

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF VIRGINIA,

PASSED AT CALLED SESSION, 1862,

IN THE

EIGHTY-SEVENTH YEAR OF THE COMMONWEALTH.

RICHMOND:

WILLIAM F. RITCHIE, PUBLIC PRINTER.

1862.

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ACTS

PASSED AT THE

CALLED SESSION, 1862.

CHAP. I.—An ACT to provide for the production, distribution and sale of Salt in this Commonwealth.

Passed October 1, 1862.

1. Be it enacted by the general assembly, that the governor of this commonwealth may adopt every such measure and do every such act as in his judgment may be necessary and proper to be done, in order to secure the possession, production or distribution to convenient places, of such quantity of salt as will in his judgment be sufficient to supply the people of this commonwealth: and to that end, may bind the faith of the commonwealth for the performance of such contracts and engagements as he may determine to be necessary and proper; and may exercise full authority and control over the property and franchises of any person, firm or company in this commonwealth, whenever he shall judge it to be necessary and proper to exercise the same, in order to secure the possession, production or distribution of the quantity of salt aforesaid: provided, that nothing herein contained shall be construed to authorize the purchase of the Smyth and Washington or Kanawha salt works, or any freehold interest therein.

Powers of go-
vernor

Faith of com-
monwealth.
how pledged

Washington and
Smyth salt
works not to be
purchased

2. If, in the opinion of the governor, in order to obtain a speedy and sufficient supply of salt, it shall be expedient to do so, he may seize, take possession of and hold and exercise full authority and control over the property, real and personal, of any person, firm or company, and any engines, machinery or fixtures and other property or thing necessary for the production of salt in this commonwealth, whenever he shall judge it to be necessary to exercise the power hereby conferred, in order to secure the production and distribution of the quantity of salt aforesaid.

Property, how
seized, &c.

3. If, by the exercise of the power conferred by the second section of this act, any property should be taken in relation to which there may be existing contracts with the Confederate States, or any of the states of the Confederate States, or with any county, city or town in this commonwealth, entered into by virtue of an act of the

What contracts
to be respected

Contracts with
counties, &c. to
be respected

What contracts with individuals to be respected	<p>general assembly, entitled an act to authorize the county courts to purchase and distribute salt among the people, and provide payment for the same, passed May ninth, eighteen hundred and sixty-two, or any contract with individuals for the benefit of any county, city or town, which contract may have subsequently been adopted by such county, city or town, under the act aforesaid: provided, that such contracts with and for said counties, shall not be respected for a larger amount of salt than the twenty pounds for each inhabitant proposed by the lessees to be furnished in the proposition on which said act was founded, the same shall be respected, and the supply of salt</p>
When contracts with other states to be disregarded	<p>or salt water so contracted for shall be furnished. If a sufficient supply of salt water cannot be obtained at the wells now producing salt water, for the production of a sufficient supply of salt for the people of the state, or cannot promptly be obtained from new wells, then the governor is empowered to disregard, in whole or in part, such contracts with the states of the Confederate States; but if a surplus of water may exist, then the governor is directed to furnish to the other states of the Confederate States, out of any surplus of salt water that may remain after the supply of a sufficient quantity to the state of Virginia: provided, that nothing in this act shall be</p>
When other states to be furnished	<p>so construed as to authorize the governor to prevent the owners of salt property, or their assignees, from manufacturing and selling salt from salt water, or fossil salt remaining after all the uses of the state, under the provisions of this act, are supplied.</p>
Proviso	<p>4. The governor may take control of any rail road or canal in this state, if necessary for the transportation of salt for distribution, or for the transportation of fuel or other thing necessary for the production of salt; but the power conferred by this section shall not be so exercised as to interfere with the transportation of troops, munitions of war and army supplies, by the confederate government.</p>
When rail roads may be taken	<p>5. The governor shall designate places in the commonwealth from which the sale and distribution of such salt may be made to citizens of this commonwealth, and prescribe rules and regulations for the sale of the same, and the prices at which it shall be sold. When such prices shall be so prescribed and published for two weeks in some newspaper published in the city of Richmond, the sale of such salt at any higher price than the price so prescribed, shall be a misdemeanor, and the sale of each bushel, or any part of a bushel thereof, at a rate higher than the price so prescribed, shall be a separate offence. Any violation of the rules and regulations so prescribed, shall be a misdemeanor. Upon conviction of any person under this act, he shall pay a fine of not less than one hundred nor more than two thousand dollars.</p>
Places of distribution	
Rules and regulations Publication	
Violation of rules a misdemeanor	
Agents, how employed Bond	<p>6. If the governor shall find it necessary to employ agents to receive money for the sales of salt, he shall require them to give bond,</p>

with such penalty as the governor may require, with good security, to be approved by the governor, payable to the commonwealth, with condition to pay all money received from the sale of salt, into the treasury, to the credit of the commonwealth, at the end of each month.

7. The sum of five hundred thousand dollars is hereby appropriated, to be paid out of the treasury, upon warrant to be issued by the auditor of public accounts, upon the orders of the governor in writing, to be given only in payment of liabilities incurred for the purposes of this act.

8. For the use of any of the property, real or personal, which may be used, occupied, possessed or controlled by the governor, a board of assessors, to be composed of five persons not members of the general assembly, who shall be appointed by a joint vote of the two houses, a majority of whom may act and shall concur, shall assess reasonable compensation or damages; which shall be paid on the written order of the governor, upon a written assessment, to be signed by a majority of the members of the board, with their affidavits that such assessment is, in the opinion of the board, reasonable and just. Such assessment shall be delivered to the governor, to be filed by him in the office of the secretary of state: and a copy thereof shall be forwarded by the secretary to the person, firm or company who may be entitled to the compensation or damages; and unless such person, firm or company shall, within thirty days after such copy shall be delivered to them, refuse, by written objections, to accept the same, such assessment shall be deemed to be final. If the governor, on behalf of the state, or if any such person, firm or company shall, within thirty days after such assessment shall have been so filed with the secretary of the commonwealth, file such written objections with the secretary of the commonwealth, and in the office of the circuit court of the city of Richmond, an appeal shall lie from such assessment to the said circuit court; and the proceedings thereon in said court shall be according to the provisions of chapter fifty-six of the Code of Virginia, as far as the same are applicable thereto, except that the commonwealth shall not be required to pay the compensation or damages to the party entitled thereto, nor into court, before the decision of the appeal. No order shall be made, nor any injunction awarded by any court or judge, to stay any proceedings of the governor, or his authorized agents, under this act. The board shall be convened at such times and places as the governor may order, and shall be paid each the sum of four dollars per day, and actual expenses incurred in traveling; to be paid by warrants to be issued upon the orders of the governor.

