virginia will postpone all further measures in this business.

*Teste,*

JOHN BECKLEY, C. H. D

1781, June 13th.

Agreed to by the Senate,

WILL. DREW, C. S.

*Resolution for instructing delegates  
to congress.*

Instruction  
to delegates  
in congress.



IN THE HOUSE OF DELEGATES,

June 12th 1780.

*Resolved*, That the Virginia delegates to congress be informed that the people of this commonwealth are alarmed at the omission of the Yeas and Nays in the monthly publication of the proceedings of congress, as the publication of them best ascertains the conduct of their delegates in every important debate.

Resolution  
instructing  
delegates to  
congress, on  
the subject  
of having the  
yeas & nays  
published.

*Resolved*, That it be an instruction to the Virginia delegates in congress, to use their best endeavours to have the Yeas and Nays on every important question printed in the Journals of Congress as formerly.

*Teste*,

JOHN BECKLEY, C. H. D.

July 13, 1780.

Agreed to by the Senate,

WILL. DREW, C. S.



# CESSION


OF

## NORTH WESTERN

### TERRITORY.

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*Circular Letter of the President of Congress.—Declaration of Maryland.—Instructions of the General Assembly of Maryland, to her Delegates in Congress.—Remonstrance of the General Assembly of Virginia to Congress.—Act of the Legislature of New York, to facilitate the completion of the Articles of Confederation.—Resolution of Congress, pressing upon the states, holding western lands, to surrender a portion of their territorial claims, for the general benefit of the Union.—Resolution of the General Assembly of Virginia, for ceding her North Western Territory to the United States.*

[] In order to understand the import of the following papers, of which a summary is given above, it may be necessary to premise that, by the ancient charters of the crown of England to the American colonies, some of them held very large western territories, extending, as in the case of Virginia, even to the Pacific Ocean; or, as expressed in the charter, “from sea to sea, west and northwest.” This inequality, in point of territory, excited no jealousies among the colonies while they all remained subject to the same parent country. But when they declared themselves sovereign and independent states, and these vast tracts of unappropriated lands were to become the *property* of the states, to which they were annexed, and were no longer vested in the crown, as under the colonial government, a spirit of discontent began to manifest itself. Maryland, though a party to the declaration of independence, and who had made strenuous exertions

See vol. 1.  
p. 88, 89.

Cession of  
north west-  
ern territory.

See the ex-  
cellent edit.  
of the Laws  
of the United  
States, by  
Mr. Colvin,  
published in  
1815, vol. 1,  
p. 12.

for the prosecution of the war, did not ratify the articles of confederation until 1781. She insisted that the states, claiming these western territories, should bring them into the common stock, for the benefit of the whole Union. Virginia, expressing an earnest wish to remove every cause of jealousy, refers to her overtures heretofore made to congress for a cession of western lands, for bounties to continental troops, but protests against any usurped jurisdiction, within her territory, by countenancing the claims of the *Vandalia* and *Indiana* companies, or any other matter or thing subversive of her sovereignty. New York in order to conciliate, passed the act, which will be found in this collection. Congress strongly recommended it to the several states, holding western territory, to remove all further impediments to a complete ratification of the articles of confederation, by ceding a portion of that territory to the United States. Finally Virginia passed the resolution for ceding her territory, north west of the river Ohio, to the United States.]

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## CIRCULAR.

*Philadelphia September 10, 1780.*

SIR,

Letter from  
the Presi-  
dent of Con-  
gress to the  
several states

YOUR excellency will receive herewith enclosed an act of congress of the 6th instant, adopting the report of a committee, together with copies of the several papers referred to in the report.

I am directed to transmit copies of this report and the several papers therein mentioned to the legislatures of the several states, that they all may be informed of the desires and endeavours of congress on so important a subject, and those particular states which have claims to the western territory and the state of Maryland, may adopt the measures recommended by congress in order to obtain a final ratification of the articles of confederation.

Congress, impressed with a sense of the vast importance of the subject have maturely considered the same, and the result of their deliberation is contained in the enclosed report, which being full and expressive of their sentiments upon the subject: without any additional observations, it is to be hoped and most earnestly desired that the wisdom, generosity and candour of the legislatures of the several states which have it in their power, on the one hand to remove the obstacles, and on the other to complete the confederation, may direct them to such measures in compliance with the earnest recommendations of congress as shall speedily accomplish an event so important and desirable as the ratification of the confederation by all the states.

Cession of  
north west-  
ern territory.

I have the honor to be,

With the highest respect & consideration,

Your excellency's most obed't. servant,

SAM. HUNTINGTON, *President.*

His Excellency,

The Governor of Virginia.

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## BY THE STATE OF MARYLAND.

### *A Declaration.*

WHEREAS the general assembly of Maryland hath heretofore resolved "That the delegates from this state should be instructed to remonstrate to the congress, that this state esteem it essentially necessary for rendering the Union lasting, that the United States in congress assembled should have full power to ascertain and fix the western limits of those states that claim to the Mississippi or South Sea."

Declaration  
of Maryland

"That this state considered themselves justly entitled to a right in common with the other members of the Union, to that extensive tract of country which lies to the westward of the frontiers of the United States, the property of which was not vested in, or granted to individuals at the commencement of the present war: That the same had been or might thereafter be gained

Cession of  
north west-  
ern territory.



from the king of Great Britain, or the native Indians by the blood and treasure of all, and ought therefore to be a common estate to be granted out on terms beneficial to all the United States, and that they should use their utmost endeavours that an article to that effect be made part of the confederation.

That this state would contribute their quota of men and money towards carrying on the present war with Great Britain, for the purpose of establishing the freedom and independence of the United States, according to such rule of proportion as should be determined by the United States in congress assembled, and would pay their proportions of all money issued or borrowed by congress or which might thereafter be issued or borrowed for the purpose aforesaid. And that this state would accede to and faithfully execute all treaties which had been or should be made by authority of congress, and would be bound and governed by the determination of the United States in congress assembled, relative to peace or war.


That this state hath upon all occasions shown her zeal to promote and maintain the general welfare of the United States of America: That upon the same principle they are of opinion a confederation of perpetual friendship and union between the United States is highly necessary for the benefit of the whole; and that they are most willing and desirous to enter into a confederation and union, but at the same time such confederation should in their opinion be formed on the principles of justice and equity.

Which resolves, remonstrance, and instructions were by our delegates laid before congress, and the objections therein made to the confederation were submitted in writing to their consideration, and the several points fully discussed and debated, and the alterations and amendments proposed by our delegates to the confederation in consequence of the aforesaid instructions by us to them given, were rejected, and no satisfactory reasons assigned for the rejection thereof.

We do therefore declare that we esteem it fundamentally wrong and repugnant to every principle of equity and good policy, on which a confederation between free, sovereign and independent states ought to be founded; that this or any other state entering into such confederation, should be burthened with heavy expences



Cession of  
north west-  
enterritory.



for the subduing and guarranteeing immense tracts of country, if they are not to share any part of the monies arising from the sales of the lands within those tracts, or be otherwise benefited thereby. In conformity to this our opinion, the sentiments of our constituents, in justice to them and ourselves; and least such construction, should hereafter be put on the undefined expressions contained in the third article of the confederation, and the proviso to the ninth (according to which no state is to be deprived of territory for the benefit of the United States) as may subject all to such guarranty as aforesaid, and deprive some of the said states of their right in common to the lands aforesaid.

