The Statutes at Large; 

BEING 

A COLLECTION 

OF ALL THE 

LAWS OF VIRGINIA, 

FROM THE 

FIRST SESSION OF THE LEGISLATURE, 

IN THE YEAR 1619. 

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

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VOLUME VIII. 

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By WILLIAM WALLER HENING. 

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"The Laws of a country are necessarily connected with every thing be- 
longing 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 use-
ful to be known about them; and one of the greatest imperfections 
of historians in general, is owing to their ignorance of law."  


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RICHMOND: 
PRINTED FOR THE EDITOR. 

J. & G. COCHRAN, PRINTERS. 

1821.
We Robert G. Scott, and William Selden, members of the Executive Council of Virginia, do hereby certify that the Laws contained in the Eighth Volume of Hening’s Statutes at Large, have been by us examined and compared with the originals from which they were taken, and have been found truly and accurately printed, except as to a list of Errata to the number of thirty six, at the end of the volume. Given under our hands this 6th day of November, 1821.

ROBERT G. SCOTT.
WILLIAM SELDEN.
PREFACE
TO THE

Eighth Volume of the Statutes at Large.

This Volume terminates the laws under the colonial government, and brings them down to the year of our Lord, 1773. In 1774 no assembly was held. The failure to call assemblies "for a long space of time" is one of the instances of misrule in the kingly office, recited in the preamble to our state constitution. That spirit of disaffection produced by the stamp-act, and which is manifested by a law of 1766, extending the act of limitations, in consequence of the courts, refusing to receive the probat of deeds subject to a stamp duty, (a) never entirely subsided. To this succeeded such innovations and restrictions in the mode of acquiring titles to waste and unappropriated lands, as amounted to a total prohibition. These, with many other acts of royal oppression, enumerated by the framers of our constitution, led to the Revolution, which finally separated the colonies from the mother country. With the Ordinances of Convention of 1775, passed during the interregnum, the next volume will commence; then will follow, in regular succession, the Acts of the General Assembly of Virginia, under her republican form of government; by far the most interesting period of our laws.

WILLIAM WALLER HENING.

(a) See pa. 193.
List of Governors of Virginia, during the period comprised in this volume.

FRANCIS FAUQUIER, Esq. continued Governor Francis Fauquier, from 1758 to 1767; the last patents signed by him, beginning dated the 10th of September, 1767; after which John Blair, esq. officiated as President of the Council.

John Blair, esq. acted as President of the Council, until the latter part of the year 1768; the last patent signed by him bearing date the 24th of October, 1768. He was succeeded by Norborne Berkeley, Baron de Botetourt, by whom the first patents were signed the 6th of April, 1769.

Lord Botetourt continued governor until 1770, when he died; the last patents signed by him, are dated the 27th of August, 1770.

William Nelson, esq. was President of the Council from the death of Lord Botetourt, in 1770, until the accession of John Murray, Earl of Dunmore, in 1772; the last patents signed by William Nelson, esq. as president of the council, are dated the 3d of August, 1771, and the first by Lord Dunmore, as governor, the 31st of March, 1772.

Lord Dunmore continued governor until the commencement of the Revolution in 1775, when he fled.
ANNO REGNI

GEORGII III,

Regis Magnæ Britanniae, Franciæ et Hiberniæ, quarto.

At a General Assembly, begun and held at the Capitol, in the City of Williamsburg, on Tuesday the 26th of May, in the first year of the reign of our sovereign lord George III. by the grace of God of Great-Britain, France and Ireland, king, defender of the faith, &c. and in the year of our Lord 1761, and from thence continued by several prorogations to Thursday the 12th of January, 1764, in the fourth year of his majesty's reign; and then held at the Capitol, in the City of Williamsburg; being the sixth session of this General Assembly.

CHAP. I.

An act for appointing commissioners to examine and state the accounts of the militia lately ordered out into actual service, and for other purposes therein mentioned.

I. WHEREAS several companies of the militia of the several counties herein after named have lately been drawn out into actual service, by command of his honour the Governor, for the defence and protection of the frontiers of this colony, against the incursions and depredations of the Indians, and it will be a great saving to the colony to have the accounts of their pay, and the provisions, arms, and other necessaries furnished for them, adjusted by commissioners in the country; and it is moreover judged reasonable, and expedient at this
time, when the defence of the colony must depend upon our militia, to allow them some additional reward to encourage them cheerfully to enter into the service, and perform their duty therein:

II. Be it therefore enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That George Washington, Fielding Lewis, William Green, Thomas Marshall and Thomas Rutherford, gentlemen, be, and they are hereby appointed commissioners for the counties of Hampshire, Frederick, Culpeper, Prince-William, Loudoun and Fauquier, and Thomas Walker, George Carrington, William Cabell, Thomas Lewis, and Peter Hogg, gentlemen, for the counties of Augusta, Louisa, Orange, Albermarle, Amherst, Bedford and Halifax, to examine, state, and settle the accounts of such pay, provisions, arms, and necessaries for the militia of the counties for which they are appointed commissioners respectively, allowing in such accounts the additional pay of sixpence a day to every subaltern and non-commissioned officer and soldier, and also the pay of five shillings a day to such person employed as a scout by direction of the governour; and where arms have been impressed for the said service, and the proprietor thereof hath refused, or shall refuse, such arms when returned, in such case the said commissioners shall allow such proprietor the appraised value thereof, and such arms shall be delivered to the county-lieutenant, or other commanding officer, for the use of the publick, to be used by the militia as occasion requires, until the General Assembly shall give further direction therein. And the said commissioners, or any three of them, shall, and they are hereby empowered, and required, to meet for the purposes aforesaid at such times and places as they shall respectively think fit and convenient, of which time and place publick notice shall be advertised at the court house of each respective county, at least one month before such meeting, and to adjourn from time to time until they shall have settled all the accounts of the said militia; and shall have power to call all persons concerned in settling the said accounts before them, and to administer an oath or oaths to any person or persons, for their better information in the premises: And that the said commissioners, or any two of them, shall certify the said accounts so by them examined, stated and settled, to the governour or com-
mander in chief for the time being, who is hereby des-
dired to issue his warrant to the treasurer of this colony
from time to time for the payment thereof; and the said
treasurer shall pay the same out of the money that shall
come to his hands for bills of exchange to be drawn on
the agent of this colony in Great Britain, in pursuance
of an act of assembly made in the thirty-fourth year of
the reign of his late majesty king George the second,
entitled, An Act for appointing persons to receive the
money granted, or to be granted, by the Parliament of
Great Britain to his majesty for the use of this colony.

III. And be it further enacted, by the authority afore-
said, That when any county lieutenant, or other com-
manding officer of the militia, shall be required by the
governor or commander in chief of this colony to
draught any part of his militia, pursuant to the act of
assembly made in the thirtieth year of the reign of his
late majesty king George the second, entitled, An Act
for reducing the several acts for making provision
against invasions and insurrections into one act, such
county lieutenants, or other commanding officer, shall
be empowered to offer a bounty of forty shillings to
every person who will voluntarily engage in the ser-
vice; and the persons so engaging shall be entitled to
such bounty, to be paid by the publick, on such officers
certificate to the next session of assembly; and shall
moreover have such pay and exemptions, and be sub-
ject to the same regulations, fines, and punishments, as
the militia drawn into actual service are entitled and
subject to by the said act.

IV. Provided, That such person shall continue in
the service until the governor or commander in chief
shall order the militia of such county to be discharged,
and shall also be ready to serve whenever he is called
upon by the commanding-officer of the county to which
he belongs, for one year, to be computed from the time
of his engaging as before mentioned. And if the number
required cannot be raised by such voluntary enlistments,
than the county lieutenant, or other commanding offi-
cer, shall proceed to draught so many men of his militia
as will make up the number, in the manner directed by
the said act; and every subaltern and non-commissioned
officer and soldier, who by such voluntary engagement
or draught shall be employed in the defence of this co-

Bounty to
militia.
shall receive sixpence a day over and above the pay allowed by the said act, to be paid in the manner therein directed.

V. And whereas some of the militia lately employed lost part of their baggage, and their horses, in skirmishes with the Indians, for which they ought to be paid by the publick: Be it therefore further enacted, That the said commissioners shall be, and they are hereby empowered and required, respectively, to examine the accounts produced to them of such losses, and report the same to the next session of assembly.

VI. And be it further enacted, That the said commissioners shall be allowed for their trouble ten shillings a day each, for the time they shall be employed therein.

CHAP. II.

An act for amending an act, entitled, An act for amending and further continuing the several acts of Assembly of this colony for amending the staple of tobacco, and for preventing frauds in his majesty's customs.

I. WHEREAS by an act, entitled, An Act for amending and further continuing the several acts of assembly of this colony for amending the staple of tobacco, and for preventing frauds in his majesty's customs, it is, amongst other things, enacted that where the owner or proprietor of any publick warehouse, or some other person on his behalf, will not undertake the buildings and repairs as by the said recited act are directed, it shall and may be lawful for the justices of the county in which such publick warehouse stands, and they are thereby required, to cause such repairs and houses to be made and built as aforesaid, and to levy the charge thereof upon the inhabitants of their county; and that they shall and may take and receive annually a part of the rents established at such inspection, in proportion to the other houses there, for reimbursing the county the charge of such repairs and buildings.
II. And whereas it will be a great hardship upon the inhabitants of such counties who shall be obliged to advance money for such buildings and repairs to lie out of the same until they can be reimbursed in the manner prescribed by the said act, *Be it therefore enacted by the Lieutenant-Governour, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That where the owner or proprietor of any publick warehouse shall refuse or neglect to erect or make such buildings or repairs as are directed by the said recited act of assembly, the justices of the county court wherein such buildings or repairs are to be made shall direct or cause the same to be made in manner as by the said recited act is directed, and shall certify the expense thereof to the treasurer of this colony for the time being, who is hereby directed and required to pay and discharge such expense out of the publick money in his hands arising from the inspection of tobacco, and shall and may take and receive of the inspectors annually a part of the rents established at such inspection, in proportion to the other houses there, for reimbursing the publick the charge of such buildings and repairs, until the same shall be fully satisfied and repaid, which proportion shall be certified by the several county courts to the treasurer aforesaid.

III. And be it further enacted, by the authority aforesaid, That so much of the said recited act of assembly as relates to levying the expense of the said buildings or repairs on the inhabitants of the county wherein such buildings or repairs shall be made, be, and the same is hereby repealed.
LAWS OF VIRGINIA.

CHAP. III.

An act to empower the vestry of the parish of Elizabeth River, in the county of Norfolk, to purchase and improve lots in the borough of Norfolk for the use of the minister, instead of a glebe, and to pay their minister's salary in money instead of tobacco.

I. WHEREAS by a certain act of Assembly, made in the first year of his present majesty's reign, entitled, An Act for dividing the parish of Elizabeth-River, in the county of Norfolk, into three distinct parishes, for dissolving the vestry of the said parish, and for other purposes therein mentioned, the said parish was accordingly divided into three distinct parishes, all that part whereof lying to the northward and eastward of Elizabeth-River, and the eastern branch thereof, was erected into one distinct parish, and retains the name of Elizabeth-River, within the bounds whereof the borough of Norfolk is included, which is become so populous that it contains at least three fourths of the inhabitants of the said parish.

II. And whereas it is represented to this present General Assembly, as well by the minister, churchwardens, and vestry, as by divers other inhabitants of the said parish of Elizabeth-River, that although by the said above mentioned act the glebe of the said parish, as it formerly stood entire and undivided, was directed to be sold, and the money arising from the sale thereof to be divided between the three new parishes, in proportion to their respective number of tithables, to be applied towards purchasing glebes for the said parishes; yet, nevertheless, that the share of that money due to the said parish of Elizabeth-River is not near sufficient for that purpose, and that the lands in the said parish are in general extremely poor and barren, though held at a high price, whereby they are prevented from purchasing a convenient glebe for their minister; and that it would be more convenient to the minister, and, considering the small extent of the parish, not inconvenient...
to the inhabitants of the said parish, if the residence of their said minister was fixed in the said borough of Norfolk.

III. And whereas it is further represented that as the lands in the said parish are not fit for the cultivation of tobacco, a very inconsiderable quantity of that commodity has been raised for many years past, by which means the parishioners are often subject to most exorbitant exactions from the collectors of the parish levies, hitherto payable in tobacco, and that it would be a great ease to the inhabitants of the said parish if they were permitted to pay their minister's salary in money instead of tobacco, who is willing to accept of an annual salary of two hundred pounds current money in lieu of the salary established by law, and of any other benefits and advantages that he might receive and acquire by being provided with a glebe in the manner by law appointed, and they have made their humble petition to this General Assembly that an act may pass to enable them to purchase lots in the said borough of Norfolk, and to build convenient houses thereon for the reception and residence of their minister, and to levy the expense thereof on the inhabitants of the said parish, and also to pay their said minister's salary in money instead of tobacco.

IV. Be it therefore enacted, by the Lieutenant-Governour, Council and Burgesses, of this present General Assembly, at the humble suit of the Minister, Vestry and Inhabitants, of the said parish, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the present vestry of the said parish of Elizabeth-River, and the vestry of the said parish for the time being, and they are hereby empowered and required, as soon as conveniently they can after the passing of this act, to purchase any number of convenient lots within the said borough of Norfolk, not exceeding four, and to cause the same to be conveyed to them, and their successors, by good and sufficient deeds of conveyance, In trust, to and for the use of the minister of the said parish for the time being, for ever; which lots when so purchased and conveyed shall be, and are hereby declared, to be vested in the present minister of the said parish, and his successors, in lieu of a glebe directed to be provided by the act passed in the twenty-second year of the reign of his late majesty king George the second, entitled, An Act for the sup-
port of the Clergy, and for the regular collecting and paying the parish levies: And the said vestry are hereby also empowered and required to cause to be erected and built, on such of the said lots as they shall think proper, one convenient mansion house, and such other houses and improvements as are by the said last mentioned act directed to be built on the several glebes in this colony, and to levy the charge, as well of the said lots as of the buildings to be erected thereon, on the tithable persons of their said parish.

V. And be it further enacted, by the authority aforesaid, That the vestry of the said parish for the time being shall, and they are hereby empowered and required, annually, at the laying of their parish levies, to levy and assess upon the tithable persons of their said parish a salary of two hundred pounds current money, which shall be paid to the minister of the said parish for the time being, in lieu of the salary of sixteen thousand pounds of tobacco and cask, now by law allowed, and also in lieu of all other advantages and benefits which the said minister might acquire from a glebe; which said salary of two hundred pounds shall be collected, levied and paid, at the same times, and in the same manner, as is by the said above mentioned act of Assembly directed and appointed for the collection and payment of the ministers salaries in this colony.

VI. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

CHAP. IV.

An act for opening and clearing a road through Rockfish Gap, over the Mountains.

I. WHEREAS it hath been represented to this present General Assembly that the opening and clearing a road over the mountains in the county of Augusta, at a place called the Rockfish gap, would be a great advantage to the inhabitants of that and the neighbouring counties, as it would be the most convenient passage for
extending their commerce to a considerable distance beyond those mountains; but that it cannot be effected in the manner prescribed by the laws of this colony for clearing of roads, and must be attended with more than ordinary expense:

II. Be it therefore enacted, by the Lieutenant-Governour, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the court of the said county of Augusta, and they are hereby authorized and empowered, from time to time, as they shall think it necessary, to appoint proper persons to open and clear a road over the said mountains through the said gap, and to levy the expense thereof on the tithable inhabitants of the said county, at the time of their laying the county levy; so that such expenses shall not exceed the sum of one hundred and fifty pounds, which shall be levied and collected in the same manner as the other county levies, and paid to the persons entitled to the same.

CHAP. V.

An act for discontinuing the Warehouses on the south side of Nomony River, and establishing others at a more convenient Landing.

I. WHEREAS it is represented to this present General Assembly, by sundry inhabitants of the county of Westmoreland, that the publick warehouse for the inspection of tobacco, as it is now established on the south side of Nomony river, in the said county, is very inconveniently situated, as well with regard to the planters as to the merchants trading with them for their tobacco; and that, as the said warehouse is at this time in a ruinous condition, a new one must of necessity be built in a short time, which may be placed on a much more commodious spot, lower down the river, on the land of William Flood, gentleman, the present proprietor of the said warehouse, who is also willing and desirous that such a removal may be made:

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II. Be it therefore enacted by the Lieutenant Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the first day of September next the warehouse at Nomony aforesaid shall be discontinued, and a new warehouse erected lower down the said river, near to the lower ferry, on the land of the said William Flood, and that it shall and may be lawful to and for the court of the said county of Westmoreland to order and direct the said William Flood, or the proprietor of the said land for the time being, to erect, build, and completely finish, by or before the said first day of September next, such and so many strong, close, and substantial houses, as shall be sufficient; in their opinion, conveniently to contain one half of the quantity of tobacco mentioned in the account of the inspectors of the present warehouse the last year, and to secure the said houses in the manner directed by an act of Assembly made in the first year of his present majesty, entitled, An Act for amending and further continuing the several acts of Assembly of this colony for amending the staple of tobacco, and preventing frauds in his majesty’s customs; and the said court shall also take bond, with sufficient security, in a reasonable penalty, payable to his majesty, his heirs and successors, with condition for the due performance of such buildings.

CHAP. VI.

An act to enable certain adventurers to drain a large tract of marshy grounds in the counties of Nansemond and Norfolk:

I. WHEREAS a number of gentlemen have lately formed themselves into a company of adventurers for the purpose of draining, and rendering fit for cultivation, a large tract of marshy ground, known by the name of the Great Dismal Swamp, lying in the counties of Nansemond and Norfolk, which if effected will be attended with publick utility; but as it may happen that in the prosecution of their undertaking they may
be under a necessity of cutting and passing through some of the adjacent lands, and thereby subject themselves to prosecutions:

II. For the prevention whereof, and for the encouragement of so laudable and useful a design, Be it enacted by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the said company of adventurers, or any of them, at any time, to enter upon, and have such a free passage, and make such canals, or causeways, through the lands of any person whatsoever adjacent to the said Dismal Swamp, as may be conducive to the more effectual draining thereof, without being subject to the action or suit of any such persons for the same.

III. Provided nevertheless, That if the proprietor of any such adjacent lands shall think himself injured thereby, he shall give notice thereof to the said company, or their agent or agents, who shall within twenty days appoint one person on their part, to join with another to be chosen by the party complaining, to consider and determine the value of such damages as shall appear to them to have been sustained by such person, which valuation shall forthwith be paid by the said company; and if the persons so appointed cannot agree in opinion as to such damages, they shall appoint a third person, whose determination shall be final.

CHAP. VII.

An act for establishing a Ferry from the land of Thomas Casson, over Rappahannock River, to the opposite shore in Caroline.

I. WHEREAS it is represented to this present General Assembly by sundry inhabitants of the county of King George, that the establishing a ferry from the land of Thomas Casson, in the said county, over the river Rappahannock, to the land of Sarah Conway, opposite thereto, in the county of Caroline, would be very convenient to travellers in that neighbourhood:
II. Be it therefore enacted by the Lieutenant Governor Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That a publick ferry be constantly kept from the said Thomas Casson's land over the said river to the opposite shore in the said county of Caroline, and that the rates for passing the said ferry be as follows, that is to say: For a man threepence and for a horse the same; and for the transportation of wheel-carriages, tobacco, cattle, and other beasts, the ferry-keeper may demand and take the following rates, that is to say: For every coach, chariot, or wagon, and the driver thereof, the same as for six horses; for every cart, or four-wheeled chaise, and the driver thereof, the same as for four horses; for every two-wheeled chaise, or chair, the same as for two horses; for every hogshead of tobacco, the same as for one horse; for every head of neat cattle, the same as for one horse; and for every sheep, goat, hog, or lamb, one fourth part of the ferriage of one horse, according to the prices herein before settled, and no more. And if the ferry-keeper shall presume to demand or receive from any person or persons whatsoever any greater rate than is hereby allowed for the ferriage of any thing whatsoever, he shall for every such offence forfeit and pay to the party grieved the ferriage demanded and received, and ten shillings, to be recovered with costs before any justice of the peace of the said county; and the court of the said county of King George shall and may, and are hereby required, to order and direct what boat or boats, and what number of hands, shall be kept at the said ferry; and the said ferry-keeper shall enter into bond in the manner directed by an act of Assembly made in the twenty-second year of his late majesty's reign, entitled, An Act for the settlement and regulation of Ferries, and for despatch of publick expresses, and shall be subject to the penalties thereby inflicted for any neglect or omission of duty.
An act to empower the corporation of the City of Williamsburg to assess taxes on the inhabitants thereof for the purposes therein mentioned, and for repealing a certain act of Assembly therein also mentioned.

I. WHEREAS by an act of Assembly, made in the first year of the reign of his present majesty, entitled, An Act to empower the common hall of the city of Williamsburg to assess such taxes from time to time on the inhabitants thereof as shall be sufficient to answer all charges and expenses for publick buildings, keeping the streets in repair, and other conveniences, the said common hall are empowered to levy money of the inhabitants of the said city not only for the particular purposes in the said act specified, but also at all times, and for defraying the charges and expenses of any publick buildings, or other conveniences, for the use and benefit of the inhabitants of the said city, whenever they shall think proper; which discretionary power, without some restrictions, may prove of dangerous consequence to the liberties and properties of the said citizens; nevertheless it may prove of great service, and very much conduce to the preservation of the said city, if the said common hall are empowered, when their chamber is deficient, to levy money of the said inhabitants for the several purposes herein after particularized:

II. Be it therefore enacted, by the Lieutenant-Governour, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the mayor, recorder aldermen, and common-council, of the said city of Williamsburg, for the time being, in common-hall assembled, to levy and assess by the poll, on the tithable persons inhabiting within the said city, all such sum and sums of money as shall be sufficient for defraying the charges and expenses of building a court-house, market-house, and prison, for the said city, when those now in use shall happen to fall to decay, or be otherwise destroyed, and to keep the same in repair; also for build-
ing, purchasing, or renting, one or more house or houses, to be made use of as hospitals, for the reception of any person or persons who may be hereafter found within the said city infected with contagious distempers and for paying the charges of removing such persons to the hospital, and providing doctors, nurses, and other necessary attendants, as also guards, to prevent the spreading of such distempers; also to defray the expense of purchasing necessary fire engines, and the hire of proper persons as firemen to keep such engines at all times in good order and ready for service; and for sinking such and so many wells as they shall think sufficient for supplying the fire engines with water in case of fires, fixing pumps in such wells, and keeping them in constant repair; also to defray the charges of appointing watchmen for the said city, and paying them reasonable wages; and also for repairing, and keeping in good order, the streets and lands in the said city. And that the said common-hall shall not levy or assess taxes on the inhabitants of the said city for any other use, intent, or purpose, whatsoever.

III. And for the more equal and impartial assessment of such taxes, It is hereby further enacted, by the authority aforesaid, That the said mayor, recorder, aldermen, and common council, in common hall assembled, shall and may, as often as occasion shall require, order and direct the inhabitants of the said city to deliver in lists of their titheables to the clerk of the court of Hustings of the said city, within such time as they shall appoint, but not less than one month at the least, who shall forthwith cause a copy of such order to be fixed up at the doors of the church, court-house, and market house, of the said city; and if any inhabitant of the said city shall neglect or refuse so to do, within the time so to be limited, such delinquent shall be deemed a concealer of titheables, and shall forfeit and pay the sum of forty shilings for every titheable so concealed, which shall be levied by the collector of the taxes, and in case of non-payment by distress and sale of the delinquent's goods and chattels, as in cases of other distresses, and applied towards the purposes of this act. And the said clerk shall make out a fair copy of all such lists of titheables, and deliver the same, when required, to the said court of Hustings.

IV. And be it further enacted, That the said common hall, when they shall have settled and proportioned
the taxes to be levied in pursuance of this act on the inhabitants of the said city, according to such lists of tithables, they shall and may appoint one or more collector or collectors of the same; and if any person or persons shall refuse or neglect to satisfy and pay the money so on him, her, or them, levied and assessed, at the times appointed for the payment thereof, it shall and may be lawful for such collector or collectors to levy the money so due by distress and sale of the delinquent's goods, in the manner herein before mentioned. And such collector or collectors shall give bond, with sufficient securities, in a reasonable penalty, payable to the mayor, recorder, aldermen, and common council, of the said city, and their successors, for the due collection and payment of the said taxes; and shall be allowed a commission of five per centum for collecting and paying the same.

V. And be it further enacted, by the authority aforesaid, That the said recited act of Assembly shall be, and the same is hereby repealed, and made void to all intents and purposes whatsoever.

VI. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

CHAP. IX.

An act for altering the court days of the counties of Lancaster, Gloucester, Chesterfield, and Warwick.

I. WHEREAS it hath been represented to this present General Assembly that the court days of the counties of Lancaster, Gloucester, Chesterfield, and Warwick, are inconvenient to the justices, and others who are obliged to attend the said courts:

II. Be it therefore enacted by the Lieutenant Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the last day of March next the court for the said county of Lancaster shall be constantly held upon the third Monday in every month,
and the court for the county of Gloucester shall be constantly held upon the first Thursday in every month, and the court for the said county of Chesterfield shall be constantly held upon the first Friday in every month, and the court for the said county of Warwick shall be constantly held upon the second Thursday in every month; any law, custom, or usage, to the contrary, in any wise, notwithstanding.

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CHAP. X.

An act to empower the vestry of the parish of Bath, in the county of Dinwiddie, to sell their glebe, and purchase a more convenient one.

I. WHEREAS it is represented to this present General Assembly that the glebe of the parish of Bath, in the county of Dinwiddie, is inconveniently situated, and that it would be very advantageous to the minister of the said parish, as also to the inhabitants thereof in general, if the vestry of the said parish were authorized to dispose of the said glebe, and lay out the money arising from the sale thereof in purchasing other lands for a glebe, and erecting convenient buildings thereon:

II. Be it therefore enacted by the Lieutenant Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said glebe land, with the appurtenances, be, and the same are hereby vested in the present vestry of the said parish of Bath, and in the vestry of the said parish for the time being, In trust.

III. Nevertheless, That the said vestry, or the greater part of them, shall by deed of bargain and sale sell and convey the said glebe, with the appurtenances, for the best price that can be got for the same, to any person or persons who shall be willing to purchase the same; to hold to such purchaser or purchasers, his or their heirs and assigns, for ever.

IV. And be it further enacted by the authority aforesaid, That the money arising by the sale of the said
glebe shall be by the said vestry laid out and applied for and towards purchasing a more convenient tract or parcel of land for a glebe, and erecting buildings thereon, for the use and benefit of the minister of the said parish of Bath for the time being, for ever.

CHAP. XI.

An act to dock the entail of certain lands whereof Charles Carter, esq. is seized, and for settling other lands of greater value to the same uses.

I. WHEREAS Robert Carter, esquire, late of the county of Lancaster, now deceased, was in his lifetime, and at the time of his death, seized in fee-simple, amongst other estates, of and in three hundred and ten acres of land, commonly called and known by the name of Norman's Ford, now situate, lying, and being, in the parish of St. Mark, in the county of Culpeper, which was at the time of his death part of the county of Spotsylvania; and being so thereof seized did make his last will and testament in writing, bearing date the twenty-second day of August, in the year of our Lord one thousand seven hundred and twenty-six, and thereby devised the same to his son Charles Carter, and to the heirs male issue of his body lawfully begotten, included within the devise in the said will contained to his said son Charles of all his lands in King George and Spotsylvania counties, lying above the falls of Rappahannock river, as by the said last will and testament of the said Robert Carter, now remaining amongst the records of the general court of this colony, may appear; and some time afterwards the said Robert Carter departing this life, seized as aforesaid, his said son Charles entered into the said three hundred and ten acres of land, and became, and is now seized thereof, as tenant in taille-male, under the will of his said father.

II. And whereas the said Charles Carter, esquire, is, and stands seized, in fee-simple, of and in a certain
tract or parcel of land, with the appurtenances, containing eleven hundred acres, situate, lying, and being, above the falls of Rappahannock river, in the parish of Brunswick, in the county of King George, which was granted to him by patent from the lord proprietor of the Northern Neck, and it will be for the benefit and advantage of the heir in taille, and those claiming in remainder and reversion under the will of the said Robert Carter, to dock the entail of the said three hundred and ten acres of land called Norman's Ford, in the said county of Culpeper, and to settle the said eleven hundred acres of land in the said county of King George, being of much greater value, to the same uses.

III. And forasmuch as notice hath been published three Sundays successively, in the several churches of the said parish of St. Mark, that application would be made to this General Assembly to dock the entail of the said three hundred and ten acres of land, and to settle other lands of greater value to the same uses, pursuant to your majesty's instructions.

IV. May it therefore please your most excellent majesty, at the humble suit of the said Charles Carter, that it may be enacted, And be it enacted by the Lieutenant Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That the said tract or parcel of land, with the appurtenances, containing three hundred and ten acres, called and known by the name of Norman's Ford, situate, lying, and being, in the said parish of St. Mark, and county of Culpeper, so as aforesaid devised by the last will and testament of the said Robert Carter to his said son Charles in taille-male, be, and the same is hereby vested in the said Charles Carter, his heirs and assigns, to the only proper use and behoof of the said Charles Carter, his heirs and assigns, for ever; and that the said eleven hundred acres of land, lying and being in the said parish of Brunswick and county of King George, so as aforesaid granted to the said Charles Carter by the lord proprietor of the Northern Neck, be, and the same are hereby vested in the said Charles Carter, and the heirs male of his body lawfully begotten, and on failure of such heirs the same shall remain and descend to such person and persons, in the same manner, and under the same limitations and remainders, successively, as the said three hundred and ten acres of land called Norman's
Ford would have remained and descended, by virtue of the last will and testament of the said Robert Carter, if this act had never been made.

V. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the last will and testament of the said Robert Carter, all such right, title, interest claim, and demand, as they, every, or any of them, could or might claim, if this act had never been made.

VI. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

CHAP. XII.

An act to direct the sale of certain entailed lands whereof John Spotswood, esq. died seized, for payment of the debts due from him, and the estate of major-general Alexander Spotswood.

1. WHEREAS major-general Alexander Spotswood was at the time of his death seized and possessed of a large tract of land, lying in the county of Spotsylvania, wherein he had erected works for casting pig-iron, and employed therein the greatest part of his slaves, and was also seized of a large tract of land, in the counties of Orange and Culpeper, on which he had placed some tenants at an annual rent, and of a tract of about three thousand acres, in the said county of Spotsylvania, called Massaponax, which was situate a considerable distance from the said mine tract, and being so seized made his last will and testament in writing, bearing date the nineteenth day of April, one thousand seven hundred and forty, and therein did give and devise to his eldest son John Spotswood, esquire, all his said lands, and his working slaves, in tail, with several remainders over in case his said son should die without issue, but
empowered his executors to lease out any of his said lands (his said Mine tract excepted) for years, or for life or lives, on such condition, with such covenants, and reservations of rents, for the benefit of his said son, as he the said testator had theretofore leased any of his said lands; and the said testator did further give and devise unto his said son Robert Spotswood the sum of three thousand pounds sterling, payable at his attaining the age of twenty-one years, and to his two daughters Anna Catharina and Dorothea the sum of two thousand pounds sterling each, payable at their respective ages of twenty-one years, or marriage, which said sum of seven thousand pounds was to be raised by mortgage or sale of any of his the testator's lands devised to his said son John (his mine tract excepted) and that so much as should seem proper to his wife for the maintenance and education of his said three younger children, until their fortunes should become payable respectively, should be annually paid out of the growing rents and profits of his said lands; and the said testator did further direct that all the tradesmen and servants, stocks of cattle, horses and hogs, all waggons, carts and carriages, implements of husbandry and handicraft, and all household furniture, which should be employed, or any way used, in and on the said mine tract, at the time of his death, should continue thereon, and be employed therein, until his said son John attained to the age of twenty-one years, when he gave the same to his said son John, requesting his said son, in case he should attain to that age, and die without issue male, that he would give the said servants, stocks, and goods, to his aforesaid son Robert, so that the said iron works might be carried on and improved according to his the testator's intention; and, after some other small legacies, did give the rest of his estate, which was inconsiderable, to be equally divided between his said wife and children, and appointed his said wife, and Elliot Benger, Gentleman, and Robert Rose, clerk, executors of his said will, during the minority of his said son John, as by the said will remaining of record in the said county court of Orange, may more fully appear.

II. And whereas in the acquisition of the lands aforesaid, and the setting up the said iron works, the said major-general Spotswood became, and was at the time of his death, very largely indebted to sundry persons in Great Britain, and this colony, and had moreover;
on his marriage with his said wife, settled on her an annuity of five hundred pounds sterling for life for her jointure, in case she should survive him, so that the profits of the estate devised to the son John Spotswood were so far from paying his father's debts, and raising the younger childrens fortunes during his minority, that when he arrived to the age of twenty-one years, and the accounts of the executors were settled, by order of the general court, such profits fell about three thousand pounds short of paying the said annuity, the maintenance of the children, and the necessary expenses of the estate, which sum the said John Spotswood was by decree of the said court obliged to pay, besides being liable for the said debts and fortunes, which were greatly increased by the growing interest thereof.

III. And whereas the said daughters Anna Catharina and Dorothea, having respectively married, became entitled to their fortunes, and the said John Spotswood, not being able to borrow money on the security of his lands to discharge the same, used his utmost endeavours to sell as much of the said Orange and Culpeper lands as would raise the said fortunes and the interest thereof, and frequently advertised publick sales thereof, at which he sold nineteen thousand seven hundred and fifty-nine acres to different persons, for about four thousand pounds in the whole, which sum being greatly short of the amount of the said daughters fortunes, and several decrees and judgments having passed against the said John Spotswood, as well for the balance thereof as for his father's debts, which he had no present means of discharging, he was therefore obliged to draw several bills of exchange on merchants in Great Britain, no way indebted to him, thereby to gain time, and devise some means of raising the money so recovered of him, which bills were returned protested, and now remain unsatisfied, besides which several creditors of the said major-general Spotswood having obtained judgments for their debts, to ascertain the same, forbore to sue out executions thereupon, and are yet unpaid such debts.

IV. And whereas the said Robert Spotswood the son, having attained his age of twenty-one years, became entitled to his fortune, and, by deed made and executed between the said John Spotswood and Robert Spotswood, it was agreed that the said Robert should hold all the said Orange and Culpeper lands until the rents
and profits thereof should fully satisfy and pay the said fortune of three thousand pounds, and the interest there-
of.

V. And whereas it appears to have been the will and intention of major-general Spotswood that his debts and younger childrens fortunes should be chargeable on his other estate, and not on his mine tract of land or iron works, the profits of which he intended for his eldest son, to enable him to maintain his family, and make provision for any younger sons he might have, out of such profits; and the rather as the said general Spotswood does not in his said will take any notice of such younger sons, although he empowers the said John to charge the entailed estate with a fortune of one thousand pounds for each daughter he should have, notwithstanding which all the profits of the said iron works, from the time of the death of the said general Spotswood to the time of the death of the said John Spotswood, were applied towards the payment of the said debts and fortunes, and the maintenance of the children, except what was necessary for the support of the said John Spotswood's family, and what he laid out in the purchase of about nine thousand acres of the land so sold by him, and which cost one thousand pounds current money, and about fifty slaves, in order to make provision for his younger son.

VI. And whereas the said John Spotswood died some time in the year one thousand seven hundred and fifty-eight, leaving Mary his widow, and four children, Alexander his eldest son and heir, John, Amc, and Mary, his younger children, having first made his last will and testament in writing, and therein, according to the power given him by his father's will charged the entailed estate with the sum of one thousand pounds sterling for each of his said daughters, and gave to his said daughter Anne a mulatto girl slave called Betty, and to his daughter Mary a negro girl slave named Phillis, and all the rest of his estate he gave to his said younger son John Spotswood in fee-simple, and of his said will appointed John Robinson, esquire, Bernard Moore, John Champe, Edmund Pendleton, and Roger Dixon, gentlemen, and Nicholas Seward, executors, as by the said will, remaining of record in the said county court of Spotsylvania, may more fully appear; and after the death of the said John Spotswood, the said Bernard Moore alone undertook the execution of the said will,
the other executors having hitherto declined to act therein, and the said Bernard Moore was moreover by the general court appointed guardian to the said sons Alexander and John Spotswood, who are under the age of fourteen years.

VII. And whereas the said John Spotswood deceased, by having drawn the said bills of exchange, had so far made the said debts his own that actions at law might be commenced against his executors, and by that means the whole estate devised by him to his said younger son would in the first instance be swept away, and though the said younger son might in a court of equity be relieved out of the entailed estate (except the mine tract and iron works) as to so much of the said debts as were properly chargeable thereon, yet such relief would be tedious and expensive, and involve the family in dissentions and lawsuits, and at the same time be prejudicial to the heir in taille, it being very probable that the reversion of the said Orange and Culpeper lands, after satisfying the arrears of fortune due to the said Robert Spotswood, could not be sold for the full value thereof, and it being deemed for the benefit of the said heir and younger son, as well as the creditors, that the said Bernard Moore should be allowed to apply the profits of the iron works (which were very considerable) with the rents and profits of the other estate, for and towards discharging the said debts, whereby the said tenanted lands might be exonerated, and saved for the heir, and the smaller estate devised to his younger son, preserved for him, which was the more just and reasonable as there were not sufficient of the entailed slaves to carry on the said iron works, but it was necessary that some of the slaves of the younger son should be employed therein, wherefore in and by an act of Assembly made in the first year of your majesty’s reign, entitled, An Act to enable the executors of the will of John Spotswood, esquire, deceased, to pay the debts and legacies due from the estate of major-general Alexander Spotswood, and for other purposes therein mentioned, the said Bernard Moore, or the acting executor or executors of the will of the said John Spotswood, deceased, or the guardian for the time being of the said sons Alexander and John, were empowered and required to apply the profits of the whole estate, as well the iron works, and the tenanted entailed estate, after the said Robert Spotswood’s demand was
satisfied, as the other fee-simple estate of the said John Spotswood, in the first place for and towards the necessary maintenance and education of the children of the said John Spotswood, and the residue in discharge and satisfaction of the debts due from him and the estate of his said father, and as soon as such debts should be satisfied and paid then the profits of the whole entailed estate should be applied to the benefit of the heir in the same manner as if the said act had never been made, and from thenceforth the said younger son John Spotswood should be seized of the said nine thousand and forty-eight acres of land so devised to him by the will of his said father, to him and his heirs for ever, and should also be entitled to the other lands and slaves, and personal estate, devised to him by the said will, in manner, and on the terms therein mentioned, as by the said act may among other things more fully appear.

VIII. And whereas, pursuant to the directions of the said act of assembly, the said Bernard Moore hath applied the profits of the whole estate, after maintaining and educating the children, towards the payment of the debts, whereby considerable sums have been discharged, but there still remains due of the said debts about nine thousand pounds, which with the growing interest thereof cannot be discharged by such profits in many years, and most of the creditors refusing to wait for such slow payment have threatened to levy executions for their debts, whereby all the slaves devised to the said younger son will be taken away, the carrying on the iron works impeded, and the salutary purposes of the said act wholly defeated, and it hath been represented to this assembly that it will be for the benefit of the heir and younger son, as well as the creditors, to sell part of the entailed lands, and satisfy some of the most pressing creditors, and thereby reduce the debts to a sum which might be paid by the said Bernard Moore in a reasonable time, in the method directed by the said recited act.

IX. And whereas notice hath been published three Sundays successively in the several churches of the parishes of St. Mark, St. Thomas, and St. George, in the said counties of Culpeper, Orange, and Spotsylvania, that application would be made to this present General Assembly for an act to empower the said Bernard Moore to sell some of the said entailed lands for the purposes aforesaid, pursuant to your majesty's instructions.
X. May it therefore please your most excellent majesty, at the humble suit of the said Bernard Moore, that it may be enacted, And be it enacted by the Lieutenant-Governour, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said Bernard Moore, or the acting executor or executors of the will of the said John Spotswood, or the guardian of the said son Alexander Spotswood for the time being, shall be, and he or they is and are hereby empowered, with the consent and approbation of John Robinson, esquire, Edmund Pendleton, Roger Dixon, and John Campbell, gentlemen, or any two of them, to sell and dispose of such and so much of the said entailed lands (the mine tract excepted) as he or they shall judge most convenient and necessary (so as that the whole sum of money to be raised by such sale does not amount to more than six thousand pounds) for the best price that may be got for the same, and convey such lands so sold to the purchaser or purchasers, who shall from thenceforth hold the same respectively, to them, and their heirs, for ever; and the said Bernard Moore, or such executor or executors, or guardians, shall apply the money arising from such sales towards the payment of the debts due from the said John Spotswood, or the said major-general Spotswood, rendering due accounts of such sales and payments; and the said Bernard Moore, or such executor or executors, or guardian, shall apply the profits of the remaining estate, of which the said John Spotswood died possessed, to the payment of the residue of the said debts, the maintenance of the children, and such other uses as in and by the said recited act is directed.

XI. Saving to the king's most excellent majesty, his heirs and successors, and every person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the will of the said major-general Alexander Spotswood, all such estate, right, title, interest, claim, or demand, as they, every, or any of them, should or might claim, if this act had never been made.

XII. Provided always. That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.
An act to vest certain entailed lands; whereof William Cary is seized, in Allen Jones, in fee-simple, and for settling other lands and slaves to be purchased in lieu thereof.

I. WHEREAS William Cary, formerly of the county of Warwick, was in his lifetime, and at the time of his death, seized in fee-simple of and in a tract of high land and marsh lying at the mouth of Skill creek, in the said county, containing about three hundred and sixty acres, and being so seized made his will and testament in writing, bearing date the twenty-sixth day of August, one thousand seven hundred and eleven, and therein, amongst other things, did give and devise the said tract of land, after the decease of his wife Martha, unto his son Harwood Cary, and the heirs of his body lawfully begotten, with several remainders over in case of failure of issue of the said Harwood Cary, as in and by the said will may more fully appear; and after the death of the said testator, and his said wife Martha, the said Harwood the son entered into the said tract of land, and died seized thereof, leaving issue William Cary his eldest son and heir, who entered into the said land, and is now seized thereof as tenant in fee-taille, but the said William Cary having no slaves to work the said land the same is of little profit to him; and it hath been represented to this assembly that it will be for the benefit of the said William Cary, and his issue, to sell the said entailed lands, and lay out the money in the purchase of other lands and slaves, to be settled to the same uses, the said William Cary having contracted for the sale of the said entailed lands to one Allen Jones for seven hundred and twenty pounds current money, the full value of the same.

II. And forasmuch as notice hath been published three Sundays successively in the several churches of the parish of Warwick, in the said county of Warwick, that application would be made to this present General Assembly for an act to dock the entail of the said lands, and for settling other lands and slaves, to be purchased with the money aforesaid, to the same uses, pursuant to your majesty's instructions.
III. May it therefore please your most excellent majesty, at the humble suit of the said William Cary, that it may be enacted, And be it enacted by the Lieutenant-Governour, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said tract of three hundred and sixty acres of high land and marsh, be the same more or less, whereof the said William Cary is seized in the county of Warwick, be, and the same is hereby vested in the said Allen Jones, his heirs and assigns, for ever, to his and their own use.

IV. Provided always, and be it further enacted, That the said Allen Jones shall pay the said sum of seven hundred and twenty pounds to Archibald Cary, John Fleming, Robert Bolling, junior, and Joseph Cabball, gentlemen, In trust; that they, or the greater part of them, or their survivors, shall fairly lay out the said money in the purchase of other lands and slaves, to be conveyed by deed or deeds duly proved and recorded, and from thenceforth the said lands and slaves so purchased shall descend, pass, and go together, to the said William Cary and the heirs of his body, and to such other person or persons as the said lands in the county of Warwick would have remained, gone, and descended, by virtue of the limitations in the will of the said William Cary the elder, if this act had never been made.

V. And be it further enacted, by the authority above-said, That the estate taille in the said lands and slaves so to be purchased shall not be docked or defeated by writ in the nature of an ad quod damnum, or otherwise than by act of assembly.

VI. Saving always to the king's most excellent majesty, his heirs and successors, and to all and every other person or persons, bodies politick and corporate, their respective heirs and successors, other than the persons claiming under the will of the said William Cary the elder, all such estate, right, title, and interest, as they, every, or any of them, should or might have or claim if this act had never been made.

VII. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.
ANNO REGNI

GEORGII III.

Regis Magnæ Britanniæ, Franciæ et Hiberniæ, quarto.

At a General Assembly, begun and held at the Capitol, in the City of Williamsburg, on Tuesday the 26th of May, in the first year of the reign of our sovereign lord George III. by the grace of God of Great-Britain, France and Ireland, king, defender of the faith, &c. and in the year of our Lord 1761, and from thence continued by several prorogations to Tuesday the 30th of October, 1764, in the fourth year of his majesty's reign; and then held at the Capitol, in the City of Williamsburg; being the seventh session of this General Assembly.

CHAP. I.

An act for further continuing the act for reducing the several acts for making provision against invasions and insurrections into one act.

I. WHEREAS the act of Assembly made in the thirtieth year of the reign of his late majesty king George the second, entitled, An Act for reducing the several acts for making provision against invasions and insurrections into one act, which was continued by another act made in the third year of the reign of his present majesty, will expire on the eighth day of June next, and it is necessary and expedient that the said act should be further continued:

II. Be it therefore enacted by the Lieutenant Governor, Council and Burgesses, of this present General As-
LAWS OF VIRGINIA,

Chap. II.

An act for further continuing an act, entitled, An act for reducing the several acts made for laying a duty upon liquors into one act.

I. WHEREAS the act of assembly made in the thirty second year of the reign of his late majesty king George the second, entitled, An Act for reducing the several acts made for laying a duty upon liquors into one act, which was continued by another act of Assembly made in the first year of his present majesty's reign will expire on the tenth day of June next, and it is necessary that the same should be further continued:

II. Be it therefore enacted by the Lieutenant Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said act of assembly, made in the thirty-second year of the reign of his said late majesty, shall continue and be in force from and after the said tenth day of June next, for and during the term of two years from thence next following, and no longer.

Chap. III.

An act for raising a publick Levy, and for other purposes therein mentioned.

I. Be it enacted, by the Lieutenant-Governour, Council and Burgesses, of this present General Assembly, and
it is hereby enacted by the authority of the same, That forty-six pounds of tobacco be paid by every tithable person within this dominion for the defraying and payment of the publick charge of the country, and the pay and expenses of the militia drawn out into actual service for the defence and protection of the frontiers of this colony against the incursions of the Indians, being the publick levy from the second day of November one thousand seven hundred and sixty-two, to the thirtieth day of October one thousand seven hundred and sixty-four; and that it be paid by the collectors of the several counties to the several persons and counties respectively to whom it is proportioned by this General Assembly, and the directions of this act. And if it shall happen that there shall be more tithables in any county than the present levy is laid on, then the county shall have credit for so much, to the use of the county; and if fewer tithables in any county, then the county shall bear the loss.

II. Provided always, That where any allowance is made in the book of proportions to any county, to be paid in the same county, no more per poll shall be collected from the tithables of such county than will discharge the balance after such allowance shall be deducted; and that every county court shall regulate the levy accordingly.

III. And be it further enacted by the authority aforesaid, That the sheriff of every county shall, at the court to be held in his county in February next, if a court be then held (and if not, at the next court) give bond and security for the due collection and payment of the publick levy now laid and assessed.

IV. And whereas there are balances due to the publick from the several counties, as appears by the book of proportions, Be it further enacted, by the authority aforesaid, That the sheriff of each county shall sell the tobacco levied in his county, as a depositum for the use of the publick, at the times and places following respectively, that is to say: The sheriffs of the counties of Goochland, Amherst, Buckingham, and Cumberland, at Richmond, on the court day of Henrico county in July next; the sheriffs of the counties of Amelia, Prince Edward, and Bedford, at Chesterfield courthouse, on the court day of that county in July next; the sheriffs of the counties of Lunenburg, Brunswick, Sussex, and Halifax, at Prince George court-house, on
the court day of that county in July next; the sheriff of Southampton at Isle of Wight court-house, on the court day of that county in July next; the sheriffs of the counties of Albemarle and Louisa at Hanover court-house, on the court day of that county in July next; the sheriffs of the counties of Orange and Culpeper at Fredericksburg, on the court day of Spotsylvania county in July next; the sheriffs of the counties of Fauquier and Loudoun at Dumfries, on the court day of Prince William county in July next; and the sheriffs of the several other counties at the court-house of their respective counties, on the court day in the said month of July, if a court be then held, and if not, at their next court; which tobacco shall be fairly sold, to the best advantage, between the hours of one and three, and in lots of not more than ten thousand, and the money for the same paid to the sheriffs respectively, who shall severally account for and pay the same to John Robinson, esq. treasurer, or the treasurer for the time being, appointed by or pursuant to act of assembly, on or before the tenth day of September next following, to be by him accounted for to the General Assembly.  

V. Provided always, That nothing herein contained shall be construed to hinder the inhabitants of the counties of Augusta, Frederick, Hampshire, Bedford, Halifax, and Loudoun, from paying the said forty-six pounds of tobacco in money, at the rates already settled by law in those counties respectively; and that the sheriffs of the said counties shall severally account for and pay the money arising from such depositum in their respective counties to the said treasurer, on or before the said tenth day of September next, to be accounted for as aforesaid.

VI. And be it further enacted, by the authority aforesaid, That if any sheriff shall fail or neglect to sell the tobacco so levied in his county as a depositum for the use of the publick as aforesaid, or shall not account for and pay the money for the same to the treasurer before the said tenth day of September next, it shall be lawful for the general court, or the court of the county wherein he is sheriff, on a motion to them made by the treasurer, to give judgment against such sheriff and his securities, his or their executors or administrators, for the tobacco or money, if the same be sold, for which such sheriff is hereby chargeable, and thereon to award execution.
VII. Provided, That such sheriff and securities, his or their executors or administrators, have ten days previous notice of such motion.

VIII. And be it further enacted by the authority aforesaid, That if the sheriff of any county shall fail or neglect to give bond and security for collecting the publick levy now laid and assessed, the court of the county in which such sheriff lives shall, and they are hereby directed, to appoint any other person they shall think fit to collect the same, who is hereby empowered and required to collect and sell the tobacco for the publick, and pay the money to the treasurer in manner before directed; but such persons shall give bond and security, and be liable to a judgment against him and his securities, in the same manner as sheriffs are by this act.

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CHAP. IV.

An act for dividing the county of Lunenburg into three distinct counties.

I. WHEREAS it is represented to this present General Assembly, by the inhabitants of the county of Lunenburg, that in their present situation they are subject to great inconveniences by reason of the great extent of the said county, and the remoteness of many of them from their court-house, and they have petitioned this General Assembly that the said county may be divided into three distinct counties, to be laid off and distinguished by the boundaries of the three several parishes of Cornwall, St. James’s and Cumberland, into which the said county now stands divided: Be it therefore enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the first day of March next ensuing the said county of Lunenburg be divided into three distinct counties, that is to say: All that part thereof lying within the lines and bounds of the parish of Cornwall, as by law established, shall be one distinct county, and shall be called and known by the name of Charlotte; that all

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that part thereof as is contained within the established lines and bounds of the parish of St. James's shall be one other distinct county, and shall be called and known by the name of Mecklenburg; and that all the remaining part of the said county lying within the lines and bounds of the said parish of Cumberland, as by law established, shall be one other distinct county, and retain the name of Lunenburg.