9. This act shall be in force from its passage, and shall continue in force until the expiration of the present war.

CHAP. 2.—An ACT to further provide for the Public Defence.

Passed October 3, 1862.

Duty of governor	<p>1. Be it enacted by the general assembly, that the governor of this commonwealth shall, when requested by the president of the Confederate States, be and he is hereby authorized and required from time to time to call into the service of the Confederate States, for labor on fortifications, and other works necessary for the public defence, for a period not exceeding sixty days, a number of male slaves between the ages of eighteen and forty-five years, not exceeding ten thousand at any one time, and not exceeding in any county, city or town five per centum of the entire slave population thereof. Such requisition shall be apportioned ratably among all the slaveholders in the several counties, cities and towns on which the requisition shall be made. The sum of sixteen dollars per month for each slave shall be paid by the Confederate States to the holders of the slaves, and soldier's rations, medicines and medical attendance furnished; and the value of all such slaves as may escape from the confederate authorities and not return to their owners, or be seized or killed by the public enemy, or may, by want of due diligence on the part of the authorities of the Confederate States, in any manner be lost to the owners, shall be paid by the Confederate States to the owners of such slaves, and in like manner compensation shall be made for any injury to slaves arising from a want of due diligence on the part of the authorities of the Confederate States; and in those cases the burden of proof shall be on the authorities of the Confederate States to discharge the latter from liability to the former. Slaves hired by individuals having other slaves, shall be regarded as in the possession of their owners, and classed accordingly in regard to confederate service.</p>
Slaves, how called out	
Number limited	
Per centage in counties	
Compensation	
Value of slaves, when to be paid	
Farther provisions	
Burden of proof	
Slaves hired, how regarded	
Notice to counties, how given	
Requisitions, how filed	
Summons	
How directed	
Duty of county courts	<p>3. It shall be the duty of the several county and corporation courts, after being duly summoned as aforesaid, and not less than five justices</p>

being present, to call to their assistance the commissioners of the revenue of their respective counties and corporations, and after ascertaining the entire slave population thereof, to apportion, without delay, the requisitions aforesaid, ratably among all the slaveholders of the county or corporation, throwing into classes, when necessary, the holders of but one or few slaves, and ascertaining, by lot, or by agreement between the parties, the slave or slaves to be sent to the fortifications from such classes: provided, that in no case of a soldier in the confederate army, owning or hiring but one male slave, shall the said male slave be subject to requisition under this act.

Commissioners
of revenue

Requisitions,
how apportioned

Classes, when
to be made

Proviso as to
soldiers

4. So soon as the apportionment aforesaid shall be made, it shall be the duty of the courts of the several counties and corporations to require each slaveholder to deliver, on a day and at a place to be appointed by the court, not more than three days from the date of the order, his quota of slaves to the sheriff or sergeant, as the case may be, to be delivered by such sheriff or sergeant to an agent or officer of the Confederate States. All slaves delivered by the holders on the day and at the place designated as aforesaid, to be returned at the expiration of sixty days. Slaves not delivered in accordance with the order of the court, shall be seized by the sheriff or sergeant, as the case may be, and delivered to the agent or officer of the Confederate States authorized to receive them, who shall thereupon execute a separate receipt to each owner for the slave or slaves, naming them, so delivered by him, and may be held on the terms and conditions aforesaid, for a period not exceeding ninety days.

Slaves, when to
be delivered to
sheriff

Sheriff to deliver to officer
or agent

Slaves, when to
be returned
When slaves
may be seized

5. The clerk and sheriff or sergeant shall attend the sessions of the court as in other cases; and the court shall continue in session from day to day until the business shall be completed.

Duration of
courts

6. Should any county or corporation court fail or refuse to discharge the duties hereby imposed upon them, it shall be the duty of the clerk of such court immediately to notify the governor thereof; and thereupon it shall be the duty of the governor, by officers and agents of his own selection, with the aid of the commissioners of the revenue of the respective counties, cities and towns, who are hereby directed to render such aid when required, to impress into the service of the Confederate States, from any such county, city or town, the proportion of slaves demanded by him from such county or corporation, not exceeding five per centum of the entire slave population thereof, apportioning the same among the slaveholders, as herein above set forth, as near as may be, and holding the same not longer than ninety days for the uses and upon the terms and conditions set forth in the first section of this act.

When court
fails to discharge
duty imposed

Powers of
governor

When slaves
may be impressed

How long they
may be retained

7. In making the requisitions authorized by this act, the governor is requested to equalize the burden, as nearly as may be, among the

Burden to be
equalized

several counties, cities and towns of the commonwealth, and amongst the citizens thereof, having, when practicable, due regard to the number of slaves heretofore furnished by any counties or corporations, or the citizens thereof, under any call heretofore made by the president or secretary of war, or any officer of the confederate army.

Regard to be had to number of slaves previously furnished

When certain number of slaves furnished, privilege of owner

Overseer, how appointed

Subsistence, how commuted

Acceptance by Confederate States

Commencement

8. So soon as a requisition may be made upon any county, city or town, it shall be lawful for any number of persons who may be required to furnish not less than thirty nor more than forty slaves, to place such slaves in charge of an agent or overseer selected by such owners, who shall deliver them to the confederate authorities, at the place where the labor is to be performed, at the expense of the Confederate States; and such agent or overseer, if a fit and proper person, shall be employed by the confederate government as the agent or overseer in charge of the slaves during their service of sixty days.

9. The owner of any slaves may furnish subsistence and provisions to his slaves, and in such event shall be allowed commutation in money in lieu of rations, at the rate of sixty cents a day.

10. All slaves sent voluntarily by their owners and accepted by the agents of the confederate government, shall stand on the same footing as if sent in pursuance of the proceedings required by this act.

11. Any request for slaves made by the president on the governor under this act, shall be regarded an assent to and acceptance of all its provisions by the Confederate States.

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

CHAP. 3.—An ACT for the dismissal of Militia Officers for treason or disloyalty.

Passed October 6, 1862.

When militia officers may be removed by governor

Proviso

Reasons to be assigned by governor

Commencement

1. Be it enacted by the general assembly, that whenever any officer of the militia shall be guilty, in the opinion of the governor, of treason or disloyalty, it shall be lawful for the governor to remove such officer; and the vacancy thereby occasioned shall be filled in the mode now prescribed by law. The senate shall at all times have power to reverse the action of the governor; and thereupon the commissions issued in consequence of such dismissal, shall be void: provided, that no officer shall be dismissed, except in cases where he cannot be arrested and served with the charges and specifications against him, as is at present provided by law.