We declare that we mean not to subject ourselves to such guarranty nor will we be responsible for any part of such expense, unless the third article and proviso aforesaid be explained so as to prevent their being hereafter construed in a manner injurious to this state. Willing however to remove, as far as we can consistently with the trust conferred upon us, every other objection on our part to the confederation, and anxiously desirous to cement by the most indissoluble ties, that Union, which has hitherto enabled us to resist the artifices and the power of Great Britain, and conceiving ourselves, as we have heretofore declared, justly entitled to a right in common with the other members of the Union to that extensive country lying to the westward of the frontiers of the United States, the property of which was not vested in or granted to individuals at the commencement of the present war.

We declare that we will accede to the confederation, provided an article or articles be added thereto, giving full power to the United States in congress assembled to ascertain and fix the western limits of the states claiming to extend to the Mississippi, or South Sea, and expressly reserving or securing to the United States a right in common in, and to all the lands lying to the westward of the frontiers as aforesaid, not granted to, surveyed for, or purchased by individuals at the commencement of the present war, in such manner that the said lands be sold out, or otherwise disposed of for the common benefit of all the states; and that the money arising from the sale of those lands, or the quit rents reserved thereon, may be deemed and taken as part of the monies belonging to the United States, and

Cession of  
north west-  
ern territory.

as such be appropriated by congress towards defraying the expences of the war, and the payment of interest on monies borrowed or to be borrowed on the credit of the United States from France or any other European power, or for any other joint benefit of the United States.

We do further declare that the exclusive claim set up by some states to the whole western country by extending their limits to the Mississippi or South Sea, is in our judgment without any solid foundation, and we religiously believe, will, if submitted to, prove ruinous to this state, and to other states similarly circumstanced, and in process of time be the means of subverting the confederation, if it be not explained by the additional article or articles proposed, so as to obviate all misconstruction and misinterpretation of those parts thereof that are herein before specified.

We entered into this just and necessary war to defend our rights against the attacks of avarice and ambition; we have made the most strenuous efforts during the prosecution of it, and we are resolved to continue them until Independence is firmly established. Hitherto we have successfully resisted, and we hope, with the blessing of Providence for final success. If the enemy encouraged by the appearance of divisions among us, and the hope of our not confederating, should carry on hostilities longer than they otherwise would have done, let those be responsible for the prolongation of the war, and all its consequent calamities, who by refusing to comply with requisitions so just and reasonable have hitherto prevented the confederation from taking place, and are therefore justly chargeable with every evil which hath flowed and may flow from such procrastination.

By the House of Delegates, December 15, 1778.

Read and assented to, by order,

J. DUCKETT, C. H. D.

By the Senate, December 15, 1778.

Read and assented to, by order,

R. RIDGLY, C. S.

*Instructions of the General Assembly  
of Maryland, to George Plater,  
William Paca, William Carmi-  
chael, John Henry, James Forbes,  
and Daniel, of St. Thomas, Jenifer,  
esquires.*


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Gentlemen,

HAVING conferred upon you a trust of the highest nature, it is evident we place great confidence in your integrity, abilities and zeal to promote the general welfare of the United States, and the particular interest of this state, where the latter is not incompatible with the former. But to add greater weight to your proceedings in congress. and to take away all suspicion that the opinions you there deliver, and the votes you give, may be the mere opinions of individuals, and not resulting from your knowledge of the sense and deliberate judgment of the state you represent, we think it our duty to instruct you as followeth on the subject of the confederation; a subject in which unfortunately a supposed difference of interest has produced an almost equal division of sentiments among the several states composing the Union. We say a supposed difference of interests: for if local attachments, and prejudices, and the avarice and ambition of individuals, would give way to the dictates of a sound policy founded on the principles of justice, (and no other policy but what is founded on those immutable principles deserves to be called sound) we flatter ourselves this apparent diversity of interests would soon vanish, and all the states would confederate on terms mutually advantageous to all; for they would then perceive that no other confederation than one so formed can be lasting. Although the pressure of immediate calamities, the dread of their continuance from the appearance of dis-union, and some other peculiar circumstances, may have induced some states to accede to the present confederation contrary to their own interests and judgments, it requires no great share of foresight to predict, that when these causes cease to operate, the states which have thus

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acceded to the confederation, will consider it as no longer binding, and will eagerly embrace the first occasion of asserting their just rights and securing their independence. Is it possible that those states, who are ambitiously grasping for territories to which in our judgment they have not the least shadow of exclusive right, will use with greater moderation the encrease of wealth and power derived from those territories, when acquired, than what they have displayed in their endeavours to acquire them? We think not: we are convinced the same spirit which hath prompted them to insist on a claim so extravagant, so repugnant to every principle of justice, so incompatible with the general welfare of all the states, will urge them on to add oppression to injustice. If they should not be incited by a superiority of wealth and strength to oppress by open force their less wealthy and less powerful neighbours, yet the depopulation, and consequently the impoverishment of those states will necessarily follow, which by an unfair construction of the confederation may be stripped of a common interest in, and the common benefits derivable from the western country. Suppose, for instance, Virginia indisputably possessed of the extensive and fertile country to which she has set up a claim, what would be the probable consequences to Maryland of such an undisturbed and undisputed possession? They cannot escape the least discerning. Virginia, by selling on the most moderate terms a small proportion of the lands in question, would draw into her treasury vast sums of money, and in proportion to the sums arising from such sales would be enabled to lessen her taxes. Lands comparatively cheap and taxes comparatively low with the lands and taxes of an adjacent state, would quickly drain the state thus disadvantageously circumstanced of its most useful inhabitants, its wealth, and its consequence, in the scale of the confederated states, would sink of course.

A claim so injurious to more than one half, if not to the whole of the United States, ought to be supported by the clearest evidence of the right. Yet what evidences of that right have been produced? What arguments alledged in support either of the evidence or the right? None that we have heard of, deserving a serious refutation.

It has been said that some of the delegates of a neighbouring state have declared their opinion of the impracticability of governing the extensive dominion claimed by that state; hence also the necessity was admitted of dividing its territory, and erecting a new state under the auspices and direction of the elder from whom no doubt it would receive its form of government, to whom it would be bound by some alliance, or confederacy, and by whose councils it would be influenced. Such a measure, if ever attempted, would certainly be opposed by the other states as inconsistent with the letter and spirit of the proposed confederation, should it take place, by establishing a sub-confederacy *Imperium in Imperio*. The state possessed of this extensive dominion must then either submit to all the inconveniencies of an overgrown and unwieldy government, or suffer the authority of congress to interpose at a future time, and to lop off a part of its territory to be erected into a new and free state, and admitted into the confederation on such conditions as shall be settled by nine states. If it is necessary for the happiness and tranquility of a state thus overgrown, that congress should hereafter interfere and divide its territory, why is the claim to that territory now made and so pertinaciously insisted on? We can suggest to ourselves but two motives; either the declaration of relinquishing at some future period a portion of the country now contended for, was made to lull suspicion asleep, and to cover the designs of a secret ambition, or if the thought was seriously entertained, the lands are now claimed to reap an immediate profit from the sale. We are convinced, policy and justice require that a country unsettled at the commencement of this war, claimed by the British crown, and ceded to it by the treaty of Paris, if wrested from the common enemy by the blood and treasure of the thirteen states, should be considered as a common property, subject to be parcelled out by congress into free, convenient and independent governments, in such manner, and at such times, as the wisdom of that assembly shall hereafter direct. Thus convinced, we should betray the trust reposed in us by our constituents, were we to authorize you to ratify on their behalf the confederation unless it be farther explained. We have coolly and dispassionately considered the subject; we have weighed probable in-

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conveniences and hardships against the sacrifice of just and essential rights; and do instruct you not to agree to the confederation unless an article or articles be added thereto in conformity with our declaration. Should we succeed in obtaining such article or articles, then you are hereby fully empowered to accede to the confederation.