II. And for the due administration of justice in the said counties of Charlotte and Mecklenburg, after the same shall take place, Be it enacted by the authority aforesaid, That from and after the said first day of March a court for the said county of Charlotte shall be constantly held by the justices thereof upon the first Monday in every month, and for the said county of Mecklenburg upon the second Monday in every month.

III. Provided always, That nothing herein contained shall be construed to hinder the sheriff or collector of the said county of Lunenburg, as the same now stands entire and undivided, from collecting and making distress for any publick dues, or officers fees, which shall remain unpaid by the inhabitants of either of the said counties of Charlotte or Mecklenburg at the time the said division shall take place; but such sheriff or collector shall have the same power to collect or distress for the said dues and fees, and shall be answerable for them in the same manner, as if this act had never been made, any law, usage or custom, to the contrary thereof, in any wise, notwithstanding.

IV. And be it further enacted by the authority aforesaid, That the court of the said county of Lunenburg shall have jurisdiction of all actions and suits, both in law or equity, which shall be depending before them 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, against the body or estate of the defendant or defendants, in any such action or suit, in the same manner as if this act had never been made, any law, custom, or usage to the contrary thereof, in any wise, notwithstanding.
An act for dividing the parish of Truro, in the county of Fairfax.

I. WHEREAS the parish of Truro, in the county of Fairfax, by reason of its large extent, is inconvenient to the inhabitants thereof: Be it therefore enacted by the Lieutenant-Governour, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same. That from and after the first day of February next the said parish of Truro shall be divided by Doeg creek, from the mouth thereof, to Mr. George Washington's mill, and from thence, by a straight line, to the plantation of John Munroe, and the same course continued to the line that divides the counties of Fairfax and Loudon; and that all that part of the said parish of Truro that lies between the said line and the river Occoquan shall be one distinct parish, and retain the name of Truro, and that all that part of the said parish of Truro which lies between the said line and the river Potowmack shall be one other distinct parish, and called by the name of Fairfax.

II. And be it further enacted, by the authority aforesaid, That the freeholders and housekeepers of the said parishes of Truro and Fairfax respectively shall meet at some convenient time and place, to be appointed and publickly advertised by the sheriff of the said county of Fairfax, at least one month before the second day of April next following, and then and there elect twelve of the most able and discreet persons of their respective parishes for vestrymen in each of the said parishes; which vestrymen so elected, having in the court of the said county of Fairfax taken and subscribed the oaths appointed to be taken by one act of parliament made in the fifth year of the reign of his majesty king George the first, entitled, An Act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors, and taken and subscribed the oath of abjuration, and repeated and subscribed the test, and also 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 vestries of the said parishes respectively.

III. Provided always, That nothing herein contained shall be construed to hinder the collector of the said parish of Truro, as the same now stands entire and undivided, from collecting or making distress for any parish levies which shall remain unpaid by the inhabitants of the said parish of Fairfax at the time of its taking place; but such collector shall have the same power to collect or distrain for the said levies, and shall be answerable for them in the same manner, as if this act had never been made, any law, custom, or usage, to the contrary thereof, notwithstanding.

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**CHAP. VI.**

*An act for appointing several new Ferries, and for other purposes therein mentioned.*

New ferries established.

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, by the Lieutenant-Governour, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That publick ferries be constantly kept at the following places, and that the rates for passing the same shall be as follows, that is to say: From the land of George Wilson Spooner, in Westmoreland county, over Potowmack river, to Cedar Point in Maryland, the price for a man two shillings and six-pence, and for a horse the same; from the land of John Cabbell, at or near Bomman's warehouse, in the county of Amherst, over the Fluvannah river, to his land opposite thereto, in the county of Buckingham, the price for a man threepence, and for a horse the same; from the land of Cornelius Thomas, at or near the mouth of his mill creek, in the county of Amherst, over the Fluvannah river, to the land of Nicholas Davis, opposite thereto, in the county of Bedford, the price for a man threepence, and
for a horse the same; from the land of William Black, on the south side of Roanoke river, in Lunenburg county, to an acre of ground purchased by him of one Brookes, on the opposite side, the price for a man fourpence, and for a horse the same. And for the transportation of tobacco, cattle, and other beasts, at any of the ferries 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, 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 ferrage of one horse; and every hog, one fourth part of the ferrage of one horse; according to the prices herein before settled at such ferries respectively, and no more.

II. And if any of the said ferry-keepers shall presume to demand or receive, from any person or persons whatsoever, any greater rate than is hereby allowed for the carriage or ferrage of any thing whatsoever, he or they, for every such offence, shall forfeit and pay to the party griev'd the ferrage demanded or received, and ten shillings; to be recovered with costs, before any justice of the peace where the offence shall be committed.

III. And where a ferry is by this act appointed on one side of a river, and none on the other side answerable thereto, it shall be lawful for the respective county courts to appoint an opposite ferry, and to allow the respective rates herein before directed; and such courts shall and may, and are hereby required, to order and direct what boat or boats, and what number of hands, shall be kept at each ferry respectively.

IV. And every such ferry-keeper shall enter into bond, in the manner directed by one act of assembly made in the twenty second year of his late majesty's reign, entitled, An Act for the settlement and regulation of ferries, and for despatch of publick expresses, and shall be liable to the penalties thereby inflicted for any neglect or omission of their duty.

V. And whereas it is represented to this assembly that the ferry established by law from the town of Tappahannock, in the county of Essex, over Rappahannock river, to Carter's, or to Rappahannock creek, is
very inconvenient to travellers, and is often dangerous and difficult to cross, especially in the winter season; and that Archibald Ritchie, of the said town of Tappahannock, merchant, hath, at great expense and trouble, erected and raised a causey through the marsh and low grounds on and adjoining to the lands of Moore Fauntleroy, an infant, in the county of Richmond, by and with the consent of his guardians; and that it would be much more convenient to travellers, and a publick benefit, if a ferry was established from the land of the said Archibald Ritchie, adjoining to the said town of Tappahannock, over the said river, to the said causey, as the passage over the said river would be thereby rendered much shorter, and at all times less difficult and dangerous: Be it therefore enacted, by the authority aforesaid, That a ferry be constantly kept, and the same is hereby established, from the land of the said Archibald Ritchie, adjoining to the said town of Tappahannock, to the causey aforesaid, and the property thereof shall be, and the same is hereby vested in the said Archibald Ritchie, his heirs and assigns, so long as he or they shall, at his or their own expense, keep up and maintain the said causey in good and sufficient repair; and that the said Archibald Ritchie, his heirs or assigns, may demand and take the following rates for passing the same, that is to say, The price for a man one shilling and threepence, and for a horse the same, and the same proportion of such ferriage for the transportation of carriages, cattle, and other things over the said river, as is hereby directed at the other ferries by this act established, and no more. And that no other person or persons do presume to set over or transport any passenger, carriage, or any thing else, from the said ferry to the said causey for hire, but the said Archibald Ritchie, or his heirs or assigns, so long as he or they shall keep up and support the same at his or their own proper expense.

VI. And be it further enacted by the authority aforesaid, That the court of the said county of Richmond may, and they are hereby empowered, if they shall think proper, to appoint and establish a ferry from the causey aforesaid to the aforesaid landing of the said Archibald Ritchie, and to allow the respective rates herein before directed for the said Archibald Ritchie's ferry; the property whereof, when so appointed and established, shall be, and the same is hereby vested in the said Moore
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Fauntleroy, his heirs and assigns. And the respective courts of the said counties of Richmond and Essex shall have the same power and authority of ordering and directing what boat or boats, and what number of hands, shall be kept at the said ferries. And the said Archibald Ritchie, or his heirs or assigns, and also the person to be appointed ferry-keeper from the causey aforesaid to the said town of Tappahannock, during the minority of the said Moore Fauntleroy, shall give the same bond, and have and enjoy the same privileges, and be subject and liable to the like regulations, fines, and penalties, as are given, prescribed, appointed, and inflicted, on ferry-keepers, by the before mentioned act of assembly.

CHAP. VII.

An act for altering the court days of the counties of Fauquier, Loudoun, Louisa, and Fairfax.

I. WHEREAS it is represented that the court days of the counties of Fauquier, Loudoun, Louisa, and Fairfax, are inconvenient, as well to the justices and attorneys as the merchants and others who are obliged to attend the same:

II. Be it therefore enacted by the Lieutenant Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the first day of March next the court for the county of Fauquier shall be constantly held on the fourth Monday in every month, for the said county of Loudoun, on the second Monday, for the said county of Louisa on the second Monday, and for the said county of Fairfax on the third Monday in every month; any law, usage, or custom, to the contrary thereof, in any wise, notwithstanding.
An act to amend an act, entitled, An act for giving a reward for killing wolves.

I. WHEREAS by an act of assembly made in the twenty second year of the reign of his late majesty King George the second, entitled, An Act for giving a reward for killing wolves, a premium of fifty pounds of neat tobacco is allowed to any person who shall kill a young wolf, not exceeding the age of six months, and one hundred pounds of neat tobacco for every wolf above that age, to be levied and paid in the county where the same shall be killed, and repaid to such county in the next publick levy.

II. And whereas the inhabitants of the counties of Hampshire, Frederick, and Augusta, are by law allowed to discharge their tobacco dues in money, at the rate of one penny per pound, by which the persons entitled to the rewards for killing wolves within the said counties receive much less than others, and the said counties receive from the publick more than they pay to the persons performing the services, which is attended with injustice to individuals, and of no advantage to the publick.

III. For prevention whereof for the future, Be it enacted by the Lieutenant-Governour, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That the courts of the said counties of Hampshire, Frederick, and Augusta, shall hereafter levy the rewards given by the said act for killing wolves in money, at the rate of twelve shillings and sixpence for every hundred weight, to be paid by such counties, and repaid them by the publick in tobacco, in manner as by the said recited act is directed; any law, custom, or usage, to the contrary thereof, notwithstanding.
CHAP. IX.

An act for establishing the landing place from Fraser's ferry at the causey opposite thereto.

I. WHEREAS it is represented to this present General Assembly that William Fraser, of the county of King William, hath lately raised a causey through the marsh opposite to his plantation, from whence a publick ferry is established over Mattapony River, which was not effected without great labour, expense, and trouble; and that the passage over the said river will be considerably shortened, and it would be of great ease and advantage to travellers, if the publick landing place from the said ferry was established at the said causey; and that the guardian of the infant children of George Braxton, esquire, deceased, who are seized of the reversion of the lands adjoining the said causey, have consented thereto:

II. Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act the publick landing place over the said river from the said Fraser's shall be, and the same is hereby established at the causey aforesaid, and from thence back again to the said Fraser's; any law, usage, or custom, to the contrary thereof, in any wise, notwithstanding.

CHAP. X.

An act for encouraging the settlement of the towns of Alexandria and Falmouth, and for other purposes there-in mentioned.

I. WHEREAS the trustees, and other inhabitants of the towns of Alexandria and Falmouth, have represented to this present General Assembly that the forfeiture to which the purchasers of lots in the said towns not compelled the purchase,
are subject to, by the several and respective acts of assembly for establishing and enlarging the said towns, hath proved very injurious to the growth and improvement thereof, and hath prevented many useful tradesmen and others, who are not able to purchase and immediately build on and save their lots within the time limited by the said respective acts of assembly, from settling therein:

II. Be it therefore enacted by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly and it is hereby enacted by the authority of the same, That so much of the act of assembly made in the twenty second year of the reign of his late majesty king George the second, entitled, An Act for erecting a town at Hunting creek Warehouse in the county of Fairfax, and also one other act made in the first year of his said late majesty’s reign, entitled, An Act for erecting a town in each of the Counties of Spotsylvania and king George, and of every other subsequent act or acts of assembly respecting either of the said towns, as directs the purchasers of lots therein to build on and improve the same within a limited time, shall be, and the same are hereby repealed, and declared void; and such purchasers shall not hereafter be subject or liable to any forfeiture for neglecting or failing to build on their said lots in the times limited by the said respective acts of assembly, but shall be at liberty to build thereon when they shall think fit.

III. And whereas the trustees, and other inhabitants of the said town of Falmouth, have represented that the street called King’s street in the said town is at present one hundred and fifty feet broad, which is much more than is necessary for the convenience of the inhabitants, and that it would be a great improvement to the said town if they were permitted to lay off seventy feet of the breadth of the said street into lots and streets, and to sell the said lots, and lay out the money arising from the sale thereof in other improvements for the common benefit and advantage of the said town; and also that the building wooden chimneys, and suffering hogs to run at large therein, may be of pernicious consequence:

IV. Be it therefore further enacted, by the authority aforesaid, That it shall and may be lawful for the trustees of the said town, for the time being, to lay off part of the said street called King’s street, not exceeding seventy feet of the breadth thereof, on the side next the
river, into lots and streets, as they shall think proper, and to sell and dispose of the said lots for the best price that can be got for them, and to convey the fee simple and absolute estate and inheritance thereof to the purchasers, by good and sufficient deeds of conveyance, and to order and direct the placing the houses to be built thereon in such manner as they shall think proper; and the said trustees shall and may lay out the money arising from the sale of the said lots in such other improvements, for the benefit and advantage of the inhabitants of the said town, as they shall think proper.

V. And be it further enacted, by the authority aforesaid, That it shall not be lawful for any person whatsoever to erect or build, or cause to be erected or built, within the said town, any wooden chimneys; and if any person shall presume to erect or build any wooden chimney contrary to the directions of this act, or if any person having already built such wooden chimney shall suffer the same to stand and remain for the space of six months after the passing this act, it shall and may be lawful for the sheriff of the said county, and he is hereby required, to cause such chimney to be pulled down and demolished.

VI. And be it further enacted, by the authority aforesaid, That from and after the first day of February next it shall not be lawful for any person or persons inhabiting within the said town to raise or keep any hogs within the limits thereof; and if any hogs so raised or kept shall be found going or running at large within the said town, it shall and may be lawful for any person to kill and destroy the same.
An act for exempting the inhabitants of Elizabeth City County, and also the ministers and other parishioners of Suffolk in Nansemond, and of Antrim parish in Halifax, from the payment of ferriage, and for other purposes therein mentioned.

I. WHEREAS the inhabitants of that part of the county of Elizabeth city which lies on the east side of Hampton river have represented to this present General Assembly that they are subject to a continual expense of ferriage over the said river when their attendance is required at Hampton, either in the publick business of the county or their own private concerns, the church, court-house, and warehouse, being all placed in the said town, and at the same time that they are liable to, and obliged to pay, their full proportion of all the incidental charges of the said county; and they have petitioned this assembly that they may be hereafter exempt from the payment of ferriage over the said river, and that the same may be made a county charge:

II. Be it therefore enacted by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act the inhabitants of the said county of Elizabeth city shall be, and are hereby declared to be, exempt and free from the payment of ferriage over the said river to and from Hampton aforesaid, as well for themselves as their servants, carriages, and horses; and the ferry-keepers on each side of the said river shall from time to time, as they shall be required, set them over the same, without demanding any ferriage of them.

III. And be it further enacted, by the authority aforesaid, That it shall and may be lawful for the court of the said county of Elizabeth city, from time to time, to appoint ferry-keepers on each side of the said river, and to contract and agree with them for a reasonable annual allowance for the ferriage of the inhabitants of the said county, with their servants and horses, over the
said river; and to levy the same annually on the inhabitants of the said county, in their county levy, for the use of such ferry-keepers respectively.

IV. And whereas the parish of Suffolk, in the county of Nansemond, is situate on both sides of Nansemond river, and it is represented to this general assembly that as well the minister of the said parish, at all times when attending the duties of his function, as the other parishioners who are obliged to cross the ferry to attend divine service on Sundays, and other publick days of worship are subject to the payment of ferriage over the said river, which is an unreasonable expense to them, and also that the parish of Antrim, in the county of Halifax, is divided by the river Dan, the minister and other inhabitants whereof are subject to the like unreasonable expenses, in the same instances:

V. Be it therefore further enacted, by the authority aforesaid, That from and after the passing of this act the ministers of the said parishes of Suffolk and Antrim, for the time being, and at all times, and the other inhabitants of the said parishes, when under the necessity of passing the said river to attend divine service on Sundays, and other publick days of worship, shall be, and are hereby declared to be, exempt and free from the payment of ferriage over the said rivers.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the courts of the respective counties of Nansemond and Halifax, and they are hereby empowered and required, to contract and agree with the ferry-keepers on each side of the respective rivers above mentioned for an annual allowance to be paid them for such ferriages; which shall be levied by the vestries of the respective parishes aforesaid at their laying of their parish levies, for the use of the said ferry-keepers, to be collected and paid in the same manner as their other parish levies.
An act to vest certain lands therein mentioned in John Syme, esquire, and others, in fee-simple, and for settling other lands and slaves in lieu thereof.

I. WHEREAS Nicholas Meriwether the younger, formerly of the county of Hanover, gentleman, was in his lifetime seized in fee simple of a tract of land whereon he lived in the parish of Fredericksville, then in the said county, but now in the county of Albemarle, containing one thousand six hundred and fifty acres, also of another tract of land lying in the same parish and county, containing four hundred acres, and also of a tract of land containing five hundred and thirty-four acres, lying in the parish of Truro, in the county of Fairfax; and being so seized, he the said Nicholas Meriwether, in and by his last will and testament, in writing, bearing date the fourth day of December, one thousand seven hundred and thirty-eight, did give and devise to his wife Mildred one half of his estate during her life, and gave the residue to the child his wife was then ensient of, but directed that in case his wife should die before the said child, the whole estate, except the part which he had in marriage with his said wife, and which he left to her disposal, should fall to the said child, and if that died without issue the estate to be equally divided between his the testator's brothers and sisters, as by the said will, remaining of record in the court of the said county of Hanover, may more fully appear; and soon afterwards the said testator died so seized, and after his death his said wife was delivered of a daughter named Mildred, who, besides the estate so devised her by her said father, was seized in fee simple of and in a very valuable tract of land near Newcastle town, in the parish of St. Paul and county of Hanover, also fourteen unimproved lots of land in the said town, being denoted in the plan thereof by the numbers 1, 2, 7, 8, 34, 41, 42, 44, 45, 51, 52, and the letters F, H, and K, and two tracts of land in the parish of St. Anne, in the county of Albemarle, containing together three thousand five hundred acres; and be-
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...ing so seized and entitled the said Mildred the daughter intermarried with John Syme, esquire, who in her right became seized and possessed of the said lands, and having more valuable and convenient lands of his own did come to an agreement with Thomas Walker, gentleman, who intermarried with Mildred, the widow of the said Nicholas Meriwether, to convey the said sixteen hundred and fifty acres of land in the parish of Fredericksville, in the said county of Albemarle, to the said Thomas Walker in fee simple, in consideration whereof the said Thomas was to release the estate for life of the said Mildred his wife in the other lands of the said Nicholas Meriwether, and to pay the said John Syme two hundred pounds current money; and the said John Syme had, moreover, agreed to sell the said four hundred acres of land in the last mentioned parish and county to William Crenshaw, for fifty pounds, the said lands in the county of Fairfax to John Carlyle, gentleman, for one hundred and eighty pounds current money, and the said two tracts in the parish of St. Anne and county of Albemarle to the honourable William Nelson, esquire, for eight hundred pounds, to which several sales the said Mildred, the wife of the said John Syme, was consenting; but before any conveyances were executed the said Mildred died, leaving issue, by the said John Syme, John Syme the younger, her eldest son and heir, an infant, and other children, whereby the said John Syme the elder is disabled from carrying the several agreements aforesaid into execution, and may be involved in sundry disputes on that account.

II. And whereas the said John Syme is seized in fee simple of near four hundred acres of land by him purchased of Elizabeth Skelton, widow, and William Winston, adjoining to the said tract of land near Newcastle town, and it will be greatly to the advantage of the said John Syme, and his family, to vest the several tracts of land so by him sold in the purchasers in fee simple, and also to vest the said lots of land in the town of Newcastle in the said John Syme in fee simple, whereby he may be enabled to sell and dispose of the same, and to settle the said four hundred acres of land, of which the said John is seized, in fee simple, with several slaves, in lieu of the said lands so sold, and the said lots; and forasmuch as notice hath been published three Sundays successively, in the several church-
es of the said parishes of Fredericksville, Truro, St. Anne, and St. Paul, that application would be made to this present general assembly for an act to this purpose, pursuant to your Majesty’s instructions:

III. May it therefore please your most excellent majesty, at the humble suit of the said John Syme, that it may be enacted, And be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said sixteen hundred and fifty acres of land lying in the parish of Fredericksville, in the said county of Albemarle, be, and the same is hereby vested in the said Thomas Walker, his heirs and assigns, for ever; that the said four hundred acres of land lying in the same parish and county, be, and the same is hereby vested in the said William Crenshaw, his heirs and assigns, for ever; that the said five hundred and thirty-four acres of land lying in the county of Fairfax, be, and the same is hereby vested in the said John Carlyle, his heirs and assigns, for ever; that the said three thousand five hundred acres of land lying in the parish of St. Anne, in the county of Albemarle, be, and the same is hereby vested in the said William Nelson, his heirs and assigns for ever; and the said fourteen lots of lands in the town of Newcastle, be, and the same is hereby vested in the said John Syme, his heirs and assigns, for ever, to their own use respectively; and that the said four hundred acres of land near the said town of Newcastle, so purchased by the said John Syme of Elizabeth Skelton and William Winston, be, and the same is hereby vested in the said John Syme, to hold to him during his natural life, and after his decease to the heirs of the body of the said Mildred his late wife, for ever; and in default of issue of her, then to descend and pass and go to such person or persons, and in like manner, as the said sixteen hundred and fifty acres of land hereby vested in the said Thomas Walker would have remained, descended, and gone, by virtue of the limitations in the will of the said Nicholas Meriwether, if this act had never been made.

IV. And be it further enacted, by the authority aforesaid, That seventeen negro slaves, whereof the said John Syme is possessed in his own right, called and known by the names of Scipio, Dill, Nell, Bartlett, Peter, Will, Isaac, Tom, Jenny, Cuffy, Phil, Rose, Lucy, Tabb, Jesse, Judy, and Moses, with their future in-
crease, be, and the same are hereby vested in the said John Syme, in trust, to and for the use of him the said John Syme during his natural life, and after his decease to the use of the said John Syme the younger, and his heirs for ever, on the part of the said Mildred his mother.

V. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person or persons, bodies politic and corporate, their respective heirs or successors, other than the persons claiming under the said Mildred Syme, or the will of the said Nicholas Meriwether, all such right, title, or interest, as they, every, or any of them, could or might claim, if this act had never been made.

VI. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

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CHAP. XIII.

An act to dock the entail of certain lands whereof Richard Todd is seized, and for settling other lands and slaves in lieu thereof.

I. WHEREAS William Todd, formerly of the county of King and Queen, gentleman, was in his lifetime seized in fee simple of a large tract of land lying in the parish of St. Thomas and county of Orange, and being so seized, in and by his last will and testament, in writing, bearing date the twelfth day of January, one thousand seven hundred and thirty six, did devise part of the said land to his daughters Dorothy and Betty, his grandson William Gordon, and Richard Barber, and all the residue thereof, being eighteen hundred and thirty five acres, he gave and devised to his son Richard Todd, and the heirs of his body lawfully begotten, and for want of such issue to his son Thomas Todd, and his heirs, for ever, as by the said will remaining of record in the court of the said county of King and Queen, may more fully appear; and the said William Todd is seized, docked, docked, docked.
Todd died soon afterwards so seized, whereupon the said Richard Todd entered into the lands so devised to him, and was and is seized thereof as tenant in fee taille.

II. And whereas the said Richard Todd is seized in fee simple of and in a tract of land containing four hundred and sixty acres, lying in the county of King and Queen, and is possessed in his own right of the following negro slaves, to wit, one man named Humphrey; a woman named Violet, and a girl named Judith, and it is represented to this general assembly that it will be greatly to the benefit of the said Richard Todd, and his family, if he was allowed to dock the entail of twelve hundred and eighty-five acres of land, part of the said tract in the county of Orange, whereby he might be enabled to make a better provision for his younger children, and to settle the said tract of land in the county of King and Queen, with the slaves aforesaid, to be annexed thereto, to the same uses; and forasmuch as notice hath been published three Sundays successively, in the several churches in the said parish of St. Thomas, that application would be made to this present General Assembly for an act to this purpose, pursuant to your majesty's instructions:

III. May it therefore please your most excellent majesty, at the humble suit of the said Richard Todd, that it may be enacted, And be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That twelve hundred and eighty-five acres of land, part of the said tract in the county of Orange, bounded as followeth, to wit: Beginning at three white oaks on the south east side of a branch called Mount Molly, running thence south forty five degrees west three hundred and fifty eight pole to two red oaks and a hickory, thence north sixty seven degrees west six hundred and sixty four pole, thence north twenty two and a half degrees east four hundred and forty pole, thence south sixty one degrees east four hundred and forty four pole to three white oaks, thence south fifty seven degrees west three hundred and twenty six pole to Hoome's road, thence down the said road to Mount Molly aforesaid, thence up the said branch to the line of the whole tract, and from thence south sixty one degrees east two hundred and fifty six pole to the beginning, be, and the same is hereby vested in the said Richard Todd, his heirs and assigns, for ever, to his and
their own proper use and behoof; and that the said four hundred and sixty acres of land in the county of King and Queen, whereof the said Richard Todd is seized, together with the negro slaves aforesaid, and their future increase, shall be, and the same is hereby vested in the said Richard Todd, and the heirs of his body, and in default of such heirs shall descend, pass, and go, to such person or persons, and in like manner, as the said land in the county of Orange would have descended and gone, under the limitations in the will of the said William Todd, if this act had never been made.

IV. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, other than the persons claiming under the will of the said William Todd, all such right title, interest and estate, claim and demand, as they, every, or any of them, could or might have had or claimed, if this act had never been made.

V. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

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CHAP. XIV.

An act to vest certain entailed lands in Robert Lewis, gentleman, in fee-simple, and for purchasing more convenient lands to be settled in lieu thereof.

I. WHEREAS John Lewis, formerly of the parish of Abington, in the county of Gloucester, esq. deceased, was in his lifetime, and at the time of his death, seized in fee simple of a tract or parcel of land lying in the parish of St. Peter, in the county of New Kent, and the parish of St. Paul, in the county of Hanover, containing thirteen hundred acres, more or less, being part of a tract of land called Chomokins, and by his last will and testament, in writing, bearing date in March one thousand seven hundred and twenty-five, did, among other things, give and devise the said tract of
land, with the appurtenances, unto his son Robert Lewis, and the heirs of his body lawfully begotten, for ever, and for want of such heirs to his son Charles Lewis, and the heirs of his body lawfully begotten, for ever, and for want of such heirs to his next male heir at law, by virtue of which will the said Robert Lewis is now seized of the said thirteen hundred acres of land in fee taille; and whereas the said lands are very inconvenient to the said Robert Lewis, and less capable of improvement than other lands which may be purchased with the money arising from the sale thereof, and the said Robert Lewis hath agreed to sell the same to several purchasers for the sum of twelve hundred and fifty pounds current money, the full value thereof, and is desirous that the entail of the above mentioned land should be docked, and that the said sum of twelve hundred and fifty pounds current money should be laid out in the purchase of more convenient lands, to be settled to the same uses; and John Lewis, eldest son and heir apparent of the said Robert Lewis, being of full age, is willing and desirous that an act may pass for that purpose; and forasmuch as notice hath been published, three Sundays successively, in the several churches of the said parishes of St. Peter and St. Paul, that application would be made to this present General Assembly to dock the entail of the said thirteen hundred acres of land, and to settle other lands of greater value to the same uses, pursuant to your majesty's instructions:

II. May it therefore please your most excellent majesty, at the humble suit of the said Robert Lewis, that it may be enacted, And be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said thirteen hundred acres of land, with the appurtenances, lying and being in the counties of New Kent and Hanover, whereof the said Robert is now seized in fee taille as aforesaid, be, and the same are hereby vested in the said Robert Lewis, his heirs and assigns, to the only proper use of the said Robert Lewis, his heirs and assigns, for ever, and that the said sum of twelve hundred and fifty pounds current money be paid by the said Robert Lewis to Thomas Walker, Henry Fry, Thomas Meriwether, and Nicholas Meriwether, gentlemen; and the said trustees, or the greater part of them, or their survivors, shall fairly lay out the said sum of money in the purchase of a
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more convenient tract or tracts of land; and as soon as such purchase can be made, they are hereby empowered and required to cause proper deeds or conveyances in law to be executed, to the said Robert Lewis, for conveying the lands to be purchased to the said Robert Lewis, and the heirs of his body lawfully begotten, for ever, and in default of such heirs to such person and persons as the said thirteen hundred acres of land in New Kent and Hanover would have remained and descended by virtue of the will of the said John Lewis, if this act had never been made.

III. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons bodies politick and corporate, their respective heirs and successors, other than the persons claiming under the said recited will, all such right, title, interest, estate claim, or demand, as they, every, or any of them, could or might claim, if this act had never been made.

IV. Provided always, That the execution of this act be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

CHAP. XV.

An act to vest certain entailed lands whereof William Cary is seized in Allen Jones in fee-simple, and for settling other lands and slaves to be purchased in lieu thereof to the same uses.

I. WHEREAS William Cary, formerly of the county of Warwick, was in his lifetime, and at the time of his death, seized in fee simple of and in a tract of high land and marsh lying at the mouth of Skiff creek, in the said county, containing about three hundred and sixty acres, and being so seized made his last will and testament, in writing, bearing date the twenty sixth day of August, one thousand seven hundred and eleven, and therein, amongst other things, did give and devise the
said tract of land, after the decease of his wife Martha, unto his son Harwood Cary, and the heirs of his body lawfully begotten, with several remainders over, in case of failure of issue of the said Harwood Cary, as in and by the said will may more fully appear; and after the death of the said testator, and his said wife Martha, the said Harwood the son entered into the said tract of land, and died seized thereof, leaving issue William Cary, his eldest son and heir, who entered into the said land, and is now seized thereof as tenant in fee tail; but the said William Cary having no slaves to work the said land, the same is of little profit to him; and it hath been represented to this assembly that it will be for the benefit of the said William Cary, and his issue, to sell the said entailed lands, and lay out the money in the purchase of other lands and slaves, to be settled to the same uses, the said William Cary having contracted for the sale of the said entailed lands to one Allen Jones, for seven hundred and twenty pounds current money, the full value of the same; and forasmuch as notice hath been published three Sundays successively, in the several churches of the parish of Warwick, in the said county of Warwick, that application would be made to this present General Assembly for an act to dock the entail of the said lands, and for settling other lands and slaves to be purchased with the money aforesaid, to the same uses, pursuant to your majesty's instructions:

II. May it therefore please your most excellent majesty, at the humble suit of the said William Cary, that it may be enacted, And be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said tract of three hundred and sixty acres of high land and marsh, be the same more or less, whereof the said William Cary is seized in the county of Warwick, be, and the same is hereby vested in the said Allen Jones, his heirs and assigns, for ever, to his and their own use.

III. Provided always, and be it further enacted, That the said Allen Jones shall pay the said sum of seven hundred and twenty pounds to Archibald Cary, John Fleming, Robert Bolling, junior, and Joseph Cabell, gentlemen, in trust; that they, or the greater part of them, shall fairly lay out the said money in the purchase of other lands and slaves, to be conveyed by deed
or deeds duly proved and recorded, and from thenceforth the said lands and slaves so purchased shall descend, pass, and go together, to the said William Cary, and the heirs of his body, and to such other person or persons as the said lands in the county of Warwick would have remained, gone, and descended, by virtue of the limitations in the will of the said William Cary the elder, if this act had never been made.

IV. Saving always to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the will of the said William Cary the elder, all such estate, right, title, and interest, as they, every, or any of them, should or might have had or claimed, if this act had never been made.

V. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

CHAP. XVI.

An act for vesting the absolute property of certain slaves therein named in George Heale, gentleman, and for settling three certain tracts of land therein mentioned on the said George Heale, in lieu of the said slaves.

I. WHEREAS John Heale, late of the county of Lancaster, gentlemen, deceased, by his last will and testament, in writing, duly executed, bearing date the twenty ninth day of November, one thousand seven hundred and thirty-nine, did, among other things give, devise, and bequeath unto his nephew George Heale, now of the said county of Lancaster, gentleman, and to the heirs male of his body lawfully begotten, several tracts of land, in the said will particularly described, and several slaves, therein also named, with divers remainders over, in case of failure of such heirs male, as in and by the said will, duly proved and admitted to record, and now

Absolute property of certain slaves vested in George Heale, and three tracts of land settled in lieu thereof.
remaining amongst the records of the said county of Lancaster, reference being thereunto had, may more fully appear; by virtue of which will the said George Heale entered into the said lands, and is now seized thereof, and is also possessed of such of the said slaves, mentioned in the said will, as are now living, and their increase, in taille male.

II. And whereas the said George Heale is seized in fee simple of and in three several tracts of land, situate, lying, and being, in the parish of Hambleton, in the county of Fauquier, one of the said tracts containing eleven hundred and thirty acres, more or less, which he purchased of Thomas Edwards, one other of the said tracts, containing five hundred acres, more or less, which he purchased of one Charles Chinn, and the other containing two hundred acres, more or less, which he purchased of one Rawley Shearman; which said three tracts or parcels of land, containing one thousand eight hundred and thirty acres in the whole, are all adjoining and contiguous together: And it is represented to this present general assembly that it will not only be more advantageous to the said George Heale, and the heirs male of his body, and all others claiming in remainder and reversion under the will of the said John Heale, deceased, but that it will also enable the said George Heale to make some provision for his younger children, if he was vested with the absolute property of part of the said slaves, in lieu whereof he is willing and desirous that the above mentioned one thousand eight hundred and thirty acres of land in the county of Fauquier, which is of greater value, should be settled on him and the heirs male of his body, to descend and pass in the same manner as the said slaves would descend under the will of the said John Heale, deceased.

III. And whereas notice hath been published, three Sundays successively, in the several churches of the parish of Christ Church, in the said county of Lancaster, that application would be made to this present general assembly for an act to dock the entail of part of the said slaves, pursuant to your majesty's instructions:

IV. May it therefore please your most excellent majesty, at the humble suit of the said George Heale, that it may be enacted, And be it enacted by the Lieutenant Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act
the said George Heale shall be, and he is hereby declared to be, vested with the absolute property and disposal of thirty-six of the said slaves in number, some of which are the original slaves named in the will of the said John Heale, and the rest are descended from them, and are named as follow, to wit, Sarah, Martha, Grace, Sinah, Nan, Hagar, young Joan, Lucy, Winney, young Nan, Milley, Lettice, young Winney, Judy, Frances, Margery, Abigail, Nell, Tabb, Hannah, Betty, Sarah, young Kate, Priscilla, Letty, Dorcas, Hannah, Agatha, Mary, Jane, young Hannah, Rachael, Rebecca, Neilson, Cyrus, and Abel, and also the future increase of the said female slaves, and may sell and dispose of the same as he shall think proper; and that the said George Heale shall, and he is hereby declared to stand seized of the said one thousand eight hundred and thirty acres of land in the said county of Fauquier, to hold to the said George Heale and the heirs male of his body; and that the said one thousand eight hundred and thirty acres of land shall descend, pass, and go, in remainder and reversion, to such person and persons as the said slaves would have remained and descended under the will of the said John Heale, deceased, if this act had never been made.

V. Saving to the king’s most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the heirs male of the body of the said George Heale, and the persons claiming in remainder and reversion under the will of the said John Heale, deceased, all such right, title, interest, property, claim, and demand, whatsoever, as they, every, or any of them, could or might have had or claimed, if this act had never been made.

VI. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty’s approbation thereof shall be obtained.
An act to dock the entail of eighteen hundred acres of land in the parish of Albemarle, in the county of Sussex, whereof Nathaniel Harrison the younger is seized in fee taille, and for vesting the same in trustees in fee simple for the uses therein mentioned.

I. WHEREAS Nathaniel Harrison, esquire, of the county of Surry, deceased, being in his lifetime seized and possessed of a certain tract or parcel of land commonly called and known by the name of Wakefield, whereon the said Nathaniel Harrison then lived, lying and being in the parish of Southwark, in the county aforesaid, containing by estimation two thousand eight hundred acres, and also one other tract or parcel of land commonly called Joseph's Swamp, then lying and being in the said parish and county, now the parish of Albemarle, and county of Sussex, containing by estimation one thousand eight hundred acres, did, by his last will and testament, bearing date the fifteenth day of December, in the year of our Lord one thousand seven hundred and twenty six, give and bequeath unto his son Benjamin Harrison, after the decease of his wife, the said first mentioned tract of land, and the heirs male of his body lawfully begotten, and did also give and bequeath unto his said son Benjamin his said last mentioned tract, called Joseph's Swamp, and to the heirs male of his body and on default of such issue did devise the said tract of land called Wakefield unto his son Nathaniel Harrison, and to the heirs male of his body lawfully begotten, and in default of such issue did devise the remainder of all the lands before devised to his sons Nathaniel and Benjamin Harrison to his brother Henry Harrison, Gentleman, and did by the said will give and bequeath unto his said son Benjamin several other tracts of land, slaves, stock, and other personal estate, as by the said last will and testament, reference being thereto had, may more at large appear.
II. And whereas the said Benjamin, after the death
of his said father, entered into the said lands; and hav-
ing in his lifetime contracted several debts, for the pay-
ment of which all his lands in fee simple, slaves, stocks,
and other personal estate, were taken in execution, and
sold; and the said Benjamin died some time in the year
one thousand seven hundred and fifty eight, leaving
Susannah his widow, and Nathaniel Harrison, his eldest
son, and heir at law, to whom the said entailed lands
descended, but for want of negroes and stock to culti-
vate the same they are of little use or profit to the said
Nathaniel; and forasmuch as it would be of great ad-
vantage to the said Nathaniel that the said tract of land
called Joseph’s Swamp should be sold, and that the
money arising from the sale thereof should be laid out
in negroes, to be settled on the said Wakefield tract,
and the widow, and persons claiming in remainder and
reversion, have assented thereto, notice having been
published three Sundays successively in the several
churches of the said parish of Albemarle, where the said
land lies, that application would be made for that pur-
pose to this present General Assembly, pursuant to your
majesty’s instructions:

III. May it therefore please your most excellent ma-
jesty, at the humble suit of the said Nathaniel Harrison
the younger, that it may be enacted, And be it enacted,
by the Lieutenant-Governour, Council, and Burgesses,
of this present General Assembly, and it is hereby enact-
ed by the authority of the same, That from and after
the commencement of this act the said tract of land
called Joseph’s Swamp, with the appurtenances, shall
be, and the same are hereby vested in Nathaniel Har-
ison, esquire, of the county of Stafford, Richard Bland,
esquire, of the county of Prince George, William Allen,
esquire, of the county of Surry, and Benjamin Cocke,
esquire, of the county of Prince George, who are ap-
pointed trustees for putting this act in execution, in
trust; that they the said trustees, or the survivors or
survivor of them, shall cause the said land to be sold
for the best price that can be got for the same, and up-
on payment of the purchase money the said trustees, or
the survivors or survivor of them, shall make a deed or
deeds for the conveyance of the fee simple estate and
inheritance of the said land to the purchaser or purcha-
sers, who shall for ever after hold and enjoy the same,
freed and discharged from all the limitations in the said
last will and testament of the said Nathaniel Harrison, any law, usage, or custom, to the contrary thereof, in any wise, notwithstanding.

IV. And be it further enacted, by the authority aforesaid, That the money arising from the sale of the said lands shall be by the said trustees, or the survivors or survivor of them, as soon as conveniently may be after receiving the same, fairly laid out and disposed of in the purchase of slaves; and the said trustees, or the survivors or survivor of them, are hereby empowered and required to assign to the said Susannah Harrison, the widow and relict of the said Benjamin Harrison, deceased, one equal third part of the said slaves, to be held by the said Susannah during her life, in lieu of her dower in the aforesaid lands; and are hereby further empowered and required to cause a deed, or deeds, to be executed for the said slaves to the said Nathaniel Harrison the younger, which deed, reciting the power under which the said trustees acted, and the names of the slaves to be by them purchased, shall be recorded in the county court of Surry; and the said slaves, from and after the perfecting such deed, shall descend, pass, and go, to the said Nathaniel Harrison the younger, and all persons claiming under the will of the said Nathaniel Harrison, in the same manner as the said tract of land called Wakefield is limited to descend, pass, and go, according to the will of the said Nathaniel Harrison, deceased.

V. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and person, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the last will and testament of the said Nathaniel Harrison, deceased, all such right, title, interest, claim, and demand, as they, every, or any of them, should or might claim, if this act had never been made.

VI. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.
An act for amending the Staple of Tobacco, and for preventing frauds in his majesty's customs.

I. WHEREAS the act passed in the twenty second year of the reign of his late majesty king George the second for amending the staple of tobacco and preventing frauds in his majesty's customs, is, from the many alterations made therein by the several acts since passed for amending and continuing the same, rendered difficult to be understood, whereby many penalties may be incurred, and this present general assembly having thought it expedient that the said laws should be reduced into one act.

II. Be it therefore enacted by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That for the more effectual preventing the exportation of trash, bad, unsound, and unmerchantable tobacco, all tobacco which from and after the commencement of this act shall be exported out of this colony (except only such tobacco as hath been, or shall be, viewed and inspected according to the directions of the laws now in force) shall be first brought to some or one of the publick warehouses herein after mentioned, and shall be there viewed and inspected in manner as herein after is expressed.

III. And be it further enacted, by the authority aforesaid, That no person shall put on board or receive into any ship, sloop, boat, or other vessel, in order to be exported therein, any tobacco not packed in hogsheads or casks, upon any pretence whatsoever; nor in any hogshead or cask, to be in that, or any ship, sloop, boat, or other vessel, exported out of this colony before the same shall have been viewed and inspected according to the directions of this act, except as before excepted: But that all tobacco whatsoever to be received or taken on board any ship, sloop, or other vessel, and

* In the original, the running title of the acts of this session, is "Anno Regni quarto Georgii tertii regis, and in the margin A. II. 1764, until you come to this place, when it is altered to quintio, and A. D. 1765, in the margin.
to be therein exported, or to be carried or put on board any other ship, sloop, or other vessel, for exportation, as aforesaid, shall be received or taken on board at the several warehouses for that purpose herein after mentioned, or some or one of them, and at no other place or places whatsoever. And every master, mate, or boatswain, of any ship or other vessel which shall arrive in this colony, in order to load tobacco during the continuance of this act, shall before the said ship or vessel be permitted to take on board any tobacco whatsoever, make oath before the naval officer of the district wherein such ship or vessel shall arrive (which oath the said naval officer is hereby empowered and required to administer) that they will not permit any tobacco whatsoever to be taken on board their respective ships or vessels except the same be packed in hogsheads or casks stamped by some inspector legally thereto appointed, which oath they shall subscribe in a book to be kept by the naval officer for that purpose. And if any master shall cause any person who is not really and bona fide mate or boatswain to come on shore and take such oath, he shall for the said offence forfeit and pay twenty pounds. And if any master or commander of any ship or vessel shall take on board, or suffer to be taken on board, the ship or vessel whereof he is master, any tobacco brought from any other place than some or one of the publick warehouses herein after mentioned, or any hogshead or cask of tobacco not stamped by some lawful inspectors, or shall suffer to be brought on board any tobacco, except in hogsheads or casks stamped as aforesaid, every such master and commander shall forfeit and pay twenty pounds of lawful money for every hogshead or cask of tobacco which shall not have been brought from one of the said publick warehouses, or which shall not be stamped as aforesaid, and moreover every such hogshead or cask of tobacco shall be forfeited.

IV. And for as much as the permitting tobacco in bulk or parcels to be waterborn, on pretence of being carried to the warehouses established by this act, may give great opportunity to the clandestine running the same on board the ships lying at or near the said warehouses, whereby the evil of exporting trash tobacco may be still continued: Be it further enacted, by the authority aforesaid, That if any person taking upon himself to carry any tobacco to or from any of the said
warehouses, in his sloop, boat, or other vessel, for hire, shall presume to take on board, or permit or suffer to be taken on board, any tobacco whatsoever in bulk or parcels, such tobacco shall not only be forfeited, and may be seized by any person or persons whatsoever, but the master or skipper offending herein shall forfeit and pay twenty shillings for every hundred pounds weight of such tobacco, and so proportionally for a greater or lesser quantity; and the master or commander of any ship or vessel wherein any tobacco in bulk or parcels shall be found, shall, over and above the forfeiture thereof, be subject and liable to the same penalty; to be recovered, if it doth not exceed five pounds, before any two justices of the peace of any county (one of them to be of the quorum) near the place where such ship, sloop, boat, or other vessel shall lie, and if it exceeds five pounds, in any court of record, by action of debt, wherein the plaintiff shall recover his costs. And every servant, slave, or other person employed in navigating any such sloop, boat, or other vessel, who shall connive at, or conceal, the taking or receiving on board any tobacco in bulk or parcel as aforesaid, shall, by order of such justices, receive on his bare back thirty nine lashes, well laid on; and if such sloop, boat, or other vessel, be under the care and management of a servant, who cannot satisfy and pay the said penalty, then such servant, and every other person employed under him who shall be guilty of conniving at, or concealing, the taking on board tobacco in bulk or parcel as aforesaid, shall, upon complaint thereof made to any justice of the peace, have and receive, by order of the said justice, thirty nine lashes, well laid on. And if any servant shall be again trusted with the care and management of any sloop, boat, or other vessel, and shall be convicted a second time of taking or receiving on board the same any tobacco in bulk or parcel, contrary to the directions of this act, the owner of such servant shall forfeit and pay the like sum of twenty shillings for every hundred pounds weight of such tobacco so taken or received on board in bulk or parcel, and shall also forfeit and pay five shillings for every day such servant shall thereafter be employed as skipper or master of any sloop, boat, or other vessel to him belonging; to be recovered, and applied, as aforesaid.

V. Provided always, That nothing herein before contained shall be construed to prohibit any person from...
carrying, or causing to be carried, to the said warehouses, in any boat or other vessel, any tobacco in bulk or parcels for the payment of his or her levies, debts, or other duties; nor to prohibit any person to put or take on board any sloop, boat, or other vessel, any hogsheads or casks of tobacco, to be water-born to any warehouse or warehouses appointed by this act, so as the same be not carried out of the naval officer's district wherein the said tobacco shall be made; nor to prohibit the owner of any tobacco to transport his crops, or any part thereof, in hogsheads or casks, from one plantation to another, for the better handling or managing thereof; nor any purchaser of tobacco from bringing the same by water to be repacked, sorted, stemmed, or prized, before the same be carried to the said warehouses, so as such last mentioned tobacco be packed in hogsheads or casks: But no tobacco, on any pretence whatsoever, shall be carried or transported by water to be inspected out of the district limited and appointed for the several naval officers of this colony wherein the same is or shall be made; or, being so carried, shall not be inspected or passed by any inspectors, knowing the same to be made out of such district, upon pain of forfeiting, by the owner of such tobacco, and the inspectors who shall pass the same, twenty shillings for every hogshead, to the informer.

VI. Provided nevertheless, That it shall and may be lawful for the inhabitants of Fleet's Bay, on the south side of Indian creek, in the county of Lancaster, to carry their tobacco by water to the publick warehouses at Indian creek; and the inhabitants of Warrasqek bay, and the parts adjacent, to carry their tobacco to be passed at any warehouse in the upper district of James river.

VII. And be it further enacted, That every master of a ship or vessel wherein tobacco shall be laden, shall, at the time of clearing, deliver to the naval officer two fair manifests of all the tobacco on board his ship or vessel, expressing the marks and numbers of every hogshead, and the tare and neat weight stamped thereon, the person by whom shipped, and from what warehouse, and shall make oath thereto; and that the same is a just and true account of the marks, numbers, tare, and neat weight, of each respective hogshead, as the same was taken down by the person or persons appointed by him to take the same, before the said tobacco
was stowed away: And no ship or vessel shall be cleared by the naval officer before he shall have received such lists and manifests, one of which said manifests shall by the said naval officer be annexed to such master's certificate or clearance, to the end the same may be delivered to the chief officer of the customs in such port or place where the said ship shall unload, and the other of the said manifests shall by the said naval officer be transmitted to the said chief officer of the customs by the next convenient opportunity.

VIII. And be it further enacted, That if the skipper of any sloop, boat, or other vessel, or other person or persons to whom the care and management thereof shall be intrusted, shall land or put on shore any hogshead, cask, or package of tobacco, put on board the same to be carried to any publick warehouse, at any other place or places than the warehouses by this act appointed for the reception and inspection of tobacco, or at some or one of them, or the wharfs or other landing to such warehouse or warehouses belonging, or shall put the same on board any other vessel, or suffer the same to be done, so as the same be not delivered at some of the said publick warehouses without fraud or embezzlement, or shall open any hogshead or cask of tobacco so as aforesaid water-born and landed, and take thereout any tobacco before the same be viewed by the inspectors, according to the directions of this act, or after the same has been viewed shall fraudulently open any hogshead or cask and take thereout any tobacco, every such offence shall be adjudged felony, and the offender or offenders shall suffer as in case of felony.

IX. Provided always, That nothing herein before contained shall be construed to prohibit the landing or putting on shore any hogshead, cask or package of tobacco, out of any sloop, boat, or other vessel, which by distress of weather shall be forced on ground, or become leaky, so as such landing be really and bona fide for the preservation of the tobacco laden in such vessel, and that the same be with all convenient speed carried thereafter to the warehouse or ship (as the case shall be) to which it was designed, without embezzlement.

X. Provided also, That if by any of the accidents aforesaid, or negligence of the master or skipper of any vessel, any tobacco which hath been viewed and stamped shall in its carriage to the ship in which it is intend-
ed to be exported, receive so much damage as that the
master of such ship will not receive it on board, every
hogshead or cask of tobacco so damned shall with all
convenient speed be carried to some warehouse appoint-
ed by this act, and there lodged until the owner of the
said tobacco, or master of the vessel in which it was
damaged, shall have separated the same and repacked
the good tobacco; and then the same shall be weighed,
and stamped with the weight, by the inspectors attend-
ing such warehouse, without fee or reward: But if the
owner of such tobacco, or the master of the vessel in
which it was damaged, shall fail or delay to separate
and repack the same within ten days, then the inspectors
at the warehouse where such damaged tobacco shall be
landed shall and they are hereby required and enjoined,
to separate, repack, weigh, and stamp the same; and
such inspectors shall have and receive of the owner of
such tobacco five shillings for each hogshead or cask
of tobacco, to be paid by such owner before the said
tobacco shall be delivered out for exportation.