2. It shall be the duty of the governor, in all cases of removal, to assign his reasons therefor, in writing, and communicate the same to the next general assembly.

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

CHAP. 4.—An ACT amending and re-enacting an act amending and re-enacting the 2d section of chapter 22 of the Code of Virginia, respecting persons exempt from all military duties, and providing the mode of exemption, passed February 18th, 1862.

Passed October 1, 1862.

1. Be it enacted by the general assembly, that the act amending and re-enacting the second section of chapter twenty-two of the Code of Virginia, respecting persons exempt from all military duties, and providing the mode of exemption, passed February eighteenth, eighteen hundred and sixty-two, be amended and re-enacted so as to read as follows:

“§ 2. The following persons only shall be exempt from the performance of all military duties, to wit: the vice-president of the Confederate States; the officers, judicial and executive, of the government of the Confederate States; the members of both houses of congress, and the clerk of each house; all custom house officers; the lieutenant governor, and all the members of the general assembly, during the term for which they were elected or appointed; the secretary of the commonwealth, and his clerks; the clerks of the house of delegates and senate; the judges of the court of appeals and circuit courts, attorneys for the commonwealth, and the justices of the peace; the clerk of each of said courts, and of each county and corporation court; judge of hustings court; the sheriff of each county, and the sergent and collector of taxes of each corporation having a hustings court, and the commissioners of the revenue; the attorney general, the treasurer, two auditors, register of the land office, superintendent of the penitentiary, and their clerks and assistants; every minister of the gospel licensed to preach according to the rules of his sect; superintendents of the public hospitals, lunatic asylums, and the regular nurses and attendants therein, and the teachers employed in the institution for the deaf and dumb and blind; one physician to each two thousand population, to be selected by the board herein after constituted; the president, the general superintendent and two local superintendents of the southern telegraph companies, in no case to exceed four persons; the president and superintendent of transportation of each rail road company; the president, secretary and chief collector of each canal company. No one shall be exempt from draft by reason of his being an agent of a commissary or assistant commissary, or quartermaster or assistant quartermaster, whether said commissary or assistant commissary, or quartermaster or assistant quartermaster be in the service of the Confederate States or of this state, or by reason of his holding any office or commission in the militia: and whenever any militia officer is drafted for actual service, his commission shall be vacated.”

2. If the constituted authorities of any city shall, within twenty days after any draft has been made therefrom, apply to the governor

Officers of city,
how exempted

for the purpose, he shall exempt from actual military service any drafted person who may be, at the time of the draft, an officer of such city, or in its service, in connection with its gas or water works or fire and police departments; and if within twenty days after any draft, the president and superintendent of any rail road, canal and telegraph company shall certify, upon their honor, to the governor that the services of any drafted person, who is an officer or employee of such company, are necessary to the efficient operation of the said road, the governor may, in his discretion, exempt such person from actual military service. Any person exempted under this section shall be deemed to be detailed for duty in the post or place he filled at the time he was drafted, without pay as a soldier; and in case he shall leave the service of such city or company, he shall at once be remanded to the military service for which he was drafted; and if any such person shall fail, for ten days after leaving such service, to report himself to the governor or to some military officer for duty as a soldier, he shall be proceeded against as a deserter. The governor shall promptly cause the places of all persons exempted under this section to be filled by further draft from the respective counties, cities and towns from which such persons were drafted. It shall be the duty of the president or mayor of the city, or company, as the case may be, promptly to report to the governor the name of any person so exempted, who may have left the service for which he was detailed.

Powers of
governor

When exempt
remanded to
service

How places of
exempts to be
filled

Duty of mayor,
&c.

Boards of ex-
emption, how
constituted

3. Immediately after the passage of this act, the governor shall issue his proclamation, requiring the organization of a board of exemptions in each county and corporation, to consist of the presiding justice or recorder, and any two justices whom such presiding justice or recorder may associate with him. In case the presiding justice or recorder cannot for any cause act, the chief clerk of the hustings or county court shall summon any three justices, who shall constitute such board. Such clerk shall act as clerk of the board. In case there be no such clerk present and capable of acting, the clerk of the circuit court shall act; or if no such board should be organized, the governor may designate any three justices of the county or corporation, who shall constitute the board, and appoint their own clerk.

Powers of
boards of ex-
emption

4. The board shall have cognizance of all questions of exemption, and shall adjudge the sufficiency of the excuse given by any person, who, by reason of his failure to report his name for enrollment, as required by the act entitled an act for ascertaining and enrolling the military force of the commonwealth, passed February eighth, eighteen hundred and sixty-two, may have been enrolled among the drafted levies, as prescribed in said act. For punishing contempts and compelling the attendance of witnesses, the board shall have the powers of a county court.

5. In no case shall the board grant a discharge upon a claim of exemption for bodily infirmity, unless at least two physicians of respectable standing, being duly sworn, shall prove before said board that the bodily infirmity is of a permanent character, and is such as will disqualify the claimant for discharging the duties of a soldier.

Discharges for physical infirmity, how granted

6. Every claim for exemption or excuse shall be filed with the clerk of the board, who shall issue process for such witnesses as the claimant or enrolling officer may require; and within five days after a draft is made, and on a day to be designated by the board, the trial of cases of exemption and excuse shall commence; and the same shall be disposed of in a summary manner as speedily as may be. The clerk of the board shall promptly report to the adjutant general the name of each person exempted or excused by the board.

Exemptions, how tried

7. For every failure to discharge any duty prescribed in this act, the members of the board and the clerk may each be fined not less than ten nor more than one hundred dollars.

Penalties on board for failure

8. All acts and ordinances and parts of acts and ordinances inconsistent with this act, are hereby repealed.

Repealing clause

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

Commencement

CHAP. 5.—An ACT to redress Loyal Citizens injured by the exercise of usurped power.

Passed October 2, 1862.

Whereas disloyal persons have conspired to overthrow the legitimate authority of this commonwealth, and for that purpose have established within the limits thereof an usurped government, whose power is exercised to the injury and oppression of the loyal people of this state within its influence: and whereas the general assembly is desirous of providing redress to such injured persons against such conspirators: Therefore,

Preamble

1. Be it enacted by the general assembly, that every person who, since the seventeenth day of April, Anno Domini eighteen hundred and sixty-one, has been or shall be guilty of establishing or of attempting to establish, without the authority of the legislature, any government within the limits of this state, separate and apart from the existing government, or who has held or exercised, or who may hereafter hold or exercise, in such usurped government, any office, civil or military, legislative, executive or judicial, or any authority, howsoever conferred, dependent on a recognition or establishment of such usurped government, or who has been or may hereafter be a

Penalties imposed upon persons guilty of establishing usurped government, &c.