That these our sentiments respecting the confederation may be more publickly known and more explicitly and concisely declared, we have drawn up the annexed declaration, which we instruct you to lay before congress, to have it printed, and to deliver to each of the delegates of the other states in congress assembled, copies thereof, signed by yourselves or by such of you as may be present at the time of the delivery, to the intent and purpose that the copies aforesaid may be communicated to our brethren of the United States, and the contents of the said declaration taken into their serious and candid consideration. Also we desire and instruct you to move at a proper time that these instructions be read to congress by their secretary, and entered on the journals of congress. We have spoken with freedom as becomes freemen, and we sincerely wish, that these our representations, may make such an impression on that assembly as to induce them to make such addition to the articles of confederation as may bring about a permanent union.

True copy from the proceedings of December 15th, 1778.

*Teste,*

J. DUCKETT, C. H. D.

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VIRGINIA, to wit:

IN GENERAL ASSEMBLY THE 14th DECEMBER 1779.


*The Remonstrance of the General  
Assembly of Virginia, to the dele-  
gates of the United American States  
in Congress assembled.*

THE general assembly of Virginia ever attentive to the recommendations of congress, and desirous to give the great council of the United States every satisfaction in their power, consistent with the rights and constitution of their own commonwealth, have enacted a law to prevent present settlements on the north west side of the Ohio river, and will on all occasions endeavour to manifest their attachment to the common interest of America, and their earnest wishes to remove every cause of jealousy and promote that mutual confidence and harmony between the different states so essential to their true interest and safety.

Remon-  
strance of  
Virginia.

Strongly impressed with these sentiments, the general assembly of Virginia cannot avoid expressing their surprize and concern, upon the information that congress had received and countenanced petitions from certain persons stiling themselves the Vandalia and Indiana company's, asserting claims to lands in defiance of the civil authority, jurisdiction and laws of this commonwealth, and offering to erect a separate government within the territory thereof. Should congress assume a jurisdiction, and arrogate to themselves a right of adjudication, not only unwarranted by, but expressly contrary to the fundamental principles of the confederation; superseding or controuling the internal policy, civil regulations, and municipal laws of this or any other state, it would be a violation of public faith, introduce a most dangerous precedent which might hereafter be urged to deprive of territory or subvert the sovereignty and government of any one or more of the United States, and establish in congress a power which in process of time must degenerate into an intolerable despotism.

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It is notorious that the Vandavia and Indiana company's are not the only claimers of large tracts of land under titles repugnant to our laws; that several men of great influence in some of the neighbouring states are concerned in partnerships with the Earl of Dunmore and other subjects of the British king, who under purchases from the Indians, claim extensive tracts of country between the Ohio and Mississippi rivers; and that propositions have been made to congress evidently calculated to secure and guarranty such purchases; so that under colour of creating a common fund, had those propositions been adopted, the public would have been duped by the arts of individuals, and great part of the value of the unappropriated lands converted to private purposes.


Congress have lately described and ascertained the boundaries of these United States, as an ultimatum in their terms of peace. The United States hold no territory but in right of some one individual state in the Union: the territory of each state from time immemorial, hath been fixed and determined by their respective charters, there being no other rule or criterion to judge by; should these in any instance (when there is no disputed territory between particular states) be abridged without the consent of the states affected by it, general confusion must ensue; each state would be subjected in its turn to the encroachments of the others, and a field opened for future wars and bloodshed; nor can any arguments be fairly urged to prove that any particular tract of country, within the limits claimed by congress on behalf of the United States, is not part of the chartered territory of some one of them, but must militate with equal force against the right of the United States in general; and tend to prove such tract of country (if north west of the Ohio river) part of the British province of Canada.

When Virginia acceded to the articles of confederation, her rights of sovereignty and jurisdiction within her own territory were reserved and secured to her, and cannot now be infringed or altered without her consent. She could have no latent views of extending that territory; because it had long before been expressly and clearly defined in the act which formed her new government.



The general assembly of Virginia have heretofore offered congress to furnish lands out of their territory on the north west side of the Ohio river, without purchase money, to the troops on continental establishment of such of the confederated states as had not unappropriated lands for that purpose, in conjunction with the other states holding unappropriated lands, and in such proportion as should be adjusted and settled by congress; which offer when accepted they will most cheerfully make good to the same extent, with the provision made by law for their own troops, if congress shall think fit to allow the like quantities of land to the other troops on continental establishment. But altho' the general assembly of Virginia would make great sacrifices to the common interest of America, (as they have already done on the subject of representation) and will be ready to listen to any just and reasonable propositions for removing the *ostensible* causes of delay to the complete ratification of the confederation, they find themselves impelled by the duties which they owe to their constituents, to their posterity, to their country, and to the United States in general, to remonstrate and protest; and they do hereby, in the name and on behalf of the commonwealth of Virginia, expressly protest against any jurisdiction or right of adjudication in congress, upon the petitions of the Vandalia or Indiana company's, or on any other matter or thing subversive of the internal policy, civil government, or sovereignty of this or any other of the United American States, or unwarranted by the articles of the confederation.

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NATHANIEL HARRISON, S. S.

BENJ. HARRISON, Sp. H. D.

*Attest:*

JOHN BECKLEY, C. H. D.

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*An act to facilitate the completion of the articles of confederation and perpetual union, among the United States of America.*

Act of the  
legislature  
of New York

WHEREAS nothing under divine providence can more effectually contribute to the tranquility and safety of the United States of America, than a federal alliance, on such liberal principles as will give satisfaction to its respective members: And whereas the articles of confederation, and perpetual union, recommended by the honorable congress of the United States of America, have not proved acceptable to all the states; it having been conceived that a portion of the waste and uncultivated territory, within the limits or claims of certain states, ought to be appropriated as a common fund for the expences of the war. And the people of this state of New York, being on all occasions disposed to manifest their regard for their sister states, and their earnest desire to promote the general interest and security, and more especially to accelerate the federal alliance, by removing, as far as it depends upon them, the before mentioned impediment to its final accomplishment.