XI. And for preventing the clandestine transportation
of bad and unmerchantable tobacco from this colony
to the provinces of North Carolina and Maryland, and
also for the preventing the exportation of tobacco in
bulk or parcel. Be it further enacted by the authority
aforesaid, That no tobacco whatsoever of the growth
or production of this colony, shall, during the continu-
ance of this act, be transported or carried into either
of the said provinces of North Carolina or Maryland,
either by land or water, until the same hath been first
viewed, examined, and stamped, at one of the ware-
houses appointed or to be appointed in pursuance of
this act, nor until due entry thereof shall be made with
the officers of the customs in the district wherein the
owner of the said tobacco shall reside, and a permit ob-
tained from them for that purpose, and if any person
or persons shall presume to carry or transport, or cause
to be carried or transported, any tobacco not inspected
and stamped, or without having obtained such permit
as aforesaid, to either of the said provinces of North
Carolina or Maryland, he or they so offending shall
forfeit and pay five pounds for every hogshead or cask
of tobacco and twenty shillings for every hundred
pounds of tobacco in bulk or parcels, transported or
carried out contrary to the directions of this act.
XII. And be it further enacted, That all sheriffs, under sheriffs, and constables, who shall be in office at the passing of this act, shall, at the first court to be held for their respective counties after the publication thereof, take an oath that if they shall at any time know, or be credibly informed, or have good reason to suspect, that any tobacco is pressed or packed in any cask, chest, or other package whatsoever, or any tobacco is put on board any boat, or vessel in order to be shipped off without being inspected, or that any tobacco is carrying or carried out of this colony into Carolina or Maryland without a permit for so doing, they will forthwith make information and a particular discovery thereof to the next justice of the peace of the county where such tobacco shall be; and that all sheriffs and under sheriffs respectively which shall, after the passing of this act, be appointed or sworn into the said offices, shall, at the time of their being sworn, take the same oath, and obtain a certificate thereof; and every such officer failing so to do shall forfeit five pounds current money, to the informer; to be recovered, with costs, by action of debt or information, in any court of record within this dominion: And every inspector and constable shall take the same oath, at the first court held for the county where he resides, or at the same court, if sworn at the county court, after he shall be sworn in his office, under the like penalty: And if any justice of the peace shall know, or be informed by any of the said officers, or by any other person, upon oath of any such tobacco so pressed or packed, in order to be shipped off or carried out of this colony without being inspected as aforesaid, such justice, or by his warrant any sheriff, under sheriff, or constable, within the limits of his county, shall have power and authority, and is hereby required, to enter any suspected houses, and to break open all doors, either by day or by night, to search for the same; and finding any tobacco pressed in any cask, chest, or case, that shall not contain two hundred pounds weight of neat tobacco, or any package made up in linen cords or spun yarn of any weight whatsoever, such justice, sheriff, under sheriff, or constable, respectively, shall seize and destroy the same, and the person in whose possession such tobacco shall be found shall forfeit, to the informer, ten shillings for every hundred pounds weight, and so in proportion for a less quantity; to be recovered, with costs, in any court of Sheriffs, &c. to take an oath to make discovery where tobacco is intended to be shipped, &c. contrary to this act.
record if it be twenty five shillings current money, or more, or if under that sum, before any justice of the peace of the county where the fact shall be committed; and such justice shall and may issue an execution either against the body or goods of the offender accordingly, any law, statute, or custom, to the contrary, notwithstanding. And any justice of the peace of any county near the place where any ship, sloop, boat, or other vessel, shall ride, upon application to him made by any person suspecting any tobacco in bulk or parcels to be on board such ship, sloop, boat, or other vessel, shall and is hereby empowered and required to issue his warrant, directed to the sheriff, or any constable of his county; and the sheriff or constable shall have full power and authority, and he is hereby required, to enter and go on board such ship, sloop, boat, or other vessel, to search for and seize such tobacco; and the same being seized shall be brought on shore, and carried before the same or any other justice, who shall cause the same to be immediately weighed and burnt by such sheriff or constable. And if any master or commanding officer of any ship or vessel, or the skipper of any sloop, boat, or other vessel, or any other person whatsoever, shall resist the officer in the execution of any such warrant, every such master or commanding officer shall forfeit and pay fifty pounds; and every such skipper, sailor, or other person so resisting, shall forfeit and pay ten pounds. And if any action shall be brought against any justice of the peace, sheriff, under sheriff, or constable, for doing any thing in execution of this act, the defendant may plead the general issue, and give this act in evidence; and if the plaintiff shall be nonsuited, or a judgment pass against him upon a verdict or demurer, the defendant shall recover double costs.

XIII. And for preventing the cutting and manufacturing bad and unsound and trash tobacco, Be it further enacted, by the authority aforesaid, That from and after the passing of this act no person whatsoever shall cut, manufacture, and prize into any hogshead or cask, any tobacco which shall not have been viewed, examined, and passed, at some or one of the publick warehouses, before the same shall be cut and prized; and every person bringing any hogshead or cask of cut and manufactured tobacco to any warehouse to be viewed, stamped, and passed, shall, before the same be viewed and examined, or stamped, make oath before the inspectors
of the warehouse to which the same shall be brought, or one of them (which oath the said inspectors, or one of them, is and are hereby empowered and required to administer) that all the tobacco cut and manufactured, contained and prized in such hogshead or cask, was, before the same was cut and prized, viewed, examined, and passed at some or one of the publick warehouses in this colony, and that, to his knowledge, privity, or direction, no other tobacco hath been packed or prized in such hogshead or cask: And it shall not be lawful for any inspectors to view, pass, and stamp, any hogshead or cask of cut and manufactured tobacco before such oath be taken by the person bringing or owning the same. And if any person shall presume to cut and manufacture any tobacco which shall not have been first viewed, examined, and passed at some or one of the publick warehouses as aforesaid, in breach of this act, and of the said oath, every such person so offending, and being thereof lawfully convicted, shall forfeit and pay for every such offence ten pounds, and moreover shall suffer as in case of wilful and corrupt perjury.

XIV. And be it further enacted, That any light hogshead or parcel of tobacco after the same shall be passed at any publick warehouse, and not stamped, shall and may be delivered out by the inspectors to the owner of their receipts, and such tobacco may be carried away, for the better sorting or stemming, or cutting the same; provided that such tobacco shall not be shipped off until it shall be again inspected, passed, and stamped for which the inspectors shall receive the established fees, under the same penalties as are herein before inflicted for shipping off, and taking on board any ship or other vessel, tobacco not inspected, viewed, and stamped, according to the directions of this act.

XV. And be it further enacted, by the authority aforesaid, That publick warehouses for inspection of tobacco, pursuant to this act, shall be kept at the several places herein after mentioned, that is to say: In the county of Accomack, at Pitt's landing upon Pokomoke, and at Guilford's where the warehouses are now kept, under one inspection; at Pungoteague in the same county, and at Nasswaddox in Northampton county, where the warehouses are now kept, under one inspection. In the county of Caroline, at Conway's and Roy's. In the county of Charles City, at Swinyard's, and upon the land of William Kennon, where the warehouses are now

Light Tobacco may be delivered to the Owner before stamped, but not shipped before again inspected.

Warehouses established
kept. In the county of Dinwiddie, at Bolling's Point and Bollingbroke, on the land of Robert Bolling. In Elizabeth City county, on the lands of Wilson Curle, adjoining the town of Hampton. In the county of Essex, at Bowler's, and on Piscataway creek, where the warehouses now are, under one inspection; at Hobb's Hole, at Layton's and at port Micou, under one inspection. In the county of Fairfax, at Colchester, at Pohick, at Hunting Creek, and on the land of Philip Ludwell Lee, esq; at the falls of Potowmack. In the county of Gloucester, at Gloucester town, at Easternmost River, at Deacon's Neck, and at Poropotank, where the warehouses are now kept. In the county of Hanover, at Page's and at Crutchfield's upper landing, upon the land of Mr. Page, and Meriwether's. In the county of Chesterfield, at Warwick, Rocky Ridge, Osborne's and at colonel John Bolling's, where the warehouses are now kept, and at Bermuda Hundred. In the county of Henrico, at Bryd's, Shocko's, at Four Mile creek on the land of John Pleasants, and on the lower side of the said creek on the land of Charles Woodson, under one inspection. In the county of Isle of Wight, at Smithfield, and at Fulghams's Point, under one inspection, and at Warrasqueak bay. In the county of King and Queen, at Shepherd's and Thomas Turner's, under one inspection; at Mantapike, at Walkertown on the lot of Mr. Baylor Walker in the said county, and at Waller's ferry in the county of King William, under one inspection; and at Todd's. In the county of King William, at Aylett's, at Quarles's, at Williams's, and the Piping Tree, under one inspection; and at Waller's ferry, and Walkertown, in King and Queen county, under one inspection. In the county of King George, at Bray's church, Falmouth, and on Jonathan Gibson's land, where the warehouses are now kept, and on Mr. George Morton's land, and on the upper lots of John Dixon at Falmouth. In the county of Lancaster, at Davis's and Lowry's, under one inspection; at Dyner's and Indian Creek, in the county of Northumberland, under one inspection; and at Deep Creek. In the county of Middlesex, at Kemp's and at Urbanna. In the county of Norfolk, at the Great Bridge, on Mr. Samuel Boush's land, and at Kemp's landing in the county of Princess Anne, under one inspection. In the county of Nansemond, at Sleepy Hole, and on the north side of Nansemond river, upon the land of William Wilkinson, under one inspection;
and on the land of Thomas Milner, junior, on the western branch of Nansemond river, and at Constance's.
In the county of Northampton, at Cherrystone and Hungar's, under one inspection. In the county of New Kent, upon the land of Richard Littlepage, on the land of Anthony Waddy, and at the Brick House on colonel Bassett's land. In the county of Northumberland, at Wiccocomico, and at Coan. In the county of Prince George, at Blandford, and on Powell's creek, on the land of George Noble. In the county of Prince William, at Quantico. In Richmond county, at Cat Point, and on Sir Marmaduke Beckwith's land, near the bridge on Rappahannock creek, under one inspection; and at Totuskey creek, on the land of Mr. Brokenbrough, and on the land of Mr. Hornby, where the warehouses are now kept under one inspection; and at Glasscock's. In the county of Surry, at Cabin Point, and at Gray's creek. In the county of Stafford, on Potowmack creek, upon Cave's land, at Boyd's Hole, where the warehouses are now kept, and at Acquia. In the county of Spotsylvania, at Fredericksburg, and Roystone's. In the county of Warwick, at Denbigh.
In the county of Westmoreland, on both sides of Nomony, upon Spence's and Hood's land, under one inspection; on the land of Richard Bernard, formerly Butler's, upon the lower side of Upper Machotack river, and on William Price's land, on the east side of Mattox creek, on the land of John Watts, on the west side of the said creek, under one inspection; at the New Landing, on Jeremiah Garland Bayley's land, and at Rust's, on Yeocomico, under one inspection; and at Stratford landing. In the county of York, at Roe's, at York town, and at the capitol landing, and at the college landing, in James City county, under one inspection.

XVI. And whereas it will be convenient, for relanding such tobacco as hath been brought from the warehouses where it was inspected to be put on board some ship or other vessel for Great Britain, but cannot be shipped by reason of such vessels not being able to stow the same, that a publick warehouse for the reception of such tobacco should be erected at Town Point, in the borough of Norfolk, at which place many vessels lie to take in their lading: Be it therefore further enacted, by the authority aforesaid, That the company erected and established under the denomination of the Town Point company by a former act of assembly, shall, and they
are hereby required to build a warehouse at the place aforesaid, which shall be under the care of the inspectors of the Great Bridge and Kemp's warehouses, who shall receive from such persons as shall reland their tobacco the sum of eight pence for every hogshead by them received according to the directions of this act; and the said company shall be entitled to receive all the rents which shall become due from the said warehouse.

XVII. And be it further enacted, That the said warehouse shall be under the same regulations, and the proprietors of tobacco therein entitled to the same relief, in case of loss of their tobacco, as are directed, prescribed, and appointed, for the other warehouses established by this act.

XVIII. And be it further enacted, That the rents of the several warehouses hereby established shall be, and they are hereby settled at the following rates: At Pun-goteague, £. 8. At Nasswaddox, £. 6. At Pitt's and Guilford's, £. 10. At Swinyard's, £. 10. At Hampton, £. 7. At Bermuda Hundred, £. 8. At Princess Anne and the Great Bridge, each, £. 5. At Cherrystone and Hungar's £. 5. At Roe's, £. 10. At the college landing, £. 10. And at all the other warehouses there shall be paid and allowed for the rents of the same eight pence for every hogshead of tobacco that shall be received, inspected, and delivered out of such warehouses respectively.

XIX. Provided always, That where wharfs are or shall be necessary to be built or kept in repair at any of the said warehouses, and the rents hereby established are not sufficient for building and keeping in repair such wharfs, or where any new warehouses shall hereafter be built, in pursuance of this act, and the rent hereby established shall not be proportionable to the expense of such building, in both the said cases such further allowance shall be made by the general assembly as shall be thought reasonable, and the rents aforesaid, together with the inspectors salaries, shall be paid and allowed by the treasurer to the several inspectors upon the passing their accounts; and the inspectors shall pay the rents to the persons entitled to receive the same out of the money received by them for inspecting tobacco; and if the money received by any inspectors of any of the warehouses aforesaid shall not be sufficient to pay the salaries and rents aforesaid, and other incident charges in this act mentioned, such deficiency shall be
made good out of the general fund arising by the profits of the other warehouses; and if that shall prove deficient, then the said rents and charges, together with the inspectors salaries, shall be paid and satisfied out of any other publick money in the hands of the treasurer for the time being.

XX. And be it further enacted, That where the warehouses are already built at any of the places herein before mentioned and appointed for keeping the same, and are now made use of as and for publick warehouses, the proprietors and owners of such warehouses shall be, and they are hereby obliged to let the same to the inspectors, during the continuance of this act, at the rent hereby established for such warehouses respectively, and if any proprietor or owner shall refuse so to do, he shall forfeit and pay one hundred pounds. And where warehouses are not already built at any of the places aforesaid, or where any new warehouses shall be hereafter appointed to be kept at any other place, it shall and may be lawful for the justices of the court of that county wherein such place is or shall be, and they are hereby required, at the next court to be held for their county after the commencement of this act, to order and direct so many strong, close, and substantial houses, secured with strong doors hung on iron hinges, and with strong locks or bolts, as will contain sufficient room for one half of the number of hogsheads which in their opinion will be brought to the same; and one brick square or funnel six feet high at least, and four feet diameter; with a proper arch at the bottom of the same, for burning all tobacco refused at such warehouses, and such wharfs and other conveniences as shall be necessary, and shall cause the owner or proprietor of the land whereon such warehouses are appointed to be kept, and if such owner or proprietor be under age, seme covert, or out of the country, then the guardian, husband, or known attorney or agent (as the case is) of such owner or proprietor, to be summoned to appear before them at the next succeeding county court after such summons shall issue, there to declare whether they will undertake to erect and build such houses, funnel, wharfs, and other conveniences, and let the same to the inspectors appointed to attend at such warehouses at the rent settled by this act, or which shall be hereafter settled for the same; and in case such owner, guardian, husband, known.

Proprietors of Warehouses shall let them to Inspectors.

Owners of Lands where Warehouses are to be built to be summoned to declare whether they will build or not; and if no person will build, Justices to do it.
attorney, or agent, will undertake the same, then the
said court shall, and they are hereby required to take
bond, with one sufficient security, in a reasonable
penalty, payable to his majesty, his heirs, and successors,
with a condition for the due performance of such un-
dertaking; and if such owner, guardian, husband,
known attorney, or agent, shall refuse to undertake the
same, or to give such bond as aforesaid, then it shall
and may be lawful for the said justices, and they are
hereby required, to value an acre of the said land, and
to pay or tender to the proprietor, his or her guardian,
husband, known attorney, or agent, the value thereof,
which shall be repaid to the said justices by the pub-
lick, and from thenceforth the justices of the said coun-
ty for the time being shall be seized in fee, of the said
land, in trust, and for the use of the publick, during the
time the said place shall be made use of for a publick
warehouse; and the said justices shall agree with some
person or persons to erect and build thereon such
houses, funnel, wharfs, and other conveniences as here-
in is before directed, and shall certify the charge there-
of to the treasurer of this colony for the time being, who
is hereby directed and required to pay the same out of
the publick money in his hands arising from the inspec-
tion of tobacco, and shall and may take and receive of the
inspectors the rent established at such warehouse for re-
imbursing the publick the charge of such buildings, until
the same shall be satisfied and repaid. And where the
justices of any county court, or any other person or
persons, have already built warehouses upon the lands
of another person by virtue or in pursuance of the laws
now in force, the said justices, or other person or per-
sons, shall in like manner be seized in fee of the acre of
land upon which such warehouses are built, so long as
the said places respectively shall be made use of for
publick warehouses; but if any of the warehouses which
are or shall be built by the publick, the justices, or other
persons, shall hereafter be discontinued, the proprietor
of the land returning the price paid for the same shall
be from thenceforth seized of his former estate.

XXI. And be it further enacted, by the authority afores-
said, That the inspectors at the several warehouses shall,
at the court to be held for their respective counties in
the month of September, yearly, or at the next succeed-
ing court, produce and render into court an exact ac-
count under their hands of the number of hogsheads of
tobacco inspected at their respective warehouses the preceeding year, and of the condition of the warhouses under their charge, and the quantity of tobacco they are capable of containing; and thereupon such court, if such court may direct the repairing of the buildings so built at any of the said inspections are properly secured, and contain sufficient room for one half of the number of hogsheads mentioned in such account to be conveniently stowed, shall enter an order that the owner or proprietor of such warhouses shall, within such reasonable time as the said court shall think fit to allow, repair and make close the warhouses already built, and secure the same with strong doors hung on iron hinges, and with strong locks or bolts, and that such owner or proprietor shall also, before the first day of April in the ensuing year, erect, build, and completely finish, such and so many other strong, close, and substantial houses, as, with the other houses already built, shall be sufficient, in the opinion of such court, conveniently to contain one half of the quantity of tobacco mentioned in such inspectors account, and secure the same in the manner herein before directed; a copy of which order shall be served on such owner or proprietor, or his or her guardian, husband, attorney, or agent, as the case shall be: And if such owner or proprietor, his or her guardian, husband, attorney, or agent, shall fail to appear at the next succeeding court after such notice, and enter into bond with sufficient security in a reasonable penalty, payable to his majesty, his heirs, and successors, with a condition for the due performance of the same, then it shall and may be lawful for the said court, and they are hereby required, to cause such repairs and houses to be made and built as aforesaid, and shall certify the charge thereof to the treasurer of this colony for the time being, who is hereby directed and required to pay the same out of the publick money in his hands arising from the inspection of tobacco, and shall take and receive of the inspectors a proportion of the rents established at such warhouse for reimbursing the publick the charge of such buildings and repairs, which proportion shall be settled by the courts, and by them certified to the said treasurer; but if there shall appear to be an immediate occasion to hire houses before others can be built as aforesaid, the rent of such houses shall be paid by the publick, without any charge upon the landlord.
Where two or more inspections are in one county, within the distance of a mile, houses may be built at either.

**Penalty on county courts.**

Justices not to take away orchards, &c.

Inspectors not to keep hogs but in enclosures belonging to the warehouses.

Where a proprietor may be restored to his former estate.

**XXII. Provided,** That where two or more inspections are established in one county, within the distance of one mile, and it shall be necessary to build more houses at any of them, the court shall direct the building such additional houses at such of the said inspections as to them shall seem most proper; and if there shall be in the whole sufficient house room, according to the directions of this act, for one half of the tobacco brought to such inspections, the court shall not direct the building any other houses at any of them.

**XXIII. And be it further enacted, by the authority aforesaid,** That if any county court shall fail or refuse to do their duty in directing such houses, funnels, wharfs, and other necessary conveniences, at the places established by this act for erecting new warehouses, or such additional buildings and repairs at the places where houses are already built, and causing the same to be built or made according to the directions of this act, every justice so failing or refusing shall forfeit and pay ten pounds; to be recovered in the general court, with costs, by action of debt or information, against such justices jointly.

**XXIV. Provided always,** That nothing herein contained shall be construed to give power to the said justices to take away the houses, orchards, or other immediate conveniences of any proprietor of land, for the uses or purposes aforesaid; nor to the said inspectors to keep any horses, cattle, or hogs, at any of the said publick warehouses, except in enclosures upon the land appointed for such warehouses; and if any swine belonging to the said inspectors, or any of them, shall be found at large upon the land appropriated for such warehouses, or the lands adjoining thereto, it shall and may be lawful for the proprietors of the said lands to kill, or cause to be killed or destroyed, all such swine.

**XXV. Provided also,** That where any warehouses have been, or shall be built, by the justices or other person as aforesaid, and the first proprietor of the land shall desire to have the same again, such proprietor, upon payment of so much money as shall be sufficient to reimburse the said justices or other person the principal money expended for the purchase of the land and the building such warehouses, with lawful interest, deducting the rents received by the said justices or other person, shall be restored to his former estate in the land whereon such warehouses are built, and shall receive the rents afterwards growing due for such warehouses.
XXVI. Provided also, That if any proprietor, so as aforesaid restored to his estate, shall neglect or refuse to repair and build such houses and wharfs as the court shall think necessary, the justices shall be again seized of the fee simple estate of such land, during the time such place shall be made use of for a publick warehouse; and such proprietor shall not have any benefit of the rents that shall thereafter become due.

XXVII. And be it further enacted, by the authority aforesaid, That on complaint made by the owner or owners of any of the warehouses aforesaid, to any justice of the peace of the county wherein such warehouses shall lie, against any person or persons, for breaking, tearing, or committing any waste or destruction of or in such warehouse or warehouses, it shall and may be lawful for such justice, and he is hereby empowered and required, to give judgment, and award execution, against the body or estate of such offender, if found guilty, for all damages occasioned by such breaking, tearing, waste, or destruction, provided such damages do not exceed the sum of two pounds, in his opinion; and if such damages shall exceed that sum, then it shall and may be lawful for such owner or owners to commence and prosecute his, her, or their action, at law, against any such offender, in any court of record within this colony.

XXVIII. And be it further enacted, by the authority aforesaid, That there shall be kept at every one of the said warehouses herein before appointed, and at all others hereafter to be appointed, a good and sufficient pair of scales, with weights to weigh fifteen hundred pounds at the least, and a set of small weights, the same that are or ought to be provided for the standard weights of each county; and where such scales and weights are not already provided, or now are or shall be hereafter worn out, or become unfit for use, the justices of the respective county courts wherein any of the said warehouses are or shall be are hereby directed and required to provide the same with all convenient speed, and the treasurer of this colony is hereby empowered and required to pay the purchase money out of the publick money in his hands. And, moreover, the said justices are hereby required and directed, twice in every year at the least, to appoint one or more of their number to view the said scales, and examine and try the weights at the several warehouses, by the standard weights of
the county; and if the said scales and weights shall want repairing, or the weights be found deficient, or differing from the lawful standard, the said justices shall cause the same to be repaired and amended, and the weights made conformable to the standard; and if the justice or justices so appointed shall refuse or neglect to do the same, the justice or justices so refusing shall forfeit and pay the sum of twenty shillings; and the charge of re-
pairing and amending the said scales and weights, and also for removing the standard to the several warehous-
es for trying the same, shall be paid by the inspectors respectively, and be again allowed to them in their ac-
count with the treasurer.

XXIX. And be it enacted, by the authority aforesaid, That all tobacco which shall be brought to any of the publick warehouses herein before mentioned shall be viewed, examined, and inspected, by two persons to be thereunto appointed, who shall be called inspectors; which said inspectors shall be appointed in the manner following, that is to say: The courts of the several counties within this colony, wherein any of the public warehouses appointed by this act are established, shall and may, and they are hereby required, once in every year, and no oftener, at their respective county courts held in the months of August or September, or one of them, to nominate and recommend to the governour or commander in chief for the time being, for so many offices of inspection as are or shall be in their respective counties, four fit and able persons, reputed to be skillful in tobacco, for the execution of the office of inspectors; and where two warehouses under one and the same in-
spection happen to lie in different counties, in that case the courts of each county shall nominate and recom-
mend two for such inspection, which nomination the said courts shall cause to be entered upon record; and the clerks of the said courts shall, and they are hereby required, forthwith to transmit a certificate of the same to the secretary's office: And out of the said four per-
sons so nominated and recommended for each inspec-
tion, the governour or commander in chief, with advice and consent of the council, shall and may choose and appoint two, to execute the office of inspectors at such inspection; and in default of such nomination and re-
commendation by the county courts as aforesaid, the governour or commander in chief, with the like advice and consent, shall and may appoint such persons as he
shall think fit to be inspectors at such inspection for which no nomination or recommendation shall be made as aforesaid: And also, in case of the death, resignation, or removal, of any inspector, the governour or commander in chief shall and may appoint any person named in the last recommendation from the county court for that inspection where the vacancy shall happen to succeed him, until the next nomination and appointment of inspectors; but if either of the persons named in such last recommendation will not accept the said office, in that case the governour or commander in chief may appoint any other person he shall think fit.

XXX. And be it further enacted, That besides the two inspectors appointed as aforesaid, the governour or commander in chief for the time being, with the advice and consent of the council, shall and may appoint one of the other persons recommended with such inspectors to be an additional inspector at the warehouse for which he shall be recommended, which additional inspector shall officiate as such only in cases of the disagreement in opinion of the other inspectors as to the quality of tobacco brought for their inspection, or where either of them shall through sickness or otherwise be absent from his duty, or shall bring his own tobacco to the warehouse whereof he is inspector to be viewed; and the said additional inspector shall be paid for the services he shall perform, by occasion of the absence of either of the other inspectors, out of the salary of such absenter, in proportion to the time he shall officiate.

XXXI. And be it further enacted, That if any inspector shall hereafter accept, receive, or take, directly or indirectly, any fee, gratuity, service, or reward whatsoever, of any person, for resigning or giving up his office of inspector, he shall not only be for ever disabled from holding the like office, but for such offence shall forfeit and pay the sum of one hundred pounds; to be recovered with costs, by action of debt, in any court of record within this dominion: And every person offering and paying, directly or indirectly, any fee, service, gratuity, or reward whatsoever, to any inspector, to resign his said office, shall for the said offence be for ever disabled from holding the office of inspector within this colony.

XXXII. Provided always, That no justice of the peace, being an inspector, or recommended to be an inspector, shall have or be allowed to vote in the nomi

An additional inspector to be appointed.

No inspector to take a reward for resigning his office, under a penalty on the payer and receiver.

No justice being an inspector to vote in the
nation and recommendation of persons to be inspectors as aforesaid; and that all inspectors who shall be in office at the time of the commencement of this act, upon taking the oaths hereby required at their next county court, shall continue to act, without new commissions, until the next nomination of inspectors at their respective warehouses: And where they, or any person once recommended as aforesaid, and executing the office of inspector in pursuance of such recommendation, shall be again recommended the next succeeding year, the same shall be a sufficient appointment to him to continue in the said office for another year, without any new commission; and so from year to year, so long as he shall be so recommended as aforesaid.

XXXIII. Provided always, That every person appointed or to be appointed an inspector by virtue of this act, shall, before he enters upon the execution of the said office, enter into bond, with good security, in the penalty of five hundred pounds, payable to his majesty, his heirs, and successors, with condition for the true and faithful performance of his duty, according to the directions of this act; and shall also take the following oath, that is to say:

You shall swear that you will diligently and carefully view and examine all tobacco brought to any publick warehouse or warehouses where you are appointed to be inspector, and that not separately and apart from your fellow, but in his presence; and that you will not receive any tobacco that is not in your judgment sound, well conditioned, merchantable, and clear of trash; nor receive, pass, or stamp any tobacco, hogshead, or cask of tobacco, prohibited by one act of assembly, entitled An act for amending the staple of tobacco, and preventing frauds in his majesty's customs; and that you will not change, alter, or give out any tobacco, other than such hogsheads or casks for which the receipt to be taken was given; but that you will in all things well and faithfully discharge your duty in the office of an inspector according to the best of your skill and judgment, and according to the directions of the said act, without fear, favour, affection, malice, or partiality.

So help you God.

Which oath shall and may be taken before the governor or commander in chief of this colony for the time being, or before the general court, or in the court of the county wherein such inspector shall reside, or the
warehouses at which he shall be inspector shall stand. But before any inspector shall enter upon the execution of his office, he shall produce a certificate if sworn before the governour or general court, as the case may be, of his taking such oath, which certificate shall be lodged with the clerk of the county where such inspection shall be; and if any person shall presume to execute the office of inspector before he has given such bond, and taken such oath as aforesaid, he shall forfeit and pay five hundred pounds.

XXXIV. And be it further enacted, That all inspectors to be appointed by virtue of this act shall constantly attend their duty at the warehouse or warehouses under their charge from the first day of October to the tenth day of August yearly (except Sundays, and the holydays observed at Christmas, Easter, and Whitsuntide, or when hindered by sickness) and afterwards they, or one of them, shall constantly attend at the same (except Sundays) to deliver out tobacco for exportation, until all the tobacco remaining there the said tenth day of August shall be so delivered; but no tobacco shall be viewed between the said tenth day of August and the first day of October, except such as remained in the warehouse on the said tenth day of August: And every inspector neglecting to attend as aforesaid shall forfeit and pay to the party grieved five shillings for every neglect, or shall be liable to the action upon the case of the said party grieved, to recover all such damages which he or she shall have sustained by occasion of any such neglect, together with his or her full costs, at the election of such party. And all inspectors shall uncase and break every hogshead and cask of tobacco brought to them to be inspected as aforesaid; and if they shall agree that the same is good, sound, well conditioned, merchantable, and clear of trash, then such tobacco shall be weighed in scales, with weights of the lawful standard, and the hogshead or cask shall be stamped in the presence of the said inspectors, or one of them, with the name of the warehouse at which the tobacco therein contained shall be viewed and inspected as aforesaid, and also the tare of the hogshead or cask, and quantity of neat tobacco therein contained: But if the said two inspectors shall at any time disagree concerning the quality of any tobacco brought for their inspection to any warehouse under their charge, they shall, as soon as conveniently may be, call in the

The times inspectors are to attend.

Every hogshead to be uncased, and broke, viewed, and stamped.

Where the two inspectors disagree;
additional inspector appointed to attend such warehouse, who shall determine the difference, and pass or reject such tobacco; and if he shall pass the same, his name shall be entered in the book kept by the inspectors opposite to the mark, weight, and number, of the hogshead by him passed, together with the name of the inspector at such warehouse who shall officiate with him.

XXXV. And be it further enacted, That if any tobacco shall be brought to any of the said warehouses for the discharge of any publick or private debt or contract, the said inspectors, or one of them, after they have viewed, examined, and weighed the said tobacco, according to the directions of this act, shall be obliged to deliver to the person bringing the same as many receipts under the hands of the said inspectors as shall be required, for the full quantity of tobacco received by them, in which shall be expressed whether the tobacco so received be sweet-scented or Oroonoko, stemmed or leaf, which receipts shall be in the form following, to wit:

River number warehouse, the day of 17 received of pounds of pounds of transfer tobacco, to be delivered on demand to him or his order, according to the directions of the act of assembly, for amending the staple of tobacco, and preventing frauds in his majesty's customs, witness our hands. Shall bear date the day the tobacco for which the same is given shall be viewed and passed, and shall and are hereby declared to be current in all tobacco payments, according to the species expressed in the receipt within the county wherein such inspectors shall officiate, and in any other county next adjacent thereto, and not separate therefrom by any of the great rivers or bay herein after mentioned, that is to say: James river, below the mouth of Appamattox; York, below West Point; Rappahannock river, below Taliaferro's mount; or by the great bay of Chesapeake; and shall be transferable from one to another in all such payments (except as herein is excepted) and shall be paid and satisfied by the inspector or inspectors who signed the same, upon demand; and for every hogshead of tobacco brought to any publick warehouse, for the discharge of any public or private debt, in good cask, of such dimensions as herein after expressed, there shall be allowed by the inspector thereof to the person bringing the same after the rate of four pounds of tobacco for
every hundred pounds the tobacco therein contained shall weigh, after the same shall be viewed and passed, so as such allowance does not exceed thirty pounds of tobacco for each hogshead: And the said inspectors shall, and they are hereby obliged, to make every hogshead by them paid away in discharge of any receipt by them given as aforesaid to contain nine hundred and fifty pounds of neat tobacco at the least; and for every such hogshead of tobacco by them paid away, well lined and nailed, fit for shipping, there shall be paid by the person receiving such hogshead five shillings for inspecting, and eight pence for nails, which said sum of eight pence the said inspectors shall and may retain in their hands for their own use, to reimburse them the expense of providing nails. And the person demanding or receiving tobacco in discharge of receipts as aforesaid shall allow to the inspectors thirty pounds of tobacco for each hogshead so received, for the cask, and two pounds of tobacco for every hundred pounds of tobacco contained in such receipts, and so proportionally for a greater or lesser quantity, for shrinkage and wasting, if the said tobacco be paid within two months after the date of the receipt given for the same, and one pound of tobacco for every hundred, for every month the same shall be unpaid after the said allowance, so as such allowance for shrinkage and wasting do not exceed in the whole six pounds of tobacco for every hundred. And if any inspector, or inspectors, by whom any such receipts for tobacco as aforesaid shall be signed, shall refuse or delay to pay and satisfy the same when demanded, every inspector so refusing or delaying shall forfeit and pay to the party injured double the value of the tobacco so refused or delayed to be paid; to be recovered, with costs, in any court of record within this dominion, if the receipt or receipts so refused or delayed to be paid exceed two hundred pounds of tobacco, and if the said receipt or receipts do not exceed two hundred pounds of tobacco, the double value aforesaid shall and may be recovered before any justice of the peace of the county wherein the warehouse shall be, at which the receipt or receipts ought to be paid.

XXXVI. And be it further enacted, by the authority aforesaid, That all tobacco brought to any of the said warehouses in hogsheads or cask to be exported, on account and for the use of the owner thereof, after the same shall have been viewed, examined and weighed,
and found to be good, shall be stamped as herein before directed; and the said inspectors, or one of them, shall deliver to the person bringing the same as many receipts, signed as aforesaid, as shall be required for the number of hogsheads so brought and stamped, in which shall be expressed whether the tobacco so received be sweet-scented or Oroonoko, stemmed or leaf; or whether the same is tied up in bundles or not, and where any hogshead hath part leaf and part stemmed shall signify the same at the bottom of such receipt, and they shall not mix stemmed and leaf tobacco in any hogshead which they shall prize and pay away in discharge of their transfer receipts: And for every hogshead and cask brought to any of the said warehouses to be exported, on account and for the use of the owners thereof, there shall be paid to the inspectors there attending three shillings, for viewing, examining, and stamping the same, and the owners of the said tobacco shall find and provide nails for the nailing thereof; and if any inspector or inspectors shall alter, change, or deliver out, any hogshead or cask of tobacco, other than the hogshead or cask for which the receipt for crop tobacco to be taken in was by him or them given, or shall alter or change any such tobacco, although no such receipt shall have been given, such inspector or inspectors shall forfeit and pay fifty pounds for every hogshead or cask so altered, changed, or delivered out. And all inspectors shall, and they are hereby obliged, if required, to take in any receipt or receipts by them given for crop tobacco, and after having weighed such tobacco to give transfer receipts for the same, with an allowance of four per cent. for the cask, so as such allowance does not exceed thirty pounds of tobacco for every cask; provided that such hogshead shall contain at least nine hundred and fifty pounds of neat tobacco, and not mixed leaf and stemmed.

XXXVII. And be it further enacted, That during the continuance of this act no tender of any debt or duty payable in tobacco shall be accounted lawful unless payment of the same be tendered in inspectors receipts, within twelve months after the date of such receipts.

XXXVIII. And for restraining the undue practice of mixing trash with stemmed tobacco, and preventing the packing tobacco in unsizable casks, Be it enacted and declared, That all stemmed tobacco not laid straight, whether the same be packed loose or in bundles, shall be accounted unlawful tobacco; and that no tobacco
packed in hogsheads which exceed eight and forty inches in the length of the stave, or thirty inches at the head, within the crow, making reasonable allowance for prizing (which allowance shall not exceed two inches above the gauge in the prizing head) shall be passed or received; but the owner of such tobacco, packed in casks of greater dimensions than before expressed, shall be obliged to repack the same in sizable casks, at his own costs and charge, before the same shall be received and stamped by the said inspectors.

XXXIX. And be it further enacted, That when any tobacco shall be brought to any of the publick warehouses, and refused by the inspectors there officiating, the same shall be immediately burnt by them, unless the owner or person bringing such tobacco desires to sort and separate the same, and to pick out such as is bad; in which case the inspectors shall permit the same to be done, at the warehouse to which the said tobacco shall be brought, without fee or reward; but shall not, on any pretence, suffer the said tobacco to be removed or carried from the said warehouse. And the said inspectors shall allow one month for separating and picking such tobacco; after which time, if the same be not done, it shall be lawful for them to burn the whole, except where the tobacco is in a sweat, or where the circumstances or accidents of weather may have prevented the handling of it, in which case the inspectors shall allow such further time as they shall think reasonable. And where any tobacco shall be separated and picked as aforesaid, the trash and bad tobacco shall be burnt by the inspectors on the same day it is picked out, in the brick funnel erected or to be erected at such warehouse, under the penalty of forfeiting ten shillings for every failure to the informer, recoverable before any justice of the county wherein the warehouse lies. And if any tobacco packed in cask by an overseer, or the hands under his care, shall be burnt by the said inspectors, by reason of its being bad, unsound, or not in good condition, the overseer who had the care of making and packing the same shall bear the loss of the tobacco so burnt, and make satisfaction for the same out of his share of the crop, or otherwise; and the inspectors shall be obliged to keep an account of all tobacco so burnt.

XL. And be it further enacted, That the owner of any transfer receipts may, at any time before the sale

Refused Tobacco to be burnt unless picked by the Owner within a Month.
ceipts may receive and mark hogsheads of tobacco for satisfying such receipts.

Inspectors to lay an account of all transfer receipts before the county court yearly.

of the tobacco contained in such transfer receipts, as herein after is directed, receive and mark hogsheads of tobacco for satisfying such receipts; and the inspectors shall take in their former receipts, and deliver crop receipts for such hogsheads, and shall be answerable for the safe keeping thereof, in the same manner as they are for crop tobacco; but the person receiving such hogsheads shall pay to the inspectors five shillings and eight pence for the inspection and nails for every hogshead, that is to say, two shillings and eight pence down, and three shillings when the tobacco shall be delivered.

And the inspectors shall, at the court held for their county in the month of September yearly, or if there be no court in that month, then at the next court held for their county, lay before the court an account, upon oath, of all the transfer receipts that were not by them taken in and received before the time of sale herein before mentioned, and after such account exhibited, and oath made, shall sell the tobacco in such receipts contained, deducting the allowance for shrinkage and wasting, at public auction, at the door of the court-house, between the hours of twelve and two; and the inspectors shall pay the money arising by such sale, in satisfaction of their receipts, from time to time, to the proprietors thereof making their demand, under the same penalty as is inflicted for not paying inspectors receipts: And all inspectors shall keep a just and true account of the tobacco gained or saved upon the allowance made for cask or for shrinkage of transfer tobacco, or otherwise; and if any tobacco shall be so gained or saved shall exhibit an account thereof upon oath, in the same manner as is before directed concerning transfer tobacco not received; and shall also sell the tobacco so gained and saved, in the same manner as is directed for the sale of transfer tobacco; and shall account for the money arising by such sale to the treasurer of this colony for the time being, in their next account with him; and the said treasurer shall account for the same to the general assembly; and no inspector shall convert any tobacco so gained or saved to his own use.

XLI. And be it further enacted, by the authority aforesaid, That all inspectors shall annually, before the tenth day of October in every year, account with the treasurer of this colony, upon oath, for all monies received, or which ought to be received by them, by virtue of this act (except the money paid for nails) for every hogs-
head of transfer tobacco; in which account they shall
be allowed their salaries, the rents of the warehouses,
and all other necessary disbursements, in pursuance of
this act.

XLII. And be it further enacted, by the authority
aforesaid, That no person taking upon himself the of-

No inspector
cator to be a
member of
the house of
burgesses, or
collector, or
buy, &c. any


tobacco.

He may re-
ceive his
rents in to-
bacco.

Not to take
any fee or re-
ward other
than his
salary.

fice of inspector shall, during his continuance in that of-

cine, or within two years after he shall be out of his said
office, be capable of being elected a member of the house
of burgesses, or shall presume to intermeddle or con-
cern himself with any election of a burgess or burgesses,
otherwise than by giving his vote, or shall endeavour to
influence any person or persons to give his or their vote,
under the penalty of fifty pounds for every offence;
neither shall any inspector, during his continuance in
that office, be, or undertake to be, collector of his ma-

He may re-
ceive his
rents in to-
bacco.

Not to take
any fee or re-
ward other
than his
salary.

jesty's quitrents, or any publick county or parish levies,
or of any officers fees; nor shall directly or indirectly,
for himself or any other person, buy or receive, by way
of barter, loan, or exchange, any tobacco whatsoever,
under the penalty of forfeiting twenty shillings for ev-
ry hundred pounds of tobacco so bought or received.

XLIII. Provided always, That nothing herein con-
tained shall be construed to hinder any inspector from
receiving his rents in tobacco; which shall be first view-
ed examined, and stamped, according to the directions
of this act.

XLIV. And for the further and better direction of
the inspectors aforesaid in their duty, Be it enacted,
That no inspector shall take, accept, or receive, directly
or indirectly, any gratuity, fee, or reward, for any thing
by him to be done in pursuance of this act, other than
his salary, and the other payments and allowances here-

before mentioned and expressed: And if any in-

spector shall take, accept, or receive, any such gratuity,
fee, or reward, such inspector, being thereof convicted,
shall forfeit and pay fifty pounds current money; to be
recovered, with costs, by any person or persons who
shall inform or sue for the same, by action of debt, bill,
plaint or information, in any court of record within this
dominion; and, moreover, shall be disabled from hold-
ing the place or office of an inspector during the contin-

uance of this act. And if any person or persons shall
offer any bribe, reward, or gratuity, to any inspector,
for any thing by him to be done in pursuance of this act,
or than the fees and allowances herein before men-
tioned and appointed, every person so offending, and being thereof convicted, shall, for every such offence, forfeit and pay the sum of ten pounds current money; to be recovered in any court of record within this dominion; one half of which said forfeiture shall be to our sovereign lord the king, to and for the use of such inspector refusing such bribe or reward, and the other half to the person or persons who will inform or sue for the same.

XLV. And be it further enacted, That when any person shall be entitled to receive a hogshead of tobacco by virtue of any inspectors receipts, the inspectors shall be obliged to open the hogshead and show such tobacco to the person demanding the same, if required; and if such person shall refuse to accept of the tobacco offered or tendered in payment, as bad, unsound, and unmerchantable, such person so refusing shall make immediate application to any three justices, not being merchants or practitioners in physic, near to the warehouse where the tobacco so refused shall be offered or tendered in payment, who are no wise related to the parties, nor concerned in interest; and the said justices shall take an oath before some other justice of the said county (which oath such justice is hereby required to administer) carefully to view and examine the said tobacco, and to the best of their skill and judgment not to pass any tobacco that is not sound, well conditioned, merchantable, and clear of trash, according to the directions of this act, and that they will therein do their duty according to their judgment and conscience, without fear, favour, malice, or partiality; which said three justices so sworn are hereby directed, empowered, and required, upon such application, to repair to the warehouse, and carefully view and examine the same; and if they all shall adjudge the tobacco so tendered in payment to be bad, unsound, or unmerchantable, to cause the same to be immediately burnt; and the said three justices shall be paid for their trouble by the inspectors who offered the same in payment, five shillings each; and if the said justices, or any two of them, shall not adjudge the said tobacco so tendered or offered in payment to be bad, unsound, and unmerchantable, according to the directions of this act, the said justices shall be paid five shillings each by the party desiring such view. And when any tobacco shall be tendered or offered in payment by any inspectors and refused, the
said inspectors shall not be at liberty to tender or offer in payment, nor the person demanding the same to receive, any tobacco in lieu thereof, but the person refusing shall immediately mark the same; and if any inspector shall offer or tender in payment any tobacco in lieu of the tobacco so refused, or shall not produce the same tobacco so refused to the said justices, in either case it shall be taken for a conviction that the tobacco first tendered in payment was bad, unsound, and unmerchantable, and moreover the said inspectors shall forfeit and pay ten pounds for every such offence: And if the person who shall refuse any hogshead of tobacco as aforesaid shall accept or receive another hogshead of tobacco in lieu of that refused, he shall forfeit and pay ten pounds for every such hogshead.

XLVI. Provided always, That when any tobacco shall be viewed by the justices in the manner hereinbefore directed, and they shall adjudge the same to be good, sound, and merchantable, they shall certify the same on the inspectors receipt; and such tobacco shall not be subject to a second review, nor shall the inspectors be obliged to give transfer receipts for the same.

XLVII. Provided also, That the said justices shall have power to view and examine the tobacco so refused within twelve months after the date of the receipts for the same, and not afterwards; any thing herein contained to the contrary, or seeming to the contrary, notwithstanding.

XLVIII. And be it further enacted, That if any inspector or inspectors shall give or deliver to any person whatsoever their receipts for any hogshead or other quantity of tobacco which they have not actually received into the warehouse whereof they are inspectors, at the time of giving such receipts, he or they shall forfeit and pay forty shillings for every hundred weight mentioned in such receipt, and so in proportion for a greater or lesser quantity. And there shall be paid to the several inspectors appointed to attend, and attending the said several warehouses, the salaries herein after mentioned, that is to say: To each of the inspectors at Pitt's and Guilford's, under one inspection, £25 per annum. At Pungoteague and Nasswadco, under one inspection, £35. At Conway's, £45. At Roy's, £45. At Swinyard's, £25. At Kennon's, £30. At Bolling's Point, £70. At Bollingbrooke, £50. At Hampton, £25. At Bowler's and Piscataway, under one inspec-
tion, £30. At Hobb’s Hole, £30. At Layton’s and Port Micou, under one inspection, £40. At Colchester, £40. At Pohick, £30. At Hunting Creek, £40. At the Falls of Potowmack, £30. At Gloucester town, £30. At the Easternmost River, £30. At Deacon’s Neck, £35. At Poropotank, £30. At Crutchfield’s, £60. At Page’s, £60. At Meriwether’s, £45. At Warwick, £70. At Rocky Ridge, £70. At colonel John Bolling’s, £45. At Bermuda Hundred £25. At Byrd’s, £60. At Shockoe’s, £70. At Four Mile Creek, on both sides, under one inspection, £25: At Smithfield and Fulgham’s Point, under one inspection, £35: At Warrasqueak Bay, £35. At Shepherd’s and Turner’s, under one inspection, £35. At Mantepipe, £30. At Walkertown and Waller’s, under one inspection, £35. At Todd’s, £40. At Aylett’s, £40. At Quarles’s, £25. At Williams’s and the Piping Tree, under one inspection, £30: At Bray’s Church, £30. At Falmouth, £50. At Gibson’s, £30. At Morton’s, £30. At Dixon’s, £50. At Davis’s and Lowry’s, under one inspection, £30. At Dymer’s and Indian Creek, under one inspection, £40. At Deep Creek, £30. At Kemp’s, £35. At Urbanna, £30. At the Great Bridge and Kemp’s landing, under one inspection; £35: At Sleepy Hole and at Wilkinson’s, under one inspection, l. 30. At Milner’s, l. 35. At Constance’s, l. 40. At Cherrystone and Hungar’s, under one inspection, l. 25. At Littlepage’s, l. 35. At Waddy’s, l. 30. At the Brick House, l. 30. At Wiccoocomico, l. 40. At Coan’s, l. 35. At Blandford, l. 60. At Noble’s, l. 40. At Quantico, l. 65. At Cat Point and Beckwith’s, under one inspection, l. 35. At Brokenbrough’s and Hornby’s, under one inspection, l. 35. At Glasscock’s, l. 25. At Cabin Point, l. 50. At Gray’s Creek, l. 35. At Cave’s, l. 25. At Boyd’s Hole, l. 35. At Aquia, l. 40. At Fredericksburg, l. 60. At Royston’s, l. 60. At Denbigh, l. 25. At Nomony, l. 30. At Machotack and Mattox, l. 40. At Yeocomico and Rust’s, under one inspection, l. 40. At Stratford landing, l. 25. At Roe’s, l. 25. At York town, l. 35. And at the College landing and Capitol landing, under one inspection, l. 35.

The method of detecting inspectors who shall not do their duty. and the more speedy and easy examination into complaints against them, Be it further enacted, That any two justices of the peace, not being inspectors, shall have power to hear all complaints
against any inspector within their county, and to take the depositions of witnesses upon the matter of such complaint, on both sides; which shall be transmitted by them to the governour and council, for their determina-
tion. And to the end such depositions may be taken
in the best manner, the clerk of the county or some
sufficient person by him to be appointed, shall attend
the said justices for that purpose, and be paid by the
county the same fee as is or shall be by law established
for attending the examination of witnesses upon a dedi-
mus potestatem. And, moreover, any two justices shall
have power to visit all or any of the publick warehous-
es within their county; and if they shall discover any
negligence in the inspectors, either in securing the to-
bacco or stowing the same away in a proper manner
for saving the room in such houses, or that they do not
keep a sufficient number of hands for despatching the
business, or do not attend constantly according to the
directions of this act, or that they are guilty of any
other breach or breaches of their duty, the said justices
shall certify the governour and council thereof: And if
any inspector shall be adjudged guilty of a breach of
his duty he shall be removed from his office, and for
ever after be incapable of serving as inspector. And if
any inspector shall be removed from his office, upon a
complaint and prosecution against him in the method
by this act prescribed, he shall be liable to the action
on the case of the prosecutor for his necessary costs and
expenses in such prosecution, in which the prosecutor
shall recover his full costs of suit; but if the inspector
or inspectors shall be acquitted upon such examination,
the prosecutor shall be liable to the action of such in-
spector or inspectors for the recovery of all damages
and expenses which he or they shall have sustained or
been put to by such prosecution, and costs, unless the
governour and council shall certify that there was a
reasonable cause for such complaint. And every ins-
pector shall moreover be liable to the action of the par-
ty grieved for all loss and damage that may happen or
arise to any person by occasion of any failure of duty
or neglect of any such inspector, in which action the
plaintiff shall recover his full costs, although the dam-
ges do not exceed forty shillings.

L. And be it further enacted, by the authority aforesaid, That all tobacco due, or to grow due and paya-
table for publick, county, or parish levies, or for quitrents,
or for secretary's, clerks, sheriffs, surveyors, or other officers fees, shall be paid and discharged by transfer receipts, in the following manner, that is to say: All levies and quitrents shall be paid in some warehouse in the county where such levies are laid, and the lands chargeable with such quitrents lie; and all officers fees in the county where the person chargeable therewith lives, except such person shall have a plantation, with slaves thereon, in the county where the service is performed; and then all fees (except secretary's fees) shall be paid in such county: But the said levies quitrents, and fees, due and payable in any county where no publick warehouse is established, shall be paid at some warehouse in the next adjacent county.