Holding office under such government

Incapable of conveying real estate

surety in bond or otherwise, under any requirement or practice of such usurped government, for any one who has held or may hereafter hold any such office or authority, shall be incapable, by deed or otherwise, of selling, conveying, devising or encumbering any real estate situate in this state. Every deed or other instrument intended to operate on such estate, and every acknowledgment, proof or certificate of the execution thereof, and the record thereof, wheresoever made, shall be null and void.

Estates of persons, how subjected to redress of loyal citizens

2. The estates of all persons mentioned in the preceding section, which they are thereby incapacitated from conveying, shall be and are hereby declared to be subjected and devoted to the redress and indemnification of all persons, loyal to this commonwealth, who have been or may be injured by the exercise of any office or authority, civil or military, legislative, executive or judicial, howsoever conferred under the said usurped government: provided, however, that all just liens on such estates, existing on the said seventeenth day of April eighteen hundred and sixty-one, shall not be impaired.

Proviso as to liens, &c

Commencement

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

CHAP. 6.—An ACT to protect and indemnify Citizens of Virginia.

Passed October 3, 1862.

Preamble

Whereas an act or acts have recently been passed by the congress of the United States, authorizing the confiscation of the property and the emancipation of the slaves of loyal and true citizens of the state of Virginia and of the Confederate States; and it being the duty of the legislature of Virginia to protect her citizens, and as far as practicable, indemnify them from the evil consequences of the iniquitous legislation of the United States:

Judge or other officer of United States

1. Be it therefore enacted by the general assembly, that any judge or commissioner, acting under the authority of the United States government, or any of its laws, who shall, by any judgment, decision or decree, subject to confiscation or sale the property of any citizen of this commonwealth, or any clerk who shall issue process for the sale of any such property, or any marshal, sheriff or commissioner who shall sell the same, they the said judge, commissioner, clerk, marshal and sheriff, or either of them, and their securities, or

Clerk, &c.

any or either of them, and the purchaser or purchasers of any such property, and their personal representatives, shall be jointly and severally liable to any citizen of Virginia, or to his personal representative, whose property has been so confiscated or sold, for double the value of such property, with interest thereon, at the rate of six per centum per annum, from the time of the seizure or sale of such

Purchasers of property How liable to loyal citizen

property; and judgment therefor may be obtained in any court of record in this commonwealth, against such judge, commissioner, clerk, marshal and sheriff, or either of them, or against their securities, or any or either of them, or against the purchaser or purchasers of such property, or their personal representatives, upon motion in such court, upon ten days' previous personal notice, or upon thirty days' notice published in any newspaper in the city of Richmond, or in any paper published in this state.

Judgment, how obtained
 Notice, how given

2. The remedy hereby given shall not prejudice the right of such citizen from taking possession or otherwise recovering possession of such property, or any part thereof; or if such possession should be obtained, the right of such citizen to the benefit of such liability imposed by this act, shall not be prejudiced thereby; and the right to obtain, or when obtained, to enforce such judgment, shall not be impaired by reason of the recovery of the possession of the property so sold or confiscated.

Rights of citizen not to be prejudiced
 Judgment to be enforced

3. Be it further enacted, that any officer or agent of the United States government, who shall let or lease, or cause to be let or leased the property of any citizen of Virginia, the said officer or agent, and his securities, and the person or persons to whom the property was so let or leased, and his or their personal representatives, shall be liable to any such citizen of Virginia, or to his personal representative, for double the value of the property for the time which it was so let or leased, and for all waste or damage to which the property may have been subjected during that time; to be recovered in the manner mentioned in the first section of this act: and the court, in which any case arising under this act may be pending, is authorized to have summoned and impaneled a jury to ascertain any question of fact material to the correct adjudication of the case.

As to leases
 How liable
 Waste or damage
 How recovered
 Jury, how impaneled

4. Be it further enacted, that any judge, commissioner, or other officer or agent of the government of the United States, who shall, by any judgment, decree or decision, emancipate or cause to be emancipated the slaves of any citizen of Virginia, the judge, commissioner, or other officer or agent of the United States government, or either of them, and their securities, or either of them, shall be liable to any citizen of Virginia, or his personal representative, whose slaves have been so emancipated, for double the value of the slave or slaves; to be recovered in the manner mentioned in the first section of this act.

Penalty for emancipation
 Judge, &c. how liable
 Amount of liability

5. Be it further enacted, that any person in this commonwealth, or the security of any such person, who shall hereafter hold or accept any office, trust or appointment, civil or military, legislative, executive or judicial, under or by authority of the government of the United States, or under or by the pretended authority of the usurped

Persons holding office, &c.

- government, pretended to have been established since the seventeenth day of April eighteen hundred and sixty-one, within the limits of this state, separate from the existing and true government, and without the authority of the legislature; and all persons in this commonwealth who shall voluntarily aid in supporting or continuing such usurped government, or who shall aid or in any way give aid and comfort to the enemy, or who shall in any way aid, encourage or assist in carrying into effect any of the confiscation or emancipation laws of the government of the United States within this state, or who shall in any way aid, encourage or assist in carrying into effect any proclamations of the president of the United States providing for such confiscation or emancipation, shall, in addition to all penalties now imposed by any law of this commonwealth, be liable for double the value of any property that may be seized or sold under such confiscation and emancipation laws or proclamations, to any good and loyal citizen of this commonwealth, who may be injured thereby, or to his or her personal representative, with interest thereon, at the rate of six per centum per annum, from the time of such seizure or carrying away of any slave; and may be proceeded against, severally against each, or jointly against any number so liable, in said courts, in the manner herein before mentioned. Any person instituting a suit, or prosecuting a suit already commenced, or suing out execution on any judgment or decree heretofore rendered in any court or before a justice of the peace assuming to act and proceed under authority of such usurped government, or in violation of an ordinance passed by the convention of Virginia on the thirtieth day of April eighteen hundred and sixty-one, to suspend proceedings in certain cases, or in violation of an act of the general assembly passed on the twenty-ninth day of March eighteen hundred and sixty-two, entitled an act to suspend sales and legal proceedings in certain cases, and to repeal an ordinance to provide against the sacrifice of property, and to suspend proceedings in certain cases, or shall seize or sell any property, real or personal, under pretence of any authority whatever, in violation of said ordinance or last named act, shall pay to the party against whom such suit shall be commenced or prosecuted, or execution issued, or whose property shall be seized or sold as aforesaid, double the value of the thing claimed by such suit, judgment, decree, execution or other process by which property may be seized or sold. There shall not be more than one satisfaction of any judgment for the same thing.
- How liable
- How as to suits
- Liability
- Satisfaction of judgment
- Record evidence not required
- When property sold or confiscated
6. No record proof shall be required of the election or appointment of any of the officers mentioned in this act; but acting in such offices shall be deemed sufficient.
7. Be it further enacted, that any officer or agent, civil or military, in the service of the United States government, who shall subject or expose to sale or confiscation the property of any citizen of Virginia,