Be it therefore enacted by the people of the state of New York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the delegates of this state, in the honorable congress of the United States of America, or the major part of such of them as shall be assembled in congress, and they the said delegates, or the major part of them so assembled, are hereby fully authorised and empowered, for and on behalf of this state, and by proper and authentic acts or instruments to limit and restrict the boundaries of this state, in the western parts thereof, by such line or lines, and in such manner and form as they shall judge to be expedient, either with respect to the jurisdiction as well as the right, or pre-emption of soil; or reserving the jurisdiction, in part, or in the whole over the lands which may be ceded or relinquished, with respect only to the right or pre-emption of the soil.

*And be it further enacted by the authority aforesaid,*  
That the territory which may be ceded or relinquished by virtue of this act, either with respect to jurisdiction, as well as the right or pre-emption of soil, or the right or pre-emption of soil only, shall be and enure for the use and benefit of such of the United States as shall become members of the fœderal alliance of the said states, and for no other use or purpose whatsoever.

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ern territory.

*And be it further enacted by the authority aforesaid,*  
That all the lands to be ceded and relinquished by virtue of this act, for the benefit of the United States, with respect to property, but which shall nevertheless remain under the jurisdiction of this state, shall be disposed of and appropriated in such manner only as the congress of the said states shall direct; and that a warrant, under the authority of congress, for surveying and laying out any part thereof, shall entitle the party in whose favour it shall issue, to cause the same to be surveyed, and laid out and returned according to the directions of such warrant; and thereupon letters patent, under the great seal of this state, shall pass to the grantee for the estate specified in the said warrant; for which no other fee or reward shall be demanded or received, than such as shall be allowed by congress.

*Provided always, and be it further enacted by the authority aforesaid,* That the trust reposed by virtue of this act, shall not be executed by the delegates of this state, unless at least three of the said delegates shall be present in congress.

*State of New York, ss.*

I do hereby certify that the foregoing is a true copy of the original act passed the 19th of February 1780, and lodged in the secretary's office.

ROBERT HARPUR,

*Deputy Secretary State,*

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ern territory.

IN CONGRESS,

*September 6th 1780.*

Recommen-  
dation of  
congress, for  
cessions of  
western ter-  
ritory.

CONGRESS took into consideration the report of the committee, to whom were referred the instructions of the general assembly of Maryland to their delegates in congress respecting the articles of confederation, and the declaration therein referred to, the act of the legislature of New York on the same subject, and the remonstrance of the general assembly of Virginia, which report was agreed to, and is in the words following, to wit:

“That having duly considered the several matters to them submitted, they conceived it unnecessary to examine into the merits or the policy of the instructions or declaration of the general assembly of Maryland, or of the remonstrance of the general assembly of Virginia, as they involved questions, a discussion of which was declined on mature consideration when the articles of confederation were debated: Nor in the opinion of the committee can such questions be now revived with any prospect of conciliation. That it appears more advisable to press upon those states which can remove the embarrassment respecting the western country, a liberal surrender of a portion of their territorial claims, since they cannot be preserved entire without endangering the stability of the general confederacy, to remind them how indispensably necessary it is to establish the federal union on a fixed and permanent basis, and on principles acceptable to all its respective members, how essential to public credit and confidence, to the support of our army, to the vigour of our councils and the success of our measures, to our tranquility at home and our reputation abroad, to our present safety and our future prosperity, to our very existence as a free sovereign and independent people. That they are fully persuaded, the wisdom of the respective legislatures will lead them to a full and impartial consideration of a subject so interesting to the United States and so necessary to the happy establishment of the federal union. That they are confirmed in these expectations by a review of the before mentioned act of the legislature of New York submitted to their consideration. That this act is expressly calculated to accelerate the fed-

ral alliance, by removing as far as it depends on that state, the impediment arising from the western country, and for that purpose to yield up a portion of territorial claim for the general benefit." Whereupon,

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ern territory.

*Resolved*, That copies of the several papers referred to the committee be transmitted with a copy of the report, to the legislatures of the several states: And that it be earnestly recommended to those states; who have claims to the western country, to pass such laws and give their delegates in congress such powers, as may effectually remove the only obstacle to a final ratification of the articles of confederation. And that the legislature of Maryland be earnestly requested to authorize their delegates in congress to subscribe the said articles.

Extract from the Minutes,

CHARLES THOMSON, *Sec'y.*

## RESOLUTIONS,

January 2d 1781.

Cession of  
north west-  
ern territory.

Resolution  
of general  
assembly of  
Virginia, for  
ceding to  
the United  
States, her  
territory  
north west  
of the river  
Ohio.

*For a cession of the lands on the north  
west side of Ohio to the United  
States.*

[Copy sent the Governor 15th January.]

IN THE HOUSE OF DELEGATES,

*Tuesday the 2d of January 1781.*

Conditions.

The ceded  
territory to  
be formed  
into republi-  
can states, &  
admitted in-  
to the union.

Virginia to  
be reimburs-  
ed her ex-  
penses of  
reducing  
certain Bri-  
tish posts.

French and  
Canadian in-  
habitants, &  
other set-  
tlers, at cer-  
tain posts, to  
be protected

THE general assembly of Virginia being well satisfied that the happiness, strength and safety of the United States, depend, under Providence, upon the ratification of the articles for a federal union between the United States, heretofore proposed by congress for the consideration of the said states, and preferring the good of their country to every object of smaller importance, *Do Resolve*, That this commonwealth will yield to the congress of the United States, for the benefit of the said United States, all right, title, and claim that the said commonwealth hath to the lands northwest of the river Ohio, upon the following conditions, to wit: That the territory so ceded shall be laid out and formed into states containing a suitable extent of territory, and shall not be less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit: That the states so formed shall be distinct republican states, and be admitted members of the federal union, having the same rights of sovereignty freedom and independence as the other states.

That Virginia shall be allowed and fully reimbursed by the United States her actual expences in reducing the British posts at the Kaskaskies and St. Vincents, the expence of maintaining garrisons and supporting civil government there since the reduction of the said posts, and in general all the charge she has incurred on account of the country on the north west side of the Ohio river since the commencement of the present war.

That the French and Canadian inhabitants and other settlers at the Kaskaskies, St. Vincents, and the neighbouring villages who have professed themselves citizens of Virginia, shall have their possessions and titles confirmed to them and shall be protected in the enjoyment

of their rights and liberty, for which purpose troops shall be stationed there at the charge of the United States to protect them from the encroachments of the British forces at Detroit or elsewhere, unless the events of war shall render it impracticable.

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territory.

As colonel George Rogers Clarke planned and executed the secret expedition by which the British posts were reduced, and was promised if the enterprize succeeded a liberal gratuity in lands in that country for the officers and soldiers who first marched thither with him, that a quantity of land not exceeding one hundred and fifty thousand acres be allowed and granted to the said officers and soldiers, and the other officers and soldiers that have been since incorporated into the said regiment, to be laid off in one tract, the length of which not to exceed double the breadth, in such place on the north west side of the Ohio as the majority of the officers shall choose, and to be afterwards divided among the said officers and soldiers in due proportion according to the laws of Virginia.

Reservation  
of land for  
col. George  
Rogers  
Clarke, his  
officers and  
soldiers.