LI. Provided always, That the receipts of the warehouses hereafter mentioned shall pass in payment of all quitrents, levies, and officers fees, payable in the counties following, that is to say: In the county of Accomack, Cherrystone, Hungar's, and Nasswaddox; in the county of Albermarle, Crutchfield's, Page's, Fredericksburg, Royston's, Meriwether's, Rocky Ridge, Shockoe's, and Byrd's; Amelia, Blandford, Bolling's Point, Bollingbrooke, John Bolling's, Rocky Ridge, Warwick, Osborne's, and Bermuda Hundred; Amherst, Byrd's, Shockoe's, Crutchfield's, Page's, and Rocky Ridge, Bedford, Shockoe's Byrd's Rocky Ridge, and Warwick; Brunswick, Blandford, Bolling's Point, Bollingbrooke, John Bolling's, Cabin Point, and Noble's; Buckingham, Shockoe's, Byrds, Warwick, and Rocky Ridge; Caroline, Aylett's, Layton's, Micou's, and Todd's; Culpeper, Dixon's, Falmouth, Fredericksburg, and Royston's; Cumberland, Byrd's, Shockoe's, Rocky Ridge, Warwick, and Osborne's; Dinwiddie, John Bolling's, Blandford and Noble's; Elizabeth City, Roe's; Fauquier, Falmouth, Dixon's, Quantico, and Accua; Gloucester, Kemp's; Goochland, Shockoe's, Byrd's, Crutchfield's, Page's, and Rocky Ridge; Halifax, Blandford, Bolling's Point, Bollingbrooke, John Bolling's, Osborne's, Warwick, and Rocky Ridge; James City, Brickhouse, Littlepages, and capitol landing; Isle of Wight, Wilkinson's and Milner's; King William, Meriwether's, Page's, and Crutchfield's; Lancaster, Indian Creek; Loudoun, at any of the warehouses in Fairfax and Prince William; Louisa, Fredericksburg, Royston's, Crutchfield's, Page's, Meriwether's, Byrd's & Shockoe's; Lunenburg, Blandford, Bolling's Point, Bollingbrooke,
John Bolling's, Osborne's, Warwick, and Rocky Ridge; Norfolk, Kemp's and of any of the warehouses in Nansemond and in Elizabeth City; Northampton, Guilford, Pitt's; and Pungoteague; Northumberland, Yeocomico, and Rust's; Prince Edward, Blandford, Bolling's Point, Bollingbroke, John Bolling's, Warwick, Osborne's, Rocky Ridge, Shockoe's, and Byrd's; Prince George, Bermuda Hundred, Bolling's Point, Bollingbroke, John Bolling's, and Cabin Point; Prince William, Acquia, and Colchester; Princess Anne, Great Bridge, and of any of the warehouses in Nansemond and Elizabeth City; Southampton, Cabin Point, Noble's, Gray's Creek, Smithfield, Milner's, and Warrasqueak; Spotsylvania, Conway's, Stafford, Falmouth, Machotick, Morton's, Gibson's, and Quantico; Surry, Blandford, Noble's, Smithfield, and Warrasqueak; Sussex, Blandford, Bolling's Point, Bollingbroke, John Bolling's, Cabin Point, Gray's Creek, and Noble's; Warwick, Roe's, and York; Westmoreland, Bray's Church, and Gibson's; York, at the College landing; Charlotte, Rocky Ridge, Warwick, Osborne's, John Bolling's, Robert Bolling's, Bollingbroke, and Blandford; Mecklenburg, Rocky Ridge, Warwick, Osborne's, John Bolling's, Robert Bolling's, Bollingbroke, and Blandford.

LII. And be it further enacted, That out of every hundred pounds of tobacco paid in discharge of quitrents, secretary's, clerks, sheriffs, surveyors, or other officers fees, and so proportionably for a greater or lesser quantity, there shall be made the following abatements or allowances to the payer, that is to say: For tobacco due in the counties of Amelia, Albemarle, Amherst, Brunswick, Bedford, Buckingham, Culpeper, Cumberland, Goochland, Halifax, Louisa, Lunenburg, Orange, Charlotte, and Mecklenburg, thirty pounds of tobacco; for tobacco due in the counties of Dinwiddie, Fauquier, Loudoun, Princess Anne, Southampton, and Sussex, twenty pounds of tobacco; for tobacco due in the counties of Caroline, Chesterfield, Henrico, Hanover, Norfolk, Nansemond, Prince William, and Spotsylvania, fourteen pounds of tobacco; for tobacco due in the counties of Accomack, Charles City, Elizabeth City, Essex, Fairfax, Gloucester, James City, Isle of wight, King George, King and Queen, King William, Lancaster, Middlesex, New Kent, Northumberland, Northampton, Prince George, Richmond, Stafford, Surry, Warwick, Westmoreland, and York, ten pounds of tobacco.
LIII. Provided always, That where any person chargeable with officers fees (except the secretary's fees) lives in another county than where the service is performed, or the fees become due, the same allowance shall be made to every such person as is by law settled to be allowed in that county where the service is performed, or the fees become due.

LIV. And for preventing all mistakes and controversies concerning the allowances to be made upon the payment of publick, county, or parish levies, Be it enacted, That the levies aforesaid shall be all laid in neat tobacco, and the abatement which ought to be made out of every creditor's claim for convenience shall be deducted out of such claim at the time of laying the said levies, which abatements are hereby settled and declared to be the same as are before mentioned and directed to be allowed upon payment of quitrents and officers fees; but where any creditor by law or contract ought to be paid with convenience, in that case no abatement shall be made to the people by the collectors thereof; and where any tobacco ought to be paid with cask, there shall be levied four per cent. for cask, and no more; and there shall be also levied in all the said levies six per cent. for collecting the same, and no more, which shall be paid and allowed to the respective collectors of the said levies. And for all tobacco paid and discharged in inspectors receipts for quitrents, secretary's, clerks, sheriffs, surveyors, and other officers fees, to the persons entitled to receive the same, there shall be paid and allowed by such persons to the sheriff or collector six pounds of tobacco for every hundred pounds of tobacco so paid, and so proportionably for a greater or lesser quantity; and the said sheriff, or other collector, is hereby empowered to retain the same in his hands: And the sheriff, or other collector of the levies, quitrents, and fees aforesaid, shall pay and discharge the same by the same receipts which they shall receive in payment thereof.

LV. And be it further enacted, That during the continuance of this act the clerk of the general court, and of every county court, in taxing the costs of any judgment or decree obtained or to be obtained, shall deduct out of the said costs the same allowance for convenience as shall or ought to be made and allowed to the party first charged with the fees so taxed in the bill of costs by the respective officers, and execution shall issue for
no more than the said costs amount to after the said deduction.

LVII. Provided always, That where any goods or chattels shall be distrained for non-payment of quitrents, the same shall be redeemed by the payment of money for so much as the said quitrents amount to; and if not redeemed, the sheriff shall sell the same for money accordingly: And the sheriffs, or other collectors of the said levies and fees, shall, before the last day of May yearly, pay and deliver to each creditor, according to their respective debts or claims, all the inspectors receipts he or they have received, in satisfaction thereof; and if any sheriff or other collector shall refuse or delay to make payment accordingly, if required, he or they so refusing or delaying shall forfeit and pay to the party grieved double the value of the tobacco so refused or delayed to be paid; to be recovered, with costs, in any court of record within this dominion, if the debt due exceeds two hundred pounds of tobacco, and before any justice of the peace, if the debt be two hundred pounds of tobacco, or under.

LVIII. And be it further enacted, That if any of the warehouses herein before mentioned shall happen to be burnt, the loss sustained thereby shall be made good and repaired, to the several persons injured, by the general assembly, at the next session after such loss; and in case of such accident, no inspectors shall be sued or

Levies, &c. to be paid before the 10th of April yearly.
That if the receipts for tobacco so burnt or destroyed shall be of an older date than twelve months, the tobacco shall not be paid for by the publick, but the owner or proprietor thereof shall bear the loss.

And be it further enacted, That the inspectors shall not suffer or permit the proprietor, or any other person, to make use of the warehouse at which they are inspectors: And if any warehouse shall hereafter happen to be burnt, the loss sustained thereby shall be made good and repaired, to the several persons injured, by the general assembly, at the next session after such loss, as is hereby directed, but if it appears that such warehouse was burnt by means of the inspectors permitting the proprietor, or any other person, to make use thereof, such inspectors shall repay to the treasurer of this colony all such sum or sums of money as shall have been paid to the persons so injured.

And be it further enacted, by the authority aforesaid, That if any person shall hereafter make any fire within any publick warehouse, or without doors, near to such house, other than the squares or funnels, such person, if a freeman, shall for every such offence forfeit and pay the sum of ten shillings, to be recovered before any justice of the peace of the county wherein such offence shall be committed, by the informer, for his own use; and if a servant or slave, he or she shall, by order of any justice within such county, receive on his or her bare back ten lashes for every such offence.

And whereas many persons attending several of the publick warehouses, under the denomination of tobacco pickers, to be employed in picking the tobacco refused by the inspectors, are guilty of great frauds, impositions, and abuses therein: For remedy whereof, Be it enacted, by the authority aforesaid, That the courts of the several counties of Henrico, Chesterfield, Dinwiddie, Prince George, Fairfax, Prince William, Stafford, King George, Spotsylvania, Hanover, and Surry, shall, and they are hereby empowered to nominate and appoint, in the month of August or September annually.
such and so many persons as to them shall seem necessary, who are willing to undertake the same, to attend the respective warehouses within their county, to sort, separate, and pick, such tobacco as shall be refused by the inspectors, and every person so appointed a picker shall make oath before the court at the time of his appointment, or at the next succeeding court, that he will lawfully and diligently, without fraud, or embezzlement, sort and separate all such tobacco as shall be refused by the inspectors, and the owner or proprietor thereof shall employ him to pick: And if any person so to be appointed a tobacco picker shall, by demanding or exacting an extravagant price for his services, or in any other manner misbehave himself in his said office, it shall be lawful for the court of the county where such picker shall be appointed, on complaint and motion to them made, to remove such picker from his said office, and to appoint another person to act in his room, if to them it shall seem necessary; and every picker so removed shall for ever after be rendered incapable of serving as a picker at any publick warehouse; provided, that such picker shall have ten days previous notice of such motion. And if any person not being appointed and sworn as aforesaid, shall presume to undertake the picking, sorting, or separating, any such tobacco for hire or reward, every such person so offending shall forfeit and pay twenty five shillings for every such offence; to be recovered by the informer, to his own use, before any justice of the peace.

LXIII. Provided nevertheless, That nothing herein mentioned shall extend, or be construed to extend, to prohibit the owner or proprietor of any such refused tobacco from sorting, separating, or picking the same with his or her own servants or slaves.

LXIV. And be it further enacted, That the inspectors shall issue receipts for all tobacco, saved by picking to the proprietors only of such tobacco, and not to the pickers of the same; and that the inspectors shall not suffer or permit any picker to prize up any tobacco, that he shall have saved by picking, for his own use.

LXV. And to the intent that a just quantity of tobacco exported may be more exactly known, and all evil practices to defraud his majesty of his customs prevented, Be it enacted, by the authority aforesaid, That all inspectors shall carefully enter in a book, to be provided and kept for that purpose, the marks, numbers, gross, neat
weight, and tare, of all tobacco viewed and stamped by them as aforesaid, and in what ship or vessel the same shall be laden or put on board; and shall also, with every sloop load or boat load of tobacco, send a list of the marks, numbers, gross, neat weight, and tare, of every hogshead of tobacco then delivered, to be given to the master of the ship or vessel in which the same shall be put on board; and if the tobacco delivered to the same sloop or boat is intended to be put on board several ships or vessels, then they shall deliver so many distinct and several lists, as aforesaid, of the hogsheads to be put on board such ship or vessel respectively, which lists every master of a ship or vessel is required to produce to, and lodge with, the naval officer of the district where the ship or vessel whereof he is master shall ride, or by whom he shall be cleared, sometime before her clearance.

LXVI. But whereas it may happen that the ship in which such tobacco was intended to be put may be so full as not to be able to stow all the tobacco contained in such list, in such case it shall and may be lawful to ship the said tobacco, or any part thereof, on board any other ship or vessels where the owner thereof shall think fit, the masters of such ships endorsing on the said lists the marks and numbers of the respective hogsheads by them taken on board, and giving notice to the inspectors of the warehouse from whence the same was brought; or if there be no ship to receive the said tobacco, then it shall and may be lawful for the master of the first mentioned ship or vessel to put the said tobacco into any warehouse in the district where such ship shall ride, giving immediate notice thereof to the inspectors who stamped the same; and the inspectors of that warehouse where such tobacco shall be delivered shall receive from the persons relanding such tobacco eight pence for every hogshead so relanded, and shall give a receipt for the same; which money so received by the inspectors shall be accounted for, and paid, to the person or persons entitled to the rent of the said warehouse.

LXVII. Provided nevertheless, That no inspector shall receive any hogshead of tobacco which shall be offered to be relanded into the warehouse whereof he is inspector unless it shall appear to him that the ship, or other vessel wherein the same was intended to be shipped, was actually in the colony at the time the tobacco

Relanded to

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was taken from the warehouse where the same was inspected; and shall cause the said tobacco to be safely lodged, and delivered to the order of the owner thereof whenever he or she shall think fit to ship it off, and that without fee or reward.

LXVIII. And be it further enacted, That if any person whatsoever shall forge or counterfeit the stamp or receipt of any inspector, or tender in payment any such forged or counterfeited receipt, knowing it to be such, or export, or cause to be exported, any hogshead or cask of tobacco stamped with a forged or counterfeited stamp, or demand tobacco of any inspector upon any such forged or counterfeited receipt, knowing such receipt, or such stamp, to be forged and counterfeited, being thereof convicted shall be adjudged a felon, and shall suffer death as in case of felony, without the benefit of clergy; or if any person shall put or pack into any hogshead or cask of tobacco, stamped by any inspector, any tobacco whatsoever, or shall draw or take out any stave, plank, or heading board, so stamped as aforesaid, of any hogshead or cask of tobacco, after such hogshead or cask of tobacco shall be delivered out from any of the publick warehouses aforesaid, every person so offending, and being thereof convicted by due course of law, shall be adjudged a felon, and shall suffer death as in case of felony.

LXIX. And be it further enacted, by the authority aforesaid, That if any inspectors receipts be casually lost, mislaid, or destroyed, the person or persons entitled to receive the tobacco by virtue of any such receipt shall make oath before a justice of the peace of the county where the same is payable to the number and date of every such receipt, to whom and where payable, and for what quantity of tobacco the same was given, and that such receipt is lost, mislaid, or destroyed; and that he, she, or they, at the time such receipt was lost, mislaid, or destroyed, was lawfully entitled to receive the tobacco therein mentioned; and shall take a certificate thereof from such justice: And upon producing a certificate of such oath to the inspectors who signed such receipt, and lodging the same with them, the said inspectors shall, and are hereby directed to pay and deliver to the person obtaining such certificate the tobacco for which any such receipts were given (if the same, or any part thereof, shall not have been before by them paid by virtue of the said receipts) and shall

Felony to forge inspectors receipt, or to pack any tobacco in a stamped cask.

Method to be taken where receipts are lost.
be thereby discharged from all actions, suits, and demands, on account of such receipts. And if any person shall be convicted of making a false oath, or producing a forged certificate, in the case aforesaid, he shall forfeit and pay twenty shillings for every hundred pounds weight of tobacco contained in such certificate; and moreover, upon conviction thereof, shall suffer as in case of willful and corrupt perjury.

LXX. And be it further enacted, That when any new inspectors shall be appointed at any of the said warehouses, such inspector or inspectors shall, and they are hereby required to give to the person or persons whom they shall succeed, a receipt, with his or their hands subscribed, containing the numbers, marks, tare, gross, and net weight, of all and every hogshead or cask of tobacco which shall be then remaining at the warehouse or warehouses at which they are appointed inspectors, with the delivery and payment of which said hogsheads or casks of tobacco so remaining he or they shall from thenceforth be chargeable and liable, but he or they shall in no wise be accountable or answerable for the loss of weight, or for quality, of tobacco contained in any hogshead for which such receipt was by him or them so as aforesaid given; and if any hogshead or cask of tobacco shall hereafter be received by any person or persons whatsoever, and delivered out of any of the said warehouses for exportation, by the inspector or inspectors attending the same, such inspector or inspectors, from the time of such delivery, shall be for ever discharged and acquitted from all actions, costs, and charge, for or by reason of the tobacco contained in any such hogshead or cask being unsound and unmerchantable, or of less quantity than the receipts given for the same, any thing herein before contained to the contrary notwithstanding. And when any prized tobacco shall be brought to any publick warehouse, in order to be shipped on freight, and the inspectors there attending shall refuse to pass such tobacco, unless such as shall be bad and unmerchantable shall be picked and separated from the rest, or where any light crop tobacco shall hereafter be brought to any of the said warehouses, in either case the said inspectors, if required, shall permit the owner, or other person bringing such tobacco, to make use of one or more of their prizes, for the repacking, prizing, or making heavier such tobacco, without fee or reward; and if there shall be several hogs-
heads of tobacco, belonging to several owners, to be picked, repacked, prized or made heavier, at any public warehouse, the owner, or other person bringing the same, whose tobacco shall be first viewed and refused, or found light, shall be first permitted and allowed to make use of such prize or prizes; and the same rules shall be observed in the prizing all tobacco which shall be picked, repacked, prized or found light as aforesaid. And for all tobacco repacked and prized by the owner thereof, or the servants and slaves to him belonging, there shall be paid to the inspectors thereof only three shillings for stamping; and for all tobacco repacked and prized by the inspectors five shillings for each hogshead, and also eight pence for nails, unless the proprietor shall find and provide nails; and no inspector shall take, or convert to his own use, or otherwise dispose of, any draughts or samples of freight or crop tobacco, but the same (if fit to pass) shall be put into the hogshead out of which it was drawn, under the penalty of forfeiting twenty shillings for every draught so taken away contrary to the directions of this act, to be recovered before any justice of the peace of the county wherein such offence shall be committed. And all inspectors, if required, shall alter the mark and number of any hogshead of tobacco for which they have before given a receipt; and, for preventing confusion and mistakes, shall keep a wastebook, in which shall be entered the marks and numbers of all hogsheads of tobacco received by them, and another book, in which shall be entered the marks and numbers thereof when the same shall be delivered out by them. And all inspectors, when required, shall be obliged to prize any hogshead of tobacco under nine hundred and fifty pounds neat, so as to make it up that weight; but shall receive the same fee upon such hogshead as for transfer tobacco, and may make the lawful abatement of the tobacco prized in. And where any tobacco shall be brought to any warehouse by the overseer of the owner thereof, the inspectors shall give receipts in the name of the owner, and not of the overseer.

LXXI. And be it further enacted, by the authority aforesaid, That the inspectors of tobacco at the several warehouses within this colony shall immediately on the delivery of every hogshead of tobacco at the warehouses whereof they are inspectors give a receipt for such tobacco, if required by the proprietor or person bring-

Rules to be observed in using the prizes.

Reward for repacking and prizeing.

Inspectors shall not make use of draught or sample.

Shall, if required, alter the mark or number of any hogshead.

To keep a wastebook to enter marks and numbers of tobacco received.

Another to enter marks and numbers when delivered.

Obliged to prize tobacco under 950 to that weight and to give a receipt to the overseer in owner's name.

Inspectors to give receipt for unspeeded tobacco on the delivery if required.
ing the same to the said warehouses, expressing therein that the same is for uninspected tobacco.

LXXII. And whereas by one act of assembly made in the twentieth year of the reign of his said late majesty, entitled An act for granting an aid to his majesty for the better protection of this colony, and for other purposes therein mentioned, a duty of two shillings was imposed for every hogshead of tobacco passed and delivered out at and from the several warehouses in this colony between the twentieth day of October then next following and the twentieth day of October in the year one thousand seven hundred and sixty-four, and by another act, made in the thirty-second year of the reign of his said late majesty, entitled An act for granting an aid to his majesty for the better protection and defence of this colony, and for other purposes therein mentioned, the like duty of two shillings was imposed for every hogshead of tobacco so to be passed and delivered between the said twentieth day of October one thousand seven hundred and sixty-four, and the twentieth day of October one thousand seven hundred and sixty-seven, and by another act made in the thirty-third year of the reign of his said late majesty, entitled An act for granting the sum of ten thousand pounds for the further protection of this colony, the like duty of two shillings was imposed for every hogshead of tobacco so to be passed and delivered between the said twentieth day of October one thousand seven hundred and sixty-seven, and the twentieth day of October one thousand seven hundred and sixty-nine, which duties the inspectors at the several warehouses are by the said acts directed and required to receive, account for, and pay to the treasurer of this colony, without fee or reward, which is found to be very unreasonable: Be it further enacted, by the authority aforesaid, That from and after passing of this act the said inspectors shall be allowed in their accounts to be settled with the treasurer for the said duties five per centum on the amount thereof, as a salary for their trouble in receiving, accounting for, and paying the same.

LXXIII. And be it further enacted, by the authority aforesaid, That all the penalties and forfeitures in this act contained, and not herein before particularly appropriated, shall be one moiety to our sovereign lord the king, his heirs and successors, to be applied towards defraying the charges of the execution of this act.
and the other half to the person who shall inform or sue for the same, and shall and may be recovered, with costs, by action of debt or information, in any court of record within this dominion, where the penalty or forfeiture exceeds twenty-five shillings, or two hundred pounds of tobacco, and where the same does not exceed those sums, before any justice of the peace for the county where the offence shall be committed.

LXXIV. Be it further enacted, by the authority aforesaid, That all penalties and forfeitures laid and imposed by any of the laws in force at the time of passing this act, and all breaches and offences against the same, shall and may be sued for and prosecuted, and judgments given in such suits and prosecutions, notwithstanding the said laws shall be expired at the time of the prosecutions begun, or judgments given, in the same manner as such suits and prosecutions might have been commenced, and judgments given, in case the said laws were not expired; any law, statute, custom, or usage, to the contrary thereof, in any wise, notwithstanding.

LXXV. And be it further enacted, by the authority aforesaid, That when any action shall be prosecuted against any sea-faring person, founded on this or the before recited act, such person shall not be admitted to appear to such action until he or they shall have given special bail; any law, or custom, to the contrary notwithstanding.

LXXVI. And be it further enacted, by the authority aforesaid, That all and every act and acts heretofore made, as to so much thereof as is within the purview of this act, be, and the same is repealed.

LXXVII. And be it further enacted, That this act shall commence and be in force from and after the first day of October next, and shall continue for and during the term of two years.
An act to prevent frauds in the drawback of the duties on Liquors imported into this colony.

I. WHEREAS divers frauds have been committed by ill disposed people in order to obtain a drawback of the duties imposed upon the importation of liquors, and the act of assembly made in the thirty-second year of the reign of his late majesty king George the second, entitled An act for reducing the several acts made for laying a duty upon liquors into one act, being found defective, and not to answer the purposes thereby intended:

II. Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That every collector of the duties upon liquors shall at the time of making up his accounts with the treasurer of this colony produce to him as a voucher such particular account of the liquors exported as the person intending to export the same is by the said recited act required to give in to the said collector, subscribed and sworn to before him; and if any such collector shall fail to produce the same to the treasurer at the time aforesaid, every such article mentioned in his accounts for which he shall so fail to produce such voucher as aforesaid shall be deducted out of his accounts by the said treasurer.

III. And be it further enacted, by the authority aforesaid, That no person whatsoever shall, from and after the passing this act, be entitled to the drawback of the duties upon any liquors purchased for the use of any ship or vessel whatsoever; any thing in the said recited act to the contrary, or seeming to the contrary, in any wise, notwithstanding.
CHAP. XX.

An act for continuing the act for appointing an agent, and two other acts therein mentioned.

I. WHEREAS the act of the general assembly made in the thirty-second year of the reign of his late majesty king George the second, entitled An act for appointing an agent, and which was explained and amended by another act passed in the thirty-fourth year of his said late majesty's reign, together with another act made in the third year of his present majesty's reign, entitled An act for adding sundry persons to the committee appointed to correspond with the agent of this colony, will expire on the fourteenth day of April one thousand seven hundred and sixty-six, and it being thought necessary that the said act should be continued:

II. Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said three recited acts of assembly shall continue and be in force from and after the expiration thereof, for and during the term of five years from thence next following; and no longer.
An act to revive and amend an act entitled An act for establishing a trade with the Indians in alliance with his majesty, and also to amend one other act for directing the trustees of the Indian Factory of Virginia to sell the goods imported by them, and to pay the money arising by such sale into the treasury for the use of the publick.

I. WHEREAS by an act of assembly made in the thirtieth year of the reign of his late majesty king George the second, entitled An act for establishing a trade with the Indians in alliance with his majesty, the sum of five thousand pounds was appropriated for carrying on the said trade for five years, but by reason of the hostilities soon after committed by the Indians the said intended trade was interrupted, and the goods imported for that purpose were, by another act made in the thirty-third year of his said late majesty's reign, directed to be sold on credit, and the money arising by such sale to be paid into the hands of the treasurer of this colony, which money still remains unpaid by the purchasers of the said goods.

II. And whereas the Cherokee Indians have requested that this government would regulate the trade with them, prevent abuses therein, and provide that they may be furnished with a sufficiency of necessary goods, by honest and sober men, at reasonable rates, the granting of which request may be not only productive of much good to those people, but tend to the safety and tranquillity of this colony, and to strengthen the peace and friendship subsisting between the said Indians and this colony, and effectually to secure their affection to the British interest.

III. And whereas the coming down of the Indians to Williamsburg on frivolous occasions hath been attended with great expense to the colony, to prevent which, and the abuses complained of, and to effectuate the good pur-
poses aforesaid, it is absolutely necessary that the Indian trade, and the power and liberty of supplying the Indians with goods, wares, and merchandises, should be put under proper regulations, in manner herein after directed: Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the honourable Peter Randolph and William Byrd, esquires, Richard Bland, Archibald Cary, Thomas Walker, John Fleming, Thomas Tabb, and John Chiswell, gentlemen, be, and they are hereby constituted and appointed trustees and directors for the better managing and carrying on such Indian trade. And the said trustees, or any five of them, are hereby authorized and empowered to act in all things relating to the said trade, and to manage, govern, direct, and do what they shall judge necessary and expedient for the well ordering conducting, and carrying on the same; and shall, as soon as the same can be conveniently done, send to Great Britain for, or purchase, a cargo of goods, such as may best answer the wants and occasions of the Indians, and cause or procure the goods so to be sent for or purchased to be carried with all convenient speed and safety to some fortress built or to be built for the defence of the south-western frontiers of this colony, or to any Indian nation, town, or other place, they shall judge most convenient for carrying on the said trade.

IV: And be it further enacted, by the authority aforesaid, That the said trustees shall contract with some factor, who shall, from the last day of August to the last day of May, constantly reside at the factory or place appointed for the sale or disposal of the said goods, to barter and dispose of the same to such Indians as shall be willing to purchase them, at such rate of advance, and under such regulations, as shall be settled and made by the said trustees from time to time; and shall receive from such Indians, in exchange for the goods so to be sold them, all skins, furs, and other valuable commodities which they may have to dispose of, which the said trustees shall cause to be disposed of in this colony, or shipped to Great Britain, as they shall think best, and consigned to some merchant or merchants, in order to be disposed of there, and the money laid out in the purchase of another cargo of goods for the uses aforesaid; and in such manner shall the trustees continue and carry on the said trade, at the risk and for the profit of the
publick, for and during seven years from the passing of this act, and no longer.

V. Provided always, and be it further enacted, That the said trustees shall not send out, or permit or suffer to be sent out, any rum, brandy, or other spirituous liquors, to be bartered or sold to such Indians by any such factor, or other persons by them employed for carrying on the said trade.

VI. And be it further enacted, by the authority aforesaid, That it shall and may be lawful for the said trustees to employ one or more Indian interpreter or interpreters, and such other persons as they shall think necessary, who shall be under the direction of the factor, to reside at the said factory, for the better enabling the said factor to transact business with the Indians; and may also employ such messenger or messengers as they shall think necessary to send to any nation or tribe of Indians to notify to them the trade hereby intended to be established with them, and the expenses of such persons so employed shall be allowed the trustees in their accounts.

VII. And be it further enacted, That the factor so to be employed by the said trustees, before he enters or takes upon himself the said office and employment, shall make oath before a justice of the peace of this colony faithfully to discharge his duty according to the directions of this act, and shall give bond, with good security, to the said trustees and their successors, in the penalty of double the value of the goods committed to his care and management, not to trade with the said Indians on his own or any other private account, nor suffer the same to be done by any person under his direction, except for provisions; and to render a faithful account of the sale of such goods, with the produce thereof; and in a just, fair, and mercantile method, to keep accounts of all the dealings and transactions in the said trade; and annually to deliver a fair copy of his books of accounts to the said trustees, and settle the same with them: And the said factor, and those under his direction, shall be allowed such salary for their service as the said trustees shall think they deserve and contract with them for. And on the removal of such factor from his office, the said trustees, or any three of them, are hereby empowered to compel such factor (and in case of his death, his executors or administrators) to make up a just account of the said trade, and deliver to
the said trustees the goods, books, and papers, relating or belonging to the same. And that a committee, to be appointed for that purpose by the house of burgesses, shall, once in every two years at the least, inspect the accounts and proceedings of the said trustees, and report the state of the same to the general assembly.

VIII. And be it further enacted, by the authority aforesaid, That if any of the said trustees shall happen to die, or refuse to act, it shall be lawful for the survivors of them to elect another fit person in the room of him so dying or refusing to act, who shall have the same power and authority to act in the trust aforesaid as if he had been particularly named in this act; and that the trustees herein named, with such as shall be so appointed, shall be called The Trustees of the Indian Factory of Virginia, and by that name and style shall have succession during the continuance of this act, and may sue and implead, be sued and impleaded, in all cases relating to the said trust, in all courts whatsoever, and generally do and execute all and every other matter and thing required to be done and performed by them in their trust aforesaid.

IX. And be it further enacted, That it shall not be lawful for any other person or persons to trade with the said Indians without a license for so doing under the hand and seal of the governour or commander in chief of this colony for the time being, and also without having executed a bond, with sufficient sureties, in the penalty of five hundred pounds, with condition that he or they shall not trade contrary to the form and directions of this act, under the penalty of forfeiting the value of the goods, or the skins and furs bartered for by them, and which shall be found in the possession of such trader; neither shall any person whatsoever sell to any Indians any spirituous liquors in any place within this colony beyond the settled inhabitants, under the penalty of fifty pounds for every offence, to be recovered by action of debt or information in any court of record within this colony, one moiety whereof to the trustees aforesaid, to be applied to the use of the said Indian trade, and the other moiety to him, her, or them, that shall or will inform or sue for the same.

X. And be it further enacted, by the authority aforesaid, That the said trustees shall receive the money now due for the goods sold according to the directions of the aforesaid act made in the thirty third year of his said
late majesty's reign, and apply the same for the purposes in this act mentioned; and that John Robinson, esquire, treasurer of this colony, or the treasurer for the time being, appointed by or pursuant to an act of assembly, out of the publick money in his hands, shall, by warrant from the governour or commander in chief of this dominion, pay to the said trustees so much money as shall be necessary for the purposes aforesaid, so as the whole money so to be paid by him do not exceed two thousand five hundred pounds.

XI. And be it further enacted, That if any person whatsoever shall take upon himself to conduct or convey any Indian or Indians to Williamsburg without a license for that purpose from the governour or commander in chief of this colony for the time being, or the factor to be appointed in pursuance of this act, every person so offending shall for every offence forfeit and pay fifty pounds, to be recovered and appropriated in the same manner as the other penalties are by this act.

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CHAP. XXII.

An act for amending and declaring the law concerning the escape of debtors out of the prison rules, and for other purposes therein mentioned.

I. WHEREAS many controversies and disputes have arisen concerning the duty of sheriffs upon prisoners in execution for debt escaping and going at large out of the prison rules, where they have obtained the liberty of the same by giving bond and security according to the directions of the laws now in force concerning the same: For settling and establishing a certain method of proceeding in such cases for the future, may it please your most excellent majesty that it may be enacted. And be it enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That when any person in execution as aforesaid, who
shall have obtained the liberty of the prison rules, by giving bond and security for the same as aforesaid, shall hereafter escape and go out of the same, the sheriff of the county where such prisoner was in custody shall, and he is hereby required, immediately to apply to a justice of the peace for an escape warrant to retake such prisoner, according to the directions of the act of assembly made in the twenty-second year of the reign of his late majesty king George the second, entitled An act prescribing the method of appointing sheriffs, and for limiting the time of their continuance in office, and directing their duty therein; and such sheriff shall, and he is hereby required, immediately to give notice there-of to the creditor at whose suit he was in custody, or to his attorney or agent, and shall assign over and deliver to such creditor, or his attorney, the bond by him taken for the liberty of the prison rules, who shall be obliged to receive the same, and thereupon it shall and may be lawful for such creditor, or his attorney, to pursue the method directed by the herein before recited act for re-taking such debtor upon the escape warrant aforesaid; and if he be retaken thereupon and committed to gaol, the sureties for his keeping the prison rules shall be discharged from their bond; or such creditor, or his attorney, shall or may, at their election, commence and prosecute an action or suit at law against the security or securities named in such bond for the recovery of his debt, notwithstanding he shall have applied for and obtained an escape warrant against his debtor as aforesaid, if such debtor is not retaken and committed to gaol thereupon; and the sheriff shall not be liable or answerable for the payment of the debt for which such prisoner was in custody, unless the security or securities named in the bond by him taken of such prisoner for the liberty of the prison rules shall afterwards be found to have been insufficient for the payment of such debt at the time the same was taken.

II. And whereas it hath been doubted what proceedings might be had, pursued, or taken, against a coroner for neglect or breach of duty, when employed in the execution of civil process to him directed: Be it further enacted, by the authority aforesaid, That if any coroner shall hereafter fail or neglect to execute and make due return of any writ or other process to him legally issued and directed within his county, or shall make false return thereof; or shall fail or neglect to return any writ
of execution to the office from whence the same shall issue, at or before the day of the return thereof; or if any coroner shall make return upon any writ of *fieri facias*, or *renditioni exponas*, that he hath levied the debt, damages, and costs, as in such writ is required, or any part thereof, and shall not immediately pay the same to the party to whom the same is payable, or his attorney; or shall return upon any writ of *capias ad satisfaciendum*, or attachment, for not performing a decree in chancery for payment of any sum of money or tobacco, that he hath taken the body or bodies of the defendant or defendants, and hath the same ready to satisfy the money and tobacco in such writ mentioned, and shall actually have received such money or tobacco of the defendant or defendants; or have suffered him, her, or them, to escape with his consent, and shall not immediately pay such money or tobacco to the party to whom the same is payable, or his attorney, that then, or in either of the said cases, such coroner shall be subject and liable to the like penalties and forfeitures, and also to the same judgments and executions, to be recovered in the same manner as by the several acts of assembly of this colony are imposed, directed, and prescribed, against sheriffs for the like breaches or neglect of duty; any law, usage, or custom, to the contrary thereof, in any wise, notwithstanding.

III. And for explaining and enlarging the power of the several county courts of this colony concerning the bounds and rules of their respective county prisons, *Be it further enacted, by the authority aforesaid*. That the justices of every county shall be, and they are hereby empowered and required to mark and lay out the bounds and rules of their respective county prisons, not exceeding ten, nor less than five acres of land, adjoining to such prison, which marks and bounds shall be recorded, and shall and may be altered and renewed from time to time, as occasion shall require, or as the said justices shall think fit.

IV. And whereas doubts have arisen whether special bail have a right to surrender their principal at any time before judgment, and also in what manner they are to discharge themselves by such render after judgment, and before execution is sued out: *Be it therefore further enacted, by the authority aforesaid*. That it shall and may be lawful for the special bail in any suit depending at the time of the commencement of this act.
or thereafter to be brought in any court of record in this colony, to surrender the principal before the court where such suit shall be depending, at any time before judgment shall be given in such suit; and thereupon the bail shall be discharged, and the defendant or defendants shall be committed to the custody of the sheriff or gaoler attending such court, if the plaintiff or his attorney shall desire the same, or such special bail may discharge themselves by surrendering the principal to the sheriff of the county where the original writ was served: And such sheriff is hereby required to receive such defendant, and commit him or her to the common gaol of his county, and shall give a receipt for the body or bodies of such defendant or defendants, which shall be by the bail forthwith delivered to the clerk of the court where the said suit is depending; and in either case such proceedings shall be had against such defendant or defendants in custody as if he or they had been committed, or remained in custody, for want of bail.

V. And be it further enacted, That where the special bail in any action or suit in which judgment hath been or shall be given are or shall be entitled to discharge themselves by surrendering the principal, it shall and may be lawful for such bail to make such surrender either before the court where judgment was obtained or to the sheriff of the county where the original writ in such suit was served, and thereupon the bail shall be discharged.

VI. Provided always, and be it further enacted, That where such render after judgment shall be to the sheriff he shall receive and keep such principal in his gaol and custody, in the same manner, and subject to the like rules, as are provided for debtors committed in execution during the space of twenty days, unless the creditor, his attorney, or agent, shall sooner consent to his or her discharge. And such sheriff shall give a receipt for the body of such debtor to the bail, who shall give immediate notice thereof to the creditor, his attorney, or agent. And if within the said twenty days such creditor or creditors shall not charge the debtor in execution, he or she shall be forthwith discharged out of custody; but the plaintiff or plaintiffs may nevertheless afterwards sue out execution either against the body or estate of such debtor.

VII. And be it further enacted, That when any slaves shall be taken in execution and sold, the names of such

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slaves shall be certified on the back of such execution, and shall be returned to and recorded among the records of the court where such execution shall issue.

VIII. And whereas some doubts and disputes have arisen whether the sheriffs are entitled to any and what commissions upon the amount of debts due from persons either committed to their custody in court or taken upon executions, and who have afterwards taken the benefit of the act of assembly made for the relief of insolvent debtors, and been discharged as such, or who having remained in prison twenty days are discharged by the sheriff for want of security for the prison fees: For settling and putting a stop to any further disputes thereon, Be it further enacted, by the authority aforesaid, That from and after the passing of this act it shall not be lawful for the sheriffs or other officers to demand, receive, or take, of or from any creditor or suitor, at whose suit or instance any debtor shall be committed to his custody by the court, or shall be taken in execution, and shall afterwards be discharged by taking the oath of an insolvent debtor, or for want of security for the prison fees, any commissions upon the amount of the debt for which such insolvent was in custody as aforesaid, except on the amount of the effects mentioned in the schedule delivered in by such debtor, nor any other fees or perquisites than such as are already allowed by law upon the commitment, releasement, and for the maintenance of such debtor.

IX. And whereas it is represented that some sheriffs have demanded commissions upon the amount of the penalties of bonds, or other writings, on which judgments have been obtained and executions issued, which is altogether unreasonable and unjust: Be it further enacted, That it shall not hereafter be lawful for the sheriffs, or other officers, to demand, receive, or take, any such commissions upon the penalties mentioned or expressed in executions delivered to them to be executed, but upon the sum only, by the payment of which such execution is directed to be discharged, from the person against whom such executions shall be issued, any former custom or usage to the contrary thereof in any wise notwithstanding.

X. And whereas it has sometimes happened that poor insolvent debtors have been a long time confined in gaol for want of knowing to whom to give notice of their intention to take the benefit of the act for relief of
OCTOBER 1765—5th GEORGE III.

such insolvents, where the party at whose suit such debtor was in execution did not reside in this colony, nor had any known agent or attorney here to whom he could give such notice, which by the laws in force in such cases is required to be given, which long confinements have also happened in cases where debtors have remained in prison twenty days, and the sheriffs or gaolers have not known to whom to give notice thereof, or of whom to demand security for their prison fees after the expiration of the twenty days: For the further relief therefore of such insolvent debtors, Be it enacted, by the authority aforesaid, That when the party at whose suit or instance any such debtor shall be confined in execution does not reside in this colony, nor hath any known agent or attorney here, it shall and may be lawful and sufficient for such insolvent debtor to give notice of such his intention to take the benefit of the said act for relief of insolvents to the attorney at law who prosecuted the suit against him; and also where the debtor shall have remained in execution for the space of twenty days, it shall be lawful and sufficient for the sheriff or gaoler, in the like cases, to give notice thereof to the attorney who prosecuted the suit, and to demand security of him for the prison fees that shall accrue after the expiration of the twenty days; and if he shall fail or refuse to give such security, then to discharge such debtor out of custody.

XI. And be it further enacted, That the clerk of every county court shall enter in a docket, or book by him to be kept for that purpose, a list of all executions by him issued, the name of the person to whom delivered, and what return is made thereon, in case the same be returned, and shall constantly carry the said book to his county court.

XII. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.
An act for appointing Commissioners to examine and state the accounts of the Militia lately ordered out into actual service, and for other purposes therein mentioned.

I. WHEREAS several companies of the militia of this colony have been drawn out into actual service, by command of his honour the governor, for the defence and protection of the frontiers against the incursions and depredations of the Indians, and there is now due on such account several sums of money, as well for the arrears of the pay of such militia, as for provisions, arms, and other necessaries furnished for them by several persons, an account of some part whereof is hereunto annexed; and sundry other accounts for the like services cannot now be settled by this general assembly, for want of proper vouchers, and it will be a great saving to the colony, as well as ease to the several claimants, to have the accounts of their pay, and the provisions, arms, ammunition, and other necessaries furnished for them, adjusted by commissioners in the country:

Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That Archibald Cary, Thomas Walker, John Fleming, William Cabell, George Carrington, Thomas Lewis, and Peter Hog, gentlemen, be, and they are hereby appointed commissioners for the counties of Augusta, Bedford, Halifax, and Amherst; and James Hamilton, Richard Lee, Thomas Rutherford, Thomas Marshal, William Green, and James Wood, gentlemen, for the counties of Frederick, Hampshire, Culpeper, Loudoun, Fauquier, and Prince William; to examine, state, and settle the accounts of such pay, provision, arms (whether belonging to the county or to private persons) ammunition, and other necessaries for the militia of the counties for which they are appointed commissioners, and all arrears whatsoever relating to the militia; and the said commissioners, or any three of them, shall, and they are hereby empowered and required to meet for
the purposes aforesaid at such times and places as they shall respectively think fit and convenient, of which time and place publick notice shall be advertised at the court-house of each respective county at least one month before such meeting; and to adjourn from time to time until they shall have settled all the accounts of the said militia, and arrears of such as aforesaid, and shall have power to call all persons concerned in settling the said accounts before them, and to administer an oath or oaths to any person or persons for their better information in the premises. And that the said commissioners, or any two of them, shall certify the said accounts so by them examined, stated, and settled, to the governour or commander in chief for the time being, who is hereby desired to issue his warrant to the treasurer of this colony from time to time for the payment thereof; and the said treasurer shall, on the first day of November next, pay the several accounts stated in the schedule hereto annexed out of the money in his hands, for bills of exchange drawn or to be drawn on the agent of this colony in Great Britain, in pursuance of an act of assembly made in the thirty-fourth year of the reign of his late majesty king George the second, entitled An act for appointing persons to receive the money granted or to be granted by the parliament of Great Britain to his majesty for the use of this colony. And the accounts so examined, stated, and settled by the said commissioners, and certified by the governour according to the directions of this act, shall be paid by the said treasurer out of the residue of the said money, as far as it will go, after paying the several accounts in the schedule mentioned, and the balance out of the money that shall come to his hands by virtue of two acts of this present session of assembly, the one For raising a Public Levy, and for other purposes therein mentioned, and the other To empower the treasurer to receive the money due from the province of Pennsylvania to this colony.

II. And whereas the arms, ammunition, provisions, and necessaries purchased at the publick expense, and now on hand, ought to be sold for the publick benefit: Be it enacted, by the authority aforesaid, That the commanding officer of each of the counties from which the militia has been sent into service in the pay of this colony shall, within the space of three months after the passing this act, sell, for the best price that may be had
for the same, all arms, ammunition, provisions, and necessaries purchased at the publick expense in the said counties, and pay the money arising from such sale to the treasurer of this colony for the time being, for the use of the publick. And if any person or persons who have any arms, or other things hereby directed to be sold, in their possession belonging to the publick, shall delay or refuse to deliver them up to the commanding officer of the county in which such person or persons reside, he, she, or they, so delaying or refusing shall for every offence forfeit and pay the sum of ten pounds; to be recovered, with costs, by the informer, in any court of record in this dominion, where the same shall be cognizable.

III. And be it further enacted, by the authority aforesaid, That the said commissioners shall also settle and allow any claims that shall be produced to them for provisions furnished the volunteers and captives on their return from Pittsburg to this colony.

SCHEDULE to which this Bill refers.

AUGUSTA.

1763. To William Matthews for Provisions, £10 15 0
Joseph Carpenter for do. 4 6 10
Zopher Carpenter for do. 7 12 8
Matthias Teas for horse hire, 4 6
Samuel Campbell for provisions, 10
Joseph Mayes for do. 10 8 6
for horse hire, 10
Francis Ivy, for provisions, 12 5
Joseph Skedmore for do. 11 10 6
Nicholas Holman for do, 5 3 6
Philip Harper for do. 1 10
Thomas Maller for do. 13 6
George Harmond for do. 12 5 7½
Jacob Harper for do. 2 17 6
Jonas Friend for do. 14 0 9
George Coplinger for do. 13 3 4
Nicholas Havener for do. 12 6
Henry Stone for do. 2 2 9
James Gemmel for do. 3 15
John Young for do. 1 18
Robert Carlyle for do. 1 8 5
Robert Dunlop for do. 2
<table>
<thead>
<tr>
<th>Year</th>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1763</td>
<td>Poetan Hover for do.</td>
<td>13 13 ½</td>
</tr>
<tr>
<td></td>
<td>Peter Smith for do.</td>
<td>1 3 8</td>
</tr>
<tr>
<td></td>
<td>Jacob Rolman for do.</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Wallis Estile for do.</td>
<td>3 6 4 ½</td>
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<tr>
<td></td>
<td>George Coyle for do.</td>
<td>1 14 6</td>
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<tr>
<td></td>
<td>Robert Hall for do.</td>
<td>4 15 7 ½</td>
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<tr>
<td></td>
<td>John Mann for do.</td>
<td>1 19 3</td>
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<tr>
<td></td>
<td>Daniel Harrison for do.</td>
<td>2 18 8</td>
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<td></td>
<td>John Gum for do.</td>
<td>1 13 6</td>
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<tr>
<td></td>
<td>Josiah Hamilton for do.</td>
<td>2 13 6</td>
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<tr>
<td></td>
<td>Frederick Stern for do.</td>
<td>11 16 5</td>
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<tr>
<td></td>
<td>William Fitzjarrel for horse hire,</td>
<td>3 4 6</td>
</tr>
<tr>
<td></td>
<td>Joseph Carpenter, jun. for provisions,</td>
<td>3 15 5</td>
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<tr>
<td></td>
<td>Philip Petro for do.</td>
<td>2 15</td>
</tr>
<tr>
<td></td>
<td>William Shannon for horse hire,</td>
<td>3</td>
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<tr>
<td></td>
<td>Benjamin Harrison, capt. for pay of himself and company, as per roll</td>
<td>176 9 4</td>
</tr>
<tr>
<td></td>
<td>Benjamin Harrison for provisions, do for ammunition,</td>
<td>1 00 5</td>
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<tr>
<td></td>
<td>Thomas Walker for 4 days attendance as commissioner,</td>
<td>2</td>
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<tr>
<td></td>
<td>Thomas Lewis for do.</td>
<td>2</td>
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<tr>
<td></td>
<td>Peter Hog for do.</td>
<td>2</td>
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<tr>
<td></td>
<td>Andrew Lewis for his pay as colonel 219 days at 10 s.</td>
<td>109 10</td>
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<tr>
<td></td>
<td>William Preston for do. as major 213 days at do.</td>
<td>106 10</td>
</tr>
<tr>
<td></td>
<td>John Hawkins as clerk to the commissioners,</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>The above settled by Commissioners.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>George Moffet for provisions,</td>
<td>11 12 8</td>
</tr>
<tr>
<td></td>
<td>Anthony Bledsoe for do.</td>
<td>6 17 9</td>
</tr>
<tr>
<td></td>
<td>James Ewing for salt,</td>
<td>1 3</td>
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<tr>
<td>1761</td>
<td>Alexander Sawyers for waggonage and provisions,</td>
<td>231 9 6</td>
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<tr>
<td>1758</td>
<td>William Carvin for horse hire and provisions,</td>
<td>8 10 6</td>
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<tr>
<td></td>
<td>Robert Brackenridge for himself and company,</td>
<td>46 2 10</td>
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<tr>
<td></td>
<td>Edward Carvin,</td>
<td>5</td>
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<tr>
<td></td>
<td>James Hughes,</td>
<td>10 9 8 ½</td>
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<tr>
<td></td>
<td>John Crawford,</td>
<td>8</td>
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<tr>
<td></td>
<td>Michael Teibolt,</td>
<td>10</td>
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<tr>
<td></td>
<td>John Armstrong,</td>
<td>30</td>
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<tr>
<td></td>
<td>Lantey Armstrong,</td>
<td>30</td>
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<tr>
<td>Year</td>
<td>Description</td>
<td>£</td>
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</tr>
<tr>
<td>1758</td>
<td>John Donnelly, James Bryan, John Smith, Samuel Meredith, Robert Kirkum and Joseph Bates</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>To sundry persons for damages, provisions, &amp;c. as per account settled by commissioners at Staunton</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>14s. each</td>
<td>1</td>
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<tr>
<td>ALBEMARLE.</td>
<td></td>
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<tr>
<td>1756</td>
<td>To William Fuqua for his pay, Thomas Walker</td>
<td>1</td>
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<tr>
<td></td>
<td></td>
<td>87</td>
</tr>
<tr>
<td>AMHERST.</td>
<td></td>
<td></td>
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<tr>
<td>1756</td>
<td>John Tarrant for horse hire</td>
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</tr>
<tr>
<td></td>
<td>Benjamin Denny for do. and provisions, Aaron Higginbotham for provisions, Peter Carter for horse hire, William Fowler for do. Jacob Brown for provisions</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>10</td>
<td>8</td>
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<tr>
<td>BEDFORD.</td>
<td></td>
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<tr>
<td>1758</td>
<td>To Joseph Rentfro for provisions, Henry Haynes for ammunition, Joseph Rentfro for a horse, William Irvine</td>
<td>56</td>
</tr>
<tr>
<td></td>
<td>13</td>
<td>6</td>
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<tr>
<td></td>
<td>7</td>
<td>0</td>
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<tr>
<td></td>
<td>5</td>
<td></td>
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<tr>
<td>CULPEPER.</td>
<td></td>
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<tr>
<td>1763</td>
<td>To Francis Browning for provisions, &amp;c. John Corbin for provisions, William Roberts for do. Sundry inhabitants of this county, Hampshire, and Frederick, for guns.</td>
<td>0</td>
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<tr>
<td></td>
<td></td>
<td>2</td>
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<td></td>
<td></td>
<td>14</td>
</tr>
</tbody>
</table>
provisions, &c. impressed, as per commissioners report with the Governour's warrant,

AUGUSTA continued.

1759. To Israel Christian, administrator, &c. of Alexander Sayers, deceased, for his pay as a captain of Militia,

<table>
<thead>
<tr>
<th>Name</th>
<th>Pay</th>
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<tbody>
<tr>
<td>Audley Paul</td>
<td>£2</td>
</tr>
<tr>
<td>Joseph Ray</td>
<td>£6</td>
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<tr>
<td>Robert Steel</td>
<td>£2</td>
</tr>
<tr>
<td>James Haynes</td>
<td>£2</td>
</tr>
<tr>
<td>Charles Ramsey</td>
<td>£12</td>
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<tr>
<td>John Greenlee</td>
<td>£6</td>
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<tr>
<td>James Slinker</td>
<td>£2</td>
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<tr>
<td>Samuel Newbery</td>
<td>£8</td>
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<tr>
<td>William McDonald</td>
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<td>John Robertson</td>
<td>£6</td>
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<tr>
<td>Henry Filbrick</td>
<td>£2</td>
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<tr>
<td>Joseph McClellan</td>
<td>£2</td>
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<tr>
<td>Abrahom Thomson</td>
<td>£12</td>
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<tr>
<td>James Stewart</td>
<td>£6</td>
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<td>James Berry</td>
<td>£2</td>
</tr>
<tr>
<td>James Amox</td>
<td>£2</td>
</tr>
<tr>
<td>James Dooley</td>
<td>£2</td>
</tr>
<tr>
<td>Henry Dooley</td>
<td>£2</td>
</tr>
<tr>
<td>Daniel Young</td>
<td>£2</td>
</tr>
<tr>
<td>Edmund Young</td>
<td>£2</td>
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<tr>
<td>Abraham Dooley</td>
<td>£2</td>
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<tr>
<td>Thomas Caldwell</td>
<td>£2</td>
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<tr>
<td>Humphrey Baker</td>
<td>£2</td>
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<tr>
<td>James Hay</td>
<td>£2</td>
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<tr>
<td>Charles Lockart</td>
<td>£2</td>
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<tr>
<td>Samuel Vance</td>
<td>£2</td>
</tr>
<tr>
<td>Alexander Collier</td>
<td>£2</td>
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<tr>
<td>John Cox</td>
<td>£2</td>
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<tr>
<td>David Cox</td>
<td>£2</td>
</tr>
<tr>
<td>James Arbuckle</td>
<td>£2</td>
</tr>
<tr>
<td>Matthew Arbuckle</td>
<td>£2</td>
</tr>
<tr>
<td>John Arbuckle</td>
<td>£2</td>
</tr>
<tr>
<td>Gilbert Christian</td>
<td>£2</td>
</tr>
<tr>
<td>John Gregory</td>
<td>£2</td>
</tr>
</tbody>
</table>

To be paid to Israel Christian for the use of the lieutenant and men, and accounted for by him to the treasurer, if the claimants do not apply for the same.