they the said officer or agent, and the purchaser or purchasers of By whom said property, and their personal representatives, shall be jointly and severally liable to any citizen of Virginia, or to his personal representative, whose property has been so sold or confiscated, for double Liability the value of such property, with interest thereon, at the rate of six per centum per annum, from the time of the seizure or sale of such property; and judgment may be obtained therefor in the manner Judgment, how obtained mentioned in the first section of this act; and the citizen whose property has been so sold or confiscated, or his personal representative, in addition to the remedy herein given, shall be entitled to take pos- Possession session or otherwise recover possession of the property so sold or confiscated.

8. A lien is hereby created and declared to exist on the real and Lien created personal estate of the persons against whom such liability may exist, from the passage of this act.

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

CHAP. 7.—An ACT amending an act prescribing the Oath to be taken by any person who applies for a License.

Passed October 6, 1862.

1. Be it enacted by the general assembly, that the first section of an act entitled an act to prevent the circulation of small notes, Act of 1854 amended passed March third, eighteen hundred and fifty-four, as amended by chapter seventy-two, passed March thirty-first, eighteen hundred and sixty-two, be amended and re-enacted, so that as amended it shall read as follows:

“§ 1. That it shall be the duty of commissioners of the revenue and courts, to whom application may be made for a license, to require from each and every person who may apply for a license, an oath that he will not pay out within the limits of this commonwealth, notes of any denomination, issued by banks, corporations or individuals, without authority of law; and it shall be the duty of every commissioner of the revenue and court, to whom such application shall be made, to withhold the license until the oath aforesaid shall be taken. But this section shall not apply to any person who has commenced or who has continued business without making application for and obtaining a license, and who is or may be subject to a tax in the former case to four times, and in the latter to twice the amount of tax otherwise imposed: in which case, the assessment may be made and license granted without the oath required.”

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

CHAP. 8.—An ACT extending the time for the qualification of the Sheriffs of Orange and Culpeper Counties.

Passed September 19, 1862.

Preamble Whereas, by reason of the occupation of the counties of Orange and Culpeper by the public enemy, the sheriffs elected for said counties, at the late elections, have been unable to qualify: Therefore,

Sheriffs of Orange and Culpeper, when to qualify 1. Be it enacted by the general assembly, that the sheriffs elected for the counties of Orange and Culpeper, at the late spring elections, be allowed until the first day of January eighteen hundred and sixty-three, within which to qualify and give the bonds of office.

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

CHAP. 9.—An ACT to provide for the qualification of Sheriffs and other public officers prevented from qualifying within the period now prescribed by law, by reason of the public enemy.

Passed October 2, 1862.

When sheriff, &c. may qualify in certain cases 1. Be it enacted by the general assembly, that whenever, by reason of the occupation or the threatened invasion by the public enemy, of any county, city or town of this commonwealth, the sheriff, commissioner of the revenue or other public officer elected for such county, city or town, may be unable to qualify and give the bonds of office within the period now prescribed by law, it shall be lawful for such sheriff or other public officer to qualify and to give the bonds of office at any time within the period of ninety days after such occupation or threatened invasion by the public enemy shall have ceased.

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

CHAP. 10.—An ACT to amend and re-enact section 1st of chapter 80 of the Acts of 1861-2, passed March 27th, 1862.

Passed October 4, 1862.

Acts of 1861-2 amended 1. Be it enacted by the general assembly, that the first section of chapter eighty of the Acts of eighteen hundred and sixty-one and two, entitled an act to provide for the trial of persons charged with offences committed in counties in possession of the enemy, or threatened with immediate invasion, passed March twenty-seventh, eighteen hundred and sixty-two, be amended and re-enacted so as to read as follows:

When county in “ § 1. Be it enacted by the general assembly, that whenever any

county or corporation in this state shall be in the possession of the enemy, or shall be threatened with invasion, so as to make it probable that the jurisdiction of the courts thereof cannot be safely exercised therein, it shall be the duty of the judge of the circuit to which such county belongs, and any judge of the state or any justice of the peace shall be empowered to cause all persons charged with felony in such county or corporation, to be brought before him, by warrant directed to any officer in the commonwealth, to be by him executed, and to commit him for examination before an examining court of some county or corporation not in the possession of the enemy or threatened with invasion, the most convenient to that where the offence shall have been committed.”

possession of enemy

Powers of judges and justices

Commitment, how made

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

Commencement

CHAP. 11.—An ACT legalizing the manufacture of Alcohol.

Passed October 1, 1862.

1. Be it enacted by the general assembly, that it shall be lawful for any person to engage in the distillation of any grain for the purpose of converting the product of such distillation into alcohol, subject, however, to the provisions of this act.

Alcohol, how distilled

2. That before any such person shall engage in such distillation, he shall obtain permission therefor from the governor of the commonwealth; and such permission shall only authorize the manufacture of alcohol for medical, hospital, chemical and manufacturing purposes.

Permission, how obtained

3. That the legal standard of alcohol shall be not less than ninety per centum of pure alcohol.

Legal standard

4. No alcohol so manufactured shall be sold by the manufacturer until the same shall have been gauged and inspected by a gauger to be appointed by the governor for each county, city or town in which such permission shall be granted.

To be gauged and inspected by gauger, how appointed

5. For every cask or other vessel of alcohol inspected under this act, the gauger shall receive of the manufacturer the sum of ten cents; and it shall not be lawful for the manufacturer to dispose of any cask or other vessel, unless it shall have the mark of the gauger, specifying the quantity and quality of the alcohol therein contained: and if any alcohol shall be presented by the manufacturer of a less standard than herein prescribed, it shall be the duty of the gauger to condemn the same, and cause it to be thrown away in his presence.