That in case the quantity of good lands of the south-east side of the Ohio upon the waters of Cumberland river, and between the Green river and the Tennessee river, which have been reserved by law for the Virginia troops upon continental establishment, *and upon their own state establishment*\* should (from the North Carolina line bearing in further upon the Cumberland lands than was expected) prove insufficient for their legal bounties, the deficiency shall be made up to the said troops in good lands, to be laid off between the rivers Scioto and Little Miamis on the north-west side of the river

Provision for  
land boun-  
ties to offi-  
cers and sol-  
diers, on  
continental  
and *state* es-  
tablishment.

\* This resolution was the basis of our act of Cession of the Northwestern territory, of December 1783. (See 11 Hen. Stat. at Lar. Nov. 1783, chap. 18 Chan. Rev. p. 214, and Laws of Virginia, ed. 1794, 1803, & 1814, chap. 7, and Rev. Code of 1819, vol. 1, c. 5.) It is most obvious that, in transcribing the resolution, or in some copy of the subsequent proceedings founded on it, the words "and upon their own state establishment," were inadvertently omitted by the clerk. For it cannot be presumed that the state of Virginia, who had by several solemn acts of the legislature, declared that the bounties in land given to the officers and soldiers of the Virginia line on continental establishment, should be extended to those on state establishment, would make provision for the one class, in the ceded territory, and omit the other. Nor is it within the bounds of probability that, while Virginia was *giving* away such an extensive territory to the United States she should not so have *disposed of the gift*, as to do complete justice to her own citizens.

Cession of north west-  
ern territory.

Ohio, in such proportions as have been engaged to them by the laws of Virginia.

Residue of land to constitute a common fund for the benefit of such of the U. States, as have or may become members of the confederation.

That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the herein before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United American States, as have become or shall become members of the confederation or federal alliance of the said states (Virginia inclusive) according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever.

All purchases & deeds from Indians to private persons, and royal grants, within the territory declared void.

And therefore that all purchases and deeds from any Indian or Indians, or from any Indian nation or nations, for any lands within any part of the said territory, which have been or shall be made for the use or benefit of any private person or persons whatsoever, and royal grants within the ceded territory inconsistent with the chartered rights, laws and customs of Virginia, shall be deemed and declared absolutely void and of no effect, in the same manner as if the said territory had still remained subject to and part of the commonwealth of Virginia.

Remaining territory of Virginia guaranteed.

That all the remaining territory of Virginia included between the Atlantic ocean and the south east side of the river Ohio, and the Maryland, Pennsylvania, and North Carolina boundaries, shall be guaranteed to the commonwealth of Virginia by the said United States.

This cession to be void unless all the states ratify the articles of confederation.

That the above cession of territory by Virginia to the United States shall be void and of none effect, unless all the states in the American Union shall ratify the articles of confederation heretofore transmitted by congress for the consideration of the said states.

Other states expected to make similar cessions.

Virginia having thus for the sake of the general good proposed to cede a great extent of valuable territory to the continent, it is expected in return that every other state in the Union, under similar circumstances as to vacant territory, will make similar ces-



sions of the same to the United States for the general emolument.

Cession of north west-  
ern territory.

*Teste,*

JOHN BECKLEY, C. H. D.



1781, *January 2nd.*

Agreed to by the Senate,

WILL. DREW, C. S.

---

*Resolution indemnifying colonel William Fleming,\* for exercising the executive functions of government, while he was the only acting member of Council.*

IN THE HOUSE OF DELEGATES,

*Saturday the 23d of June 1781.*

It appearing to the general assembly that colonel William Fleming, being the only acting member of council for some time before the appointment of chief magistrate, did give orders for the calling out the militia, and also pursued such other measures as were essential to good government, and it is just and reasonable that he should be indemnified therein: Resolution indemnifying col. William Fleming member of council.

Resolved therefore that the said William Fleming, esq. be indemnified for his conduct as before mentioned, and the assembly do approve of the same.

*Teste,*

JOHN BECKLEY, C. H. D.

1781, *June 23rd.*

Agreed to by the senate,

WILL. DREW, C. S.

---

\* This was colonel William Fleming of Botetourt, and not the venerable Judge of the Court of Appeals, of the same name; as the editor was informed by the latter gentleman.

Approval of  
conduct of  
T. Jefferson,  
esquire.



*Resolution approbatory of the conduct  
of Thomas Jefferson, esq. while go-  
vernor.*

IN THE HOUSE OF DELEGATES,

*Wednesday the 12th December 1781.*

A motion was made that the house do come to the following resolution.

Resolution  
approving  
the conduct  
of Thomas  
Jefferson,  
esq. as go-  
vernor.

*Resolved, That the sincere thanks of the general assembly be given to our former governor Thomas Jefferson, esquire, for his impartial, upright, and attentive administration of the powers of the executive, whilst in office; Popular rumours, gaining some degree of credence, by more pointed accusations, rendered it necessary to make an enquiry into his conduct, and delayed that retribution of public gratitude, so eminently merited; but that conduct having become the object of open scrutiny, ten fold value is added to an approbation founded on a cool and deliberate discussion. The assembly wish therefore in the strongest manner to declare the high opinion which they entertain of Mr. Jefferson's ability, recititude, and integrity as chief magistrate of this commonwealth, and mean by thus publicly avowing their opinion, to obviate all future, and to remove all former unmerited censure.*

And the said resolution being read a second time, was on the question put thereupon agreed to by the house, *nemine contradicente.*

*Teste,*

JOHN BECKLEY, C. H. D.

1781, *December 15th.*

Agreed to by the Senate, with amendments unani-  
mously.

WILL. DREW, C. S.

*Amendments proposed by the senate  
to the resolution of thanks to Tho-  
mas Jefferson, esq.*

Approval of  
conduct of  
T. Jefferson,  
esquire.

*Line 3\**. Strike out from the word "administration" to the word "whilst" in the fourth line.—  
*Ag'd.*

4. Strike out from the word "office" to the word "The" in the tenth line.—*Ag'd.*

11. Strike out the word "therefore."—*Ag'd.*

15. Strike out the words "all future."—*Ag'd.*

16. Strike out the word "former."—*Ag'd.*

WILL. DREW, C. S.

1781, *December 19th.*

Agreed to,

JOHN BECKLEY, C. H. D.

\* The lines in the printed copy not agreeing with the manuscript, the amendments of the senate cannot be accurately ascertained by a reference to the number of the lines. Suffice it to remark, that all the words printed in *Italics* were stricken out by the senate.

*Resolution to present the Marquis De  
La Fayette with a marble Bust.*

IN THE HOUSE OF DELEGATES,

*Monday the 17th of December 1781.*

*Resolved unanimously, That a Bust of the Marquis de la Fayette be directed to be made in Paris, of the best marble employed for such purpose, and presented to the Marquis with the following inscription on it:*

"This Bust was voted on the 17th day of December 1781, by the General Assembly of the State of Virginia to the honourable the Marquis de la Fayette, (major general in the service of the United States of America, and late commander in chief of the army of

Resolution to  
present the  
Marquis La  
Fayette with  
a marble  
bust.

Inscription.

Resolution to  
present the  
Marquis La  
Fayette with  
a Bust.



the United States in Virginia) as a lasting monument of his merit and of their gratitude."

*Resolved*, That the commercial agent be directed to employ a proper person in Paris to make the above Bust.

*Teste*,

JOHN BECKLEY, C. H. D.