Arthur Campbell his pay while a prisoner,

Capt. John Smith do.

FAUQUIER.

1759. To Francis Moore for prison fees paid for a deserter of the Virginia regiment,

FREDERICK.

1759. To Richard Pearis,

<table>
<thead>
<tr>
<th>Name</th>
<th>Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>The administratrix of William Staunton</td>
<td>£81</td>
</tr>
<tr>
<td>Captain Luke Collins for ten days pay at 6 shillings</td>
<td>£18</td>
</tr>
</tbody>
</table>

R—Vol. 8.
1758. To Peter Vanbeyver for provisions,
Sarah Davis for do.
James Rentfro for do.
Elizabeth Carson for do.
Peter Vanbeyver, jun. for do.
Rebekah Stalker for do.
Joseph Willis for do.
Charles Witts for do.
William Satterwhite for salt,
£ 16 6
£ 12 10
£ 3 14
£ 3 17 6
£ 1 12 5
£ 1 7 9
£ 5 2 8
£ 2 18

1759. Benjamin Dijkstra for an express,
£ 2 10

1760. George Boyd, lieutenant, his pay for himself and company, as per roll, and for some
necessaries found,
£ 22 6 10½
George Yates for provisions,
£ 1 00 00

1759. Joshua Powell for his roll settled by commissioners with governour’s warrant,
£ 41 16

1763. James Roberts, jun. assignee of Preston Hampton, for provisions,
£ 7 9 6
Hamon Crite for do.
William Wright for do.
Theophilus Lacey for do.
William Wright for do.
John Weldrick Bender for do.
John Talbot for do.
George Young for do.
Bethany Hanes for do.
John Lynk for do.
Hamon Crite for do.
George Young for do.
Thomas Billing for do.
James Roberts, jun. assignee of Patrick Shields, for do.
Bethany Hanes for do.
Moses Airs for an express,
John Dean for his pay in the service,
Stephen Terry for do.
Richard Murfey for do.
Thomas Jones for provisions,
Peter Rogers for a horse lost,
Robert Wade, capt. his pay,
Peter Rogers, lieut. do.
James Lyon, ensign, do.
HALIFAX—continued.

1763. To Henry Scrugs and John Link, sergeants, £7 3 0 each, 14 6
Joshua Jones and Jonathan Jones, £3 16 6 each, 7 13
The executors of Robert Wade, jun. deceased, for Richard Condron and James Symms, 20 s. each, 2
John Ray, 3 12
John Dyer, 4 7
Abraham Whitter, Joshua Smith, Elias Brock, Elisha Pierce, and John Goff, £4 10 0 each, 22 10
Jacob Shepard, 2 8
Edward Cason, Larkin Cason, David Bol- ling, Frederick Farmer, David Hamby, Jonathan Hamby, and John Jennings, £2 5 0 each, 15 15
Robert Wade for horse hire, 3 18
Peter Rogers for do. 7 16
do. for provisions, 17 7
Waters Dunn for ammunition, &c. 6 9 7
Robert Wade for a horse, 8 10
William Satterwhite for salt, bags, &c. 2 5
Peter Rogers, lieutenant, his pay, 1 7
do. for a horse, 8 10
John Link, Barton Link, John Salmon, Edward Cason, Larkin Cason, Richard Turner, William Follas, John La- gin, and James Page, 7 s. each, 3 3
Waters Dunn for sundries, 3 10 10

HANOVER.

1763. To John Boswell for provisions, 0 18 8
William Winston, damage done, &c. 25 0 0
<table>
<thead>
<tr>
<th>Date</th>
<th>To</th>
<th>Details</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1763</td>
<td>John Chiswell and company</td>
<td>for lead and provisions</td>
<td>110 6 4</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1763</td>
<td>John Terrier</td>
<td>for damage done by Virginia regiment</td>
<td>20 0 6</td>
</tr>
<tr>
<td></td>
<td>Charles Carter</td>
<td>for do.</td>
<td>45</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>1757</td>
<td>John Richards</td>
<td>for guarding draughted soldiers to Fredericksburg</td>
<td>4 16 6</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1757</td>
<td>Robert Adams, assignee of Stephen Thatcher</td>
<td>for his pay</td>
<td>5 12 6</td>
</tr>
<tr>
<td></td>
<td>Do. do. of Thomas Bond</td>
<td>for do.</td>
<td>4 10</td>
</tr>
<tr>
<td></td>
<td>Thomas Gore</td>
<td>for a rifle gun impressed</td>
<td>4 10</td>
</tr>
<tr>
<td></td>
<td>Stephen Emorie</td>
<td>for dressing guns for militia</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>James Clemons</td>
<td>for a gun impressed</td>
<td>4 10</td>
</tr>
<tr>
<td>1763</td>
<td>Captain Moss</td>
<td>for 60 days pay at 6 s.</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>Lieutenant Gore</td>
<td>for do. at 3s. 6d.</td>
<td>10 10</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1763</td>
<td>Susannah Wash</td>
<td></td>
<td>30 0 0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1758</td>
<td>David Gwin</td>
<td>for corn for militia</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>John Ashworth</td>
<td>for waggonage</td>
<td>32 5 6</td>
</tr>
<tr>
<td></td>
<td>Bryan Lester</td>
<td></td>
<td>4</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1758</td>
<td>Jethro Sumner</td>
<td>for a horse</td>
<td>9 0 0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1758</td>
<td>Henry Darnell</td>
<td></td>
<td>37 14 0</td>
</tr>
</tbody>
</table>
1758. To William Johnson for provisions, &c.
William Kendall for do.
William Johnson for do.

1758. To John McNelly for repairing arms for Virginia regiment,

1763. To William Baylis and company per roll,

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CHAP. XXIV.

An Act to prevent the practice of selling persons as slaves that are not so, and for other purposes therein mentioned.

I. WHEREAS it is represented to this present General Assembly that divers ill disposed persons have of late years been guilty of selling and disposing of mulattoes and others as slaves, who by the laws of this colony are subject to a service only of thirty one years, after which they become free: Be it therefore enacted by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, that if any person or persons shall hereafter sell as a slave within this colony, or carry or cause to be carried out thereof and sell as a slave, any such mulatto, or other servant, knowing him or her so to be, every such offender shall forfeit and pay the sum of fifty pounds to the purchaser of such servant or servants, over and above the money actually paid by such purchaser for the same; and moreover such offender shall be liable to the penalty of twenty pounds to any person who will inform or sue for the same, and may be

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1758</td>
<td>To William Johnson for provisions, &amp;c.</td>
<td>£ 29s 2d</td>
</tr>
<tr>
<td></td>
<td>William Kendall for do.</td>
<td>£11 4d</td>
</tr>
<tr>
<td></td>
<td>William Johnson for do.</td>
<td>£12 8d</td>
</tr>
<tr>
<td>1758</td>
<td>To John McNelly for repairing arms for Virginia regiment</td>
<td>£15 9s 9d</td>
</tr>
<tr>
<td>1763</td>
<td>To William Baylis and company per roll</td>
<td>£35 10s 8d</td>
</tr>
</tbody>
</table>
recovered, with costs, by action of debt or information, in any court of record within this colony. And if any person shall be a second time convicted of selling the same servant as a slave, he, she, or they, so offending, shall forfeit the residue of the time of service due from such servant, who shall thereupon be bound out, by order of the court of the county where the matter shall be tried, to serve to the age of twenty-one years, in the same manner as is by law directed for the binding out orphan children; but if such servant shall at the time of such trial have attained the age of twenty-one years, he shall be, and he is hereby declared to be free.

II. And be it further enacted, by the authority aforesaid, That if any offender against this act shall not have sufficient estate or effects to pay the fines and forfeitures hereby imposed, upon certificate thereof from the sheriff of the county where the offender resides, or other due proof made to the court of the county where the judgment shall have been obtained for such fine or forfeiture, such offender shall in that case, by order of such court, be obliged to serve the person to whom such servant was sold as a slave the full time of service that would have been due by law from such servant.

III. And whereas by one act of assembly made in the twenty-seventh year of the reign of his late Majesty, entitled An act for the better government of servants and slaves, it is amongst other things enacted that if any woman servant shall have a bastard child by a negro or mulatto, or if any free Christian white woman shall have such bastard child by a negro or mulatto, in both cases, besides the punishment inflicted on the mother of such bastard, the church-wardens shall bind the said child to be a servant until it shall be thirty-one years of age, which is an unreasonable severity towards such children: Be it therefore further enacted, by the authority aforesaid, That from and after the passing of this act the church-wardens shall bind out such bastard children already born, and not yet bound out, or which shall hereafter be born, either of white women servants or of free Christian white women, to serve, the males to the age of twenty-one years, and the females to the age of eighteen years only, and no longer; any thing in the said in part recited act to the contrary thereof, in any wise, notwithstanding.
IV. And be it further enacted, That the children hereafter to be born of mulatto women during the time of their service, who are obliged by law to serve to the age of thirty-one years, shall serve the master or mistress of such mulatto woman, the males to the age of twenty one, and the females to the age of eighteen years only, and no longer; any former law, custom, or usage, to the contrary thereof, in any wise, notwithstanding.

V. And be it further enacted, that so much of the said in part recited act as is repugnant to this act shall be, and the same is hereby repealed.

VI. Provided always, that the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

CHAP. XXV.

An Act to amend the act for the better government of Servants and Slaves.

I. WHEREAS the method for apprehending runaway servants and slaves, and conveying them to their owners, as directed by the act of assembly made in the twenty-seventh year of the reign of his late majesty king George the second, entitled An act for the better government of servants and slaves, hath been found not only very inconvenient to the owners of such servants and slaves, burthensome to the constables, and is also attended with great trouble and expense in settling the publick claims of the colony: Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the commencement of this act the taker up of every such runaway servant or slave, who shall discover the name of his or her master or owner, shall immediately carry such servant or slave before a justice of peace of the county where such servant or slave shall be taken up to be examined; and if thereupon, and upon the oath of the taker up, such servant or slave appears to be a run-
away, the justice shall grant the taker up a certificate of his having made such oath, reciting his or her proper name and surname, the county of his or her residence, the name of the runaway, the proper name and surname of his or her owner, and the county where he or she resides, the time and place when and where the runaway was taken up, and the distance of miles in the judgment of the justice from the place of residence of the owner, or from the house or quarter where the runaway was usually kept: And thereupon the taker up shall immediately carry such runaway to his or her owner, or cause the same to be delivered to the owner or overseer at the plantation from whence such runaway came, or was usually kept; and upon delivery of such runaway, and producing the certificate from the justice as aforesaid, the taker up shall be entitled to a reward of five shillings for taking up, and four pence for every mile mentioned in such certificate, to be paid by the owner thereof. And upon such owner's neglecting or refusing to pay the said reward, the taker up may sue for and recover the same, with costs, either by warrant, before a single justice, where the reward shall not exceed twenty-five shillings, or where the reward shall exceed that sum, then by a petition, or other action or suit, as the case may require, in any court of record within this colony.

II. And be it further enacted, by the authority aforesaid, that where such runaway servant or slave cannot or will not declare the name of his or her owner, the same proceedings shall be pursued as are directed by the before recited act of assembly.

III. And whereas by the first clause of the said act it is enacted that all servants (except convicts) imported into this colony without indenture, if they be christians, of christian parentage, and above nineteen years of age, shall serve but five years, and if they be under nineteen until they become twenty-four years of age, and no longer, but that every such servant under nineteen shall be brought within six months after his or her importation before the court of the county where the master lives, and his or her age adjudged by the court; otherwise shall be a servant no longer than the accustomed five years, although under the age of nineteen, and that the age of such servant so adjudged and recorded shall be accounted his or her true age in respect to the time of service: Be it further enacted, by the authority
OCTOBER 1765—5th GEORGE III.

That the said clause, and every thing therein contained, and so much of the said recited act concerning the apprehending and conveying such runaway servants and slaves, and paying for the same, as is contrary to this act, shall be, and the same is hereby repealed and declared null and void.

IV. Provided always, that the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof be obtained.

CHAP. XXVI.

An Act for amending the act entitled An act directing the trial of slaves committing capital crimes; and for the more effectual punishing conspiracies and insurrections of them; and for the better government of negroes, mulattoes, and Indians, bond or free.

I. WHEREAS the method prescribed for the trial of slaves committing capital crimes, in and by an act made in the twenty-second year of the reign of his late majesty king George the second, entitled An act directing the trial of slaves committing capital crimes, and for the more effectual punishing conspiracies and insurrections of them, and for the better government of negroes, mulattoes, and Indians, bond or free, hath occasioned much unnecessary expense and trouble in sending to the governor or commander in chief from the different parts of this colony for commissions of oyer and terminer for the trial of each particular slave, which commissions issue of course to the justices of the county, and it would save such expense and trouble if a power of trying slaves was vested in the justices of the county courts, without such particular commissions; and as the power of the commissioners determines at a certain time, difficulties have arisen in many cases, where the judgments could not be carried into execution within the time limited: For remedy whereof, may it please S—Vol. 8.
your most excellent majesty that it may be enacted, And be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the commencement of this act the governour or commander in chief of this colony for the time being is desired and empowered to issue commissions of oyer and terminer directed to the justices of each county respectively, empowering them from time to time to try, condemn, and execute, or otherwise punish or acquit, all slaves committing capital crimes within their county; and when any commission for constituting justices of the peace shall thereafter issue, a general commission of oyer and terminer for the purposes aforesaid shall be sent therewith, and directed to the same persons: And such justices, or any four or more of them (one being of the quorum) having taken the usual oaths to his majesty's person and government, and subscribed the same, and repeated and subscribed the test, and having also taken an oath well and truly to execute the office of justices of oyer and terminer, according to such commission, without favour, affection, or partiality, shall have power, and they are hereby required, to meet at the court-house of their county, at any time when there shall be occasion, for the trial of any slave or slaves committing any offence which by law is punishable with death or loss of member, or for carrying into execution any judgment by them given on such trial.

II. And be it further enacted, by the authority aforesaid, That when any slave or slaves shall at any time hereafter be committed to any county gaol by precept from a justice of the peace for any criminal offence, such justice shall forthwith issue his warrant to the sheriff of the county, requiring him to summon the justices to meet at their court-house on a certain day to be in such warrant appointed, to hold a court for the trial of such criminal or criminals; on which day, or at such other time as shall be appointed, in case a court shall not then be held, the said justices, or any four or more of them (one being of the quorum) shall cause the offender or offenders to be publicly arraigned and tried, without the solemnity of a jury, upon such evidence, in like manner, and subject to the several regulations in the herein before recited act directed and required, where the same is not hereby altered.
III. Provided always, and be it further enacted, That where any slave shall be convicted of manslaughter for killing a slave, such offender shall be allowed the benefit of clergy.

IV. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

CHAP. XXVII.

An Act to direct the collection of the land tax in arrear from part of Culpeper county, for the year one thousand seven hundred and fifty nine, and for other purposes therein mentioned.

I. WHEREAS James Pendleton, sheriff of the county of Culpeper, in the year one thousand seven hundred and fifty nine, did employ one Stephen Jett to be his under sheriff and collector of the land tax in that part of the said county which lieth in St. Mark's parish, but before such collection was finished the said Jett privately removed out of the colony, without rendering any account of what he had received for such land tax, or paying the money for the same; and the proprietors of lands in the said county having also neglected to give in to the clerk of the court a list of their respective lands, as required by law, the same being within the proprietary of the right honourable Thomas lord Fairfax, it was impossible to determine with precision how much the securities for the said Jett should be made accountable for: Nevertheless, on the motion of the treasurer to the general court in October last, judgment was given for his majesty against the executors and securities of the said James Pendleton, deceased, for three hundred and four pounds thirteen shillings and four pence, in which was included the sum of one hundred and seventy four pounds seven shillings and nine pence for the amount of the land tax in the said parish, as the same had been
accounted for the preceding year, which sum is to be repaid by the securities for the said Stephen Jett, although it is supposed great numbers of the proprietors of land in the said parish did not pay their land tax for the said year, which is unreasonable.

II. Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the sheriff of the said county of Culpeper shall, and is hereby empowered and required, forthwith to collect and receive of and from the owners and proprietors of land in the said parish of St. Mark's, in the county of Culpeper, the arrears of land tax of two shillings and three pence for every hundred acres, for the said year one thousand seven hundred and fifty nine; and on failure of payment, when demanded, shall levy the same by distress and sale of the delinquent's goods, as in case of other distress.

III. Provided always, and be it further enacted, That every such owner or proprietor who shall produce to the sheriff a receipt for the said land tax from the said Stephen Jett, or other person having authority to receive the same, or shall make oath to such payment before a justice of the peace, shall be discharged from any further payment, and the sheriff shall enter into his book a particular account of the persons so discharged, distinguishing whether they produced a receipt, or made oath as aforesaid.

IV. And be it further enacted, That the said sheriff shall, on or before the twenty-fifth day of October next, render an account upon oath to the treasurer of all the money by him received in pursuance of this act, and also an account of what shall appear to have been paid to the said Stephen Jett, or other person for him; and shall at the same time pay the money so by him received, deducting five per centum upon the amount thereof, and also upon the amount of the money which shall have been paid to the said Jett: And if the sheriff shall fail to account and pay according to the directions of this act, he and his securities, his and their heirs, executors, or administrators, shall be liable to a judgment, on the motion of the treasurer, in the same manner as is in the case of other taxes. And on payment to the treasurer of what shall appear to have been received by the said Stephen Jett, or other person, and the five per centum allowed the present sheriff thereon,
the executors and securities of the said James Pendleton shall be discharged from the sum of one hundred and seventy-four pounds seven shillings and nine pence, part of the judgment aforesaid; and shall be entitled to receive from the securities of the said Stephen Jett, on this account only, the sum so by them to be paid.

V. And whereas before the late division of the county of Lunenburg, pursuant to the act passed in the former part of this session for that purpose, there remained in the hands of the sheriff of the said county a depositum of a considerable quantity of tobacco due to the said county, besides which there was also due to the county from the publick a further quantity of tobacco, levied for them in the last publick proportions for their charges on criminals, and for rewards for killing wolves, and it is reasonable that the inhabitants of the two new counties of Charlotte and Mecklenburg should be reimbursed their equal proportion of the said depositum in the hands of the said sheriff of Lunenburg, as also receive their respective shares of the said publick levy:

Be it therefore further enacted, by the authority aforesaid, That Paul Carrington, Robert Munford, William Taylor, and Clement Read, shall be, and they are hereby nominated, constituted, and appointed commissioners for the purposes of this act; and that the said commissioners, or any three of them, shall, as soon as conveniently they can after the passing of this act, make a fair, just, and equal partition and division, as well of the said tobacco remaining as a depositum in the hands of the said sheriff of Lunenburg, as of the tobacco due from the publick as aforesaid, between the said three counties of Lunenburg, Mecklenburg, and Charlotte, according to the number of tithables in each respective county at the time the said division took place; and that the sheriff of the said county of Lunenburg shall thereupon pay to the justices of each of the said counties their respective proportions, so settled and adjusted by the said commissioners for the use of the respective counties.
An Act for exempting the exporters of dressed hides or skins from the payment of duties for such as had been before imported.

I. WHEREAS it is represented to this present General Assembly that the manufacturing of leather hath of late years very greatly increased in this colony, and become a considerable article of commerce, and would be much more extensively prosecuted, but for the excessive duties imposed on the exportation of skins and furs by one act of Assembly made in the fourth year of the reign of queen Anne, entitled An Act for laying an imposition upon skins and furs, for the better support of the college of William and Mary in Virginia, and by one other act made in the eighteenth year of the reign of his late majesty king George the second, entitled An Act for amending an act entitled an act for laying an imposition upon skins and furs, for the better support of the college of William and Mary in Virginia: For the encouragement therefore of such useful manufactories, Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act it shall and may be lawful to and for any person or persons intending to export any dressed hide or skin, before the same shall be exported, to make oath before any justice of the peace of the county where he lives to the several parcels or packages intended to be exported, and the number of hides or skins contained therein; and further, that such hides or skins had been before imported into this colony by the person or persons so intending to export them; which oath shall be certified by the justice administering the same, and his certificate delivered by the master of the ship or vessel wherein the same shall be shipped, or by the person who shall have the charge of such hides or skins to be exported by land, to the naval officer or other collector of the duties on skins, hides, and furs, who shall thereupon sign a clearance and permit for the exportation thereof, without demanding any duties or impositions for the same; any thing in the said two acts above mentioned, or in any other act, to the contrary thereof, in any wise, notwithstanding.
II. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty’s approbation thereof shall be obtained.

CHAP. XXIX.

An act to amend an act for inspects pork, beef, flower, tar, pitch, and turpentine.

I. WHEREAS the act of assembly made in the third year of his present majesty’s reign, entitled An Act for inspecting pork, beef, flower, tar, pitch and turpentine, hath been found defective, and it is necessary that the same should be amended: Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act every person making, or causing to be made, wheat flower, intended for exportation, or his miller, being a white man, shall make oath before a justice of the peace that the flower by him intended to be exported or sold for exportation is fine, clean, and pure, not mixed with meal of Indian corn, pease, or any other grain or pulse, and that his casks are justly tared to the best of his knowledge, which oath every justice of the peace is hereby empowered and required, upon request of the owner of such flower, or his miller, being a white man, to administer, and shall grant a certificate of such oath before him made, and such certificate being produced to the inspector he shall bore the said casks through, and diligently view and examine the flower therein contained, and if by him found fine, clean, pure, unmixed, and merchantable, shall stamp or brand on the head of every such cask or barrel the first letter of his county, the letter V for Virginia, the first letter of his own christian name, his whole surname at length, the word fine, and the gross, tare and neat weight thereof, for which he may demand and take for every barrel of flower containing two hundred and twenty pounds neat or less three pence, and for every cask of greater weight
six pence, and no more, to be paid down by the owner; and if he shall suspect the tare of such cask or barrel to be false he shall start the flower and weigh the cask or barrel, and if found false the owner shall for every such cask or barrel forfeit and pay the sum of ten shillings, to the informer, recoverable before any justice of the peace of this colony: And if any inspector shall neglect his duty, or stamp or brand any flower contrary to this act, he shall forfeit and pay for every offence twenty shillings, recoverable by the informer, with costs, before a justice of the peace of the county where such offence shall be committed.

II. And be it further enacted, by the authority aforesaid. That from and after the passing this act no miller shall be appointed an inspector of flower.

III. And be it further enacted by the authority aforesaid, That no person shall presume to sell, or expose to sale, or barter, any barrel of pork or beef without being first inspected according to the directions of the said act, under the same penalty as is inflicted on persons offering any for sale or barter under the weight or gauge by the said act directed.

IV. And be it further enacted, by the authority aforesaid, That every master of a vessel wherein pork, beef, flower, tar, pitch, or turpentine, is intended to be exported, shall at the time of entry make oath that he will not knowingly take or suffer to be taken on board his ship or vessel any pork, beef, flower, tar, pitch, or turpentine, contrary to law, which oath the respective naval officers of this colony are hereby required to administer, and such master shall also produce a certificate from the inspectors of such commodities at the time of his clearing out his vessel; and if any naval officer shall clear out any ship or vessel wherein pork, beef, flower, tar, pitch, or turpentine, shall be exported, without first administering to the master of such ship or vessel the oath required by this act, or without such certificate being produced and lodged in his office, or endorsed, as the case may require, every naval officer so neglecting shall for every neglect forfeit and pay the sum of fifty pounds, recoverable, with costs, by the informer, in any court of record within this colony, where the same shall be cognizable.

V. And be it further enacted, by the authority aforesaid, That this act shall continue and be in force from and after the passing thereof until the first day of Au-
An act to empower the Treasurer to receive the money due from the province of Pennsylvania to this colony.

I. WHEREAS by a settlement made by the several agents of the colonies of North America, it appears that the sum of ten thousand nine hundred and forty-seven pounds sterling was received from his majesty's treasury, by the agents of Pennsylvania, more than their proportion of the money granted by parliament to the said colonies for the services by them performed in the year one thousand seven hundred and sixty, and by the said settlement it further appears that the proportion of the said sum due from Pennsylvania to this colony is one thousand and nine pounds six shillings and six pence sterling, which has not hitherto been paid to any person for the use of this colony:  

II. Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That John Robinson, esquire, treasurer of this colony, or the treasurer for the time being, appointed by or pursuant to an act of assembly, shall have full power and authority to receive, of and from the person or persons who are or shall be directed or appointed by the assembly of the said province of Pennsylvania to pay the same, the said sum of one thousand and nine pounds six shillings and six pence sterling; to be accounted for by the said treasurer to the general assembly, after deducting two and a half per cent. for his trouble in receiving the same.
An act for the sale of the useless military stores in the Magazine of Williamsburg.

WHEREAS there are considerable quantities of military stores of divers sorts now remaining in the publick magazine in the city of Williamsburg, which are of little use or value, and in a short time will be rendered entirely useless, if they continue there: Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That Peyton Randolph, George Wythe, Lewis Burwell, Philip Johnson, and John Randolph, esquires, be, and they are hereby appointed commissioners for the sale and disposing of the said useless military stores; and it shall and may be lawful to and for the said commissioners, or any three of them, after having carefully examined into the condition of the arms and other military stores in the said magazine, to sell and dispose of such of them as they shall judge unnecessary to retain in the said magazine for publick use, or which may be destroyed or rendered useless by continuing there any longer: And the said commissioners shall account for and pay one moiety of the money arising from the sale thereof to the receiver general of his majesty's revenues, and the other moiety to the treasurer of this colony, to be by him accounted for to the general assembly.

CHAP. XXXII.

An act for establishing a Ferry from the land of Thomas Shepherd, at Mecklenburg, in Frederick county, to Maryland.

BE it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That a
ferry be established and constantly kept from the land of Thomas Shepherd, in the town of Mecklenburg, in the county of Frederick, over Potomac river, to his land opposite thereto in the province of Maryland; the price for a man three pence, and for a horse the same. And for the transportation of wheel carriages, tobacco, cattle, and other beasts, the ferry-keeper may demand and take the following rates, to wit: For every coach, chariot, or waggon, and the driver thereof, the same as for six horses; and for every cart, or four-wheeled chaise, and the driver thereof, the same as for four horses; for every two-wheeled chaise, or chair, the same as for two horses; for every hogshead of tobacco, the same as for one horse; for every head of neat cattle, the same as for one horse; and for every sheep, goat, hog, or lamb, one fourth part of the ferriage of one horse, according to the price herein before settled at the said ferry.

CHAP. XXXIII

An act for increasing the rewards for killing wolves within certain counties, to be paid by the respective counties wherein the services shall be performed.

I. WHEREAS it is represented to this present general assembly that the rewards given for killing wolves are not sufficient to induce persons to spend the time necessary to accomplish the destruction of that pest, which have lately become very numerous in the frontiers, and many other counties within this colony; and whereas the inhabitants of several counties have desired that the rewards for killing wolves within the said counties may be increased, and that the same may be paid by the respective counties wherein the services shall be performed: Be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,
LAWS OF VIRGINIA,

That from and after the passing of this act, and during its continuance, every person who shall kill any wolf within the counties of Hampshire, Frederick, Loudoun, Prince William, Fauquier, Buckingham, or Culpeper, shall have an additional reward of fifty pounds of neat tobacco for every young wolf not exceeding the age of six months, and for every wolf above that age one hundred pounds of neat tobacco, to be levied and paid in the respective counties wherein the services shall be performed; and the said several county courts of Hampshire, Frederick, Loudoun, Prince William, Fauquier, Buckingham, and Culpeper, are hereby empowered and required to levy the same in their annual county levy, to the party or parties entitled thereto.

II. Provided always, That the said county courts of Hampshire and Frederick shall levy the rewards given by this act in money, at the rate of twelve shillings and six pence for every hundred weight of neat tobacco.

II. And be it further enacted, by the authority aforesaid, That this act shall continue and be in force for three years, and no longer.

CHAP. XXXIV.

An act for clearing the great falls of James river, the river Chickahominy, and the north branch of James river.

I. WHEREAS extending the navigation of James river, from Westham downwards through the great falls, also of Chickahominy river, and the north branch of James river, from the mouth thereof upwards, will be of great benefit and advantage, as well to the inhabitants of the interior parts of the colony, as to the publick in general, and it is represented to this present general assembly that many persons are willing and desirous to subscribe and contribute thereto: For the encouragement, therefore, of such laudable and useful undertakings, Be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the
same, That the honourable Peter Randolph and William Byrd, esquires, Archibald Cary, John Fleming, Richard Adams, Robert Bolling, junior, William Cabell, Robert Carter Nicholas, John Wayles, Samuel Jordan, and Thomas Bolling, gentlemen, be, and they are hereby nominated, constituted, and appointed trustees for clearing the great falls of James river; Benjamin Harrison, Bowler Cocke, junior, Richard Adams, Burwell Bassett, Thomas Adams, William Massy, William Dangerfield, Peter Russel, Thomas Watkins, Jonathan Patterson, and Ambrose Dudley, gentlemen, trustees for the river Chickahominy; and Thomas Walker, Edward Carter, Charles Lewis, Nicholas Lewis, Thomas Jefferson, Henry Fry, Nicholas Meriwether, John Walker, John Hervey, Valentine Wood, and James Adams, gentlemen, for the north branch of James river; and they are hereby respectively authorized and empowered to take and receive subscriptions for that purpose. And if any person or persons shall neglect, fail, or refuse, to pay the several sums of money by them respectively subscribed for the purposes of this act, it shall and may be lawful for the said trustees respectively to sue for and recover the same, in the name of the trustees, for clearing the river whereof they are by this act respectively appointed trustees, by petition, where the subscription shall not exceed five pounds; and where the same shall be above that sum, by action of debt.

II. And be it further enacted, by the authority aforesaid, That the said trustees respectively, or the major part of them, shall have full power and authority to contract and agree with any person or persons for clearing the said rivers, or extending the navigation of James river aforesaid, from Westham aforesaid, downwards through the great falls, in such manner as to the said trustees shall seem most proper; and to remove all hedges, rocks, or stops, which the said trustees shall think may in any wise obstruct the said navigation. And it shall and may be lawful for the said trustees, or any person or persons employed by them in the execution of this act, to go on shore on the lands of any person whatsoever, and to dig, cut out, and open, such canals or aqueducts, for the passage of the water of the said rivers, and to build and place such locks therein as they shall think proper, without being subject to an action for the same. And if any suit shall be commenced for any thing to be done in pursuance of this act, the per-
son or persons sued may plead the general issue, and give this act in evidence; and every court before whom such suit shall be prosecuted, where a verdict shall be found for the defendant, or the plaintiff shall be nonsuited, shall award judgment for the defendant, and treble costs.

III. Provided always, and be it enacted, That the lands through which any such canal or aqueduct is proposed to be opened shall be first viewed and valued, by a jury to be empanelled and sworn by order of the court of the county where such lands lie, on application of the trustees, in the same manner as is by law directed in cases of petitions preferred for land to build a mill on; and shall be paid for by the said trustees, before such proposed canal or aqueduct shall be cut or opened.

IV. And be it further enacted by the authority aforesaid, That the said trustees respectively, or the major part of them, from time to time, as often as they shall see occasion, shall and may nominate and appoint one or more of their number willing to undertake the same to be receiver or receivers of all monies that shall be subscribed for the purposes of this act; who shall, in the court of the county where he or they shall reside, give bond, with sufficient security, in a reasonable penalty, payable to his majesty, his heirs, and successors, with a condition that he or they, his or their heirs, executors, and administrators, at all times when required, shall and will truly and faithfully account with the said trustees for all such monies as shall come to the hands of such receiver for the purposes of this act, and pay the same to such person or persons as the said trustees, or the major part of them, shall order and direct.

V. And be it further enacted, That in case of the death, resignation, removal out of the country, or other legal disability, of any one or more of the trustees before named, it shall and may be lawful for the surviving or remaining trustees, or any six of them, from time to time, to elect and choose so many other persons in the room of those so dead, resigning, removed, or disabled, as shall make up the number of eleven; which trustees, so chosen, shall be vested with the same power and authority as any other in this act particularly named.
CHAP. XXXV.

An act to repeal so much of the act of assembly made in the fourth year of his present majesty's reign, entitled An act for appointing commissioners to examine and state the accounts of the militia lately ordered out into actual service, and for other purposes therein mentioned, as allows a bounty of forty shillings to every person who will voluntarily engage in the service of this colony.

I. WHEREAS by an act of assembly, made in the fourth year of his present majesty's reign, entitled An act for appointing commissioners to examine and state the accounts of the militia lately ordered out into actual service, and for other purposes therein mentioned, it is amongst other things enacted that when any county lieutenant, or other commanding officer of the militia, shall be required by the governour or commander in chief of this colony to draught any part of his militia, pursuant to the act of assembly made in the thirtieth year of the reign of his late majesty king George the second, entitled An act for reducing the several acts for making provision against invasions and insurrections into one act, such county lieutenants, or other commanding officer, shall be empowered to offer a bounty of forty shillings to every person who will voluntarily engage in the service, and the persons so engaging shall be entitled to such bounty, to be paid by the publick, on such officers certificate to the next session of assembly, which bounty hath occasioned a great expense to the colony:

II. Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That every clause and article contained in the said first recited act of assembly, relating to the said bounty, shall be, and the same is hereby repealed, and declared void.
An Act for opening and clearing a road through Swift Run Gap over the mountains in Augusta.

I. WHEREAS it is represented to this present General Assembly that a considerable trade and commerce is carried on between the inhabitants of the county of Augusta, residing on the south-western side of the mountains, and the inhabitants of that and the neighbouring counties on the other side thereof, which would be rendered much easier, and might be greatly extended, if a road was opened and cleared over the said mountain at a place called the Swift Run Gap, which cannot be effected in the manner prescribed by the laws of this colony for clearing of roads, and will be attended with a more than ordinary expense:

II. Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the court of the said county of Augusta, and they are hereby authorized and empowered, from time to time, as they shall think it necessary, to appoint and contract with proper persons to open and clear a road over the said mountains through the said gap called Swift Run Gap, and to levy the expense thereof on the tithable inhabitants of the said county, at the time of their laying the county levy, so that such expenses shall not exceed the sum of one hundred pounds in the whole; which shall be levied and collected in the same manner as the other county levies, and paid to the persons entitled to the same.
Chap. XXXVII.

An act for enlarging the jurisdiction of the court of Hastings, in the borough of Norfolk.

I. WHEREAS your majesty's royal grandfather, of blessed memory, by his royal charter bearing date the fifteenth day of September, in the tenth year of his reign, under the seal of this your majesty's colony and dominion of Virginia, was most graciously pleased to grant to the inhabitants of the town of Norfolk that the same should be a borough and body corporate, consisting of a mayor, recorder, eight aldermen, and sixteen common councilmen; and was also pleased to grant, among other things therein contained, that the said mayor, recorder, and aldermen, might hold a court of Hustings once in every month within the said borough, and have jurisdiction, and hold plea of trespass and ejectment, and all writs of dower, for any lands and tenements within the said borough, and all other actions personal or mixed, arising within the same, so as the demand in such actions, personal or mixed, do not exceed twenty pounds current money, or four thousand pounds of tobacco.

II. And whereas it is represented to this present general assembly, as well by the mayor, recorder, aldermen, and common councilmen, as other inhabitants of the said borough, and also of the county of Norfolk, that under the restrictions and limitations of the said charter but a very inconsiderable part of the actions arising within the said borough can be prosecuted in the said court of Hustings, whereby suitors are compelled to prosecute for the recovery of their debts in the court of the said county of Norfolk, where the demand exceeds the sum of twenty pounds, or four thousand pounds of tobacco, which hath created a multiplicity of business in that court, and rendered the determination of them very tedious and inconvenient, as well to the justices of the said court, as the parties concerned.

III. And it is also represented that the good government of the said borough doth very much depend upon the well ordering of servants and apprentices within the same, and a due correction and punishment of per-
sons guilty of a breach of the peace, whereof the said court of Hustings hath not at present a competent jurisdiction.

IV. May it therefore please your most excellent majesty that it may be enacted, And be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act the said court of Hustings shall have jurisdiction, and hold plea of all suits in chancery, and of all actions personal and mixed, and attachments, whereof any county court within this colony by law have or can take cognizance; and shall and may hear and determine all complaints of masters, servants, and apprentices, and for breaches of the peace, within the said borough, in the same manner as the court of the said county of Norfolk now doth; and that the mayor, recorder, and aldermen, of the said borough, shall respectively have, use, and exercise, all the powers, jurisdictions, and authorities, out of court, which any justice or justices of the peace of a county now have, or can or may use or exercise, any act heretofore made to the contrary thereof in any wise notwithstanding.

V. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

CHAP. XXXVIII:

An Act for making an equal division of a donation of one Matthew Godfrey between the several parishes of the county of Norfolk, for the benefit of their poor.

I. WHEREAS Matthew Godfrey, formerly of the county of Norfolk, by his last will and testament, bearing date the thirteenth day of March one thousand seven hundred and fifteen—sixteen, did, amongst other things, give to the poor of the said county of Norfolk one hundred acres of land, or thereabouts, together with sundry
slaves, to be let out from year to year for the good of the poor of the said county, as the vestry of the parish in the said county should see good and most profitable; and whereas by an act of Assembly made in the first year of the reign of his present majesty, entitled An act for dividing the parish of Elizabeth river, in the county of Norfolk, into three distinct parishes, for dissolving the vestry of the said parish, and for other purposes therein mentioned, the said parish of Elizabeth river was divided into three parishes, by the names of St. Bride's, Portsmouth, and Elizabeth river, and it was by the said act, amongst other things, directed and enacted that the said lands and slaves, and the increase of the said slaves, should be, and were thereby vested in the justices of the said county of Norfolk for the time being, and their successors, in trust: Nevertheless, that the said justices, and their successors, should let and hire out the said lands, together with the house or houses built thereon, and also the said slaves, and their increase, annually, for the best price that could be got for the same, and should once a year, in the month of May, equally divide the rents and profits thereof between the said three parishes, in proportion to the number of tithables in each respective parish, and should pay and deliver such proportionable part of the said rents and profits as aforesaid to the vestries of the said parishes respectively, to be by them applied for and towards the support and maintenance of the poor of their respective parishes.

II. And whereas many inconveniences have arisen in the execution of the said act, and some losses have already happened in the hiring out the said slaves, the persons to whom they have been hired not taking proper care of them when they have been sick, and the directions of the said act for renting out the said lands annually have rather impaired than augmented the yearly rents thereof, and the ministers, vestries, and other inhabitants of the said parishes, have petitioned this present General Assembly that the said slaves may be divided between them, and also that the said lands may be valued, and vested in the vestry of the said parish of Elizabeth river, where the same lies, upon their paying to the vestries of the two other parishes an equal proportion of such valuation, to be laid out by them in the purchase of other lands for the use of the poor of their respective parishes.
III. Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That Lemuel Riddick, Willis Riddick, Edward Hack Moseley, and Anthony Walke, junior, gentlemen, shall be, and they are hereby appointed commissioners to value the said lands, and divide the said slaves; and the said Lemuel Riddick, Willis Riddick, Edward Hack Moseley, and Anthony Walke, junior, or any three of them, shall, and they are hereby empowered and required, between the last of June and the first day of October, in the year one thousand seven hundred and sixty six, to make a fair, just, and equal division of all the said slaves, and their increase, between the said three parishes of Elizabeth river, St. Bride's, and Portsmouth, and shall cause such partition and division, together with the names of the slaves assigned to each respective parish, to be entered amongst the records of the said county; and at the same time the said Lemuel Riddick, Willis Riddick, Edward Hack Moseley, and Anthony Walke, junior, or any three of them, shall, and they are hereby required to lay a value upon the said lands, with the improvements thereon, which shall in like manner be recorded, an equal proportion of which valuation the vestry of the said parish of Elizabeth river shall pay to the vestries of each of the said parishes of St. Bride's and Portsmouth, according to the number of tithables in each respective parish at the time the said valuation shall be made, upon due payment whereof the vestry of the said parish of Elizabeth river for the time being, and their successors, shall be, and are hereby declared to be vested with the said lands, and its appurtenances, for the use of the poor of the said parish.

IV. And be it further enacted, by the authority aforesaid, That the vestries of the said parishes of St. Bride's and Portsmouth shall, as soon as conveniently they can after receipt of their respective proportions of the said valuation, lay out and apply the same in the purchase of other lands in their respective parishes, to be held by them and their successors, vestries of the said parishes for the time being, together with the slaves to be assigned to them as aforesaid, for the use of the poor of their respective parishes for the time being for ever.

V. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.
An act for repealing an act passed in the former part of this present session of assembly, entitled An act for dividing the parish of Truro, in the county of Fairfax, and for making a more equal division of the said parish.

I. WHEREAS it is represented to this present general assembly that the lines and boundaries whereby the parish of Truro, in the county of Fairfax, was divided into two distinct parishes, pursuant to an act passed for that purpose in the former part of this present session of assembly, have made a very unequal division of the said parish, by leaving nearly double the number of tithables in the new parish of Fairfax, than there are in Truro parish: Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said act, entitled An act for dividing the parish of Truro, in the county of Fairfax, be, and the same is hereby repealed, and declared null and void.

II. And be it further enacted, by the authority aforesaid, That from and after the ninth day of June next the said parish of Truro shall be divided into two distinct parishes, in the following manner, that is to say: From the mouth of little Hunting creek, up the same, to the forks thereof; thence up the meanders of the south branch thereof, to the Gum Spring thencefrom; from thence by a straight line to the ford of Dogue run, where the back road from Colchester to Alexandria crosses the said run; and from thence by a straight line to the forks of Difficult. And that all that part of the said parish which lies above the said lines shall be one distinct parish, and called and known by the name of Fairfax; and all that other part thereof below the said lines shall be another distinct parish, and retain the name of Truro.

III. And be it further enacted, That the freeholders and housekeepers of the said parishes of Truro and Fairfax respectively shall meet at some convenient time
and place, to be appointed and publicly advertised by
the sheriff of the said county of Fairfax at least one
month before the first day of August next following, and
then and there elect twelve of the most able and dis-
creet persons of their respective parishes for vestrymen
in each of the said parishes; which vestrymen so elect-
ed, having in the court of the said county of Fairfax
taken and subscribed the oaths appointed to be taken
by one act of parliament made in the first year of the
reign of his majesty king George the first, entitled An
Act for the further security of his majesty's person and
government, and the succession of the crown in the heirs
of the late princess Sophia, being Protestants, and for
extinguishing the hopes of the pretended prince of
Wales, and his open and secret abettors, and taken and
subscribed the oaths of abjuration, and repeated and
subscribed the test, and also subscribed to be conforma-
to the doctrine and discipline of the church of Eng-
land, shall, to all intents and purposes, be deemed and
taken to be the vestries of the said parishes respectively.

IV. Provided always, That nothing herein contained
shall be construed to hinder the collectors of the said
parishes respectively, as the same now stand divided,
according to the directions of the above mentioned act
of Assembly, from collecting or making distress for any
parish levies which shall remain unpaid by the inhabi-
tants of either of them at the time this act shall take
place; but such collectors shall have the same power to
collect and distress for the said levies, and shall be an-
swerable for them in the same manner, as if this act had
never been made, any law, usage, or custom, to the con-
trary thereof, in any wise, notwithstanding.

V. And whereas before the division of the said parish
of Truro, by the above mentioned act, considerable
sums of money and tobacco were levied on the inhabi-
tants thereof, and laid out in the purchase of a glebe
for their minister, and building houses thereon, and also
for plate for the use of their churches, and fifty thou-
sand pounds of tobacco have been also lately levied
on them for building churches in the said parish, which
hath not been yet so applied, and it is reasonable that
the inhabitants of the said parish of Fairfax should be
reimbursed their due proportion of the said money and
tobacco, according to their number of tithables: Be it
therefore further enacted, by the authority aforesaid, That
Henry Lee, John Baylis, Foushee Tebbis, Allan Ma-
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chae, and William Car, gentlemen, shall be, and they are hereby nominated and appointed commissioners to adjust, state, and settle, accounts of the money and tobacco so raised and levied on the inhabitants of the said parish of Truro before the said division; and that the said commissioners, or any three of them, shall, as soon as conveniently they can after the passing of this act, make a fair, just, and equitable division, as well of the original purchase money or tobacco of the said glebe, as of the money expended in the buildings and other improvements thereon, as also of the original purchase money of the church plate, and of the said fifty thousand pounds of tobacco levied for building churches in the said parish of Truro, before the said division, between the said two parishes of Truro and Fairfax, according to the number of tithables in each respective parish at the time the said division took place; and that the vestry of the said parish of Truro shall refund and pay to the vestry of the said parish of Fairfax such a proportion of the said money and tobacco as shall be so settled and adjusted by the said commissioners.

CHAP. XL.

An Act to vest certain lands whereof Rice Jones is seized in fee taille in the honourable Richard Corbin, esquire, in fee simple, and for settling slaves to be annexed to other entailed lands in lieu thereof.

I. WHEREAS Rice Jones the elder, deceased, was in his lifetime seized in fee of and in a valuable tract of land, with the appurtenances, lying in the parish of South Farnham, in the county of Essex, also of one other tract of land lying and being in the parish of Christ Church, in the county of Middlesex, containing about eight hundred acres; and being so thereof seized, did make his last will and testament, bearing date the
twenty third day of November, one thousand six hundred and seventy six, and therein, among other things, did devise his said lands in the county of Essex, called Nimcock Point, to his son John Jones, and the heirs of his body, and the said lands in the county of Middlesex to his son Rice Jones, and the heirs of his body, with cross remainders between the said John and Rice in case either of them died without issue, and several other limitations and remainders, as in and by the said will, remaining of record in the county court of Essex (formerly Rappahannock) may more fully appear: And after the death of the said testator, and of his said son John Jones without issue, the said Rice Jones the son entered into both the said tracts of land, and died seized thereof, leaving issue John Jones his eldest son and heir, who entered into the said lands, and died seized thereof, leaving issue three sons, Rice, John, and William, which said Rice and John are since dead without issue, and the said William is also dead, leaving issue Rice Jones his eldest son and heir, who is now seized of the said lands as tenant in fee taille, and is also possessed in his own right of the following negro slaves, viz. Jack, James, Bett, Nanny, Bett, Jenny, Peter, Beck, Rachael, Maria, mulatto Rose, Prince, black Peter, and Ben.

II. And whereas it hath been represented to this present General Assembly that it will be greatly to the advantage of the said Rice Jones the younger, and his family, if he was allowed to sell the said eight hundred acres of entailed lands, whereby he might be enabled to make a better provision for his younger children, and to settle the slaves aforesaid in lieu thereof; and the said Rice Jones hath come to an agreement to sell the said eight hundred acres to the honourable Richard Corbin, esquire, for the sum of five hundred pounds current money.

III. And for as much as notice has been published, three Sundays successively, in the several churches of the said parish of Christ Church, in the county of Middlesex, that application would be made to this present General Assembly to dock the entail of the said eight hundred acres of land, and settle the slaves aforesaid, of greater value, to the same uses, pursuant to your majesty's instructions.

IV. May it therefore please your most excellent majesty, at the humble suit of the said Rice Jones and
Richard Corbin, that it may be enacted, And be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said eight hundred acres of land, so as aforesaid agreed to be sold unto the said Richard Corbin, be, and are hereby vested in the said Richard Corbin, his heirs and assigns, to the only use and behoof of the said Richard Corbin, his heirs and assigns, for ever; and that the negro slaves aforesaid, with their future increase, be, and the same are hereby annexed to the said lands in the county of Essex, and shall descend, pass, and go therewith, to the said Rice Jones, and the heirs of his body, and to such other person or persons, and for such estate and interest therein, as the said lands in the county of Middlesex would have remained, descended, and gone, by virtue of the limitations in the will of the said Rice Jones the elder, if this act had never been made.

V. Saving to the king's most excellent majesty, his heirs and successours, and to all and every other person and persons, bodies politick and corporate, their respective heirs and successours, other than the persons claiming under the will of the said Rice Jones the elder, all such estate, right, title, and interest, as they, every, or any of them, could or might claim if this act had never been made.

VI. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

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CHAP. XLI.

An act to dock the entail of fifteen hundred acres of land whereof Thomas Mann Randolph, gentleman, is seized, and for settling other lands in lieu thereof to the same uses.

I. WHEREAS Ralph Worneley, formerly of the Entail of the county of Middlesex, esquire, deceased, by his last will tenant lands
and testament, duly made and published, bearing date the second day of February, in the year of our Lord one thousand seven hundred, did, amongst other things, give unto his daughter Judith Wormeley, and her heirs for ever, fifteen hundred acres of land out of his land at Manskin in Pamunkey neck, and in case of her death without heirs then the said land to go to his son John Wormeley, and his heirs for ever, which said Judith Wormeley afterwards intermarried with Mann Page, of the county of Gloucester, esquire, and had issue by him a daughter named Mary, who intermarried with William Randolph of Tuckaho, in the county of Goochland, gentleman, who is since dead, leaving issue Thomas Mann Randolph, gentleman, his eldest son, who is now seized and possessed of the said fifteen hundred acres of land in fee tail, which he hath agreed to sell to Carter Braxton, of the county of King William, gentleman.

II. And whereas the said Thomas Mann Randolph is also seized in fee simple of and in a certain tract or parcel of land commonly called and known by the name of Edgehill, containing about two thousand acres more or less, situate, lying, and being in the parish of Fredericksville, in the county of Albemarle; and it is represented to this present general assembly that it will be much more advantageous to the said Thomas Mann Randolph, and his posterity, to dock the entail of the said fifteen hundred acres of land in the county of King William, and to settle the said two thousand acres in the county of Albemarle, which is of greater value to the same uses.

III. And for as much as notice hath been published, three Sundays successively, in the several churches of the parish of St. David's that application would be made to this present general assembly, for an Act to dock the entail of the said fifteen hundred acres of land in the said county of King William, and to settle the other lands above mentioned in lieu thereof to the same uses, pursuant to the royal instructions.

IV. May it therefore please your most excellent majesty, at the humble suit of the said Thomas Mann Randolph, that it may be enacted, And be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this Act the fifteen hundred acres of land in
the said county of King William shall be, and the same are hereby vested in the said Carter Braxton, his heirs and assigns, to the only proper use and behalf of the said Carter Braxton, his heirs and assigns, for ever; and that the said two thousand acres of land in the said county of Albemarle shall be, and the same are hereby vested in the said Thomas Mann Randolph, and the heirs of his body; and the same shall pass in descent, remainder, and reversion, as the said fifteen hundred acres of land would have passed and descended according to the directions and limitations contained in the will aforesaid of the said Ralph Wormeley,

V. Saving to the king's most excellent majesty, his heirs and successors, and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming in descent, remainder, or reversion, under the will of the said Ralph Wormeley, all such right, title estate, interest, claim, and demand, of, in, and to the said fifteen hundred acres of land, as they or any of them could or might claim if this act had never been made.