Fee of gauger

Cask, &c. to be marked by gauger

When gauger to condemn

- Sales, how reported** 6. Every sale of alcohol made by the manufacturer shall be reported to the governor, or such other authorities as may be prescribed by him; and any manufacturer of alcohol who shall attempt to sell to any one, except for the purpose herein before mentioned, or who shall violate any of the provisions of this act, shall be subject to all the penalties prescribed by an act to prevent the unnecessary consumption of grain by distillers and other manufacturers of spirituous or malt liquors: and any person who shall alter or remove from any cask or other vessel of alcohol, the mark placed upon it by the gauger, shall be liable to pay a fine of not less than one hundred dollars; to be recovered by motion, after ten days' notice, before any court of the commonwealth; one-half to the informer, and the other half to the commonwealth.
- Penalties**
- Fine for removal of gauger's mark**
- Sale of alcohol as a beverage prohibited** 7. All persons who shall directly or indirectly be concerned in vending, or using or promoting the use of any alcohol as and for a drink, shall be subject to the same penalty as is prescribed in the foregoing section (to be recovered and disposed of in the same manner as is therein prescribed); and each offence of the provisions of this section shall be deemed a separate offence, and subject to the same penalties.
- Statement to be made to commissioner of revenue** 8. Every person who shall, by virtue of the provisions of this act, engage in the manufacture of alcohol, shall, at the period in which he shall list his property for taxation, furnish to the commissioner of the revenue of the said county, city or town in which said manufacture shall be carried on, a statement, to be verified under oath, of the number of gallons he shall have sold; and said commissioner shall thereupon assess him with a tax of thirty cents for each gallon so sold, and return the same to the sheriff or collector of the revenue of the county, city or town, who shall proceed to collect the same, and account therefor in the mode prescribed for the collection and payment of the revenue of the state.
- Tax**
- License, how revocable** 9. Any license granted under this act shall be revocable at the discretion of the governor; and it shall be his duty to revoke such license when he shall have reason to believe it is abused by being perverted from the uses intended by this act.
- Rights suspended on indictment** 10. That upon a presentment or indictment by any grand jury of the city or county, in which such alcohol may be distilled, for a violation of this act, the rights granted thereby shall be suspended; and if the party be convicted on such presentment or indictment, shall be from that time ipso facto revoked: provided, that before any person is licensed under this act, he shall take an oath, the form of which shall be prescribed by the governor, to the effect that no whisky distilled shall be sold or given away, or otherwise used than to be converted into alcohol: provided further, that no license shall be
- What, on conviction Oath, how taken**
- Whisky not to be distilled**
- Bond, how given**

granted under this act until the applicant shall have given bond, with good security, to be filed with the auditor of public accounts, in a penalty of two thousand dollars, payable to the commonwealth of Virginia, conditioned that all the whisky made by him under his license shall be converted into alcohol, and that the applicant shall pay all the taxes that may be chargeable on such distillery, whether assessed or not: provided, that no person shall obtain such license, unless he shall have been previously recommended by the court of the county or corporation in which such distillery is proposed to be erected, as a suitable and proper person for exercising such privilege in such county or corporation.

Conditions

Recommendation by county court

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

Commencement

CHAP. 12.—An ACT to amend and re-enact an act entitled an act to prevent the unnecessary consumption of Grain by Distillers and other manufacturers of Spirituous and Malt Liquors.

Passed October 2, 1862.

1. Be it enacted by the general assembly, that the first section of an act passed on the twelfth day of March eighteen hundred and sixty-two, entitled an act to prevent the unnecessary consumption of grain by distillers and other manufacturers of spirituous and malt liquors, be amended and re-enacted so as to read as follows:

Act of 1861—² amended

“§ 1. It shall not be lawful for any person hereafter to make or cause to be made any whisky, or other spirituous or malt liquors, out of any corn, wheat, rye or other grain, except for medicinal or hospital purposes, in execution of a bona fide contract heretofore made, or hereafter to be made with the chief purveyor of the medical department of the Confederate States government, or with the medical director of the Virginia state line: and any person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined for every offence not less than one hundred dollars nor more than five thousand dollars, and be subject to imprisonment in the county jail not exceeding twelve months, at the discretion of the court.”

Distillation prohibited

Exceptions

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

Commencement

CHAP. 13.—An ACT to amend and re-enact section thirty-third of chapter first of the Acts 1861-2, concerning a License to distill Ardent Spirits from Fruit, &c.

Passed October 2, 1862.

Acts of 1861-2
amended

1. Be it enacted by the general assembly, that section thirty-third of chapter one of Acts of eighteen hundred and sixty-one and two be amended and re-enacted so as to read as follows :

License to distill
fruit, &c.

“ § 33. On every license to distill ardent spirits from fruit, vegetables, syrups, molasses, sugar cane or sugars, the tax shall be thirty dollars. If such distillery has been in operation for the preceding year or any part thereof, there shall be an additional tax of ten cents per gallon on the quantity of liquor manufactured at such distillery for the year next preceding, or for any part thereof: provided, that if the amount distilled in any one year shall exceed five hundred gallons, the tax shall be sixty dollars for every such license; and if the amount distilled shall exceed one thousand gallons, the tax shall be seventy-five dollars for every such license. A license for the business authorized by this section shall be obtained as other licenses are obtained, and with like penalties for a failure to obtain the same, notwithstanding the exemption provided for in the act passed March thirtieth, eighteen hundred and sixty, entitled an act making regulations concerning licenses: provided no license or tax shall be required of any person for manufacturing thirty-three gallons in one year out of the fruit, vegetables, syrups, molasses, sugar cane or sugars of his own production, for his own use.”

Tax

Proviso

Commencement

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

CHAP. 14.—An ACT to repeal the Fence Law of Virginia as to certain Counties, and to authorize the County Courts to dispense with Enclosures in other Counties.

Passed October 3, 1862,

Preamble

Whereas a considerable portion of the territory of the commonwealth having been ravaged by the public enemy, and a great loss of labor, fencing and timber thereby sustained, it is rendered difficult if not impossible for the people of many counties and parts of counties, to keep up enclosures around their farms, according to existing laws :

Code repealed
as to counties
designated

1. Be it therefore enacted by the general assembly of Virginia, that the first section of the ninety-ninth chapter of the Code of Virginia, so far as it applies to the counties of Hanover, Henrico, New Kent, Charles City, James City, York, Warwick, Elizabeth City, Alexandria, Fairfax, Fauquier, Stafford and King George, be and the same is hereby repealed.

2. Be it further enacted, that the county courts of the counties of Powers of county courts in other counties Augusta, Frederick, Clarke, Warren, Rappahannock, Norfolk, Princess Anne, Mercer, Shenandoah, Page, Prince William, Spotsylvania, Hampshire, Berkeley, Caroline and Nausemond, shall have power, all the justices having been summoned, and a majority thereof being present, to dispense with the existing law in regard to enclosures, so far as their respective counties may be concerned, or such parts thereof, to be described by metes and bounds, as in their discretion they may deem it expedient to exempt from the operation of such law.