1781, *December 18th*.

Agreed to by the Senate unanimously,

WILL. DREW, C. S.



*Communication from Thomas Jefferson, esquire, governor of Virginia to the general assembly.*

IN COUNCIL, MARCH 1, 1781.

*Sir,*

Communication from  
Thomas Jefferson, esq.  
governor of Virginia to  
the general assembly.

It is with great reluctance that after so long and laborious a session as the last, I have been again obliged to give you the trouble of convening in general assembly within so short a time and in so inclement a season, but such was the situation of public affairs as to render it indispensable.

The six millions of pounds ordered to be emitted at the last session of assembly, the four millions which the executive were permitted to issue if necessary, and the money for the purchase of 1500 hogsheads of tobacco, estimated to be one million one hundred and twenty-five thousand pounds, have been all dispensed in payment of public debts, in present defence, and preparation for the ensuing campaign, as fast as they could be emitted, and the calls unaccomplished appear to be numerous and distressing. One army of our enemies lodged within our country, another pointing towards it, and since in fact entered into it, without a shilling in the public coffers, was a situation in which it was impossible to rest the safety of the state.

The invasion which took place on the close of the last session of assembly, having necessarily called for the attendance of a number of militia in the field, interrupted of course the execution of the act for recruiting our quota of troops for the continental army. Sensible that this would be the consequence, we endeavoured to restrain the calls of militia to as few counties as possible, that the residue might proceed undisturbed in this important work; but such has been the course of events as to render indispensable subsequent applications to many other counties. So that while in some counties this law is in a regular train of execution, in others it is begun and proceeding under great obstacles and doubts, and in others it has been wholly suspended; this last measure the executive themselves were obliged to recommend or approve in some instances, from a conviction that they could not otherwise draw forth the force of the counties in the particular point in which that force was wanting.

Communication from T. Jefferson, esquire.



Accidents derived from the same movements of the enemy delayed the promulgation of the act for supplying the army with cloths, provisions and waggons, until it became evident that the times of execution would be elapsed before the laws could be received in many counties. I undertook notwithstanding to recommend their execution at as early a day as possible, not doubting but that the general assembly, influenced by the necessity which induced them to pass the act, would give their sanction to a literal departure from it, where its substance was complied with. I have reason to believe that the zeal of the several counties has led them to a compliance with my recommendation, and I am therefore to pray a legal ratification of their proceedings, the want of which might expose the instruments of the law to cavil and vexation from some individuals.

These were the subjects which led immediately to the calling of the general assembly; others, though of less moment, it is my duty also to lay before you, being now convened.

As the establishment of your regular army will of course be under consideration, while amending the late law for raising regulars, I beg leave to lay before you a letter of the honourable major general Baron Steuben on that subject, and the proceedings of a conven-

Communica-  
tion from T.  
Jefferson,  
esquire.



tion of commissioners from the states of New Hampshire, Massachusetts, Rhode Island, Connecticut and New York, held at Hartford. As likewise a proposition from colonel Spotswood, for raising a legionary corps for the defence of the state. Whether it be practicable to raise and maintain a sufficient number of regulars to carry on the war is a question; that it would be burthensome is undoubted; yet it is perhaps as certain that no possible mode of carrying it on can be so expensive to the public and so distressing and disgusting to individuals as by militia.

The approach of the British army under Lord Cornwallis, having rendered supplies of horses for the purpose of mounting our dragoons indispensably necessary, for the reasons set forth in the inclosed extract of a letter from general Greene, and it being apparent that horses, in the route of their march if not used for us, would be taken by them and used in subduing us, I undertook to recommend to general Greene the applying to the use of his dragoons horses so exposed, first ascertaining their value by appraisement; and beg leave to rest the justification of the measure on the appearance of things at that moment, and the sense of the general assembly of its necessity. Could any further means be devised for completing those corps of horse, it might have the most important effects on the southern operations.

I am desired to lay before the general assembly the resolutions of congress of February 5 & 7, 1781, which accompany this, as also the representations of our officers in captivity in Charlestown in favor of general McIntosh. I likewise beg leave to transmit you the advice of council for re-forming the first and second state regiments, the state garrison regiment and regiment of arillery.

Mr. Everard having declined resuming the office of auditor, to which the general assembly had elected him, the executive have appointed Bolling Stark, esq. in his room, to serve till the meeting of assembly.

Not doubting but that the general assembly would wish to be informed of the measures taken by the executive, on the invasion which happened at the rising of the last session of assembly, as well as on the one lately made on our southern frontier, I shall take the liberty of giving them a succinct state of them.

Having received information on Sunday the last day of December, of the appearance of twenty-seven sail of vessels in our bay, which whether friendly or hostile was not then known, we got the favor of general Nelson to repair immediately to the lower country, with instructions to call into the field such a force from the adjacent counties as might make present opposition to the enemy, if it proved to be an enemy, according to an arrangement which had been settled in the preceding summer; waiting for more certain and precise information before we should call on the more distant part of the country, and in the same instant stationed expresses from hence to Hampton. I took the liberty of communicating this intelligence to the general assembly on their meeting the next morning. No further information arrived till the 2d of January, when we were assured that the fleet announced was hostile. We immediately advised with major general Baron Steuben, the commanding officer in the state, on the force he would wish to have collected, and in the course of the day prepared letters calling together one fourth of the militia from the counties whose turn it was to come into service, or whom vicinity rendered it expedient to call on, viz. Brunswick, Mecklenburg, Lunenburg, Amelia, Powhatan, Cumberland, Prince Edward, Charlotte, Halifax, Bedford, Buckingham, Henrico, Chesterfield, Dinwiddie, Sussex, Southampton, Goochland, Fluvanna, Albemarle, Amherst, Rockbridge, Augusta, Rockingham and Shanandoah, amounting to 4650 men, and directing them not to wait to be embodied in their counties, but to come in detached parties as they could be collected. I at the same time required the counties of Henrico, Hanover, Goochland, Chesterfield, Powhatan, Cumberland, Dinwiddie and Amelia, to send the half of their militia, intending to discharge what should be over their equal proportion as soon as those from the more distant counties should arrive, and in the morning of the 4th, finding the enemy were coming up James river, I called for every man able to bear arms from the counties of Henrico, Goochland, Powhatan, Chesterfield and Dinwiddie. Nevertheless so rapid were the movements of the enemy, and so favorable to them the circumstances of wind and tide, that they were able to penetrate to this place and Westham on the 5th to destroy what public

Communication from T. Jefferson, esquire.



Communica-  
tion from T.  
Jefferson,  
esquire.



stores we had not been able to get away, to burn the public buildings at Westham and some occupied by the public at this place, and to retire to their shipping before such a force had assembled as was sufficient to approach them. I have the pleasure however to inform you that we were enabled to withdraw almost the whole of the public stores, so as to render our loss in that article far less than might have been expected from the rapidity of the movements of the enemy, and the difficulty of procuring suddenly any considerable number of waggons and vessels.

General Nelson having collected and drawn towards the enemy a body of militia on the north, and Baron Steuben done the same on the south side of the river, the enemy withdrew making descents and committing depredations at places till they reached Portsmouth, where they have since remained environed by the militia of this state and of North Carolina.