VI. Provided always, That the execution of this act shall be, and the same is hereby suspended until his majesty's approbation thereof shall be obtained.

CHAP. XLII.

An Act to dock the entail of certain lands whereof John Gregg is seized, and for settling other lands and slaves to be purchased in lieu thereof to the same uses.

I. WHEREAS John Gregg, late of the county of Prince William, gentleman, deceased, in and by his last will and testament in writing, duly made and executed, bearing date the fourteenth day of January, in the year of our Lord one thousand seven hundred and forty two, did, amongst other things, give and bequeath unto his son John Gregg, then an infant, and the heirs of his
body lawfully begotten, for ever, two thousand four hundred and forty-six acres of land, situate, lying, and being on the eastside of Occoquan river, in the county of Fairfax, by the description of all his lands above Occoquan, which he bought of Matthew Gregg and Isaac Kent.

II. And whereas it is represented to this present general assembly that the lands which the said testator directed to be disposed of, together with all his slaves and personal estate, were insufficient for the payment of his debts, and the maintenance and education of his children, whereby the lands devised to the said John Gregg the son are become rather a burthen to him than of any real benefit or advantage, and are moreover very barren and poor, and in arrears to the lord proprietor of the Northern Neck for many years quitrents, which he is utterly unable to pay, and are subject to a forfeiture for non-payment of such quitrents; and therefore that it would be greatly to the advantage of the said John Gregg the son, and the heir of his body, if he was permitted to sell the said entailed lands, and lay out part of the money arising from the sales thereof in other lands fitter for cultivation, and the residue, after discharging the quitrents and other public taxes and dues to which the said lands are subject, in slaves to be annexed to the lands so to be purchased, and to descend, pass, and go therewith, to the heirs of the body of the said John Gregg the son, according to the limitations and directions of the will of the said testator; and the said John Gregg the son hath made humble suit to this present general assembly that an act may pass for such purposes.

III. And whereas notice hath been published, three Sundays successively, in the several churches of the parish of Truro, where the said lands lie, that application would be made to this general assembly to dock the entail of the said lands, pursuant to your majesty's instructions.

IV. May it therefore please your most excellent majesty, at the humble suit of the said John Gregg, that it may be enacted, And be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act the said two thousand four hundred and forty-six acres of land, with the appurtenances, situate, lying, and being in the parish of Truro, in the county of Fairfax aforesaid, shall be, and the same is hereby vested in Henry
Lee, George Johnston, and David Payne, gentlemen, and the survivors or survivor of them, their respective heirs and assigns, in trust; and to and for the several uses, intents, and purposes, herein after mentioned, that is to say: That they the said trustees, or any two of them, or the survivors or survivor of them, shall as soon as conveniently they can after the passing of this act, sell and dispose of the said lands for the best price that can be procured for the same, to any person or persons who shall be willing to purchase; and that the said trustees, or any two of them, or the survivors or survivor of them, or their heirs, shall, and they are hereby required, upon receipt of the purchase money, by good and sufficient deeds or conveyances in the law, wherein this act shall be recited, convey and assure to such purchaser or purchasers the fee simple and absolute estate and inheritance of the said lands, with the appurtenances: And the said trustees, after fully paying and discharging all quitrents and other publick dues and taxes to which the said lands are subject to, and shall then be in arrear, shall fairly lay out one half part at least of the balance remaining in their hands in the purchase of other lands, and the residue in slaves; and the said trustees, the survivors or survivor of them, are hereby empowered and required to cause a deed or deeds to be executed for the lands so by them to be purchased to the said John Gregg, wherein also this act shall be recited, and shall be acknowledged, or proved and recorded, in the manner prescribed by law, and shall also cause the names of the slaves so by them to be purchased to be recorded in the court of the county of Prince William: And the said John Gregg, from and immediately after the executing and performing of such deed or deeds, shall stand seized of the land so purchased, together with the slaves to be annexed thereto, and their future increase, to such use and uses, and of such estate; and the same shall pass in descent, reversion, and remainder, as the said two thousand four hundred and forty six acres of land would have passed and descended if this act had never been made, any thing to the contrary thereof in any wise notwithstanding.

V. Saving to the king’s most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the will of the said John Gregg, the el-
der, all such right, title, interest, property, claim and demand, as they, every, or any of them, should or might have had or claimed if this act had never been made.

VI. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty’s approbation thereof shall be obtained.

CHAP. XLIII.

An act to dock the entail of certain lands whereof Harry Beverley, gentleman, is seized, and for settling slaves to be purchased in lieu thereof to the same uses.

I. WHEREAS Robert Beverley, formerly of the county of Spotsylvania, esquire, was seized in fee simple of and in a tract of land called Octonia, containing twenty-four thousand acres, situate in the parish of St. Thomas, in the county of Orange, and was also seized of divers other lands in fee tail; and the said Robert having by donations in his lifetime, and by his last will and testament in writing, bearing date the twelfth day of May, one thousand seven hundred and thirty-three, disposed of nine thousand four hundred acres, part of the said Octonia tract of land, did by his will aforesaid devise all the residue of the said land, which on a survey is found to contain fourteen thousand eight hundred and twenty-nine acres, unto his only son and heir Harry Beverley, and the heirs of his body lawfully begotten, for ever, as by the said will, remaining of record in the county court of Spotsylvania, may more fully appear; and after the death of the said testator the said Harry Beverley entered into the said lands so devised to him, and was and is thereof seized as tenant in fee tail.

II. And whereas the said Harry Beverley is also seized in fee tail, under donations of other ancestors, of large quantities of other lands, which lands for want of slaves to work them are rather a burthen to the said Harry Beverley: and it hath been represented to this
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present general assembly that it will be greatly to the advantage of the said Harry Beverley, and his family, to sell part of the said tract of land called Octonia, and lay out the money in the purchase of slaves, to be annexed to the residue of the said land, by which the said Harry may be enabled to support his family, and make provision for his younger children, and the estate will descend to the heir in a more profitable state.

III. And for as much as notice hath been published, three Sundays successively, in the several churches of the said parish of St. Thomas, that application would be made to this present general assembly for an act to dock the entail of part of the said land, and for settling slaves in lieu thereof, pursuant to your majesty’s instructions.

IV. May it therefore please your most excellent majesty, at the humble suit of the said Harry Beverley, that it may be enacted, And be it enacted, by the Lieutenant-Gouvernor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That nine thousand nine hundred and eight acres of land, part of the said Octonia tract, and bounded as followeth, to wit: Beginning at Mr. Beverley Stanard’s corner on the river Rappidan, and running along his line south thirty seven degrees west, seven hundred and ten poles, crossing Headforemost run, to two white oaks in the back line of the patent; thence along the several lines of the patent to Beaver Dam run; thence down the said run to the line of a lot now in the occupation of John Carter; thence along the lines of the said lot to three corner pines standing near the mountain road; thence north thirty two degrees east, one hundred and ninety six poles, to the river aforesaid; and thence up the river to the beginning; be, and the same is hereby vested in Larkin Chew, Fielding Lewis, George Taylor, James Maddison, and John Carter, gentlemen, the survivors or survivor of them, and the heirs, executors, or administrators, of such survivor, in trust: That they, or the major part of them, or their survivors, shall cause the said land to be sold at publick sale, in such parcels as they shall think most convenient, and for the best price that can be got for the same; and on payment of the purchase money, shall by good and sufficient deed or deeds convey the inheritance of the said lands to the purchaser or purchasers in fee simple. who shall for ever thereafter hold
and enjoy the same respectively, discharged of the limitations in the will of the said Robert Beverley, deceased.

V. And be it further enacted, by the authority aforesaid, That the money arising by the sale of the said lands shall be by the said trustees, or the major part of them, or their survivors, as soon as conveniently may be, fairly laid out in the purchase of slaves, whereof one third at least to be females; and the said trustees shall cause the names of such slaves, when purchased, to be recorded among the records of the said county of Orange: And thereafter the said slaves, and their future increase, shall be, and the same are hereby annexed to the residue of the said Octonia lands, and shall descend, pass, and go therewith, to the said Harry Beverley, and the heirs of his body, and to such other person or persons to whom the said nine thousand nine hundred and eight acres of land would have remained, descended, and gone, by virtue of the limitations in the will of the said Robert Beverley, if this act had never been made.

VI. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person or persons, bodies politic and corporate their respective heirs and successors, other than the persons claiming under the will of the said Robert Beverley, all such estate, right, title, and interest, as they, every or any of them, could or might have claimed, if this act had never been made.

VII. Provided always, That the execution of this act shall be and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

CHAP. XLIV.

An Act to vest certain lands therein mentioned in James Hubard, and settling other lands and slaves in lieu thereof.

I. WHEREAS William Colston, late of the county of Richmond, was in his lifetime, and at the time of his
death, seized in fee simple of and in two several tracts Hubard.
of land, one situate in the county of Northumberland, the other in King George, known by the name of Muddy Creek tract, and being so seized, by his last will and testament in writing, bearing date the twenty seventh day of October one thousand seven hundred and one, did give unto his son William Colston the aforesaid two tracts of land (by the description of all the rest of his lands belonging unto him wheresoever situate and lying) unto him and the heirs of his body lawfully begotten, with the remainder over unto his son Charles.

II. And whereas the said William Colston the son having entered into the said two tracts of land devised to him, and being seized thereof in fee tail, departed this life in the year one thousand seven hundred and twenty-one, leaving issue two daughters, Mary and Frances, the first of whom intermarried with John Smith, gentleman, of the said county of Richmond, and the other with Joseph Morton, late of the county of James City, who in the year one thousand seven hundred and thirty-eight, with the consent of their wives, made division of the said two tracts of land so devised by the will of the said William Colston the elder, that in the county of Northumberland to be the part of the said John Smith and Mary his wife, the other in the county of King George, containing, as appears by the will of William Colston the son, eight hundred and forty eight acres, be the same more or less, to be the part of the said Joseph Morton and Frances his wife, who left issue an only child, named Frances, the wife of James Hubard.

III. And whereas the said James Hubard is seized in fee simple of and in several half acres or lots of land, to the number of six, with valuable buildings thereon, situate and being in the city of Williamsburg, which were purchased by him of Richard Bland and Robert Beverley, esquires, and conveyed by deeds recorded in the general court, and it will be greatly to the advantage of the said James Hubard, and Frances his wife, and all those claiming in remainder or reversion, to vest the said tract of land in the county of King George in the said James Hubard in fee simple, and to settle the several half acres or lots of land with the buildings thereon, with the slaves hereafter mentioned, to the same uses, to which the said Frances Hubard consents.

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IV. And for as much as notice has been published, three Sundays successively, in the parish church of Brunswick, in the county of King George, that application would be made to this present general assembly to vest the said lands in the county of King George in the said James Hubard in fee simple, and to settle other lands, with certain slaves thereto annexed, in lieu thereof, to the same uses, pursuant to your majesty's instructions.

V. May it please your most excellent majesty, at the humble suit of the said James Hubard and Frances his wis wife, that it may be enacted, And be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said tract of land in King George be, and the same is hereby vested in the said James Hubard, his heirs and assigns, to his and their own proper use and behoof, for ever; and that the said several lots or half acres of land in the city of Williamsburg whereof the said James Hubard is seized, together with the negro slaves herein after mentioned, to wit, Belinda, Doll, and Nanny, three women, Esther, Sarah, and Moll, three girls, David and Pompey, two men; Charles and Dick, two boys, shall pass and descend as the said lands in the county of King George would have done under the will of the said William Colston the elder.

VI. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, other than the persons claiming under the will of the said William Colston, all such right, title, interest, claim, and demand, as they or any of them could or might have if this act had not been made.

VII. Provided always, That the execution of this act be, and the same is hereby suspended, until his majesty's approbation thereof be obtained.
An act to vest certain lots in the City of Williamsburg in the purchasers thereof, and for other purposes therein mentioned.

I. WHEREAS it is represented to this present general assembly, by the minister and vestry of the parish of Bruton, in the counties of York and James City, that one Jonathan Druitt, deceased, did, by his last will and testament, which was established by decree of the general court, the thirtieth day of April one thousand seven hundred and thirty five, give and devise unto one Richard Stayton, and the issue male of his body, three lots or half acres of land in the city of Williamsburg; but if he should die before he attained the lawful age, or without issue, then to objects of charity belonging to the said parish, and made the vestry of the said parish his executors: That the said Richard Stayton is since dead without issue, and that it would best answer the charitable intent of the donor if the said vestry were empowered to dispose of the said lots, and apply the interest of the purchase money towards the relief of the poor of the said parish.

II. And whereas Edward Champion Travis, gentleman, hath contracted and agreed with the vestry of the said parish for the purchase of two of the said lots, denoted in the plan of the said city by the letters I K; and James Blair, gentleman, hath also agreed for the purchase of one other of the said lots, denoted in the said plan by the letter L; and they are now severally and respectively in possession of the said lots, and have built dwelling-houses, and made other improvements thereon.

III. Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act the said Edward Champion Travis shall be, and he is hereby vested with the absolute property and fee simple estate of and in the said lots, or one acre of ground, denoted in the plan of the said city by the letters I K; and the said James Blair shall be, and in like manner
is hereby vested with the same estate of and in the lot
denoted in the said plan by the letter L; they the said
purchasers paying to the said vestry the consideration
money which they were respectively to pay for the said
lots.

IV. And be it further enacted by the authority afore-
said, That the said vestry, or the major part of them,
shall lend and place the money, when by them receiv-
ed for the sale of the said lots, in the hands of some re-
sponsible person, taking bond with good and sufficient
security, in the penalty of double the money so lent,
payable to themselves and their successors, the vestry
of the said parish for the time being, with condition for
the repayment of the said money, together with legal
interest thereon, whenever the same shall be demanded;
and the said vestry shall apply the interest arising on
the said money from time to time to the relief of such
objects of charity belonging to the said parish as they
shall think proper, and to no other use or purpose
whatsoever,

V. Provided always, That the execution of this act
shall be, and the same is hereby suspended until his
majesty's approbation thereof shall be obtained.

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CHAP. XLVI.

An act to oblige Joseph Rentfro, and
others, to pay to the treasurer of this
colony the several sums of money
therein mentioned.

I. WHEREAS Joseph Rentfro, Peter Vanbever,
Sarah Davis, James Rentfro, Elizabeth Carson, Peter
Vanbever, junior, Rebekah Stalker, Joseph Willis, and
Charles Wits, presented certain demands they respect-
ively made against the publick to the commissioners
appointed by act of assembly for settling the claims of
the militia in the country, which were allowed by the
said commissioners, and were actually paid by the trea-
surer to Thomas Reade, upon the governour's warrant
for that purpose, notwithstanding which they have applied to this present session of assembly, where the same accounts have been again allowed and paid.

II. Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said Joseph Rentfro, Peter Vanbever, Sarah Davis, James Rentfro, Elizabeth Carson, Peter Vanbever, junior, Rebekah Stalker, Joseph Willis, and Charles Witts, shall, and they are hereby required immediately to refund to the treasurer of this colony the amount of the sums respectively allowed them as aforesaid, that is to say: The said Joseph Rentfro, the sum of fifty-six pounds and eleven pence; Peter Vanbever, one pound sixteen shillings and six pence; Sarah Davis six pounds twelve shillings and ten pence; James Rentfro, three pounds fourteen shillings; Elizabeth Carson, three pounds seventeen shillings and eight pence; Peter Vanbever junior, one pound twelve shillings and five pence; Rebekah Stalker, one pound seven shillings and nine pence; Joseph Willis, five pounds two shillings and eight pence; and Charles Witts, two pounds eighteen shillings. And if they shall fail, neglect, or refuse so to do, it shall and may be lawful for the sheriffs of the counties where they respectively reside, by directions of the said treasurer, to distrain the goods and chattels of the person so failing, neglecting or refusing, of value sufficient to pay the same; who shall proceed thereon as in other cases of distress, and account for and pay the said sums of money to the said treasurer.

CHAP. XLVII.

An act to oblige Thomas Prosser to reimburse the costs of prosecuting an information against him.

I. WHEREAS the book of claims of this present General Assembly had been passed before an information made against Thomas Prosser for certain crimes and misdemeanors was heard, upon which the said
Thomas Prosser was expelled the house of burgesses, and ordered to pay the costs of presenting the said information, amounting to four thousand seven hundred and seventy six pounds of tobacco, and twenty four shillings, so that the said costs cannot be levied before the next session of assembly without an act of the present for that purpose.

II. Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said Thomas Prosser shall pay to Archibald Cary, gentleman, who is answerable for the costs aforesaid, the said four thousand seven hundred and seventy six pounds of tobacco, and twenty four shillings; and that it shall be lawful for the said Archibald Cary, by action of debt, in any court of record within this dominion, to recover the same, with costs of suit, against the said Thomas Prosser.

CHAP. XLVIII.

An act to dock the entail of nineteen hundred and seventy three acres of land in the parish of Martin's Brandon, in the county of Prince George, whereof Nathaniel Harrison is seized in fee tail, and for vesting the same in trustees for the uses therein mentioned.

I. WHEREAS Nathaniel Harrison, esquire, of the county of Surry, deceased, being in his lifetime seized and possessed of a certain tract or parcel of land commonly called and known by the name of Coggin's point, lying and being in the parish of Martin's Brandon, in the county of Prince George, containing by estimation nineteen hundred and seventy three acres, and also one other tract or parcel of land commonly called and known by the name of Brandon, containing about seven
thousand acres, did by his last will and testament, bearing date the fifteenth day of December, in the year of our Lord one thousand seven hundred and twenty six, give and bequeath unto his son Nathaniel Harrison the before mentioned tracts of land, and to the heirs male of his body lawfully begotten, with several remainders over, as by the said last will and testament, reference being thereto had, may more at large appear.

II. And whereas the said Nathaniel Harrison the son, after the death of his said father, entered into the said lands, and is thereof possessed; and for as much as it would be of great advantage to the said Nathaniel Harrison, and those claiming in remainder under the said will, if the said tract of land called Coggin’s Point should be sold, and the money arising from the sale thereof should be laid out in negroes, and settled on the said Brandon tract, to the same uses as the said Coggin’s Point tract was limited and settled by the said will; and the persons claiming in remainder, and the heir in reversion, have assented thereto, and notice having been published three Sundays successively in the several churches of the said parish of Martin’s Brandon, where the said land lies, that application would be made for that purpose to this present General Assembly, pursuant to your majesty's instructions.

III. May it therefore please your most excellent majesty, at the humble suit of the said Nathaniel Harrison, that it may be enacted, And be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the commencement of this act the said tract of land called Coggin’s Point, with the appurtenances, shall be, and the same are hereby vested in the honourable Peter Randolph, esquire, of the county of Henrico, Peyton Randolph, esquire, of the city of Williamsburg, and Richard Bland, esquire, of the county of Prince George, who are appointed trustees for putting this act in execution, in trust: That they the said trustees, or the survivors or survivor of them, shall cause the said land to be sold for the best price that can be got for the same; and upon payment of the purchase money the said trustees, or the survivors or survivor of them, shall make a deed or deeds for the conveyance of the fee simple estate and inheritance of the said land to the purchaser or purchasers, who shall for ever after hold and enjoy the same.
freed and discharged from all the limitations of the said last will and testament of the said Nathaniel Harrison, deceased; any law, usage, or custom, to the contrary thereof, in any wise, notwithstanding.

IV. *And be it further enacted, by the authority aforesaid,* That the money arising from the sale of the said lands shall be by the said trustees, or the survivors or survivor of them, as soon as conveniently may be after receiving the same, fairly laid out and disposed of in the purchase of slaves, whereof one third at least shall be females; and the said trustees, or the survivors or survivor of them, are hereby empowered and required to cause a deed or deeds to be executed for the said slaves to the said Nathaniel Harrison, which deed, reciting the power under which the said trustees acted, and the names of the slaves to be by them purchased, shall be recorded in the county court of Prince George; and the said slaves, from and after the perfecting such deed, shall descend, pass, and go to the said Nathaniel Harrison, and all persons claiming under the will of the said Nathaniel Harrison, in the same manner as the said tract of land called Brandon is limited to descend, pass, and go, according to the will of the said Nathaniel Harrison, deceased.

V. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person or persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the last will and testament of the said Nathaniel Harrison, deceased, all such right, title, interest, claim, and demand, as they, every, or any of them, should or might claim if this act had never been made.

VI. *Provided always,* That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.
An act to oblige the vestry of the parish of Nottoway to refund to the parish of St. Luke their proportion of money and tobacco raised for repairing the churches in the said parish of Nottoway before the division thereof.

I. WHEREAS by an act of assembly made in the third year of the reign of his present majesty, entitled An act for dividing the parish of Nottoway, in the county of Southampton, the said parish was divided into two distinct parishes, by the names of Nottoway and St. Luke; and whereas before the division of the said parish a considerable quantity of tobacco was levied on the inhabitants thereof and sold, towards raising money for repairing the several churches therein, but was not so applied before the said division, and it is therefore reasonable that the inhabitants of the said parish of St. Luke should be reimbursed their due proportion of the said money, according to the number of tithables in the said parish, but some difficulties have arisen in the settling and adjusting the same:

II. Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That Howel Edmunds, John Person, Richard Kello, and Miles Cary, gentlemen, shall be, and they are hereby nominated and appointed commissioners to examine, state, and settle the accounts of the tobacco and money due to the said parish of Nottoway, in the hands of the church-wardens at the division thereof; and that the said commissioners, or any three of them, shall, as soon as conveniently they can after the passing of this act, make a fair, just, and equitable division of the same between the said two parishes of Nottoway and St. Luke, according to the number of tithables in each respective parish at the time the division took place; and that the vestry of the said parish of Nottoway shall refund and pay to the vestry of the said pa-
rish of St. Luke such a proportion of the said money and tobacco as shall be so settled and adjusted by the said commissioners.

CHAP. L.

An act to amend an act for raising a Publick Levy, and for other purposes therein mentioned.

Preamble.

I. WHEREAS by an act of assembly, passed this present session of assembly, entitled An act for raising a publick levy, and for other purposes therein mentioned, forty six pounds of tobacco is to be paid by every tithable person within this dominion for the defraying and payment of the publick charge of the country, and the expenses of the militia drawn out into actual service, to be collected and sold according to the directions of the said act; and whereas, from the large quantities of transfer tobacco so to be collected, the sheriffs of several counties exact great prices for such tobacco from persons who have not sufficient of that commodity to discharge their publick levies, whereby the sheriffs will be immediately benefited, and the inhabitants much injured and imposed on by them:

II. For remedy whereof, Be it enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That every person in this colony shall be at liberty to discharge so much per poll of their publick levies as is intended to be sold for the use of the militia in money, at the rate of twelve shillings and six pence per centum.

III. And whereas the several depositums to be sold for the uses aforesaid differ in many counties, for directing and ascertaining the same, Be it enacted, by the authority aforesaid, That the inhabitants of the counties herein after mentioned shall be at liberty to discharge in money, at the rate aforesaid, the following proportion of the publick levy, to wit: Accomack and Albemarle, twenty nine pounds of tobacco per poll;
Amelia, Amberst, Brunswick, Buckingham, Caroline, Gloucester, James City, Richmond, and Surry, forty; Prince William, twenty six; Charles City, Elizabeth City, Middlesex, and Northampton, forty three; Chesterfield and Stafford, thirty five; Culpeper, Isle of Wight, King William, Lancaster, Northumberland, Princess Anne, and Warwick, forty two; Cumberland, Prince George, and Westmoreland, thirty eight; Dinwiddie, Fauquier, Hanover, and Sussex, thirty six; Essex, Louisa, Nansemond, and Orange, thirty four; Fairfax and Henrico, thirty two; Goochland, King George, New Kent, Prince Edward, and Southampton, forty one; King and Queen, thirty nine; Lunenburg, Charlotte, and Mecklenburg, thirty three; Norfolk, twenty seven; Spotsylvania, twenty three; and York, nine.

IV. And whereas it is represented to this present General Assembly that many sheriffs have exacted great prices for tobacco from sundry people in discharge of their publick levies, and it is just and reasonable that persons who have suffered by such exactions of the sheriffs should be relieved, Be it enacted, by the authority aforesaid, That every sheriff who shall have received of any person or persons whatsoever the whole publick levy under the said recited act in money, at a greater rate than is by this act directed, shall, when demanded, refund and pay to such person so much money as he shall have received beyond the rate hereby settled for such proportion of the said levy, as is by this act allowed to be discharged in money in the said county.

V. And be it further enacted, by the authority aforesaid, That every sheriff shall render an account, upon oath, before the court of his county, of what tobacco or money he shall have respectively received for such proportion, and shall sell the tobacco, or pay the money, according to such account, and the particular directions of this act, without shifting or exchanging the one for the other; and every sheriff offending herein shall forfeit and pay double the value of the money, or tobacco, so shifted or exchanged.

VI. And be it further enacted, That if any person or persons shall offer to pay their levies in crop tobacco, weighing not less than nine hundred and fifty pounds neat, the sheriff or collector shall be obliged to accept the same, and allow the payer four per centum thereon, twenty pounds of tobacco for prizing; and thirty pounds sheriffs having received in money for tobacco levies, more than at the above rate, to refund.

Sheriffs to account upon oath.
of tobacco for the cask, and shall be entitled to the same allowance in settling his accounts with the treasurer for any such crop hogshead by him sold.

VII. And whereas it is judged that many inconveniences may arise to the publick if the sheriffs or collectors should be obliged to sell the tobacco received by them respectively for such proportion, in the manner as is by the said recited act directed: For remedy whereof, Be it enacted, by the authority aforesaid, That the sheriffs or collectors of the several counties respectively shall sell the tobacco by them received, and by this act directed to be sold for the uses aforesaid, on the days and at the places appointed by the said act for each county respectively, in lots not exceeding ten thousand pounds of tobacco, on credit until the twenty sixth day of October next, and every such sheriff or collector shall take bond, with two or more sufficient securities, from the purchaser or purchasers, payable to his majesty, his heirs and successors, in double the sum to be paid, with a condition for paying the principal to the treasurer of this colony on or before the said twenty sixth day of October next, which bonds shall be by such sheriff or collector delivered to the treasurer within thirty days after such sale: And every sheriff or collector failing herein shall for every such failure forfeit and pay the sum of five hundred pounds, to be recovered and appropriated in the same manner as the other fines and forfeitures by this act imposed are to be recovered and appropriated; and if any such purchaser or purchasers of tobacco shall fail to pay and satisfy the principal money in any such bond mentioned, according to the condition thereof, it shall and may be lawful for the general court, upon a motion to them made by the said treasurer, without further or other notice, to give judgment against every such purchaser so failing, and his securities, and every of them, his or their heirs, executors, or administrators, on such bond, with full costs; and if execution shall issue on any such judgment, the sheriff or officer serving the same shall not take any sureties for payment of the money or tobacco at a future day, but shall levy the same immediately; and for the better direction of such sheriff or officer, the clerks shall endorse upon the back of every such execution that no security is to be taken.

VIII. And be it further enacted by the authority aforesaid, That if any sheriff shall, after the passing of this
act, exact, take, or receive, of any person or persons whatsoever, the proportionable part of his, her, or their publick levy in money, at a greater rate than is in this act directed, or shall refuse to refund the money he shall have received more than the rate hereby settled when demanded, every sheriff so offending shall for every offence forfeit and pay to the person injured double the amount of the sum so exacted or refused to be refunded, to be recovered before any justice of the peace of the county where such offence shall be committed.

IX. Provided always, and be it further enacted, That if it shall appear the sheriff or collector had not notice of this act at the time he shall have received such greater price in money after the passing thereof, such sheriff or collector shall not be subject to the penalty aforesaid, in case he shall when required refund the money so by him received more than the rate hereby settled.

X. And whereas some sheriffs have refused to take upon themselves the collection of the said publick levy, and the county courts have not been able to procure any other person to undertake the same, whereby the publick creditors directed to be paid in such county must remain unsatisfied: Be it therefore further enacted, That where the sheriff of any county, or some other person on his refusal, hath not already undertaken the collection of the said publick levy, and given bond and security according to the directions of the said act, the sheriff of such county shall, at the next court to be held for his county after the passing of this act, give bond and security for such collection, or shall forfeit and pay the sum of one hundred pounds.

XI. Provided always, That if such sheriff shall make oath before the court that he hath used his best endeavours to procure security for such collection, and hath not been able so to do, or shall procure some other person to undertake the same, who shall give bond with sufficient security according to the directions of the said act, in either case such sheriff shall be discharged from the penalty aforesaid.

XII. And be it further enacted, That in such counties the sheriff or collector shall sell the tobacco by him received for the depositum directed to be sold for the publick use at the place appointed by the said act on the court day in the month of August next, and account for and pay the money in manner and under the same penalties as in this and the said recited act is directed.
XIII. Provided always, and be it further enacted, That the sheriff of the county of Fauquier shall sell the tobacco by him collected for the said depositum at the court to be held for the said county in the month of August next, any thing in this or the said recited act to the contrary notwithstanding.

XIV. And be it further enacted, by the authority aforesaid, That all the penalties inflicted by this act, and not otherwise appropriated, shall be one moiety to our lord the king, to and for the use of this colony, and shall be paid to the treasurer for the time being, appointed by or pursuant to an act of assembly, and accounted for to the general assembly, and the other moiety to the informer; and shall and may be recovered, with costs, by action of debt or information, in any court of record in this dominion.

XV. And if the sheriff or collector of any county shall have received of any person or persons whatsoever, his, her, or their publick levy, under the said recited act, in tobacco, every such sheriff or collector, if required at any time before the first day of July next, shall refund and pay to such person or persons the tobacco so received for so much of the said levy as is by this act proportioned for such county, the person or persons demanding such tobacco paying such sheriff or collector for the same at the rate of twelve shillings and six pence per centum, to be by such sheriff or collector accounted for and paid in the same manner as the other monies received by virtue of this act; and every sheriff or collector refusing so to do shall forfeit and pay to the party injured double the quantity of tobacco so refused to be refunded, to be recovered before any justice of the peace of the county where such offence shall be committed.

XVI. And be it further enacted, That the several sheriffs or collectors shall pay the several sums of money by them to be received in pursuance of this act to the treasurer, on or before the tenth day of October next, or judgment may be given in the general court against such sheriff or collector, and their securities, his or their executors or administrators, upon a motion made the twelfth day of the said month, without further notice, for the money so received, in case an account of such money be rendered; but if no such account be rendered, then for the penalty of the bond given by such sheriff or collector.
An Act to enable tenants in taille to make leases of their lands.

I. WHEREAS many large tracts of entailed lands remain uncultivated, the owners not having slaves to work them, and no persons inclining to take leases of such lands, because those leases are thought to be valid no longer than during the life of the tenants in taille, and it would be advantageous to the publick if such lands were settled by industrious and laborious people:

Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That all leases hereafter to be made of any lands, by writing indented and sealed, for the term of twenty one years from the making thereof, or for three lives, or for any lesser term, by any person or persons being of full age, having any estate of inheritance in fee taille, or by husband and wife of any lands of which she hath an estate in fee taille, acknowledged by her after privy examination as the law directs, shall be good and effectual in the law against the lessors, their issue, and those claiming in remainder or reversion, according to the estate comprised in such indentures of lease, in like manner as if such lessor had been seized of an absolute estate in fee simple in such lands.

II. Provided, That this act shall not extend to any lease to be made without impeachment of waste; and that upon every lease made effectual by this act there be reserved so much yearly rent, during the whole term, payable to the lessor, his issue, or those claiming in remainder or reversion respectively, succeeding to the inheritance, as shall be approved of and certified to be a reasonable rent by the general court, or court of the county wherein the lands lie, at the time such indenture shall be acknowledged or proved and ordered to be recorded, which shall be done within eight months from the date thereof: And that the issue, and those claiming the inheritance in remainder or reversion after the death of the lessor, shall have the like remedy and advantage from such lease, to all intents and purposes, against the lessee, his executors and assigns, as the lessor might have had.
III. Provided also, That no fine or consideration whatsoever, other than the annual rent expressed in the lease, shall be paid, or engaged to be paid, in order to obtain any such lease of entailed lands, under the penalty of forfeiting the value of such fine, or other consideration, and three years rent, to the issue of the lessor, or person in remainder; to be recovered of the lessee, his heirs or assigns, in the general court, or in the court of the county in which such lands may lie.

CHAP. LII.

An Act for allowing the full fees to which the Lawyers practising in the several courts of this colony are entitled, in particular cases therein mentioned, to be taxed upon recovery in the bill of costs.

Preamble.

I. WHEREAS by one act of Assembly made in the first year of the reign of his present majesty, entitled An Act for regulating the practice of attorneys, it is amongst other things enacted that lawyers practising in the general courts of this colony may demand or receive in all chancery suits, or real, mixed, or personal actions, where the title or bounds of lands shall or may come in question, five pounds for their fees; and that lawyers practising in county courts, or other inferior courts, may demand or receive a fee of thirty shillings in all such suits, and in all other actions, except by petition, fifteen shillings.

Further preamble

II. And whereas by one other act made in the twenty-seventh year of the reign of his late majesty King George the second, entitled An Act for reducing the several laws made for establishing the general court, and for regulating and settling the proceedings therein into one act of Assembly, it is amongst other things enacted that when any final judgment shall be obtained out of court the clerk shall allow a lawyer's fee in the
bill of costs, if the plaintiff employed one; which fee is thereby declared in all cases to be fifty shillings current money, or five hundred pounds of tobacco, at the election of the party adjudged to pay the same.

III. And whereas it is judged unreasonable that the party who prevails, and recovers in any such action or suit, should be subject to the payment of a greater fee to his lawyer than he can by law recover of the adverse party: 

Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act the clerk of the general court shall, and he is hereby required to tax in the bill of costs, on all decrees obtained in the said court, and on all judgments, in any such real, mixed, or personal action, where the title or bounds of lands shall or may come in question, a fee of five pounds, or one thousand pounds of tobacco, at the election of the party adjudged to pay the same, where the party obtaining such decree or judgment employed a lawyer, except against executors or administrators, or where the plaintiff may not recover more costs than damages. And that the clerks of the respective county courts, or other inferior courts of this dominion, shall, and they are also hereby required to tax in the bill of costs, in all decrees, and in every judgment on all such actions or suits, where the title or bounds of lands shall or may come in question, either when the plaintiff shall recover or be nonsuited, or where his suit shall be dismissed, thirty shillings, or three hundred pounds of tobacco; and in all other actions, except by petition, fifteen shillings, or one hundred and fifty pounds of tobacco, for an attorney’s fee, if the party employed one, except against executors or administrators, or where the plaintiff may not recover more costs than damages; and in all suits by petition the clerks of the said county courts, and other inferior courts, shall tax in the bill of costs the sum of seven shillings and six pence, as an attorney’s fee, against the party who shall be cast, where an attorney shall be employed, except against executors or administrators.

IV. And be it further enacted, by the authority aforesaid, That so much of the several above mentioned acts of Assembly as is contrary and repugnant to any thing contained within the purview of this act shall be, and the same is hereby repealed and made void.

Y.—Vol. 6.
An Act for further continuing the act entitled An Act for the better regulating and collecting certain officers fees, and for other purposes therein mentioned.

I. WHEREAS the act of Assembly made in the nineteenth year of the reign of his late majesty king George the second, entitled An Act for the better regulating and collecting certain officers fees, and for other purposes therein mentioned, which hath been continued by several acts, and amended by two other acts made in the first and third years of his present majesty's reign, will expire on the twelfth day of April one thousand seven hundred and sixty six; and it being necessary that the same should be further continued with an amendment: Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said recited acts of Assembly made in the nineteenth year of his late majesty's reign and in the first and third years of the reign of his present majesty, and every clause and article thereof, shall continue and be in force from and after the said twelfth day of April one thousand seven hundred and sixty six, for and during the term of two years, and no longer.

II. Provided always, and be it enacted, That so much of the said first recited act as directs that the respective county courts in every cause except where the same shall be brought by petition where the plaintiff shall recover or be nonsuited, or where his suit shall be dismissed, shall allow in the bill of costs fifteen shillings, or one hundred and fifty pounds of tobacco for an attorney's fee, if the party employed one, except against executors and administrators, or where the party may not recover more costs than damages, shall be, and the same is hereby repealed.
An act for the ease and relief of the people, by paying the burgesses wages in money for the last and present session of assembly.

I. WHEREAS by one act of assembly passed at a session of assembly held in the third and fourth years of the reign of his late majesty king George the second, entitled An act for the better regulating the payment of the burgesses wages, it is among other things enacted that when any session of assembly should hereafter be held, and upon examination of the treasurer's accounts it should appear that there are not monies sufficient in his hands to discharge all the money debts, together with the burgesses wages, and the salaries and allowances to the respective officers of the general assembly, saving and reserving in the hands of the treasurer, over and above the said payment, a balance of fifteen hundred pounds at the least, then every burgess elected, and serving for any county or corporation within this dominion, should be paid out of the publick money the sum of ten shillings for each day he should serve in the house of burgesses, with such further allowances, and under such restrictions and regulations, as in the said act is at large directed.

II. And whereas it appears there is not money sufficient in the treasurer's hands to pay the burgesses wages for for this present session of assembly, leaving a balance of fifteen hundred pounds, according to the directions of the said act; and also that at the end of the last session of assembly there was not money sufficient in the treasurer's hands to pay the burgesses wages for that session, according to such directions: Nevertheless, as the payment of the said wages in money will be a great ease and relief to the people, by lessening the levy by the poll,

III. Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the burgesses wages, and allowances for the last and present sessions of assembly, shall be paid by the treasurer, out of the publick money in his hands,
on or before the twentieth day of June next, according to the directions and regulations of the said recited act mentioned.
ANNO REGNI

GEORGII III.

Regis Magnæ, Britanniæ, Franciæ, et Hiberniæ, Septimo.

At a General Assembly, begun and held at the Capitol in Williamsburg, on Thursday the sixth day of November, in the seventh year of the reign of our sovereign lord George III. by the grace of God, of Great-Britain, France, and Ireland, king, defender of the faith, &c. and in the year of our Lord 1766; and then held at the Capitol in Williamsburg; being the first session of this Assembly.

CHAP. I.

An Act for further continuing the act for reducing the several acts for making provision against invasions and insurrections into one act.

I. WHEREAS the act of Assembly made in the thirtieth year of the reign of his late majesty king George the second, intituled, An Act for reducing the several acts of Assembly for making provision against invasions and insurrections into one act, and which was continued by another act made in the third year of his present majesty's reign, will expire on the eighth day of June next; and it is necessary and expedient that the said act should be further continued: Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said
act of Assembly made in the thirtieth year of his said late majesty's reign, shall continue and be in force, from and after the said eighth day of June next, for and during the term of three years, and no longer.

CHAP. II.

An Act to continue an act, intituled, An Act for reducing the several acts made for laying a duty upon liquors, into one act.

Act laying duties on liquors further continued.

1. WHEREAS the act of Assembly made in the thirty-second year of the reign of his late majesty, king George the second, intituled, An Act for reducing the several acts for laying a duty upon liquors, into one act, which was continued by two other acts of Assembly made in the first and fifth years of the reign of his present majesty, will expire on the twentieth day of June next; and it is necessary that the same should be further continued: Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said first mentioned act of Assembly shall continue and be in force, from and after the said twentieth day of June, for and during the term of three years from thence next following, and no longer.

CHAP. III.

An Act to continue and amend an act for reviving the duty upon slaves, to be paid by the buyers.

Act reviving duties upon slaves.

1. WHEREAS an act of Assembly made the twenty-fifth year of the reign of his late majesty, king George
the second, intitled, An Act for reviving the duty upon
slaves, to be paid by the buyers, for the term therein
mentioned, which was continued by two other acts of
Assembly made in the twenty-seventh, and thirty-se-
cond years of the reign of his said majesty, will expire
on the twentieth day of April next, and it being found expedient that the said first recited act should be further
continued for the purposes therein mentioned: Be it
therefore enacted, by the Lieutenant-Governor, Council,
and Burgesses, of this present General Assembly, and it
is hereby enacted by the authority of the same, That the
said first mentioned act of Assembly, and every clause
and article thereof, shall be and continue in force from
and after the twentieth day of April next, for and dur-
ing the term of three years, from thence next following,
and no longer.

II. Provided always, and be it further enacted, by the
authority aforesaid, That the said duties shall be collec-
ted and paid, according to the directions of the said first
mentioned act, to Robert Carter Nicholas, esquire, trea-
surer, or the treasurer of this colony for the time being,
appointed by or pursuant to an act of Assembly; any
thing in the said recited acts to the contrary notwith-
standing.

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CHAP. IV.

An Act to continue an act, intitled,
An act to oblige the persons bringing
slaves into this colony from Mary-
land, Carolina, and the West-Indies,
for their own use, to pay a duty.

I. WHEREAS an act of Assembly, made in the
thirty-third year of the reign of his late majesty, king
George the second, intitled, An Act to oblige persons
bringing slaves into this colony from Maryland, Caro-
lina, and the West-Indies, for their own use, to pay a
duty for the term therein mentioned; will expire the
twentieth day of April next; and it being found expe-
slaves fur-
ther continu-
ed.
dient, that the said act should be continued for the purposes therein mentioned: Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said act of Assembly, and every clause and article thereof, shall be and continue in force, from and after the twentieth day of April next, for and during the term of three years, from thence next following, and no longer.

CHAP. V.

An act for amending and further continuing an act for the more effectual keeping the public roads and bridges in repair.

I. WHEREAS the act of assembly made in the third year of his present majesty's reign, intituled, An act for the more effectual keeping the public roads and bridges in repair, will expire at the end of this present session of assembly; and it being necessary that the same should be amended and further continued: Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That if any overseer shall fail to send the hands under his care when thereto required, according to the directions of the said act, such overseer shall forfeit and pay the sum of five shillings for every such failure, to be recovered in the same manner as in the said act is directed.

II. And be it further enacted, by the authority aforesaid, That the said recited act, and every clause and article thereof, shall continue and be in force from the end of this present session of assembly, for and during the term of five years, and no longer.
An act for establishing several new Ferries, and for other purposes therein mentioned.

I. WHEREAS it is represented to this present General Assembly, that public ferries at the places hereafter mentioned, will be of great service to travellers and others: Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That public ferries be constantly kept at the following places, and that the rates for passing the same shall be as follow, to wit: From the land of John Dix, on the north side of Dan river, in Halifax county, across the said river to the land of Lewis Green, opposite thereto, the price for a man three-pence, and for a horse the same; from the land of Joseph Cabell, on the south side of Fluvannah river, in Buckingham county, across the said river to the land of William Cabell, opposite thereto, the price for a man three-pence, and for a horse the same; from the land of Elizabeth Cook, in Stafford county, below the mouth of Chapawamsick creek, across the river Potowmack, to the land of Clement Kennedy, in Maryland, the price for a man two shillings, and for a horse the same; and for the transportation of wheel-carriages, tobacco, cattle, and other beasts, at any of the places aforesaid, the ferry-keepers may demand and take the following rates, to wit, for every coach, chariot, or waggon, and the driver thereof, the same as for six horses; for every cart or four wheeled chaise, and the driver thereof, the same as for four horses; for every two 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, goat, hog, or lamb, one fourth part of the ferriage of one horse, according to the prices herein before settled at such ferries respectively, and no more. And if any of the said ferry-keepers shall presume to demand or receive from any person or persons whatsoever any greater rate than is hereby allowed for the carriage or ferriage of any thing whatsoever, he, she, or they, for every such offence, shall forfeit and pay to the party grieved, the ferriage
demanded or received, and ten shillings; to be recovered with costs before any justice of the peace where the offence shall be committed. And where a ferry is by this act appointed on one side of a river, and none on the other side answerable thereto, it shall be lawful for the respective county courts to appoint an opposite ferry, and to allow the respective rates herein before directed; and the courts of the counties wherein the said ferries are established, shall and may, and are hereby required to order and direct what boat or boats, and what number of hands shall be kept at such ferry respectively; and every such ferry-keeper shall enter into bond in the manner directed by one act of assembly, made in the twenty-second year of his late majesty's reign, intitled An act for the settlement and regulation of ferries, and for dispatch of public expresses, and shall be liable to the penalties thereby inflicted for any neglect or omission of their duty. And whereas by an act of assembly passed in the third year of his present majesty's reign, intitled An act for establishing several new ferries, and for other purposes therein mentioned: It was enacted that a ferry should be constantly kept and established from the land of Archibald Ritchie, adjoining the town of Tappahannock, across the river to a causey erected and raised through the marsh and low grounds, on and adjoining to the lands of Moore Fantleyroy, in the county of Richmond; and the property thereof should be, and the same was thereby vested in the said Archibald Ritchie, his heirs, or assigns, so long as he or they, at his or their own expense, should keep up and maintain the said causey in good repair; and that the said Archibald Ritchie, his heirs or assigns, might demand and take for ferriage across the said river, one shilling and three-pence for a man, and for a horse the same rate, and so in proportion of such ferriage for the transportation of carriages, cattle, and other things. But, forasmach, as doubts have arisen in construction of the conditions, whereon by the aforesaid act, the said ferry was vested in the said Archibald Ritchie, his heirs or assigns, and it hath moreover been represented to this general assembly, that the rates of ferriage by the said recited act appointed, are too great: Be it therefore enacted, by the authority aforesaid, That from and after the passing of this act, the said Archibald Ritchie, his heirs or assigns, shall at all times hereafter, at his or their own proper charge and ex-
pence, keep up and maintain in repair a good and sufficient road and causeys from the public road of the said county of Richmond, which leads to the said ferry, to be carried through the low grounds to the marsh adjoining the said ferry, and also keep up and maintain in repair a good and sufficient causey through the said marsh to the river side; and the said Archibald Ritchie, his heirs or assigns, may demand and take the following rates for ferriage, that is to say, for a man one shilling, and for a horse the same; and in that proportion for transporting of carriages, cattle, and other things, and no more.

II. And be it further enacted, by the authority aforesaid, That if any other person whatsoever shall for reward set any person or persons over any river whereon public ferries are hereby established, he or she so offending, shall forfeit and pay five pounds, current money, for every such offence; one moiety to the ferry-keeper nearest the place where such offence shall be committed, and the other moiety to the informer. And if such ferry-keeper inform, he shall have the whole penalty, to be recovered with costs, by action of debt or information, in any county court of this dominion.

CHAP. VII.

An act to amend so much of the act for the better regulating and training the militia, as relates to the appointment of patrollers, their duty and reward.

WHEREAS so much of an act of assembly, passed in the twenty-ninth year of the reign of his late majesty George the second, intituled, An act for the better regulating and training the militia, as relates to the appointment of patrollers, their duty, and reward, has been found inconvenient; for remedy whereof, Be it enacted by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That it shall
and may be lawful for the chief officer of the militia in every county, and he is hereby required sometime before the tenth day of June, yearly, to appoint an officer, and so many men of the militia, as to him shall appear to be necessary, not exceeding four, once in every month, or oftener if thereunto required by such chief officer, to patrol and visit all negro quarters and other places suspected of entertaining unlawful assemblies of slaves, servants, or other disorderly persons, as aforesaid unlawfully assembled, or any other strolling about from one plantation to another, without a pass from his or her master, mistress or overseer, and to carry them before the next justice of peace; who, if he shall see cause, is to order every such slave, servant, stroller, or other disorderly person as aforesaid, to receive any number of lashes, not exceeding twenty, on his or her bare back, well laid on; and in case one company of patrollers shall not be sufficient, to order more companies for the same service, and once in six months at the least, the officer of each party shall return to the command- ing officer of his county, a report in writing, upon oath (which oath such officer is hereby empowered to admin-ister) of the names of those of his party, who were upon duty, and of the proceedings in such patrol, by whom they shall be certified and delivered to the court of the said county some time before laying the county levy; and if the said court shall adjudge the patrollers to have performed their duty according to law, they are hereby empowered and required at the laying of their county levy, to allow to and levy for every one of the patrollers twenty pounds of tobacco, for every twelve hours they shall so patrol.

II. And be it further enacted, by the authority aforesaid, That if the chief officer of the militia, in any county, shall fail to appoint patrollers according to the directions of this act, such officer shall forfeit and pay the sum of ten pounds; and every person appointed to patrol in pursuance of this act, failing to do his duty therein, shall pay the sum of twenty shillings for every failure; which fines shall be laid by the court martial of the said county, and shall be collected, levied, account- ed for, and appropriated as in the said recited act is directed. And whereas it may be necessary at some times to employ a greater number of patrollers than have been appointed at the time before prescribed by this act: Be it therefore enacted by the authority aforesaid, That the
chief officer of the militia in every county may appoint as many more patrollers as he shall think proper, who shall be under the like regulations, and subject to the same penalties, and shall also receive the same pay for their services as those before appointed; but the said additional patrollers shall not be continued in office longer than the pressing cause of their appointment shall remain.

III. And be it further enacted, by the authority afore-said, That every clause and article of the said recited act, within the purview of this act, be, and the same is hereby repealed and made void.

CHAP. VIII.

An act to continue an act, intituled An act for establishing Pilots, and regulating their fees.

I. WHEREAS an act of assembly, made in the third year of the reign of his present majesty, intituled, An act for establishing Pilots, and regulating their fees, will expire at the end of this present session of assembly: And it being found expedient that the said act should be continued for the purposes therein mentioned: Be it therefore enacted by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said act of assembly, and every clause and article thereof, shall be and continue in force from the end of this present session of assembly, for and during the term of three years, from thence next following, and no longer.
I. WHEREAS by an act of General Assembly, made in the fifth year of his present majesty’s reign, to amend an act for inspecting pork, beef, flour, tar, pitch, and turpentine, an allowance is made of three-pence for every barrel of flour containing two hundred and twenty weight, or less; and of six-pence for every barrel of flour of greater weight, to the inspector thereof; which allowance is found too great for such service: Be it therefore enacted by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That for the future the inspector of flour shall have and receive one penny half-penny for every cask or barrel of flour by him inspected and marked, according to the directions of the said act, and no more; any thing in the said act to the contrary notwithstanding.

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II. WHEREAS the act of assembly made in the first year of his majesty’s reign, intituled, An act for regulating the practice of attorneys, will expire at the end of this present session of assembly; and it being necessary that the said act should be continued: Be it therefore enacted by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said recited act of assembly shall continue and be in force from and after the expiration aforesaid, for and during the term of three years, and from thence to the end of the next session of assembly.
An act for the relief of such persons as have been prevented from recording deeds, and other instruments, within the time prescribed by law, by the occlusion of the courts of justice, during the confusion lately created by the act of parliament for imposing stamp duties in America.

I. WHEREAS the several courts of this colony were either omitted to be held, or when held, refused to admit the acknowledgment or proof of deeds for conveying lands, slaves, or other estate, which by law are required to be recorded within eight months from the date thereof, during all the time from the first day of November, one thousand seven hundred and sixty-five, until the first day of June, one thousand seven hundred and sixty-six by reason whereof, the titles claimed under such deeds as could not by this means be recorded, within the time by law directed, may be drawn into dispute, and although such purchasers might have relieved themselves by taking new deeds, yet many persons through ignorance or mistake, may have omitted to use such precaution: For remedy herein; Be it enacted by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That all deeds and other conveyances of lands, slaves, or other estate, made according to the directions of the several acts of assembly relating thereto, which bear date at any time within eight months next before the said first day of November, one thousand seven hundred and sixty-five, and also all deeds and other conveyances of lands, slaves, or other estate so made, which bear date at any time between the first of November, one thousand seven hundred and sixty-five, and the first of June one thousand seven hundred and sixty-six, and which shall be acknowledged by the parties, or proved as the said acts require, and recorded within eight months from the first day of March next, shall be as effectual for passing the...
estate thereby conveyed, as if such deed had been recorded within eight months from the date thereof; anything in the said laws to the contrary notwithstanding.