3. If any horses, mules, cattle, hogs, sheep or goats, or any animal of either of the preceding classes, shall enter into any grounds in the counties enumerated in the first section of this act, in which the existing law of enclosures has been repealed, or into the grounds of any other county or counties or parts of counties in which the courts thereof shall repeal the existing law of enclosures, after such repeal. the owner or manager of any such animal shall be liable to the owner or occupier of such grounds for any damages arising from such entry; for every succeeding trespass by such animal, the owner thereof shall be liable for double damages; and after having given at least five days' notice to the owner or manager of such animal, of two previous trespasses, the owner or occupier of such grounds shall be entitled to such animal, if it be found again trespassing on said grounds. Damages for entry of animals, &c. When owner liable for double damages

4. Provided, however, that this act shall apply to and be in force in the counties of Elizabeth City, York and Warwick only for the period of three years, dating from the declaration of peace between the Confederate States and the United States. Proviso

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

CHAP. 15.—An ACT to increase Jailors' Fees for keeping and supporting Prisoners.

Passed September 24, 1862.

1. Be it enacted by the general assembly, that jailors shall hereafter be allowed sixty cents per day for keeping and supporting persons confined in the jails of this commonwealth: provided, that the county or corporation courts of the commonwealth may establish, in their discretion, a different rate, not less than thirty-five cents nor more than eighty cents per diem. Jailors' fees Power of county courts

2. This act shall be in force from its passage, and shall continue in force until six months after the ratification of a treaty of peace between the Confederate States and the United States, unless sooner repealed or amended. When this act expires, the law on this subject, in force immediately before the passage of this act, shall be deemed to be revived and continued in force. Commencement When law revived

CHAP. 16.—An ACT amending the seventeenth section of chapter thirty-six of the Code of Virginia, concerning the manner of making Returns of Delinquents.

Passed September 26, 1862.

Code amended

1. Be it enacted by the general assembly of Virginia, that the seventeenth section of chapter thirty-six of the Code of Virginia be amended and re-enacted, so as when amended it shall read as follows :

List, how arranged

“ § 17. In the lists mentioned in the preceding section, the names of the persons charged with the taxes shall be placed alphabetically and in the order in which they respectively appear on the commissioners' books. The lists mentioned secondly shall be in the following form :

List of real estate in the county of _____, delinquent for the non-payment of taxes thereon for the year _____.

Name of person.	Residence.	Estate held.	Quantity of land.	Description and local situation of land.	Distance and bearing from courthouse.	Amount of taxes.	Why returned delinquent.

Oath of officer

And the sheriff or collector returning such list shall, at the foot thereof, subscribe the following oath : ‘I, A B, sheriff (or deputy sheriff) of the county of _____, do swear that the foregoing list is, I verily believe, correct and just; and that I have received no part of the taxes for which the real estate therein mentioned is returned delinquent; and that I have used due diligence to find property within my county liable to distress for the said taxes, but have found none.’ ”

Commencement

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

CHAP. 17.—An ACT to legalize the Records and Proceedings of the County Court of Essex County, at the June, July and August Terms of said Court held at Miller's Tavern in said County.

Passed October 2, 1862.

Preamble

Whereas it has been represented to the general assembly of Virginia, that in consequence of the suspension of the mail between the seat of government of said state and the county of Essex, by reason

of the federal army being around the city of Richmond, till after the fourth day of July eighteen hundred and sixty-two: And whereas the federal gun boats were constantly plying between the mouth of the Rappahannock river and Fredericksburg, from the early part of the month of April eighteen hundred and sixty-two to the fifth day of September eighteen hundred and sixty-two, and the said gun boats still have the command of the said river: And whereas the courthouse of the said county is situated on the margin of said river: And whereas the interruption of the mail between the seat of government and the county seat of said county, during the period first aforesaid, prevented any application to the governor of Virginia to designate, by proclamation, some other place in the said county to hold the sessions of the county court of said county during the continuance of the causes aforesaid, as by law the governor is authorized to do; and it was further considered impolitic to publish any notice of the place where the sessions of the said court might be held, lest the enemy might get information of the same, and interrupt the proceedings of the said court:

1. Be it therefore enacted by the general assembly, that all acts and things done by the said county court of Essex county, at the place in said county known by the name of Miller's tavern, at the June, July and August terms of said court, which appear from the order book of said court to have been done at the courthouse of said county, though done at Miller's tavern aforesaid, which might have been legally done at the courthouse of said county, are hereby declared and made legal and valid, as if the same had been done at the courthouse of said county.

Acts of county court legalized

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

Commencement

CHAP. 18.—An ACT for the relief of Judge George W. Thompson.

Passed October 4, 1862.

1. Be it enacted by the general assembly, that the ordinance of the late convention suspending the payment of the salary of George W. Thompson, one of the circuit judges of this commonwealth, is hereby repealed; and the auditor of public accounts is directed to issue his warrant or warrants for the salary due to said judge, in the same manner as if said ordinance had not been passed.

Ordinance repealed
Salary, how paid

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

Commencement

CHAP. 19.—An ACT repealing an act for the relief of Ephraim Bee.

Passed September 26, 1862.

Act of 1858
repealed

1. Be it enacted by the general assembly, that the act entitled an act authorizing Jonathan M. Bennett to convey by deed to Ephraim Bee of the county of Doddridge, certain forfeited and delinquent lands sold in the county of Jackson, but now in the county of Roane, upon the payment of a balance of purchase money, passed February eighteenth, eighteen hundred and fifty-eight, be and the same is hereby repealed.

Commencement

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

CHAP. 20.—An ACT to authorize the Governor to settle the Account of Sampson Jones, Agent of Mrs. Jane A. Griffin.

Passed September 29, 1862.

Governor autho-
rized to settle
account

1. Be it enacted by the general assembly, that the governor of this commonwealth be and he is hereby authorized to settle the account of Sampson Jones, agent for Mrs. Jane A. Griffin, for supplying the public guard with rations from the first day of April eighteen hundred and sixty-one to the first day of October eighteen hundred and sixty-two, under a contract for that purpose with Captain Dimmock, commandant of the public guard; and that he ascertain the actual loss sustained under said contract, by reason of the great advance in the price of provisions during the same period; and that he authorize the said Jones, agent as aforesaid, to be paid his actual loss under said contract.

Terms

Commencement

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

CHAP. 21.—An ACT to amend the Charter of the Town of Danville.

Passed October 6, 1862.