On receiving intelligence of the advance of the British army under Lord Cornwallis through North Carolina, we directed one fourth of the militia of Pittsylvania, Henry, Montgomery, Washington and Botetourt, to march immediately to reinforce general Greene's army; but learning very soon after that the enemy were already arrived at or very near the Dan river, we ordered out all the militia who had arms or for whom arms could be procured, of the counties of Lunenburg, Brunswick, Amelia, Dinwiddie, Chesterfield, Powhatan and Cumberland. Colonel Lynch, who happened to be here when the intelligence was received, was instructed to carry on immediately the militia of Bedford. We at the same instant received notice that the militia of Prince Edward and Mecklenburg were already embodied, and we knew the counties of Halifax and Charlotte to be so immediately under the approach of the enemy, as that they must be embodied under the invasion law before our orders could reach them; the counties below these on the south side of James river we thought it expedient to leave as a barrier against the army within Portsmouth. The very rapid approach of the enemy obliged us in this instance to disregard that regular rotation of duty which we wish to observe in our calls on the several counties, and to summon those into the field which had



militia on duty at the very time; however, the several services of these as well as of the other counties shall be kept in view, and made as equal as possible in the course of general service.

Communica-  
tion from T.  
Jefferson,  
esquire.

I have the honor to be, with the highest esteem and respect, sir,

Your most obedient, &  
Most humble servant,  
TH: JEFFERSON.




---

*Letter from General Washington.*

HEAD QUARTERS, NEW WINDSOR, 27th MARCH 1781.

*Dear Sir,*


ON my return from Newport, I found your favor of the 16th of February, with its inclosures, at Head Quarters. I exceedingly regret that I could not have the pleasure of seeing you, not only from personal motives, but because I could have entered upon the subject of your mission in a much more full and free manner, than is proper to be committed to paper.

Letter from  
gen. Wash-  
ington.

I very early saw the difficulties and dangers to which the southern states would be exposed for want of resources of clothing, arms and ammunition, and recommended magazines to be established as ample as their circumstances would admit. It is true they are not so full of men as the northern states, but they ought, for that reason, to have been more assiduous in raising a permanent force, to have been always ready, because they cannot draw a herd of men together as suddenly as their exigencies may require. That policy has, unhappily, not been pursued either here or there, and we are now suffering from a remnant of a British army, what they could not, in the beginning, accomplish with their force at the highest.

As your requisitions go to men, arms, ammunition, and cloathing, I shall give you a short detail of our

Letter from  
Gen Wash-  
ington.



situation and prospects as to the first, and of our supplies and expectations as to the three last.

By the expiration of the times of service of the old troops; by the discharge of the levies engaged for the campaign only; and by the unfortunate dissolution of the Pennsylvania line, I was left, previous to the late detachment under the Marquis de la Fayette, with a garrison barely sufficient for the security of West Point, and two regiments in Jersey to support the communication between the Delaware and North river. The York troops I had been obliged to send up for the security of the frontier of that state. Weak however as we were, I determined to attempt the dislodgment of Arnold in conjunction with the French fleet and army, and made the detachment to which I have alluded.

In my late tour to the eastward, I found the accounts, I had received of the progress of recruiting in those states, had been much exaggerated, and I fear we shall, in the end, be obliged to take a great proportion of their quotas in levies for the campaign, instead of soldiers for three years or for the war. The regiments of New York having been reduced to two, they have but few infantry to raise. Jersey depends upon voluntary enlistments, upon a contracted bounty, and I cannot therefore promise myself much success from the mode. The Pennsylvania line, you know, is ordered to compose part of the southern army. General Wayne is so sanguine as to suppose he will be soon able to move on with 1000 or 1200 men, but I fancy he rather over-rates the matter. You will readily perceive from the foregoing state, that there is little probability of adding to the force already ordered to the southward; for should the battalions, from New Hampshire to New Jersey inclusive, be completed, (a thing not to be expected) we shall, after the necessary detachments for the frontiers and other purposes are made, have an army barely sufficient to keep the enemy in check at New York. Except this is done, they will have nothing to hinder them from throwing further reinforcements to the southward; and to be obliged to follow, by land, every detachment of their army, which they always make by sea, will only end in a fruitless dissipation of what may be now called the northern army. You may be assured that the most powerful diversion that can be made in favor of the

southern states, will be a respectable force in the neighbourhood of New York. I have hitherto been speaking of our own resources; should a reinforcement arrive to the French fleet and army, the face of matters may be intirely changed.

Letter from  
gen. Wash-  
ington.



I do not find that we can, at any rate, have more than two thousand stand of arms to spare, perhaps not so many; for should the battalions, which are to compose this army, be compleat, or nearly so, they will take all that are in repair or repairable. The two thousand stand came in the Alliance from France, and I have kept them apart for an exigency.

Our stock of ammunition, though competent to the defensive, is, by a late estimate of the commanding officer of artillery, vastly short of an offensive operation of any consequence. Should circumstances put it in our power to attempt such an one, we must depend upon the private magazines of the states and upon our allies; on the contrary, should the defensive plan be determined upon, what ammunition can be spared, will be undoubtedly sent to the southward.

Of cloathing we are in a manner exhausted. We have not enough for the few recruits which may be expected, and except that, which has been so long looked for and talked of from France, should arrive, the troops must, next winter, go naked, unless their states can supply them.

From the foregoing representations, you will perceive that the proportion of the continental army already allotted to southern service is as much as, from present appearances, can be spared for that purpose; and that a supply of arms, ammunition or cloathing of any consequence must depend, in great measure, upon future purchases or importations.

Nothing which is within the compass of my power shall be wanting to give support to the southern states, but you may readily conceive how irksome a thing it must be to me to be called upon for assistance, when I have not the means of affording it.

I am with the greatest regard, dear sir,  
Your most obed't. & humble servant,

G. WASHINGTON.

Letter from  
gen. Wash-  
ington.

*Duplicate.*

It is feared that the original miscarried with the last weeks mail, which is missing, and is supposed to have been taken and carried into New York.

HON. BENJAMIN HARRISON, Esq.

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ADDRESS OF CONGRESS TO THE SEVERAL STATES.

*The United States in Congress assembled to the legislatures of the states of New Hampshire, Massachusetts, Rhode Island & Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.*

GENTLEMEN,

Address of  
Congress to  
the several  
states.

WE are happy to observe that the present year hath been distinguished by the reduction of a powerful British garrison in Virginia, and that our arms have also been prosperous in other parts of the United States; but to infer that our inexorable foe is subdued beyond recovery may be attended with ruinous consequences; these events will yield but momentary advantages, unless supported by vigorous measures in future.

From an assurance that peace is best attained by preparations for war, and that in the cabinet of negotiations those arguments carry with them the greatest weight which are enforced not only with a retrospect of important victories, but by a well grounded prospect of future successes, we have called upon you for eight millions of dollars and for your respective deficiencies of the military establishment.

Seven years have nearly passed since the sword was first unsheathed; the sums expended in so long a period, in a just and necessary war must appear moderate, nor can this demand for pecuniary aid be deemed exorbitant by those who compute the extent of public exigencies and the proportion of the requisition to the abilities of the states.

Address of  
Congress to  
the several  
states.