CHAP. XII.

An act for continuing an act, intituled, An act for increasing the rewards for killing wolves within certain counties, to be paid by the counties wherein the services shall be performed.

I. WHEREAS the act passed in the fifth year of his present majesty's reign, intituled, An act for increasing the rewards for killing wolves within certain counties, to be paid by the respective counties wherein the services shall be performed, will expire on the first day of June, in the year one thousand seven hundred and sixty-eight, and it is necessary that the said act (except so much thereof as relates to the counties of Buckingham, Fauquier, and Loudon) should be further continued: Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said act (except as to the said counties of Buckingham, Fauquier, and Loudon) shall continue and be in force from and after the said first day of June, for and during the term of two years and no longer.

II. And be it further enacted, That so much of the said recited act as relates to the said counties of Buckingham, Fauquier, and Loudon, be, and the same is hereby repealed and made void.
CHAP. XIII.

An act to direct the collection of the taxes in the counties of King George and Buckingham, for the year one thousand seven hundred and sixty-six, and of the publick levy in the county of Fauquier, for the year one thousand seven hundred and sixty-five.

I. WHEREAS no person was qualified to execute the office of sheriff, for the counties of King George or Buckingham, for the year one thousand seven hundred and sixty-six; and the sheriff of the county of Fauquier was not able to give security for the collection of the tobacco levied in the public proportion in that county, to have been collected in the year one thousand seven hundred and sixty-five, whereby the said public levy, in the county of Fauquier, and the land and poll tax, and the tax on wheel carriages, in the said counties of King George and Buckingham, for this present year, remain uncollected: Be it therefore enacted by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the sheriff of the said county of Fauquier, shall, with his other collections to be made in the succeeding year, receive of the tithable persons in the said county, according to the lists taken and returned in the year one thousand seven hundred and sixty-four, the tobacco so levied in the public proportion in the said county, according to the directions of two acts of assembly passed in the fifth year of his present majesty's reign, the one, intituled, An act for raising a public levy, and for other purposes therein mentioned; and the other intituled, An act to amend an act for raising a public levy, and for other purposes therein mentioned; and shall have the like power of making distress, and shall account for and pay the levy so to be collected, to the treasurer of this colony, and to the respective creditors, named in the said proportion, at the same times in the year one thousand seven hundred and
sixty-seven, as by the said acts is directed to be done
in the year one thousand seven hundred and sixty-five;
and that the sheriffs of the said counties of King George
and Buckingham, respectively, shall, with the taxes to
be collected the succeeding year, collect and receive the
land and poll tax, and the duty on wheel carriages, in
the said counties, payable the tenth day of April last
past, according to the lists taken and returned in the
year one thousand seven hundred and sixty-five, and
shall have the same power of making distress, and shall
account for and pay the same to the treasurer in like
manner, under the same regulations, and subject to the
like penalty and proceedings, as is provided for and in
respect of the like taxes, payable in April next, by the
several laws now in force.

II. Provided always, and be it further enacted, That
the sheriffs of the said counties respectively, shall, on or
before the first day of March next, enter into bond, with
good and sufficient security, before their respective
county courts for their due collection and payment of
the said levy and taxes, according to the directions of
this act.

CHAP. XIV.

An act to empower the vestry of the
parish of Truro, in the county of Fairfax, to sell their glebe and
church plate, and for other purpo-
ses therein mentioned.

I. WHEREAS it is represented to this present gene-
ral assembly, that it is just and necessary that the ves-
try of the parish of Truro, in the county of Fairfax,
should be empowered to dispose of the glebe and church
plate of the said parish: Be it therefore enacted, by the
Lieutenant-Governor, Council, and Burgesses, of this
present General Assembly, and it is hereby enacted by
the authority of the same, That the said glebe land,
with the appurtenances, and also the said church plate,
be, and the same are hereby vested in the present ves-
try of the said parish of Truro, and in the vestry of the
said parish for the time being: In Trust, nevertheless, that the said vestry, or the greater part of them, shall sell the said church plate for the most that can be got for the same, and shall also, by deed of bargain and sale, sell and convey the said glebe, with the appurtenances, for the best price that can be got for the same, to any person or persons, who shall be willing to purchase; to hold to such purchaser or purchasers, his or their heirs, and assigns for ever.

II. And be it further enacted, by the authority aforesaid, That the vestry of the said parish of Truro, after they have received the money arising from the sale of the said church plate, shall pay to the vestry of the parish of Cameron, in the county of Loudon, for the use of their said parish, such part of the sales of the said church plate, as their proportion thereof would have amounted to, according to the number of their respective tithables, at the time the said parish of Cameron, was divided from the said parish of Truro; and the residue of the money arising from the sales of the said church plate, together with the money arising from the sales of the said glebe lands, shall be divided between the vestries of the parishes of Truro and Fairfax, as their respective proportions thereof would have amounted to, according to the number of their respective tithables, at the time the said parishes were divided.

III. And be it further enacted, by the authority aforesaid, That the proportion of the sales, as aforesaid, to be allotted to the vestry of the said parish of Truro, shall be laid out and applied towards purchasing a convenient glebe, in the said parish, for the use and benefit of the minister thereof, for the time being, for ever.
An act for annexing certain lands to the glebe land of Lunenburg parish, in the county of Richmond, by way of donation.

I. WHEREAS the vestry of Lunenburg parish, in the county of Richmond, for the better accommodating their present glebe with a sufficient supply of fire-wood, rail, and other timber, as well as a convenient glebe house, and other necessary houses, have lately purchased of captain John Beale, a tract of land, containing by estimation four hundred acres, adjoining to the glebe aforesaid, with a mansion-house, and other necessaries, for the sum of six hundred and fifty pounds, current money; and the said parish being desirous to annex the said purchase (except a small part to be laid off for a poor house) to the present glebe, in the nature of a donation: Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said four hundred acres of land, purchased as aforesaid (except a small part thereof, to be laid off for erecting a poor house thereon, which the vestry of the said parish are hereby impowered to do) shall be annexed to, and made part of the glebe of the said parish, for the use of the minister of the said parish, and his successor, in all times hereafter, and shall be subject to, and under the same regulations as the present glebes in this colony are, by an act of assembly made in the twenty-second year of the reign of his late majesty, intituled, An act for the support of the clergy and for the regular collecting and paying the parish levies. And for the better preservation of the timber and wood, growing on the said purchased land, it is hereby declared and enacted, by the authority aforesaid, that it shall not be lawful for any minister of the said parish at any time hereafter to cut down or destroy the timber or wood growing on the said purchased land, more than sufficient for the necessary firing, fencing, and repairing the houses of the said glebe; and every minister committing such waste, shall be liable to an action at the suit of the church wardens, and the damages recovered in such action, shall be to the use of the said parish.
An act for dividing the county of Halifax, and parish of Antrim, and for other purposes therein mention
ed.

I. WHEREAS many inconveniences attend the inhabitants of the county of Halifax, by reason of the ex-
tent thereof; and the said inhabitants have petitioned this general assembly that the said county may be divi-
ded: Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General As-
sembly, and it is hereby enacted by the authority of the same, That from and after the first day of June next ensuing, the said county of Halifax be divided into two counties, by a line to be run from the mouth of Strait Stone creek, on Staunton river, to the country line, near the mouth of the country line creek, on Dan river; and that all that part of the said county, which lies on the upper side of the said line, shall be one dis-
tinct county, and called and known by the name of Pittsylvania; and that all the other part thereof, which is below the said line, shall be one other distinct county, and retain the name of Halifax. And for the due ad-
ministration of Justice in the said county of Pittsylvania: Be it further enacted, by the authority aforesaid, That after the said first day of June, a court for the said county of Pittsylvania be constantly held by the jus-
tices thereof, upon the fourth Friday in every month, in such manner as by the laws of this colony is provi-
ded, and shall be by their commissions directed.

II. Provided always, That nothing herein contained shall be construed to hinder the sheriff or collector of the said county of Halifax, as the same now stands en-
tire and undivided, from collecting and making distress for any public dues or officers fees, which shall remain unpaid by the inhabitants of Pittsylvania at the time of its taking place; but such sheriff or collector shall have the same power to collect or distrain for the said dues and fees, and shall be answerable for them in the same manner as if this act had never been made; any law, usage, or custom, to the contrary thereof, in any wise, notwithstanding.
III. And be it further enacted, by the authority aforesaid, That the court of the said county of Halifax shall have jurisdiction of all actions and suits, both in law and equity, which shall be depending before them 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 against the body or estate of the defendant or defendants, in any such action or suit, in the same manner as if this act had never been made; any law, custom, or usage, to the contrary thereof, in any wise, notwithstanding. And whereas by reason of the great extent of the parish of Antrim, in the said county of Halifax, the inhabitants of that parish do lie under divers inconveniences: Be it therefore enacted, by the authority aforesaid, That from and after the said first day of June, the said parish of Antrim shall be divided by the line herein before established, as the dividing line of the said county of Halifax, into two distinct parishes; and all that part of the said parish, which lies on the upper side of the said line, shall be one distinct parish, and thereafter called and known by the name of Cambden; and that all the other part thereof, which is below the said line, shall be one other distinct parish, and retain the name of Antrim.

IV. And be it further enacted, by the authority aforesaid, That the freeholders and housekeepers of the said parishes of Antrim and Cambden, respectively, shall meet at some convenient time and place, to be appointed and publicly advertised by the sheriffs of the said counties of Halifax and Pittsylvania, respectively, at least one month before the first day of June next ensuing, and then and there elect twelve of the most able and discreet persons of their respective parishes for vestrymen, in each of the said parishes, which vestry-men so elected, having in the courts of Halifax and Pittsylvania, respectively, taken and subscribed the oaths appointed to be taken by one act of parliament made in the sixth year of his present majesty's reign, intituled, An act for altering the oath of abjuration and the assurance, and for amending so much of an act of the seventh year of her late majesty queen Anne, intituled, An act for the improvement of the union of the two kingdoms, as after the time therein limited, requires the delivery of certain lists and copies therein mentioned, to persons indicted of high treason, or misprision of treason, and taken and subscribed the oath of abjuration, and repeated and
subscribed the test, and also subscribed to be conformatable to the doctrine and discipline of the church of England, shall to all intents and purposes be deemed and taken to be the vestries of the said parishes, respectively.

V. Provided always, That nothing herein contained shall be construed to hinder the collector of the said parish of Antrim, as the same is now entire and undivided, from collecting or making distress for any parish levies, which shall remain unpaid by the inhabitants of the said parish of Cambden, at the time of its taking place; but such collector shall have the same power to collect and restrain for the said levies, and shall be answerable for them in the same manner as if this act had never been made; any law, custom, or usage, to the contrary thereof, in anywise, notwithstanding. And whereas the glebe of the said parish of Antrim, after the division aforesaid shall take place, will be very inconvenient to the inhabitants thereof: Be it therefore enacted, by the authority aforesaid, That the said glebe land, be, and the same is hereby vested in the vestry of the said parish, and in the vestry of the said parish for the time being: In Trust, nevertheless, that the said vestry, or the greater part of them, shall by deed of bargain and sale, sell and convey the said glebe, with the appurtenances, for the best price that can be got for the same, to such person or persons as shall be willing to purchase; to hold to such purchaser or purchasers, his or their heirs, and assigns, for ever. And the said vestry, after they have received the purchase money for which the said glebe shall be sold, shall pay to the vestry of the said parish of Cambden, for the use of their said parish, such part of the said money as their proportion thereof shall amount to, according to the number of their respective tithables at the time the division of the said parish shall take place.

VI. And be it further enacted, by the authority aforesaid, That the residue of the said money, arising by the sale of the said glebe, shall, by the vestry of the said parish of Antrim be laid out and applied towards purchasing a good and convenient glebe for the use and benefit of the minister of the said parish for the time being, for ever. And for the more easy payment of all levies, secretaries, clerks, and other officers fees, by the inhabitants of the said county of Pittsylvania, who make little or no tobacco: Be it enacted, by the authority aforesaid, That the said levies and fees may be paid in
Levies and fees, due in tobacco payable in money, at 12s. 6d. per hundred. money for tobacco, at twelve shillings and six-pence per hundred on the nett tobacco. And whereas the said county of Halifax, and the parish of Antrim, as they now stand entire and undivided, are indebted to sundry persons in divers sums of money, and quantities of tobacco; and also there are due and owing to the said county and parish, divers sums of money and quantities of tobacco, which have been heretofore levied upon the tithable persons of the said county and parish, for paying the debts and defraying the contingent charges of them, respectively: Be it therefore enacted, by the authority aforesaid, That Hugh Enness, Thomas Dillard, junior, Thomas Tunstal, and John Lewis, gentlemen, of the county of Halifax, be, and they are hereby authorized and impowered to demand and receive of all and every person and persons indebted to the said county of Halifax, and parish of Antrim, as they now stand entire and undivided, all debts and dues owing to them, and the same when by them received, to apply in discharge of the several debts due and owing therefrom, and the overplus, if any, shall pay and satisfy to the justices of the said counties of Halifax and Pittsylvania, in proportion to the tithable persons in each of the said counties, to be by them applied towards lessening the levy of the said counties, respectively.

CHAP. XVII.

An act for adding part of the county of James City to the county of New Kent, and part of the county of New Kent to the county of James City.

I. WHEREAS it is represented to this present general assembly, by sundry inhabitants of the upper end of James City, and lower end of New Kent counties, that in their present situation they are subject to great inconveniences, by reason of their remoteness from their respective court-houses; and they having petitioned this general assembly, that the upper end of the said county of James City, may be added to the said county of
New Kent, and the lower end of the said county of New Kent, may be added to James City: Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly and it is hereby enacted by the authority of the same, That from and after the first day of May next ensuing, all that part of New Kent county, which lies on the lower side of the bounds hereafter described, that is to say, beginning at the mouth of Diascun creek, on Chickahominy river, thence up the said creek to the mouth of John Blair, esquire, his mill swamp, thence up the said swamp to the mill, thence up the mill pond to the head thereof, thence up that water course to a marked red oak, at Isaac Goddin’s spring near the said Goddin’s house, thence easterly to a marked persimmen at the head of a branch near the main road, on the lower side of Goddin’s house, thence to an oak near James Hockaday’s spring, thence down the said spring branch to Russell’s mill, thence down the mill swamp to Ware creek, and then down the said creek to York river, shall be, and the same is hereby added to, and made part of James City county; and that all that part of the said county of James City, which lies on the upper side of the bounds herein before described, shall be, and the same is hereby added to, and made part of New Kent county.

II. Provided always, That nothing herein contained shall be construed to hinder the sheriffs or collectors of the said counties of James City and New Kent, respectively, as the same now stand, from collecting and making distress for any public dues or officers fees, which shall remain unpaid by the inhabitants of either of the said counties of James City and New Kent, at the time this act shall take place; but such sheriff or collector shall have the same power to collect or distrain for the said dues and fees, and shall be answerable for them in the same manner as if this act had never been made; any law, usage, or custom, to the contrary thereof in anywise, notwithstanding.

III. And be it further enacted by the authority aforesaid, That the courts of the said counties of James City and New Kent, shall have jurisdiction of all actions and suits which shall be respectively depending before them at the time this act shall take place; and shall and may try and determine all such actions and suits, and issue process, and award execution thereon, against the
body or estate of the defendant or defendants, in any such action or suit in the same manner as if this act had never been made; any law, custom, or usage, to the contrary thereof, in anywise, notwithstanding.

IV. And be it further enacted, by the authority aforesaid, That from and after the said first day of May, the receipts or notes of the inspectors, at Littlepage's warehouse, in the said county of New Kent, shall not pass in payment of any quitrents, levies or officers fees, in the said county of James City; any law to the contrary notwithstanding.

CHAP. XVIII.

An act for giving a salary to the speaker of the house of Burgesses.

I. WHEREAS it has been thought expedient that the offices of speaker of the house of burgesses, and treasurer of this colony should be separated; by which means the speaker is deprived of that provision which was formerly allowed by the emoluments arising from the treasury, whilst the said offices continued united. And whereas it is necessary, in order to support the dignity of the said office, and to enable the speaker to employ his time in the service of his country, that a proper allowance should be made him: Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the treasurer of this colony, out of the public money in his hands, do pay to Peyton Randolph, esquire, speaker of the house of burgesses, or the speaker for the time being, the sum of five hundred pounds sterling, to be paid at four equal payments, that is to say, the sum of one hundred and twenty-five pounds sterling on the sixth day of February next, and the like sum on the sixth day of May, August, and November, respectively, and so annually during the continuance of this present general assembly, and in case of a dissolution thereof, until the meeting of the succeeding assembly.
An act for appointing a Treasurer.

I. WHEREAS by one act of the general assembly made in the second year of his majesty's reign, John Robinson, esquire, was appointed treasurer of the revenues arising from the duties on liquors and slaves, and of all other public money payable to the treasurer of this colony for public uses, by virtue of any act or acts of assembly; and the said John Robinson departing this life since the last session of assembly, after his death his majesty's lieutenant governor, in pursuance of the power and authority to him given by the said recited act, was pleased to appoint Robert Carter Nicholas, esquire, to be treasurer until the end of this session of assembly: And it being expedient that a treasurer should be appointed for receiving the revenues arising from the duties on liquors and slaves, and all other public money payable into the treasury of this colony: Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the end of this present session of assembly, Robert Carter Nicholas, esquire, shall be, and is hereby nominated, constituted, and appointed treasurer of the revenues arising from the duties on liquors and slaves, and of all other public money payable into the treasury of this colony for public uses, by virtue of any act or acts of assembly, to hold the said office during the continuance of this present general assembly, and afterwards to the end of the next session of assembly. And the said Robert Carter Nicholas, esquire, is hereby authorized, impowered and required, to demand, receive, and take of and from the several collectors of the said duties all and every the sum and sums of money arising by force and virtue of the said acts, or any, or either of them, and shall apply and utter the same to and for such uses only, and on such warrants as by the said acts for laying the said duties, or by any other act or acts of assembly, is, or shall be appointed or directed, and shall be accountable for the said money to the general assembly. And the said Robert Carter Nicholas, esquire, is hereby authorized and impowered to demand and receive of the administrators of the said John...
Robinson, the sum of five thousand six hundred and seven pounds three shillings and eleven-pence, now stated and found to be due from him for the balance of the revenue arising from the duties on liquors and slaves; and also the sum of two thousand five hundred pounds, for the balance remaining in his hands, of the money appropriated for the Indian trade.

II. And be it further enacted, by the authority aforesaid, That the salary of five pounds in the hundred, or so much as is or shall be by any act or acts of assembly allowed and limited, and so proportionably for a greater or less sum, shall be allowed and paid to the treasurer hereby appointed, out of all and every the sum and sums of money by him received and accounted for, to the general assembly, as aforesaid: And that there shall be also allowed to the said treasurer for auditing and settling the accounts of inspection of tobacco, during the continuance of the laws in that behalf made, the sum of one hundred pounds per annum, for his trouble and service therein. And to the end a treasurer may not be wanting, in case of the death, resignation, or disability of the treasurer hereby appointed: Be it further enacted, That in either of these cases it shall and may be lawful for the governor or commander in chief of this colony, with the advice of the council for the time being, to appoint some other fit and able person to be treasurer of the duties, to hold the said office with all powers, authorities, salaries, and profits, aforesaid, until the end of the next session of assembly, and no longer.

III. And be it further enacted, That the said Robert Carter Nicholas, esquire, or the treasurer for the time being appointed, pursuant to this act, shall not be capable of executing the said office of treasurer until he hath given bond, payable to his majesty, his heirs, and successors, with such sufficient sureties as shall be approved of by the governor or commander in chief of the colony, in the sum of one hundred thousand pounds, for the due answering and paying all the money by him from time to time received, as aforesaid, to be recovered upon a breach thereof, on the motion of the succeeding treasurer in any court of record, for the public use; provided that ten days notice be given in writing of such motion. And moreover the said treasurer, before he enters into his said office, shall take an oath before the governor or commander in chief of this colony, to
the effect following viz. I do swear, that, to the best of my judgment, I will truly and faithfully execute the office of treasurer in all things, according to the true intent and meaning of the act of assembly, intituled, An act for appointing a treasurer. _So help me God._

**IV. And be it further enacted,** That the said treasurer shall keep in a book or books to be provided for that purpose, at the public charge, true, faithful, and just accounts of all the money by him received, from time to time, on the respective duties, taxes, and impositions, by virtue of any act or acts of assembly, and also of all such sum and sums of money as he shall pay out of the treasury pursuant to any act or resolution of assembly, which accounts shall be so kept as that the nett produce of the several and respective duties, taxes, and impositions, and the money paid out of the treasury, for every particular service, may appear separate and distinct from each other.

**V. And be it further enacted,** That if the said treasurer, or the treasurer for the time being, shall divert or misapply any part of the money paid into the treasury for the public use, contrary to the directions of the acts of assembly by which the same is raised; then the said treasurer, for such offence, shall forfeit his office, and be incapable of any office or place of trust whatsoever; and moreover shall be liable to pay double the value of any sum or sums of money so diverted or misapplied, to be recovered for the public use, by motion of the succeeding treasurer, in any court of record, provided ten days notice be given in writing of such motion.

**VI. And be it further enacted,** That Lewis Burwell, George Wythe, John Blair, the younger, John Randolph, and Benjamin Waller, esquires, or any three of them, be, and they are hereby appointed a committee to examine, in the months of June and December, in every year, into the state of the treasury; and the said treasurer is hereby required to lay before the said committee at the times aforesaid, all the accounts of the treasury, and produce the money in his hands, and thereupon the said committee shall cause all the treasury notes, which shall appear to have been received for the duties, taxes, and impositions, appropriated for the redemption of treasury notes, to be burnt and destroyed in their presence, and shall give a certificate thereof to the said treasurer, who shall be allowed for the same in his account. And the said committee shall moreover
cause to be published in the Virginia Gazette, after each examination, the amount of the notes so burnt, and also of the sums paid into the treasury, in the preceding half-year, by the several collectors of the duties, taxes, and impositions, aforesaid; and if the said committee shall discover that any sum or sums of money paid into the treasury upon the duties, taxes, and impositions, aforesaid, hath or have been diverted to any use or uses contrary to the directions of the acts of assembly, by virtue whereof the said duties, taxes, and impositions, were raised, the said committee shall certify the same to the next session of assembly.

**CHAP. XX.**

An act to empower the executors of Charles Carter, late of King George, to sell part of his lands and slaves for payment of his debts and legacies.

I. WHEREAS Charles Carter, esquire, deceased, of the county of King George, being in his life-time, and at the time of his decease, seized and possessed of a very considerable estate in lands and slaves, did, by his last will and testament, whereof he appointed Landon Carter, and Charles Carter, the younger, esquires, executors, give and bequeath sundry tracts of land, with the slaves thereon, in the said will mentioned, to his younger sons John and Landon Carter, and also considerable legacies as portions to his daughters; and being moreover at the time of his decease indebted to sundry persons, as well in England as in this colony, in large sums of money, amounting with the legacies, aforesaid, to sixteen thousand pounds and upwards, did by his said will charge all his lands and slaves with the payment of the said legacies, and direct that his executors should, in the first place, apply his slaves to the payment of his debts. But forasmuch as it hath been represented to this general assembly, by the executors of
the said Charles Carter, that the debts and legacies aforesaid, cannot be paid without selling all the slaves so as aforesaid devised by the will of the said Charles Carter, to his younger sons John and Landon, and that it would be much more advantageous to the said John and Landon, if the executors were enabled to sell such parts of the said lands, and so many of the said slaves, as to the said executors shall be found most convenient, and likely to preserve a just proportion of the lands and slaves, so as aforesaid, respectively, devised to the said John and Landon: Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said executors be, and they are hereby impowered, by good and sufficient deeds, to sell so much and such parts of the said lands and slaves as they shall find necessary, for the best price that can be got for the same, to any person or persons willing to purchase the same; to hold to such purchaser or purchasers, his or their heirs, and assigns, for ever. And shall apply the money arising from the sales thereof towards paying the debts and legacies, and shall make up and render an account of the same to the court of the said county of King George.

CHAP. XXI.

An act to vest certain lands therein mentioned, whereof George Carter, esquire, died seized in fee simple, in certain trustees therein named, to be sold for performance of his will.

I. WHEREAS by an act of assembly passed in the eighteen year of the reign of our late sovereign lord king George the second, certain lands, with the appurtenances, whereof George Carter, esquire, of the Middle Temple, died seized in fee simple, therein particularly sold, mentioned and described, pursuant to the last will and testament in writing of the said George Carter, esquire,
in the said act of assembly more particularly recited, were by the said act vested in Charles Carter, Peter Hedgman, Thomas Turner, Benjamin Robinson, George Braxton, the younger, and William Waller, gentlemen, and the survivors and survivor of them in fee simple. In Trust, nevertheless, That the said Charles Carter, Peter Hedgman, Thomas Turner, Benjamin Robinson, George Braxton, the younger, and William Waller, gentlemen, or any two or more of them, and the survivors and survivor of them, should sell the said lands, with the appurtenances, for the best price that could be got for the same, and should execute all deeds and conveyances necessary in law, for assuring unto the purchaser or purchasers a good estate in fee simple in the lands purchased, and should pay the money arising from such sale or sales, after deducting the necessary charges they should be at about the same, unto the several persons, who, by the will of the said George Carter, should be entitled to the same. And whereas the said trustees have all departed this life, and part of the said lands so as aforesaid vested in them still remain unsold; and for some of the lands sold by them, no conveyances were executed to the purchasers, who have notwithstanding paid their money, and are in possession of the land so purchased; and the several parties claiming under the will of the said George Carter, being desirous that the said will should be fully performed at their humble suit: Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing this act, the parts, parcels, or remainder, of the said tracts of land, whereof the said George Carter, died seized in fee simple, and were by the aforesaid trustees left unsold, or which were sold and not conveyed by them at the times of their decease, be, and they are hereby vested in the honourable Robert Burwell, esquire, George Washington, and Fielding Lewis, esquires, and the survivors or survivor of them in fee simple. In trust, nevertheless, that the said Robert Burwell, George Washington, and Fielding Lewis, or any two of them, and the survivors or survivor, shall sell to any person or persons who shall be willing to purchase the same, and for the best price that can be got, all and singular the premises hereby vested in them, and which remain unsold, and every part and parcel thereof, and shall
and may execute all deeds and conveyances necessary in law for assuring unto such purchaser or purchasers, or to any other person or persons who purchased of the former trustees, and have paid the consideration money to them, or shall pay the same to the trustees herein appointed, a good estate in fee simple, in the lands so purchased or to be purchased. And such purchaser or purchasers, shall for ever thereafter, peaceably and quietly hold and enjoy the lands so purchased, to them, their heirs, and assigns, for ever. And the said trustees shall pay the money arising from such sale or sales, after deducting all arrears of quitrents due for the said lands unsold, which they are hereby directed to pay to the right honorable the lord proprietor of the Northern Neck, a commission of five pounds per centum for their trouble, and the necessary charges they shall be at in the execution of this act, unto the several persons, who, by the will of the said George Carter, deceased, are, or shall be, entitled thereto, according to their several respective and distributive rights, interest, and shares, therein.

II. And be it further enacted, by the authority aforesaid, That it shall and may be lawful for the said trustees, or any one of them, and they are hereby empowered to demand and receive from any person whatsoever, any sum or sums of money that may have been paid in consideration of the sale of any part of the said lands heretofore made by the former trustees.

III. Saving to the kings most excellent majesty, his heirs, and successors, and to all and every other person or persons bodies politic and corporate, their heirs and successors, other than the heirs of the said George Carter, and the persons claiming under his will, all such right, title, estate, interest, claim, and demand whatsoever, of, in and to, all or any of the said lands and tenements, hereby vested in the aforesaid trustees, as they, every, or any of them had, should, or might have, if this act had never been made.
An act to empower trustees to sell and convey certain lands, whereof Charles Carter, the elder, is seized as tenant in fee tail, and for other purposes.

I. WHEREAS Charles Carter, late of Cleve, in the county of King George, esquire, was seized of divers lands, tenements, and hereditaments, as tenant in fee simple, and of divers other lands, tenements, and hereditaments, as tenant in fee tail, and was possessed of a great number of negro and other slaves; and being so seized and possessed, made and published his last will and testament in writing, bearing date the 10th day of September, in the year of our lord one thousand seven hundred and sixty-two, duly proved in the court of the said county of King George, and remaining amongst the records thereof; by which last will the said Charles Carter devised all or the greater part of the said lands holden by him in fee simple, and bequeathed many of the said slaves to his second and third sons, John Carter and Landon Carter, chargeable with the payment of his debts, and sundry legacies, given in and by the said last will and testament to many of his daughters. And afterwards the said Charles Carter departed this life, seized and possessed as aforesaid And whereas great part of the lands so divided to the said John Carter and Landon Carter are far remote from navigation, and by the said testator were demised to sundry tenants for lives, or upon long terms: And whereas Charles Carter, esquire, eldest son and heir of the body of the beforenamed Charles Carter, the testator, claims and hath commenced an action at common law, now depending in the general court, against the executors of his said father's will, to recover possession of most of the said slaves bequeathed to his brothers, in manner aforesaid; insisting that by the last will and testament of his grand-father, the honourable Robert Carter, esquire, deceased, those slaves are annexed to certain lands devised in tail male, by the said Robert Carter to the said Charles Carter, his son and heir male; so that if the said lands
and slaves devised and bequeathed to the said John Carter and Landon Carter (the profits whereof will not be near sufficient to pay the debts and legacies, charged thereon, by the said Charles the father) should be sold for that purpose, which the impatience of creditors and legatees, which are numerous, will make necessary, before the leases whereby the lands are incumbered will expire, and the disputed title of the slaves can be determined, the estates of the said two younger sons will be very much diminished, if not entirely ruined. And whereas the slaves of the said Charles Carter the son, now in his possession, even if they are entailed by virtue of his said grand-father’s will (as they are supposed to be) are nevertheless liable, during his life-time, to the payment of his debts, which are very considerable; and unless he is enabled to clear them without suffering his said slaves to be taken in execution, and sold for that purpose, he will be obliged, for the support and maintenance of himself and his family, to sell and dispose of the timber on his entailed lands, and make such leases thereof as will be most for his present benefit, whereby the value thereof must diminish daily, to the great detriment of the heirs, in tail male or reversion. For the prevention of all which inconveniences, the said Charles Carter the son, is desirous that certain lands herein after described, of which he is seized as tenant in tail male; and which, after his death without heirs male, will descend to his said brothers successively, shall be sold, and the sum of five thousand pounds current money, out of the money arising by such sale, applied towards the payment of his said father’s debts and legacies, and relief of his brothers estates, charged therewith, and is willing that the absolute property of the slaves, bequeathed to his said brothers, as aforesaid, shall be vested in them, and made subject to the residue of such debts and legacies, according to their father’s said will: And it being reasonable to effectuate the intention of the said Charles Carter the son, which is for the advantage of all his father’s family: And forasmuch as notice hath been published three Sundays successively in the churches of the parishes wherein the lands do lie, pursuant to your majesty’s instructions, that application would be made to this general assembly for such an act, concerning the premises, as should be judged proper and just: May it please your most excellent majesty, at the humble suit of the said Charles Carter the son, John
Carter, and Landon Carter, and also of the guardians of the said John and Landon Carter, being likewise executors of the will of the said Charles Carter the father, that it may be enacted; And be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General assembly, and it is hereby enacted by the authority of the same, That all that tract of land, situate, lying and being, in the county of King George, known by the name of Richland tract, containing nine hundred and thirty-one acres; also one other tract, adjoining the said Richland tract, containing seven hundred and sixty-five acres; and one other tract thereto adjoining, containing three hundred and fifty acres; also one other tract of land, situate in the said county of King George, commonly called and known by the name of Splitstone, containing twelve hundred acres, also one other tract, situate in the aforesaid county, containing twelve hundred acres, being the land purchased of John Mercer and wife; and a tract of land containing six hundred and twenty-eight acres, thereto adjoining; and one other tract of three hundred and thirty-three acres, adjoining the said land purchased of John Mercer, as aforesaid; and one other tract, thereto adjoining, containing one hundred and fifty-nine acres; also one other tract of land, situate, lying and being, in the county of Culpeper, containing three thousand six hundred and forty acres, commonly called and known by the name of the Mountpion tract; also one other tract, lying and being in the county of Lancaster, containing two thousand two hundred acres, known by the name of the Brick-House tract; also one other tract of land, situate, lying and being, in the county of Stafford, containing thirteen thousand acres, and known by the name of the Poplar or Malacapeal tract; also one other tract, situate, lying and being, on Rocky Run, in the county of Fauquier, containing eleven hundred acres, as by the original deeds, leases and releases of record, in the secretaries office, and the proprietary office of the right honourable Thomas, lord Fairfax, and of record in the several county courts above-mentioned, relation being thereunto severally had, may more fully and at large appear, the several tracts, containing in the whole, twenty-five thousand four hundred and ninety-six acres, be vested in Fielding Lewis, William Robinson, William Fitzhugh, of Somerset, William Fitzhugh of Marmion, Joseph Jones, John Skinner, Lewis Willis, and Charles
Washington, esquires, and the survivors and survivor of them, and the heirs of such survivor. In Trust, That the said Fielding Lewis, William Robinson, William Fitzhugh, of Somerset, William Fitzhugh of Marmion, Joseph Jones, John Skinner, Lewis Willis, and Charles Washington, esquires, and the survivors and survivor of them, and the heirs of such survivor, shall and may sell and dispose of the said lands, tenements and hereditaments, for the best price that can be got, and convey and assure the same to the purchasers and their heirs, to have and to hold the same to such purchasers, and to their heirs and assigns, to the only proper use and behoof of the said purchasers, and of their heirs and assigns for ever; which conveyance and assurances, shall, and are hereby declared to be sufficient to vest the fee simple estate of the lands, tenements and hereditaments, so to be conveyed and assured in such purchasers; and that the said Fielding Lewis, William Robinson, William Fitzhugh, of Somerset, William Fitzhugh, of Marmion, Joseph Jones, John Skinner, Lewis Willis, and Charles Washington, esquires, and the survivors and survivor of them, and the heirs of such survivor, shall pay the said sum of five thousand pounds current money, out of the money arising by such sales, to the executors of the last will and testament of the said Charles Carter the father, to be by them disposed of in discharging their said testator's debts and legacies, and pay the residue of the said money to the said Charles Carter the son, or to his executors, or administrators, to his and their own use.

II. And be it further enacted, That the absolute property of the said slaves bequeathed by the said last will and testament, of the said Charles Carter the father, to the said John Carter and Landon Carter, be absolutely vested in them the said John Carter and Landon Carter; subject, nevertheless, to the debts and legacies they are charged with by the will of Charles Carter the elder, as aforesaid.

III. Saving to the king's most excellent majesty, his heirs and successors, to all and every other person and persons, bodies politic and corporate, and to their respective heirs and successors, other than the persons claiming in reversion, or remainder, after the death of the said Charles Carter, the son, all such right, title, interest, claim and demand, as they, every, or any of
them, should or might claim, if this act had not been made.

IV. Provided always, That the execution of this act shall be, and the same is hereby suspended until his majesty's approbation thereof shall be obtained.

CHAP. XXIII.

An act to impower Nathaniel Littleton Savage, gentlemen, to sell and dispose of certain entailed lands, and for settling other lands and slaves to the same uses.

I. WHEREAS John Savage, late of the county of Northampton, gentleman, deceased, was in his life-time seized in fee simple, of and in a tract of land containing nine hundred and fifty acres, situate, lying and being in Savage's neck, in the parish of Hungar's, in the said county of Northampton, and being so seized, did by his certain deed in writing, bearing date the sixteenth day of December, one thousand six hundred and sixty-seven, give the said nine hundred and fifty acres of land to Mary Robins, and the heirs of her body, lawfully begotten, for ever, as by the said deed recorded in the court of the said county of Northampton, may more fully appear: And soon after making the said deed, the said Mary Robins intermarried with the said John Savage, by whom she had issue Thomas Savage, her eldest, son and heir, and died; after whose death the said Thomas Savage entered, and died seized thereof leaving issue Thomas Savage, his eldest son and heir, who also died seized leaving Nathaniel Littleton Savage, his eldest son and heir, who is now seized thereof in fee tail. And whereas the said Nathaniel Littleton Savage is seized in fee simple, of and in two tracts of land, which he lately purchased of Ralph Wormeley, esquire, containing one thousand eight hundred acres, situate in the parish of Yorkhampton, in the county of York, and of the following slaves, to wit, Daphne, Lucy, Chole, Hanibal, Gundy, Dick, Sail, and Bristol. And whereas it will be greatly to
the advantage of the said Nathaniel Littleton Savage, and his family, to dock the entail of the said nine hundred and fifty acres of land, in the county of Northampton, and to settle the said one thousand eight hundred acres, in the county of York; and the said slaves, with the future increase of the females, being of greater value, to the same uses. And forasmuch as notice has been published three Sundays successively in the churches of the parish of Hungar’s, in the county of Northampton, that application would be made to this present general assembly, to dock the entail of the said lands, in the county of Northampton, upon settling the other lands and slaves, of greater value, to the same uses, pursuant to your majesty’s instructions: May it therefore please your most excellent majesty, at the humble suit of the said Nathaniel Littleton Savage, That it may be enacted; And be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said nine hundred and fifty acres of land be, and the same is hereby vested in the said Nathaniel Littleton Savage, his heirs, and assigns, for ever, to his and their own proper use and behoof; and that the said one thousand eight hundred acres of land, in the county of York, and the said slaves, with the future increase of the females, be, and the same are hereby vested in the said Nathaniel Littleton Savage, and the heirs of his body, for ever; and on failure of such heirs, the same shall remain, go and descend to all and every such person and persons, and for such estate, and in such sort, manner and form, as the said lands, in the county of Northampton, would have remained, gone and descend, by virtue of the deed of the said John Savage, if this act had never been made.

II. Saving to the king’s most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors (other than the persons claiming under the deed of the said John Savage) all such right, title, interest, claim and demand, as they, every, or any of them, should or might claim, if this act had never been made.

III. Provided always, That the execution of this act shall be suspended until his majesty’s approbation thereof shall be obtained.
Custen en-
tailed lands
vested in
Nathaniel
West Dan-
dridge.

I. WHEREAS Unity Dandridge, widow, formerly
of the county of King William, deceased, was in her
life-time seized in fee simple, of and in a large tract of
land, containing four thousand eight hundred and thir-
ty-two acres, situate in the parish of St. Martin, in the
county of Hanover; and being so seized, in and by her
last will and testament in writing, bearing date the ninth
day of July, one thousand seven hundred and fifty-three,
she, the said Unity, did devise twelve hundred acres,
part of the said tract of land, which had been granted
to her father, Nathaniel West, gentleman, deceased, by
patent, bearing date the thirteenth day of October, one
one thousand seven hundred and twenty-three, unto her
son, Nathaniel West Dandridge, esquire, and Dorothea
his wife, during their natural lives, and after their de-
cease, to their daughter Martha Dandridge, and the
heirs of her body for ever; and in default of such heirs,
to Elizabeth Claiborne, the wife of Philip Whitehead
Claiborne, gentleman, and her heirs for ever. And the
said Unity, by her said will, did devise all the residue
of the said tract of land unto her said son, Nathaniel
West Dandridge, and the heirs male of his body, law-
fully begotten, with several remainders over, as in and
by the said will, duly proved and recorded, in the said
county court of King William, may more fully appear;
and soon after making the said will, the said Unity died
so seized of the said land, and the said Nathaniel West
Dandridge, her son, entered into the said lands, and
was and is seized thereof, for such estate and interest as
is devised him by the will aforesaid. And whereas by
an act of assembly passed in the twenty-eighth year of
the reign of his late majesty king George the second,
titled, An act to dock the entail of certain lands,
whereof Nathaniel West Dandridge, gentleman, is seiz-
ed, and for settling other lands and slaves of greater
value to the same uses, four hundred and ten acres of
land, adjoining the tract aforesaid, and fifty negro slaves
therein named, with their future increase, were, among other things, vested in the said Nathaniel West Dandridge, and the heirs of his body, with several remainders; in default of such issue, as in the said act is more particularly mentioned. And whereas the said Nathaniel West Dandridge, is possessed of sundry other slaves, as his absolute property, and being indebted in large sums of money, must sell those slaves, or they will be taken in execution, and sold for the payment of his debts, whereby his lands will be rendered rather a burthen to him, as the entailed slaves are mostly females, or young ones unfit for labour, unless he can be allowed to sell part of the said lands to enable him to pay his debts, upon settling slaves to the same uses; from the profits whereof he may support himself and family, and make some provision for his younger children. And whereas it is most convenient to sell part of the said land, to be laid off at one end of the tract, which cannot be done without including the houses and plantation, where the said Dandridge lives, at one end or at the other, the twelve hundred acres of land so devised by the will of the said Unity Dandridge, to her grand-daughter, Martha Dandridge, after the death of the said Nathaniel West Dandridge, and Dorothea his wife, and the before-named Philip Whitehead Claibourne, and Elizabeth his wife, the next in remainder, under the will of the said Unity, on the death of the said Martha, without issue, are consenting to the sale of that part of the said land upon settling slaves in lieu thereof, in manner herein after mentioned: But whether the two hundred sixty-six and an half acres, residue of the fourteen hundred sixty-six and an half acres, herein after vested in the said Nathaniel West Dandridge in fee simple, includes any part of the four hundred and ten acres, in the said recited act mentioned, is not certainly known. And whereas notice hath been published three Sundays successively, in the several churches of the said parish of St. Martin, that application would be made to this present general assembly, to dock the entail of fourteen hundred and sixty-six and an half acres of land, part of the tract aforesaid, and to settle slaves in lieu thereof, pursuant to your majesty’s instructions: May it therefore please your most excellent majesty, at the humble suit of the said Nathaniel West Dandridge, that it may be enacted; And be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it
is hereby enacted by the authority of the same, That fourteen hundred and sixty-six and an half acres of land (part of the tract aforesaid) to be laid off and bouded as follows, that is to say, beginning at William Atkinson’s corner white-oak and poplar at Turkey creek; thence north thirty-three and a half degrees east three hundred and forty-four poles to a poplar in Walker’s branch; thence north forty-nine degrees east one hundred and forty poles to a white-oak corner to Boswell and Richards; thence north fifty degrees east twenty poles; thence south four and an half degrees east one hundred and thirty poles to a corner pine at the head of the Cat-tail branch; thence down the water course of the said branch to a hickory now marked as a corner for dividing this land from the residue of the tract; thence across the tract, along several lines now marked, to a hickory in Atkinson’s line another dividing corner; thence south sixty-six degrees west one hundred and sixty-two poles to two persimmon trees corner to Atkinson; thence north seventy-six degrees west one hundred and ninety-two poles to a corner ash on Turkey creek aforesaid, and down the said creek to the beginning, be, and the same is hereby vested in the said Nathaniel West Dandridge, his heirs and assigns, for ever; to his and their own proper use and behoof: And that the following negro slaves, whereof the said Nathaniel West Dandridge is now possessed, as his absolute property, that is to say, a woman, named Mary, and her children, named Sarah, Judy, Dinah, Daniel, and Peter; a woman, named Betty (daughter of Nell) and her children, named Lucy, George, and Frank; a woman, named Molly, and her children Jack, Sam, and Charity; a woman, named Tamar, and her child Anthony; and seven men, named Booth’s Sam, Peter, yellow Peter, George, Jack, Robin, and Pompey, with the future increase of the females, be, and the same are hereby vested in the said Nathaniel West Dandridge, his heirs, executors, or administrators: In Trust, to and for the following uses, that is to say, to the use of the said Nathaniel West Dandridge, and Dorothea his wife, and to the survivor of them, for his or her life; and from and after the death of such survivor, to the use of the said Martha Dandridge, the daughter and the heirs of her body, for ever; and in default of such issue, the said slaves and their increase, or such of them, as shall be then living, shall pass and go to such person or persons, and for such estate and in-
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Interest therein, as the above mentioned twelve hundred acres of land would have remained, descended and gone by virtue of the limitations in the will of the said Unity Dandridge if this act had never been made.

II. And be it further enacted, That six other negro slaves, to wit, a man, named Philip; a woman, named Judy, and her children, named Tamar, Judy, Patty, and Gib, with the future increase of the females, shall be, and the same are hereby annexed to the residue of the said tract of four thousand eight hundred and thirty-two acres, to descend, pass, and go therewith, to the said Nathaniel West Dandridge, and the heirs male of his body, and in default of such issue, to such person or persons, as the said lands will descend, pass, and go by virtue of the limitations in the will of the said Unity Dandridge, deceased.

III. Saving to the king's most excellent majesty, his heirs, and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs, and successors, other than the persons claiming under the will of the said Unity Dandridge, deceased, or the herein before recited act, all such estate, right, title, or interest, as they, every or any of them, could, or might have had, or claimed, if this act had never been made.

IV. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

CHAP. XXV.

An act to dock the entail of certain lands, whereof Robert Beverley, esquire, is seized, and for settling other lands of greater value to the same uses.

I. WHEREAS Robert Beverley, the elder, of the county of Middlesex, gentleman, deceased, was in his life-time seized of a valuable estate in lands, commonly called and known by the name of Beverley Park, situ-
ate in the parish of Drysdale in the counties of King and Queen, and Caroline, containing seven thousand six hundred acres, and being so seized, by his last will and testament in writing, did devise unto his son, John Beverley, and to his heirs, for ever, three thousand acres, part of the said seven thousand six hundred acres of land, and did devise other three thousand acres thereof, unto his son, Thomas Beverley, and to his heirs, for ever. And whereas the said Robert Beverley was in his life-time seized of one other tract of twelve hundred acres of land, commonly called and known by the name of the Plain, adjoining the said tract of seven thousand six hundred acres, and bounded as by the patents, relation being thereunto had, may more fully appear; and being so seized, did, by his last will and testament, give unto the child, whereof his wife was then ensient, be it male or female, and to it's heirs, for ever, all the residue of his lands and plantations, not specifically devised in his said will; and in case the said child should die without issue, or heirs of it's body, lawfully begotten, all such lands as were not by him, in his said will expressly given, and named, he gave unto his eldest son, Peter Beverley, and to his heirs male of his body, lawfully begotten; and for want of such heirs male of his body, then to his son, Robert Beverley, and to his heirs male, lawfully begotten; and for want of such heirs male of his body, lawfully begotten, to his son William Beverley, and his heirs for ever. And whereas the child unborn, at the time of making the said will, proved a son, named Christopher, who, by virtue of the said will, became seized of sixteen hundred acres, the surplus of the said seven thousand six hundred acres of land. and the said twelve hundred acres adjoining thereto, being the lands, not otherwise particularly disposed of by the said will, and died so seized without issue; and Peter Beverley, the first in remainder therein named, being before dead without issue male; William Beverley, esquire, eldest son and heir male of Robert Beverley, the second in remainder, entered into the said lands, and died seized thereof, leaving issue Robert Beverley, esquire, who is now seized thereof as tenant in tail male, and is also become seized in fee simple of the said six thousand acres, so devised to the sons, John and Thomas Beverley, as aforesaid. And whereas the said Robert Beverley, the younger, is seized in fee simple of three thousand five hundred and fifty acres; it being one moiety of seven
thousand one hundred acres of land, in the county of Culpeper, called and known by the name of Wakefield; and it will be greatly to the advantage of the said Robert Beverley, and his issue, if the said two thousand eight hundred acres of entailed lands, were vested in him in fee simple, it being contiguous to the six thousand acres aforesaid; and the said three thousand five hundred and fifty acres of land, in the county of Culpeper, being of greater value, settled in tail male, in lieu thereof: And forasmuch as notice has been published in the several churches in the said parish of Drysdale three Sundays successively, that application would be made to this present general assembly, to dock the entail of the said two thousand eight hundred acres of land, in the counties of King and Queen, and Caroline, pursuant to your majesty's instructions: May it therefore please your most excellent majesty, at the humble suit of the said Robert Beverley, that it may be enacted; And be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said tract of land, containing two thousand eight hundred acres, in the parish of Drysdale, in the said counties of King and Queen, and Caroline, be, and the same are hereby vested in the said Robert Beverley, his heirs and assigns, for ever, to his and their own proper use. And that the said three thousand five hundred and fifty acres of land, called Wakefield, in the county of Culpeper, be, and the same is hereby vested in the said Robert Beverley, and the heirs male of his body, to pass, remain, and descend to all and every such person and persons, and for such estate or estates, and in such sort, manner, and form, as the said two thousand eight hundred acres would have remained, gone, and descended, by virtue of the limitations, in the will of the said Robert Beverley, the elder, if this act had never been made.

II. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the will of the said Robert Beverley, the elder, all such right, title, interest, claim, and demand, as they, every, or any of them, should or might have or claim, if this act had never been made.
III. Provided always, That the execution of this act shall be, and the same is hereby suspended until his majesty's approbation thereof shall be obtained.

CHAP. XXVI.

An act to vest certain entailed lands in Ralph Wormeley, esquire, in fee simple, and for settling other lands in lieu thereof.

I. WHEREAS John Wormeley, formerly of the county of Middlesex, esquire, deceased, was in his lifetime seized, among other lands, of two tracts of land, lying near each other, in the parish of Yorkhampton, in the county of York, and containing one thousand eight hundred acres; and imagining he had a fee simple estate therein, he, the said John, in and by his last will and testament in writing, bearing date the fifteenth day of April, one thousand seven hundred and twenty-five, did devise the said tract of land, with all his other real estate, to his son Ralph Wormeley, esquire, in tail male, with several remainders over, as in and by the said will recorded in the general court, may more fully appear, and soon after died so seized, but whether in fee simple, or that he had an estate tail only therein under the will of his father, Ralph Wormeley, the elder, esquire, is doubtful; and after the death of the said John, his said son, Ralph Wormeley, the younger, entered into the said lands, and was and is seized as tenant in tail male thereof, either under the will of his said father, or grand-father. And whereas the said Ralph Wormeley is seized in fee simple of and in a tract of land, containing eight thousand and seven acres, purchased of Mann Page, esquire, lying on Shannandoa river, in the county of Frederick; and it would be greatly to the interest, as well of the said Ralph Wormeley, as those who shall succeed to the estate tail, if he was allowed to sell the said lands, in the county of York, and to settle four thousand acres, part of the said tract, in the county of Frederick, in lieu thereof; to which Ralph Wormeley, the
younger, esquire, eldest son and apparent heir male of
the said Ralph, being now of full age, is consenting:
And forasmuch as notice hath been published three Sun-
days successively in the several churches of the said pa-
rish of Yorkhampton, that application would be made
to this present general assembly, for an act to dock the
tail of the said lands, in the county of York, upon
settling other lands in lieu thereof, pursuant to your
majesty's instructions: May it therefore please your
most excellent majesty, at the humble suit of the said
Ralph Wormeley, the elder, that it may be enacted;
And be it enacted, by the Lieutenant-Governor, Council,
and Burgesses of this present General Assembly, and it is
hereby enacted by the authority of the same. That the said
two tracts of land, in the county of York, containing one
thousand eight hundred acres, more or less, be, and the
same is hereby vested in the said Ralph Wormeley, his
heirs and assigns, for ever, to his and their own proper
use and behoof: And that four thousand acres of land,
part of the said tract in the county of Frederick, to be
laid off at the lower or north-east end, by a line to be
run parallel to the said lower line, so as to include the
said quantity, be, and the same is hereby vested in the
said Ralph Wormeley, the elder, and the heirs male of
his body; and in default of such heirs male, the same
shall descend, pass and go, to such person or persons,
and for the like estate and interest therein, as the said
lands, in the county of York, would have remained,
descended and gone, in case this act had never been
made.