Act of 1854
amended

1. Be it enacted by the general assembly, that the third section of the act passed March seventh, eighteen hundred and sixty-two, entitled an act to amend an act entitled an act amending the charter of the town of Danville, passed March fourth, eighteen hundred and fifty-four, and incorporating into one the subsequent acts amendatory thereof, be amended and re-enacted so as to read as follows:

Jurisdiction of
hustings court

“§ 3. The jurisdiction of said court, except as to matters of police, which shall belong to the council, shall correspond with that of

the county courts as established by law ; and the said court shall continue to have jurisdiction, and the said mayor and aldermen shall continue each to have the powers of a justice of the peace, not only within the said corporate limits, but also for the space of one mile without and around the limits of said town, in all matters arising within the said town or in the said space of one mile, according to the laws of the commonwealth and the ordinances of the town, and shall execute the same in like manner and under like responsibilities, and receive the like compensation for services rendered by them as the justices of the county courts within this commonwealth receive : provided, however, that not more than three aldermen shall receive compensation for any one day of such service in court, unless such court be one in which a greater number than three aldermen are required by law. The said aldermen shall classify themselves for service in court, in like manner as justices of the peace in counties are classified by law ; and any presentment in said court by a grand jury for an offence against the said laws, committed within the jurisdiction of said court, may be presented in said court in like manner, and like proceedings be had thereon as in the county court of Pennsylvania ; and the said court of hustings shall bear the same relation to the circuit court for the town of Danville, as the county court of said county bears to the circuit court thereof ; and appeals may be taken, and writs of error, supersedeas, certiorari and any other judicial writs may be sued out and prosecuted in like manner as is done in the county courts of the commonwealth."

Aldermen, how
classified

Powers of hus-
tings court

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

Commencement



RESOLUTIONS.

No. 1.—Joint Resolutions guaranteeing to the people of the Northwestern section of the State the construction of a Rail Road connecting that portion of the State with the Seaboard, at the earliest day practicable.

Adopted October 4, 1862.

Whereas, by the secession of Virginia from the late Union, and her accession to the Confederacy, the northwestern section of the state has become a border on a foreign and hostile nation, and has no direct intercourse in trade and travel with other and more favored portions of the state, and the prosperity of that as well as other sections of the state will be greatly promoted by a closer union and more frequent intercommunication: And whereas, on the seventeenth day of January eighteen hundred and sixty-two the general assembly of Virginia did resolve to “maintain the jurisdiction and sovereignty of the state of Virginia, to the uttermost limits of her ancient boundaries, at any and every cost;” and the congress of the Confederate States, on the twenty-second day of January eighteen hundred and sixty-two, by resolution, did “pledge all the resources of the Confederacy to uphold her determination” aforesaid: Therefore,

1. Resolved by the general assembly of Virginia, that increased facilities of trade and travel between the northwestern section of the state and the capital and seaboard, are demanded alike by the welfare of that section and the permanent interests of the whole state, in peace and in war, and that justice and sound policy require that such facilities be established without unnecessary delay.

2. Resolved, that the general assembly declare, as an assurance to the citizens of the said northwestern section, that the available resources of the commonwealth shall be liberally devoted to the construction of a rail road which shall connect that section with the interior and seaboard of the state, whereby the enterprise, energy and resources of that section may be encouraged and developed, at the earliest practicable date.

3. Resolved, that in the opinion of this general assembly, immediately on the conclusion of the existing war, the state should cause experimental surveys to be made, to ascertain the best, cheapest, shortest and most practicable route for a rail road connection between that part of the state and the capital.

No. 2.—Joint Resolution authorizing the Branch of the Exchange Bank of Virginia at Richmond to declare a dividend for the six months ending 30th June 1862.

Adopted October 4, 1862.

Preamble

Whereas it is represented that the Exchange Bank of Virginia at Norfolk is within the lines of the public enemy, and that no dividend of profits for the six months ending on the thirtieth day of June eighteen hundred and sixty-two can be declared in the mode prescribed by law: Therefore,

Dividend, how to be declared

Resolved by the general assembly, that for the six months ending on the thirtieth day of June eighteen hundred and sixty-two, the branch of the Exchange Bank of Virginia at Richmond may declare a dividend of profits, not exceeding three per centum on the capital stock of said bank, and when so declared, shall pay the state's dividend, the tax thereon, and the bonus on the capital of said bank into the treasury.

No. 3.—Resolution instructing the Board of Public Works to adopt measures to meet the demand for Wood in the cities of Richmond and Petersburg.

Adopted October 6, 1862.

Duty of board of public works

Resolved by the general assembly, that the board of public works be instructed to adopt such measures as they may deem most expedient, to require the different rail road companies whose roads terminate in the cities of Richmond and Petersburg, to furnish a sufficient number of wood ears for the transportation of wood into the said cities, to supply the demand for the same, and that they cause the same to be transported to the said cities at a reasonable rate of tolls. To accomplish which, the said board are required to use all the power conferred on them by law for the supervision and control of said companies: provided, that if the said companies be opposed to the transportation of wood, the burden thereof be apportioned equitably among them, and in such a manner as not to interfere with their transportation for the confederate government.

Proviso

No. 4.—Joint Resolution authorizing Justices of the Peace to issue Marriage Licenses in certain cases.

Adopted October 6, 1862.

When license issued by justice

Resolved by the general assembly of Virginia, that it shall be lawful for any justice of the peace in either of the several counties of this commonwealth, where the office of clerk of the county court

shall be vacant, or where, by reason of the presence of the public enemy, or by their expected presence, the said clerks shall be absent from their respective counties, to issue licenses for the solemnization of marriages, upon the parties applying therefor complying with the provisions of the statute authorizing the issue of said licenses. The said justices shall return to the said clerks, whenever they shall resume the duties of their office, copies of said licenses so issued, together with the bonds taken, to be recorded, and have the same force and validity as if issued by the clerks of the respective counties. Duty of justice

No. 5.—Resolution authorizing the Governor to fill Vacancies in the office of Assessor, under the act to provide for the production, sale and distribution of Salt, &c.

Adopted October 4, 1862.

Resolved by the general assembly, that any vacancy that may occur in the office of assessor, under the act passed October third, eighteen hundred and sixty-two, entitled an act to provide for the production, distribution and sale of salt in this commonwealth, either by death, resignation, removal or otherwise, may be filled by appointment of the governor of this commonwealth. Power of go
vernor

No. 6.—Resolution in relation to the Adjournment of the General Assembly.

Adopted September 30, 1862.

Resolved, that the general assembly, when it adjourns on Monday next, will adjourn to meet on the first Wednesday in January eighteen hundred and sixty-three, unless sooner convened by the governor, in pursuance of the power vested in him by the constitution.

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