Suppose not that funds exist for our relief beyond the limits of these states. As the possessions of the citizens constitute our natural resources, and from a sense of their sufficiency the standard of war was erected against Great Britain, so on them alone we now rely. But even if loans were attainable, their amount would be merely commensurate with our ability and inclination to repay, and by nothing can both be more satisfactorily evidenced than by a generous exertion amidst the languor of public credit.

Arguing from the former dilatoriness of supplies, the enemy after having abandoned serious expectations of conquest by arms, anticipate it in imagination from the dissolution of our public credit. They cannot however deny the firmness of the basis on which it may be placed, when they survey the wide limits of this confederate country, the fruitfulness of its soil and the industry of its people.

But the want of money is not the only source of our difficulties, nor do the enemy gather consolation from the state of our finances alone, we are distressed by the thinness of our battalions. So vulnerable does the boldness of navigation render the very bosom of these states, so dispersed in some parts is the population, and so rapid our enemy in transportation, that they seize and exhaust large districts before their ravages can be checked. The requisition for the completion of your battalions is therefore not only reasonable but indispensable.

Tardiness in the collection of our troops has constantly encouraged in our enemy a suspicion, that American opposition is on the decline; hence money, from time to time, is poured into the coffers of our enemy, and the lender perhaps is allured by the prospect of receiving it with an usurious interest from the spoils of confiscation.

To whom then, rather than yourselves, who are called to the guardianship and sovereignty of your coun-

Address of  
congress to  
the several  
states

try, can these considerations be addressed? Joint labourers, as we are, in the work of independence, duty impels us to admonish you of the crisis: We possess no funds, which do not originate with you—we can command no levies, which are not raised under your own acts. Well shall we acquit ourselves to the world, should peace, towards the acquisition of which so illustrious a point hath been gained, now escape our embraces by the inadequacy of our army or our treasure: for an appeal to this exposition of your affairs will demonstrate our watchfulness of your happiness.

We conjure you to remember, what confidence we shall establish in the breast of that great Monarch, who has become a party in our political welfare, by a bold energetick display of our ability.

We therefore trust in your attention and zeal to avail yourselves at this important crisis, of the glorious advantages lately obtained, by a full compliance with the requisitions of men and money which we have made to you; the necessity of which hath been pointed out to us by the maturest consideration on the present circumstances of these United States.

By order of Congress.

JOHN HANSON, *President.*

*December 17th 1781.*

THE STATE OF VIRGINIA

*Letter from General Washington to  
the Governor of Virginia.*

Letter from  
gen. Wash-  
ington to the  
governor of  
Virginia.

*Philadelphia, 19th December 1781.*

**CIRCULAR.**

Sir,

You will have been furnished by his excellency the President, with the resolves of congress of the 10th instant, calling upon the several states to compleat their respective quotas of troops by the first of March next. In order to ascertain the deficiencies, I am directed to transmit to the executives of the states, returns, under particular descriptions, of the number of men each has in service. The troops of your state composing part of the southern army, it would occasion an immense loss of time were I first to call for the returns, and then transmit them them back from hence or wherever I may happen to be; I have for that reason directed major general Greene to furnish your excellency with the state of your line and give you credit for any men you may have serving in the legionary corps or artillery, deducting that amount from the quota assigned to you by the arrangement of the 3rd and 21st of October, 1780, will point out exactly your deficiency.

I flatter myself it is needless to impress upon your excellency the necessity of complying as fully as possible with the requisition of congress above mentioned.

It is a well known fact, that the critical and dangerous situation to which all the southern states were reduced, was owing to the want of a sufficient regular force to oppose to that of the enemy, who, taking advantage of the frequent dissolutions of our temporary armies, had gained such footing in the four most southern, that their governments were totally subverted or debilitated, that they were not capable of exerting sufficient authority to bring a regular army into the field. Happily, this scene is changed, and a moment is allowed us to rectify our past errors, and, if rightly improved, to put ourselves in such a situation, that we

Letter from  
gen. Wash-  
ington to the  
governor of  
Virginia.



need not be apprehensive of the force Great Britain has remaining upon the continent, or which she can hereafter probably bring. But the greatest encouragement to a vigorous preparation is, that it will be the most likely method of gaining more allies and forcing Great Britain into a negotiation, which we have every reason to suppose would end in a peace honorable to the interests and views of America.

I will take the liberty of recommending a matter to your excellency which I must solicit you to urge to the legislature, as absolutely necessary to the filling your regiments with proper men, more especially if the mode of drafting should be adopted. It is, stationing continental officers of the rank of field officers at least, at the different places of rendezvous, who shall judge of the ability of the recruit and pass him or reject him as circumstances may require. For want of a regulation of this kind, we have had hundreds of old men, mere children, disordered and decrepid persons passed by civil characters appointed for muster masters, and have been under the necessity of discharging them the moment they have joined the army; whereby the state has been put to a vast expence for an useless man, and the service has lost a man for the campaign, as the districts from whence such have been sent, have scarce ever replaced them. The Secretary at War will address your excellency upon this subject, which I can assure you is of the utmost importance to the constitution of the army.

I have the honor to be,

With the greatest respect, sir,

Your excellency's most obed't. servant,

G. WASHINGTON.

*His Excellency,*

GOVERNOR HARRISON.



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OF THE

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To maintain or affirm, by writing, printing, or open preaching, or by express speaking, that the United States, or any or either of them; ought to be dependent on the crown or parliament of Great Britain, or to acknowledge the king to be the lawful sovereign of the United States; or to acknowledge him or herself his subject; or to attribute to the king or parliament any jurisdiction or power in this commonwealth; or to withdraw any person from their allegiance to this commonwealth, or promise allegiance to the king; or to discourage enlistments, or the military service,

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## *List of Errata in the Tenth Volume of Hen- ing's Statutes at Large.*

### Errata noted by Robert G. Scott and A. L. Botts.

Page	57 line 21 from top, insert "the" between the words "or" & "bounds."
90	4 from top, for "judicial" read "juridical."
97	third of title to act, for "purcasing" read "purchasing."
100	17 from top, "legislation" in original "litigation" in copy.— This seems to be a mistake in the original.
107	6 from bottom, in title of act, for "bndlick" read "publick."
168	18 from top, for "estate" read "estates."
177	6 from top, for "impededed" read "impeded."
184	top, for "elerks" read "clerk."
203	13 from bottom, for "brin" read "bring."
216	7 from top, for "reouired" read "required."
217	7 from bottom, insert "if" at the end of the line.
212	4 from top, for "purpose" read "purposes."
301	10 from bottom, for "judged" read "adjudged."
316	10 from top, for "or" read "and."

### Errata noted by Peter V. Daniel and Robert G. Scott.

Page	331 line 9 from bottom, omit the word "said" between "the" & "first."
369	9 from bottom, for "dy" read "by."
378	3 from bottom, for "have" read "are."
384	At the end of the bottom line insert "the service of."
392 line	30 from top, for "exempt" read "exempted."
397	bottom, for "this state" read "the state."
409	10 from bottom, strike out "a" before "lawful."
462	8 from top, insert "the" before "paper."
468	bottom, for "the state" read "this state."
499	6 from top, for "this state" read "the state."