II. Saving to the king's most excellent majesty, his
heirs and successors, and to all and every other person
and persons, bodies politic and corporate, their respec-
tive heirs and successors, other than the persons claim-
ing under the wills of the said Ralph Wormeley, the
grand-father, or John Wormeley, the father, all such
estate, right, title, or interest, as they, every or any
of them, could or might claim, if this act had never
been made.

III. Provided always, That the execution of this act
shall be, and the same is hereby suspended until his
majesty's approbation thereof shall be obtained.
An act for continuing and amending an act, intituled, An act for amending the staple of tobacco, and for preventing frauds in his majesty's customs.

I. WHEREAS the act passed in the fifth year of his present majesty's reign, intituled, An act for amending the staple of tobacco, and for preventing frauds in his majesty's customs, will expire on the first day of October next; and it is necessary and expedient that the said act should be further continued with amendments: Be it therefore enacted by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the first day of October next, it shall and may be lawful for the proprietors of the public warehouses, or any other person or persons, by and with the consent of the said proprietors at any of the said places by the said recited act established for the reception of tobacco, to erect and build such and so many substantial houses as shall be sufficient for the reception of all tobacco, which the owners of the same, after the inspection thereof, shall think fit to remove from any public warehouses to the houses so as aforesaid to be built.

II. And be it further enacted, That the inspectors at any public warehouse, before they deliver any tobacco thereat inspected, to be removed as aforesaid by order of the owner or owners of the same, shall make out a manifest, expressing the marks and numbers of every hogshead, and the tare and nett weight thereof, and to what warehouse the same was removed by order of the owner or owners thereof, which manifest shall be delivered by the skipper carrying the tobacco to the inspectors of the warehouses to which such tobacco shall be removed.

III. And be it enacted by the authority aforesaid, That the inspectors to whom such tobacco shall be...
delivered, shall receive the same into the warehouses so to be erected for its reception, and shall enter in a book, to be kept for that purpose, the marks, numbers, gross, nett weight, and tare, of all tobacco so received as aforesaid, and in what ship or vessel the same shall be laden or put on board; and shall also, with every sloop or vessel loaded with such tobacco, send a list of the marks, numbers, gross, nett weight, and tare, of every hogshead of tobacco then delivered; and shall moreover, express in such list, that the said tobacco is re-landed tobacco, and the name of the warehouse from whence the same was brought.

IV. Provided always, That the skipper of every vessel receiving on board any tobacco so as aforesaid to be removed from one public warehouse to another, shall take the following oath: I do swear, that I will faithfully, to the best of my power, deliver the tobacco by me taken on board from warehouse to the inspectors at which oath any inspector is hereby impowered to administer.

V. And be it further enacted, by the authority aforesaid, That the inspectors receiving such re-landed tobacco, shall, for their trouble, be paid by the owner or owners of the same, six-pence current money, and no more, for every hogshead of tobacco so as aforesaid received and delivered.

VI. And be it further enacted, by the authority aforesaid, That the warehouses at Nomony on both sides the river, and the warehouse at Stratford landing on Potowmack river, both in the county of Westmoreland, shall, after the passing of this act, be under one inspection, and that each of the inspectors thereat shall receive forty pounds a year salary.

VII. And be it further enacted, by the authority aforesaid, That from and after the twentieth day of October next, the inspectors at Noble’s warehouse in Prince-George county; shall receive a salary of thirty pounds current money each, and the inspectors at Milner’s warehouse a salary of forty pounds each, and no more.

VIII. And, for the more effectual prevention of frauds in shipping uninspected tobacco, and in the not regularly entering and reporting at the naval-offices, tobaccoes shipped from the warehouses, be it further enacted, That the several inspectors of tobacco in this colony shall annually, at the time of settling their accounts with the oath of the skipper receiving such tobacco.

Inspectors for re-landed tobacco to receive six pence per hhd.

Nomony and Stratford warehouses to be under one inspection, and the salary of inspectors.

Salary of inspectors at Noble’s.

Duty of inspectors.
the treasurer, deliver to him an account upon oath of all the tobacco shipped from their respective warehouses within the year preceding, containing the number of hogsheads sent on board each ship or vessel respectively; and every inspector failing herein, shall forfeit and pay the sum of twenty pounds. And that the several naval-officers shall on, or before the twenty-fifth day of October annually, return to the said treasurer an account upon oath of all the tobacco on board each ship or vessel which shall have been cleared out in such naval-officer's district in the preceding year, according to the manifests thereof delivered by the master of such ship or vessel at the time of clearing; distinguishing the number of hogsheads put on board such ship or vessel from each respective warehouse: And every naval-officer failing herein shall forfeit and pay the sum of twenty pounds for every failure; which several penalties shall be recovered and appropriated, as in the said recited act is directed, for the penalties therein inflicted and not particularly appropriated.

IX. And be it further enacted by the authority aforesaid, That where any person hath heretofore obtained a commission to be an additional inspector at any warehouse, according to the directions of the said recited act; and upon the death or removal of one of the inspectors at such warehouse hath through mistake entered upon the duty of a principal inspector, without obtaining a new commission for that office, every such person shall be indemnified in all and every thing by him done, or to be done in the execution of his office, and shall be subject to all penalties for breach of duty, and entitled to all salaries, commissions and advantages resulting from the said office, in the same manner (and not otherwise) as if he had obtained a new commission at the time of his succeeding to the said office of principal inspector, provided, that such person hath already given, or shall within six months after the passing this act, enter into bond with good security for the due performance of his office. But for the future no additional inspector shall enter upon, or discharge the duty of, a principal inspector on a vacancy happening as aforesaid, until he hath obtained a new commission, given bond with sufficient security, and taken the oath required by the said act.

X. And be it further enacted by the authority aforesaid, That if any tobacco hath remained, or shall here-
three after remain undemandèd, in a public warehouse, years after the same is inspected, the inspectors at such warehouse shall advertise in the Virginia Gazette, a list of the marks, numbers, weights and names, of the proprietors of such tobacco; and if no owner appears to claim the same within six months, they shall, at the next court to be held for the county in which such warehouse shall be, after the expiration thereof, deliver to the said court the like list; which court is hereby impowered and required to order the same to be sold publicly at the court-house door, on a court day, to the highest bidder, and the money arising from the sale thereof shall be paid by the inspectors to the treasurer of this colony, for the time being, who shall account for the same from time to time to the general assembly. And if any person having a right to any tobacco so sold, shall prove his property therein, the said treasurer shall repay to such person the money for which such tobacco was sold.

XI. And be it further enacted by the authority aforesaid, That the inspectors at the several warehouses in this colony shall publicly put up at the court-house of their county, on the September court day in every year, a list of all tobacco that shall remain in the warehouses at that time, expressing in such list the weights, numbers and proprietors names of such tobacco.

XII. And be it further enacted by the authority aforesaid, That it shall not be lawful for any person whatsoever to erect or build, or cause to be erected or built, any wooden chimney within two hundred yards of any public warehouse in this colony; and where any wooden chimneys are already built within the distance aforesaid from any public warehouse, the owner or proprietor of the said chimneys shall pull down the same, or on refusal or neglect so to do, in three months after the passing of this act, it shall and may be lawful for the sheriff of the county, and he is hereby required to cause such chimneys to be pulled down and demolished.

XIII. And be it further enacted by the authority aforesaid, That no picker shall demand or receive more than eight pounds of tobacco for every hundred, and so in proportion for a greater or smaller quantity, which he shall pick out of any hogshead or parcel of refused tobacco, and which shall be afterwards passed by the inspectors: And no picker shall hereafter presume to make use of the prizes erected at the public warehouses,
Proceedings against pickers.

As to the tender of transfer receipts.

Number of hands at warehouses.

for the use of the public, by the proprietor or the county; and every picker in either case offending, upon complaint made to the court of the county where such offence shall be committed, and being thereof convicted, shall be immediately removed, and shall be for ever rendered incapable of serving as a picker at any of the warehouses in this colony.

XIV. And be it further enacted, That any person who shall be aggrieved by any such misbehaviour in a picker, may make complaint thereof to any justice of the peace, who is hereby directed and impowered to take depositions thereon, and to transmit the same to the next court to be held for the county where the offence shall be committed, to be there given in evidence; and such court shall proceed to hear and determine the same, provided such picker shall have ten days notice thereof.

XV. And, whereas some disputes have arisen on the tender of transfer receipts after the tobacco for which such receipts were given had been sold by the inspectors, agreeable to the act in that case made and provided, be it enacted by the authority aforesaid, That no tender of any transfer receipts, after the time the tobacco has been sold by the inspectors, shall be adjudged legal.

XVI. And be it further enacted by the authority aforesaid, That the courts of the several counties of Surry, Prince-George, Dinwiddie, Chesterfield, Henrico, Hanover, Spotsylvania, King George and Prince-William, respectively, shall annually, in the month of September, or at the next succeeding court, limit and direct what number of hands shall be kept by the inspectors, as well for the turning up, opening and securing all tobacco brought to their warehouse to be viewed, as to discharge the other business required to be done by such inspectors at each warehouse, within their county herein particularly mentioned, that is to say, at Cabin Point in the county of Surry; at Blandford in the county of Prince George; at Robert Bolling's and Bollingbrooke in the county of Dinwiddie; at John Bolling's, Osborne's, Warwick, and the Rocky-Ridge, in the county of Chesterfield; at Shockoe's and Byrd's in the county of Henrico; at Page's, Meriwether's, and Churuchfields, in the county of Hanover; at Fredericksburg and Royston's in the county of Spotsylvania; at Falmouth and Dixon's in the county of King George; and at Quantico in the county of Prince William; and
the several inspectors at each of the said warehouses shall constantly keep and employ the number of hands so limited and appointed respectively; and shall open, view and secure, all tobacco brought to their warehouse as soon as the same can be reasonably done, under the penalty of twenty-five shillings for every neglect; to be recovered with costs before any justice of the peace in the county where the offence shall be committed; and such inspectors shall respectively be allowed by the treasurer in their accounts, the sum of fifteen pounds annually for each hand so limited and by them employed, above the number of two.

XVII. And be it further enacted by the authority aforesaid, That for every hogshead of tobacco delivered by the inspectors in lieu of transfer receipts, the person receiving the same shall pay to the said inspectors five shillings and six-pence for the inspection and nails, and no more, to be paid as in the said act is directed.

XVIII. And be it further enacted by the authority aforesaid, That the said recited act, and every clause and article therein, except as to so much thereof as is contrary to this act, together with several clauses herein contained, shall continue and be in force from and after the said first day of October next, for and during the term of two years and no longer.

CHAP. XXVIII.

An act for laying an additional duty upon slaves imported into this colony.

I. MAY it please your most excellent majesty, we Additional your majesty's most dutiful and loyal subjects the rep-resentatives of your people in your colony and do-minion of Virginia, now met in general assembly, taking, into our serious consideration the exigences of your government here, do humbly represent to your majesty that no other duty can be laid upon our im-port or export without oppressing your subjects, than an additional duty upon slaves imported or brought
into this colony, to be paid by the buyers, agreeable to your royal instructions to your lieutenant-governor: We therefore humbly beseech your majesty that it may be enacted; And be it enacted by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act there shall be levied and paid to our sovereign lord the king, his heirs and successors, for all slaves imported or brought into this colony for sale, either by land or water from any port or place whatsoever, by the buyer or purchaser, after the rate of ten per centum on the amount of each respective purchase over and above the several duties already laid upon slaves imported or brought into this colony as aforesaid, by any act or acts of assembly now subsisting in this colony; which said additional duty shall be paid, collected and accounted for, in such manner and form, and according to such rules, and under such penalties and forfeitures as are mentioned, prescribed and appointed, for the paying, collecting and accounting for the duties already imposed upon slaves imported or brought into the said colony by the several acts of assembly now in force.

II. And be it further enacted, That the said duty is hereby appropriated, and shall be applied for the lessening the levy by the poll, and to and for such other use and uses as the general assembly from time to time shall direct and appoint.

III. And be it further enacted, by the authority aforesaid, That the execution of this act shall be suspended until his majesty's approbation thereof shall be obtained, and that from and after obtaining the same, this act shall continue and be in force for and during the term of seven years, and no longer.
An act for applying to the aid of the public fund, the surplus of the money which shall remain in the hands of the treasurer, after paying the expences of the militia, according to the directions of an act passed in the last session of assembly for raising a public levy, and for other purposes therein mentioned.

I. WHEREAS by one act of the general assembly passed in the fourth year of his present majesty's reign, for raising a public levy, and for other purposes therein mentioned, large quantities of tobacco were levied upon the inhabitants of this colony, as depositums in the hands of the sheriffs of the several counties, to be by them sold and accounted for to the treasurer of this colony, for defraying the expences of the militia drawn out into actual service, for the defence and protection of the frontiers.

II. And, whereas upon settling the accounts of the said militia, it appears there will be a large balance unappropriated, remaining in the hands of the treasurer, of the money arising by the sales of the said tobacco, after the said expences of the militia are discharged, be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the treasurer of this colony shall, and he is hereby required to apply all the monies arising on the said balance after the expences of the militia as aforesaid are defrayed, in aid of the fund established for defraying the public charges of this dominion. And whereas by one other act made in the fourth year of his present majesty's reign, for amending the above recited act, it was among other things enacted, that the several sheriffs or collectors should pay the several sums of money by them to be received, in pursuance of the said act, to the treasurer on or before the tenth day of October then next, or judgment should be given in the general court against such sheriff or collector, and their securities, his
or their executors or administrators, the twelfth day of
the said month, without further notice, for the money
so received, in case an account of such money should
be rendered, but if no such account should be rendered,
then for the penalty of the bond given by such sheriff
or collector.

III. And, whereas on settling the public accounts
there appear to be large quantities of tobacco and
sums of money due from several of the collectors, and
many of the purchasers of the public tobacco, sold in
pursuance of the said act, for which judgments have
not yet been obtained, be it therefore enacted by the au-
thority aforesaid, That it shall and may be lawful for
the general court, upon a motion to them made by the
said treasurer, on ten days notice, to give judgment
against every such purchaser, sheriff or collector, his
or their securities, heirs, executors or administrators
respectively, on their respective bonds, with full costs.
And if execution shall issue on any such judgment, the
sheriff or officer serving the same, shall not take any
sureties for payment of the money or tobacco at a
further day, but shall levy the same immediately: And
for the better direction of such sheriff or officer, the
erclers shall indorse upon the back of every such execu-
tion, that no security is to be taken.

CHAP. XXX.

An act for the punishment of persons
who shall aid or assist prisoners for
debt to escape or attempt to escape
out of prison.

I. FOR the punishment of persons who shall aid or
assist prisoners for debt to escape or attempt to escape
out of lawful custody; Be it enacted, by the Lieutenant-
Governor, Council, and Burgesses, of this present Gene-
ral Assembly, and it is hereby enacted, by the authority
of the same, That from and after the passing of this act,
if any person shall aid or assist any prisoner committed
to goal for debt to escape, or shall convey or cause to
be conveyed into any goal or prison any instrument or
arms whatever, proper to facilitate the escape of any prisoner; and the same shall deliver or cause to be delivered to any prisoner in any such goal, or to any other person there, for the use of any such prisoner, without the consent of the keeper or under-keeper of any such goal or prison; every such person, although no escape or attempt to escape be actually made, shall be deemed to have aided, and to have delivered such instrument or arms, with an intent to assist such prisoner to escape or attempt to escape. And in case the prisoner so aided as aforesaid, or for whose use such instrument or arms shall be so delivered them, was committed or detained upon any process whatsoever, for any debt, damage, costs, sum or sums of money, every such person so offending, and being thereof lawfully convicted, shall be deemed and adjudged to be guilty of a misdemeanor, and liable to a fine and imprisonment: And if the person so convicted shall fail to make present payment of such fine, he shall, by order of the court before whom such conviction shall be, receive on his bare back twenty-one lashes well laid on, at the publick whipping-post.

II. Provided always, That there shall be no prosecution for the said offences, unless such prosecution be commenced within one year after such offence be committed.

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CHAP. XXXI.

An act to continue and amend the act for the better regulating and disciplining the militia.

I. WHEREAS the act of assembly made in the thirteenth year of the reign of his late majesty king George the second, intituled, An act for the better regulating and disciplining the militia, which was continued by two other acts made in the thirty-second year of his said late majesty's reign, and in the third year of his present majesty's reign, will expire on the eighth day of June next, and it is expedient that the same should be further
continued with amendments; Be it therefore enacted by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act the several persons herein after mentioned shall be, and they are hereby declared to be free and exempt from appearing or mustering either at the private or general musters of their respective counties, that is to say, all his majesty’s justices of the peace within this colony, who have qualified themselves for their office by taking the oaths by law appointed to be taken by justices of the peace, and who are really and bona fide acting justices of their respective counties (except such as do now or hereafter shall bear any commission as officers of the militia in their respective counties) all persons bred to, and actually practising physic or surgery, all the people called Quakers, and all inspectors at the public warehouses, appointed for the inspection of tobacco; and they shall not be subject or liable to any fine, forfeiture or penalty, for absenting themselves from the private or general musters of their respective counties.

II. Provided always, That the persons so exempted (not being Quakers) shall provide compleat sets of arms, as are by the said act required for soldiers, for the use of the county, city or borough, wherein they shall respectively reside: And if they shall fail or refuse so to do, within one year after the passing of this act, then it shall and may be lawful for the courts of the several counties, city or borough, wherein the persons before-mentioned shall reside, and they are hereby impowered and required to levy the value of such arms on each of them respectively.

III. Provided also, That nothing herein contained shall be construed to oblige any of the persons exempted from mustering as aforesaid, who have already provided arms for the use of the county, city or borough, wherein they reside, according to the directions of the said act.

IV. And be it further enacted, by the authority aforesaid, That the lieutenant or chief commanding officer of the militia in every county shall list all male persons of the people called Quakers, above the age of eighteen years, and under the age of sixty years, within his county, under the command of such captain as he shall think fit; and if upon any invasion or insurrection the militia
of the counties to which such Quakers belong, shall be
drawn out into actual service, and any Quaker so in-
listed shall refuse to serve or provide an able and suf-
cient substitute in his room, if thereto required by the
lieutenant or chief officer of the militia of his county,
in such case every Quaker so refusing to serve or pro-
vide a substitute as aforesaid, shall forfeit and pay the
sum of ten pounds; to be recovered before any justice
of the peace of the county, upon the complaint of such
lieutenant or chief officer, and to be levied by distress
and sale of the estate of the Quaker so refusing, which
sum shall be applied by the said lieutenant or chief offi-
cer towards providing a substitute in the room of the
Quaker upon whom the same shall be levied as afore-
said.

V. Provided always, That the number of Quakers re-
quired by the lieutenant or chief officer of any county
to serve or find substitutes as aforesaid, shall not exceed
the proportion the whole number of Quakers bear to
the whole number of the other militia, upon the muster
rolls of the said county.

VI. Provided also, and be it further enacted, by the
authority aforesaid, That no Quaker shall be exempted
from appearing at musters as aforesaid, until he shall
produce, to the lieutenant or chief officer of the militia
of his county, a testimonial or certificate from the month-
ly meeting to which he belongs, that he is really and
bona fide one of the people called Quakers, and is ac-
knowledged and received by them as a member of their
society; and if at any time any person calling himself a
Quaker shall be excommunicated or excluded from the
said society, the monthly meeting to which such ex-
cluded person did belong, shall, within three months
after such exclusion, cause the same to be certified to
the lieutenant or chief officer of the militia of the coun-
ty; and thereupon the person so excluded shall be de-
prived of the exemption from appearing at musters as
aforesaid, and shall be subject to the fines and penalties
inflicted by the said recited act for not appearing at
musters.

VII. And be it further enacted by the authority afores-
said. That every person so exempted (not being a
Quaker) shall always keep in his house or place of
abode, such arms, accoutrements and ammunition, as
are by the said act required to be kept by the militia of
this colony; and if he shall fail or refuse so to do, he
shall forfeit and pay the sum of five pounds, to be levied and assessed on him in the same manner as the several fines and forfeitures, inflicted by the said act, are directed to be levied and assessed: And such exempts shall also, in case of any invasion or insurrection, appear with their arms and ammunition, at such place as shall be appointed by the commanding officer of the militia of their respective counties, cities, or boroughs, and shall then be incorporated with, and be subject to the same discipline, rules and orders, and also the same fines, forfeitures and penalties, for non-appearing or misbehaviour, as the other militia of this colony are subject to.

VIII. And be it further enacted by the authority aforesaid, That from and after the passing of this act the lieutenant or chief commanding officer of the militia of the several counties of this colony, and also of the city of Williamsburg and borough of Norfolk, shall cause a general muster of the several companies of their militia once only in every year, to be in the months of March or April; and that a general court-martial shall be held in the manner by the said act prescribed on the day next following the said general muster if fair (if not the next fair day) and if any soldier shall, at any general or private muster, refuse to perform the command of his officer, or behave himself refractorily or mutinously, or misbehave himself at such court-martial, he shall forfeit and pay the sum of forty shillings current money, to be applied to the same uses as the other fines and forfeitures inflicted by the said act; or it shall and may be lawful to and for the chief commanding officer, then present, to cause such offender to be tied neck and heels for any time not exceeding five minutes, and shall not inflict any other corporal punishment.

IX. And, whereas it hath been doubted whether the sheriffs of York and James City are by law obliged to obey the orders of the court-martial of the said city of Williamsburg, in receiving or collecting the fines to which the inhabitants of the said city may be subject, by virtue of the said act; be it therefore enacted by the authority aforesaid, That from and after the passing of this act, it shall and may be lawful to and for the court-martial, to be held in pursuance of the said act, to order and direct either the sergeant of the said city, or the sheriffs of the said counties of York and James City to receive and collect all such fines as shall be inflicted and
ordered to be levied by them on such of the inhabitants of the said city as shall reside in their respective precincts, and thereupon the said sergeant or sheriff, respectively, shall proceed in the same manner to collect such fines, and shall be accountable for them to the court-martial of the said city, and shall be subject and liable to the same prosecution in case of their failing, neglecting or refusing, to collect the said fines, as are prescribed, directed and appointed in the like cases, for the counties in this colony.

X. And be it further enacted by the authority aforesaid, That this act, together with the said recited act (except so much thereof as comes within the purview of this act) shall continue and be in force from and after the passing of this act for and during the term of four years, and from thence to the end of the next session of assembly.

CHAP. XXXII.

An act for the preservation of the breed of cattle.

I. WHEREAS it is represented to this general assembly, that the inhabitants of this colony have sustained great damage in the loss of their stocks of cattle, by reason of distempered cattle being brought into and carried through this colony from the provinces of North and South Carolina: For prevention whereof, Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the last day of April next, and during the continuance of this act, every person intending to drive any cattle within this colony (except such as shall be brought from Great-Britain) shall immediately upon his arrival within this colony apply to a justice of the peace, and deliver to him an account of the number of cattle in his drove, and such justice shall and may, and is hereby required to administer to the person, so applying, the following oath, to wit, I A. B. do solemnly swear, that I have known all the cattle now by me brought into the
colony of Virginia, for the space of twenty days last past, and that none of them, to my knowledge or belief, are now, or have been affected with any contagious dis-
temper within that time. So help me God. And there-
upon such justice shall immediately issue his warrant, directed to any two freeholders within his county, who (being first sworn diligently to enquire into the condi-
tion and health of the said cattle) shall view the same, and make due report thereof to the said justice as soon as may be; and if such viewers shall report that the same are, to their belief, free from every contagious distem-
per, such justice shall thereupon immediately give the
driver of such cattle a certificate or bill of health for the same, expressing therein the number of cattle, to-
gether with a description of the drivers attending them; and if any justice shall grant a certificate or bill of health contrary to the directions of this act, such justice shall forfeit and pay the sum of ten pounds, to be recovered by an action of debt in any court of record within this colony, by and to the use of any person who will sue for the same.

II. And, for prevention of all unnecessary delays in obtaining proper certificates or bills of health as afore-
said, be it enacted by the authority aforesaid, That every
viewer, to whom any justice shall direct his warrant for the purposes aforementioned, shall immediately obey the same in manner as is before directed; and every such viewer or justice failing to comply with his or their respective duties by this act required, shall forfeit and pay to the driver, for the use of the proprietor of the said cattle, the sum of twenty shillings each, to be recovered and levied in the same manner as debts under twenty-five shillings are by law now recovered and levied, and shall moreover be liable to the action of the party ag-
grieved for any loss which may be sustained by reason of such neglect or failure in their respective duties as aforesaid.

III. Provided always, where any such viewer shall be rendered incapable by any legal disability, such jus-
tice on notice shall immediately direct the said warrant to other freeholders, who shall obey the same in manner and under the like penalties as are herein before men-
tioned. And every such justice or viewer, for the several duties aforesaid, shall be entitled to receive the sum of five shillings each, to be paid to them respectively by
the driver before he shall obtain such certificate or bill of health as aforesaid.

IV. And, for the more effectual prevention of distempered cattle being drove through this colony, be it enacted by the authority aforesaid, That from and after the said last day of April next, and during the continuance of this act, it shall not be lawful for any person to bring any cattle into this colony from any place whatsoever, (except from Great-Britain) without having obtained a certificate or bill of health, according to the directions of this act; and that every driver passing through this colony shall be obliged to produce a certificate or bill of health to any freeholder demanding to see the same; and if such driver shall refuse to produce the same, when demanded, it shall be presumed that the said cattle are illegally brought into this colony, and on information made upon oath by any freeholder of the said county, that such drivers have refused to produce such certificate or bill of health, it shall and may be lawful for any two justices of the peace (whereof one to be of the quorum) for the county through which such cattle are passing, and they are hereby required to issue their warrant, directed to the sheriff, under-sheriff or constable of the said county, to apprehend and bring the drivers of such cattle before them, to answer the said complaint; and if such driver shall not then produce a certificate or bill of health as aforesaid, such drivers shall forfeit and pay the sum of five shillings for each head of cattle by them driven as aforesaid; the one half to be paid to the informer, and the other half to be applied towards lessening the county levy; and on failure to pay the same down, or to give good security to pay the same within three months, it shall and may be lawful for such justices, and they are hereby required to commit such drivers to the publick gaol of their county, there to remain till the said forfeiture is paid.

V. Provided nevertheless, That it shall be lawful for such drivers to appeal from such judgment of such two justices to the next court, to be held for the said county, upon giving bond with good security in double the sum so recovered against them before such two justices, to prosecute such appeal with effect, and to pay and satisfy all costs and charges, together with the sum so recovered against them, in case such judgment of the two justices shall not be reversed by the said county court, or by the general court in such cases where the sum so
recovered shall amount to more than ten pounds current money.

VI. *Be it further enacted,* That after such justices shall have proceeded to judgment in manner aforesaid, that such drivers may then apply to such justices, or either of them, in manner as is before directed, to obtain a certificate or bill of health for such cattle; and if upon the report of the viewers appointed for that purpose, it shall appear that such cattle are free from all infectious disorders, such justices shall and may, and they are hereby required to grant a certificate or bill of health in the same manner, and under the same regulations, as if such drivers had applied for the same at their first entrance into this colony.

VII. *And,* whereas it may happen, that cattle which were to all appearance free from any infectious distemper at the time of their entering into this colony, may, notwithstanding, be infected, and the symptoms of such distemper may break out, and be discovered after the drivers have obtained a certificate or bill of health, which would be extremely injurious to the inhabitants of this colony, and to those of the northern provinces; *be it enacted by the authority aforesaid,* That when information shall be made upon oath by a freeholder of any county through which such cattle shall be passing, that he hath just cause to suspect that some of the said cattle are infected with a contagious distemper, it shall be lawful for any two justices of the said county (whereof one shall be of the quorum) to issue their warrant for apprehending the drivers of such cattle, to answer the said complaint, and proceed to appoint viewers in manner as is before directed for viewing such cattle, and if upon such view it shall appear to the said justices that such complaint is frivolous, and without foundation, the informers shall forfeit and pay to the drivers of such cattle for the use of the proprietors of the same, the sum of twenty-five shillings current money, together with the costs attending such view, to be recovered and levied in the same manner, as debts under twenty-five shillings by law are now recovered and levied. But if upon such view, it shall appear that the said cattle are infected with any contagious distemper, then it shall and may be lawful for such justices to order the said drivers immediately, to kill all the cattle in such drove, to spoil their skins and bury their carcasses, at least four feet deep, and shall adjudge such drivers to pay to the in-
former the sum of twenty-five shillings current money, notwithstanding such drivers should have before obtained a certificate or bill of health for such cattle, and shall detain one of the said drivers in custody till such order is complied with, and such justices shall and may, and they are hereby required to issue their warrant to any two or more freeholders of their said county, to see such order carried into execution; and if such driver shall not proceed to obey the said orders within six hours, or if such drivers shall attempt to drive off the said cattle; then it shall be lawful for the said freeholders so appointed as aforesaid, to kill such cattle, spoil their skins, and bury their carcasses in manner as is before directed; and they shall receive the sum of three shillings for each head of cattle so by them killed and buried as aforesaid; to be recovered and levied of such drivers in the same manner, that debts under twenty-five shillings are by law now recovered and levied; and in case such drivers shall escape from justice, so that the same cannot be levied upon them, then it shall and may be lawful for such justices, and they are hereby required to grant to such freeholders, a certificate of the services performed by such freeholders; and the justices of the said county, at the laying their next county levy, shall levy upon the tithable inhabitants of their said county, the sum of three shillings, or eighteen pounds of tobacco, for each head of cattle so killed and buried as aforesaid, which shall be paid to the said freeholders who have performed the service aforesaid.

VIII. And, the more effectually to stop the progress of so contagious and fatal a distemper, be it further enacted by the authority aforesaid, That no inhabitant of this colony shall permit any infectious beast to go at large, but shall confine the same apart from the rest of his cattle, till the same shall be perfectly recovered. And if any such or other distempered beast shall die, the owner or overseer shall burn and bury the carcass in manner afore-directed; and every owner or overseer permitting any such distempered cattle to go at large after he shall know the same to be infected, shall forfeit and pay the sum of six pounds for every such beast so permitted to run at large; to be recovered by action of debt in any court of record within this colony, by and to the use of any person that will sue for the same; and every owner or overseer neglecting to burn and bury the carcass as afore-directed, shall forfeit and pay the

Infectious beasts not to go at large.
Penalty. 

sum of twenty shillings for every carcass; to be recovered, levied and applied in the manner as other small penalties inflicted by this act.

IX. Provided always. That where the management of any plantation shall be intrusted to the care of an overseer, he alone shall be liable for the penalties incurred by the mismanagement of distempered cattle under his care.

Provided, That nothing herein shall be construed to extend to either of the counties of Southampton, Isle of Wight, Nansemond or Norfolk.

XI. And be it further enacted, That any justice of peace, viewer or any other person, who shall be sued for any thing by him or them done in pursuance of this act, may plead the general issue, and at the trial give this act in evidence.

XII. And, to the end that no person may plead ignorance of this act, be it enacted by the authority aforesaid, That a copy of this act shall be published in the Virginia Gazette on or before the twentieth day of April next.

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CHAP. XXXIII.

An act to confirm the titles to lands claimed by descent or purchase from aliens.

WHEREAS many protestants have formerly removed into this colony from Germany and other parts of Europe, and become useful subjects to his majesty; but being ignorant of the modes established for their naturalization, have, without procuring the same, purchased lands, some part of which they have sold or conveyed to their children or other relations, in their lifetime, and died seized of other part to which their heirs have succeeded: For quieting the titles of such purchasers and heirs, Be it enacted by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That all and every person and persons now sei-
zed or possessed of any lands, the title to which is derived to them by descent or purchase from such alien, shall hold and enjoy the same in like manner, and for such estate and interest therein, as if such alien had been naturalized, at the time of such descent or purchase.

Provided always, That the execution of this act shall be, and the same is hereby suspended until his majesty's approbation thereof shall be obtained.

CHAP. XXXIV.

An act to amend an act, intituled, An act for preventing frauds in the customs, and in clearing of ships, for ascertaining collectors and naval-officers fees, and to prohibit and prevent the casting ballast or dead bodies into rivers or creeks.

I. WHEREAS by one act of assembly made in the twenty-second year of the reign of his late majesty king George the second, intituled, An act for preventing frauds in the customs, and clearing of ships, for ascertaining collectors and naval-officers fees, and to prohibit and prevent the casting ballast or dead bodies into rivers or creeks, among other things, it is enacted, That the collectors and naval-officers should not receive any greater fees than are by the said act of assembly particularly allowed, under the penalty of one hundred pounds: And whereas it is almost impossible to detect officers who charge greater fees than by the said act of assembly are allowed, unless the officer or officers demanding and receiving the same, be obliged to give receipts for such fees, that it may appear what fees are charged; Be it enacted by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That every naval-officer, comptroller and collector, shall be obliged, on receiving any fee or fees, to give a
receipt to the person paying the same, with a particular account of the services for which such fees are demanded, and specifying in such receipt whether the vessel so entered and cleared be a free bottom of this colony or not, under the penalty of ten pounds for every refusal, to be recovered by action of debt, by any person who shall inform against him or them in any court of record within this colony.

II. Provided always, That the execution of this act shall be suspended until his majesty's approbation thereof shall be first had and obtained.

CHAP. XXXV.

An act for opening a road through the frontiers of this colony to Fort Pitt on the Ohio.

I. WHEREAS it is represented to this present general assembly, that by opening a road from the frontiers of this colony to Fort Pitt on the Ohio, a very advantageous trade might be carried on with the Indians, in alliance with the British crown on the western frontiers of this dominion, and the king's garrisons be better supplied with provisions; Be it therefore enacted by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That Thomas Walker, Thomas Rutherford, James Wood, and Abraham Kite, gentlemen, or any two of them, are hereby appointed, authorized and impowered, to view, lay out, and direct, a road to be cleared from the north branch of Potowmac river to Fort Pitt on the Ohio, by or near the road called Braddock's road, in the most direct and cheapest manner the said commissioners shall think fit.

II. And be it further enacted by the authority aforesaid, That the treasurer of this colony for the time being is hereby authorized and required to pay to the said commissioners a sum of money not exceeding two hundred pounds in the whole, in such proportions, and at such times, as the said commissioners shall require, to
be applied by them towards clearing a road as aforesaid, and the said commissioners shall account for the same to the next general assembly.

CHAP. XXXVI.

An act for erecting warehouses for the reception of Hemp.

I. WHEREAS from the encouragement given by an act of the parliament of Great-Britain to persons who shall export to any of the ports thereof such hemp and flax as by the said act is described, many persons in this colony have been induced to cultivate those commodities, and the same are likely to become a very considerable branch of commerce: And whereas there are not proper and sufficient storehouses for the reception thereof, whereby the back inhabitants of this colony are put to great inconvenience when they bring their hemp and flax to market; Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That where any storehouse for the reception of hemp and flax shall be thought necessary and convenient, it shall and may be lawful for the justices of the court of that county wherein such place is, and they are hereby required, on application to them made, to cause the owner or proprietor of the same, and if such owner or proprietor be under age, feme covert, or out of the country, then the guardian, husband, or known attorney or agent (as the case may be) of such owner or proprietor, to be summoned to appear before them at the next succeeding court, there to declare whether they will undertake to erect and build good and sufficient houses for the storage thereof: And in case such owner, guardian, husband, attorney or agent, will undertake the same, then the said court shall, and they are hereby required to take bond with security in a reasonable penalty, payable to his majesty, his heirs and successors, with condition for the due performance of such undertaking: And if such owner, guardian, husband, or known attorney or agent, shall refuse
to undertake the same, or give bond as aforesaid, then the said court shall, and they are hereby required and empowered to agree with some person or persons to erect and build good and sufficient storehouses, for the reception and preservation of all hemp and flax that shall be brought to the same, and shall certify the charge thereof to the treasurer of this colony for the time being, who is hereby directed and required to pay the same out of the public money in his hands.

II. And be it further enacted by the authority aforesaid, That the courts of the several counties within this colony, wherein any warehouse for the reception of hemp and flax shall be established, shall and may, and they are hereby required to appoint a fit and able person or persons to have the care and charge of the said warehouses, who shall give bond, with good security, in the sum of two hundred pounds, for the faithful and due discharge of his or their duty, and shall take the following oath: I A. B. do swear, that I will receive all hemp and flax, which shall be brought dry and in good order, into the storehouse whereof I am keeper.

III. And be it further enacted by the authority aforesaid, That if any store-keeper, appointed in pursuance of this act, shall deliver any hemp or flax but by order of the owner thereof, or shall exchange the hemp or flax of one person for another, or shall fail to give a receipt if required, expressing the quantity and mark of the hemp or flax by him received, he shall for every such failure forfeit and pay to the party injured the sum of fifty pounds.

IV. And be it further enacted by the authority aforesaid, That the keeper of any storehouses hereby appointed, shall and may demand and receive for storage of hemp or flax four-pence for every hundred and twelve pounds, and so for a greater or lesser quantity; and shall account for the same annually with the treasurer or proprietor, as the case may be; and on failure so to do shall forfeit and pay the sum of one hundred pounds; and shall and may receive for his or their trouble and attendance one penny for every hundred and twelve pounds of hemp or flax, and in that proportion for a greater or lesser quantity.

V. And be it further enacted by the authority aforesaid, That the courts of the several counties where such warehouses shall be erected, shall provide good and sufficient weights and scales for the purpose of weighing.
the hemp and flax brought to such warehouse, and shall certify the costs thereof to the treasurer of this colony for the time being, who shall pay the same out of the public money in his hands, provided such warehouse be erected at the public expense; but if such warehouse shall be built at the expense of the proprietor of the land where it shall be erected; then, and in that case, such proprietor shall furnish such weights and scales at his or her own proper expense, under the penalty of twenty pounds; to be recovered by action of debt in the county court where such warehouse is erected; and all such weights and scales shall be examined once in every year, in the same manner as they are examined at the public warehouses for the inspection of tobacco.

VI. And be it further enacted, That no such warehouse keeper shall receive into any such warehouse any salt or liquor of any kind whatsoever, under the penalty of five shillings for every bushel of salt or gallon of liquor so received; to be recovered before a justice of the peace by any person who shall inform or sue for the same.

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CHAP. XXXVII.

An act for establishing Fairs in the town of Mecklenburg, in the county of Frederick.

I. WHEREAS allowing fairs to be kept in the town of Mecklenburg in the county of Frederick, will be commodious to the inhabitants of those parts and greatly increase the trade of the said town; Be it therefore enacted by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That for the future two fairs shall and may be annually kept and held in the said town of Mecklenburg, on the second Wednesday in June, and the second Wednesday in October, in every year, and to continue for the space of two days, for the sale and vending of all manner of cattle, victuals, provisions, goods, wares and merchandize, whatsoever:

Salt or liquor not to be received in warehouse.
On which fair days, and two days next before, and two
days next after, the said fair, all persons coming to, be-
ing at, or going from, the same, together with their cat-
tle, goods, wares and merchandize, shall be exempt and
priviledged from all arrests, attachments, and execu-
tions, whatsoever; except for capital offences, breaches
of the peace, or for any controversies, suits, or quarrels,
that may arise and happen during the said time: In
which case, process may be immediately issued, and
proceedings thereupon had, in the same manner as if
this act had never been made; any thing herein before
contained, or any law, usage, or custom, to the contra-
ry thereof, notwithstanding.

II. Provided always, That nothing herein contained
shall be construed, deemed, or taken, to derogate from,
alter or infringe, the royal power and prerogative of his
majesty, his heirs and successors, of granting to any
person or persons, body politick or corporate, the pri-
vileges of holding fairs or markets in such manner as
he or they, by his or their royal letters patent, or by
his or their instructions, to the governor or commander
in chief of this dominion for the time being, shall think
fit.

CHAP. XXXVIII.

An act to amend an act, intituled, An
act to oblige the prosecutors of offen-
ces not capital, to pay the costs of
the prosecution where the defendant
shall be acquitted.

I. WHEREAS by an act of general assembly made
in the twenty-fifth year of the reign of his late majesty
king George the second, intituled, An act to oblige the
prosecutors of offences not capital to pay the costs of
the prosecution where the defendant shall be acquitted,
which said act only extended to prosecutions in the ge-
neral court: And whereas it is found expedient that
the said act should extend to the county courts in this
colony; Be it therefore enacted, by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the said recited act, and every part thereof, shall extend to the several county courts in this colony, in the same manner and under the like regulations as in the general court; any law, custom or usage to the contrary notwithstanding.

II. Provided nevertheless, That if such county court shall certify that there was a probable cause for such prosecution, and that the same was not malicious, then the prosecutor shall not be liable to pay the costs of the prosecution; any thing in this act to the contrary thereof notwithstanding.

CHAP. XXXIX.

An act for exempting the inhabitants of Mecklenburg county, and also the minister and other parishioners of St. James’s parish, in the said county, from the payment of ferriage on Sundays, court days, and on the days appointed for general musters.

I. WHEREAS the inhabitants of that part of the county of Mecklenburg which lies on the south side of Roanoke river, have represented to this present general assembly, that they are subject to a continual expense of ferriage over the said river, when their attendance is required at the court-house, either in the public business of the said county, or their own private concerns, or when required to appear at general musters (the court-house being on the north side of the said river) and at the same that they are liable and obliged to pay their full proportion of all the incident charges of the said county; and have petitioned this assembly, that they
may be hereafter exempt from the payment of ferriage over the said river on court days, and the days appointed for general musters: And whereas the parish of St. James's, in the said county of Mecklenburg, is situate on both sides the said river Roanoke; and it is represented to this general assembly, that as well the minister of the said parish, at all times when performing the duties of his function, as the other parishioners, who are obligated to cross the ferries to attend divine service on Sundays, and other days of public worship, are subject to the payment of ferriage over the said river, which is an unreasonable expense to them; Be it therefore enacted by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act the inhabitants of the said county of Mecklenburg, and the minister and parishioners of the said parish of St. James's, shall be, and are hereby declared to be exempt and free from the payment of ferriage over the said river, to and from the court-house aforesaid, and to and from the several churches in the said parish, as well for themselves as their servants, carriages and horses, when under the necessity of passing the said river, to appear either at the county court or at general musters, or to attend divine service on Sundays and other days of public worship; and the ferry-keepers on each side of the said river shall, from time to time, as they shall be required, set them over the same without demanding any ferriage of them.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the court of the said county of Mecklenburg, and they are hereby empowered and required to contract and agree with the ferry-keepers on each side of the said river, for an annual allowance, to be paid them for such ferriages, which shall be levied by the vestry of the said parish of St. James's, at the laying of the parish levy, for the use of the said ferry-keepers; to be collected and paid in the same manner as the other parish levies.

Court to contract with ferry-keepers.
An act to repeal so much of An act of assembly passed in the twenty-fifth year of his late majesty's reign, intituled, An act for building a bridge over Appamattox river by subscription, as relates to prohibit the inhabitants of Dinwiddie and Chesterfield from building a bridge at the place in the said act mentioned, at the charge of the said counties.

I. WHEREAS by an act of assembly made in the twenty-fifth year of the reign of his late majesty king George the second, intituled, An act for building a bridge over Appamattox by subscription, it was enacted that the said bridge should be maintained no longer than the same could be done by subscription, and that neither the justices of the counties of Dinwiddie or Chesterfield, should be obliged at any time thereafter to build a bridge over the said river at the place therein appointed: And whereas it hath been represented to this general assembly, that the rebuilding of the said bridge is necessary and convenient; Be it therefore enacted by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same. That so much of the said recited act as relates to prohibit the justices of the said counties of Chesterfield and Dinwiddie, from rebuilding or maintaining the same, at the charge of their respective counties, be, and the same is hereby repealed and made void.


An act to compel ships importing convicts or servants infected with the goal fever or small-pox to perform quarantine.

Vessels importing convicts or servants, infected with goal fever to perform quarantine.

I. WHEREAS by an act of general assembly made in the eighth year of the reign of his majesty king George the first, intituled, An act to oblige ships coming from places infected with the plague to perform their quarantine, it is enacted, That all vessels coming from any place infected with the plague shall make their quarantine: And whereas it is represented to this present general assembly, that the goal fever and small-pox are frequently propagated among the inhabitants of this colony by the importation of convicts and indented servants, which maladies have proved equally infectious, and very little if any less fatal than the plague; Be it therefore enacted by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all vessels importing convicts or indented servants infected with the goal fever or small-pox, shall make their quarantine in such manner, and under the like penalties and forfeitures, as in and by the said recited act are directed.

II. And, for the more effectual discovery of such infected vessels, be it further enacted by the authority aforesaid, That no master of a vessel shall permit any convict or indented servant to quit the vessel before entry at the naval office, as now directed by law; and every such master shall, at the time of entering such vessel, in presence of the naval officer, take and subscribe the following oath: I A. B. do solemnly and sincerely swear, that none of the convicts or indented servants, now by me imported into this colony, have been infected with the goal fever or small-pox at any time within fifty days now last past. So help me God. Which oath the naval officer is hereby required to administer, and subscribe, as a witness thereto. And if any master shall refuse to take such oath, or if it shall appear to such naval officer, that the said vessel ought to make quar-
antine, such naval officer shall immediately by express
give notice thereof to the governor or commander in
chief of this colony for the time being; which express
shall be paid at the rate, and in the same manner, pub-
lic expresses are now paid. And if any master of such
vessel shall take a false oath: or any naval officer shall
permit any vessel to enter contrary to the directions
of this act, every such master or naval officer shall respec-
tively forfeit and pay the sum of fifty pounds each, to
be recovered by action of debt in any court of record
within this colony one moiety thereof to the use of the
poor of any parish where any such convicts or indented
servants shall be landed; the other moiety to the use of
the informer. And in every such action the master
shall be obliged to give special bail, if the court before
whom such action shall be depending, shall see cause to
rule him so to do: And moreover, such master taking
a false oath as aforesaid, shall be subject to the same
pains and penalties as are inflicted on persons guilty of
wilful and corrupt perjury.

III. And be it further enacted, That every master of
a vessel permitting any convict or indented servant to
quit such vessel before entry as aforesaid, shall forfeit
and pay the sum of ten pounds for every convict or in-
dented servant so permitted, to be recovered and appli-
ced in manner as afore-directed.

CHAP. XLII.

An act to repeal an act passed in the
thirtieth year of the reign of his late
majesty George the second, intituled,
An act to empower the justices of the
county of Norfolk to agree with per-
sons to keep certain ferries, and to
levy the expence thereof upon the in-
habitants of the said county, and for
other purposes therein mentioned.

I. WHEREAS it is represented to this present ge-
Norfolk, that the expense and inconvenience of keeping the public ferries over the three branches of Elizabeth river, and over Tanner's creek, is become very great, as the same are regulated and settled by an act of assembly passed in the thirtieth year of the reign of his late majesty George the second, intituled, An act to impower the justices of the county of Norfolk to agree with persons to keep certain ferries, and to levy the expence thereof upon the inhabitants of the said county, and have petitioned that the said act may be repealed; Be it therefore enacted by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That the justices of the said county of Norfolk be, and they are hereby impowered and required to contract and agree with proper persons who will give most for the privilege of keeping the said ferries and to apply the money arising therefrom towards lessening the county levy.

II. Provided always, That the inhabitants of the said county shall be transported over the said ferries free of ferriage on court and general muster days, and going to, or returning from, church or chapel; and the justices of the said county are hereby impowered and directed to levy the expence of the same upon the tithable inhabitants of their county, at the laying the county levy; and that such ferry-keepers shall and may demand and receive from all persons other than the inhabitants of the said county on court and general muster days, and going to, or returning from, church or chapel; the following rates, that is to say, for a man four-pence, and for a horse the same; for every coach, chariot or wagon, and the driver thereof, the same as for six horses; for every cart or four wheeled chaise, and the driver thereof, as for four horses; for every two wheeled chaise or chair, the same as for two horses; for every hogshead of tobacco, and head of nett cattle, as for one horse; for every hog, sheep, goat or lamb, one fourth part of the ferriage of one horse; any law, custom or usage, to the contrary in any wise notwithstanding.

III. And be it further enacted by the authority aforesaid, That all and every clause and clauses of the afore-recited act be, and the same are hereby repealed and made void.
An act for increasing the rates of ferriage at Swan’s Point, James Town, and Crouche’s Creek, and for other purposes therein mentioned.

I. WHEREAS it is represented to this present general assembly, that the rates of ferriage across James river, from James town, in the county of James City, to Swan’s point and Crouche’s creek, in the county of Surry, and from the two last mentioned places to James town are too low, as the same are settled by an act passed in the twenty-second year of the reign of his late majesty king George the second, intituled, An act for the settlement and regulation of ferries, and for dispatch of public expresses; Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgess, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act the ferry-keepers at the said ferries respectively may demand and take the following rates for ferriage, that is to say, from James town to Swan’s point, and from Swan’s point to James town, the price for a man one shilling, and for a horse the same; from James town to Crouche’s creek, and from Crouche’s creek to James town, the price for a man one shilling and three-pence, and for a horse the same; and in that proportion for the transportation of carriages, cattle and other things, and no more.

II. And, whereas by an act passed in the fifth year of his present majesty’s reign, a ferry was appointed from the land of Thomas Shepherd at Mecklenburg, in Frederick county, to Maryland, which is found unnecessary; the same being at a very small distance from a ferry already established from the land of Thomas Swearingen over Potowmack river to Maryland; be it therefore enacted by the authority aforesaid, That the said act be, and the same is hereby repealed and made void to all intents and purposes.

III. And, whereas by the first recited act, a public ferry was established from the land of Littleton Eyre on Hungar’s river, in the county of Northampton, over the bay of Chesapeake to the towns of York, Hampton, and
Norfolk; but no provision was made by the said act for preventing persons from setting over the said bay for reward from the county of Accomack, any person or persons, which is very prejudicial to the keeper of the said ferry; be it therefore enacted by the authority aforesaid, That no person whatsoever shall for reward set any person or persons over the said bay from the county of Accomack (other than the inhabitants of the said county) to the said towns of York, Hampton, or Norfolk, or other place adjacent to the said towns; and if any person shall offend herein, he or she so offending, shall forfeit and pay five pounds for every offence; to be recovered by the keeper of the said ferry for his own use, by action of debt or information in any court of this dominion.

CHAP. XLIV.

An act for building a bridge over Back river by subscription.

I. WHEREAS it hath been represented to this general assembly that a bridge over Back river, from the land of Francis Mallory, in the county of Elizabeth city, to the land of John Jones opposite thereto, would be very convenient; and divers inhabitants of the said county have petitioned for leave to build a bridge over the said river by subscription; Be it enacted by the Lieutenant-Governor Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That Cary Selden, George Wray, John Tabb, Jacob Wray, and Nicholas Wilson Curle, gentlemen, be, and they are hereby nominated and appointed trustees for building a bridge over the said river at the place aforesaid, and the said trustees, or any three or more of them, shall have power and authority to receive subscriptions from any person or persons, and to apply the monies subscribed towards building, maintaining and keeping in repair, the said bridge, in such manner as they the said trustees or any three of them shall judge necessary and convenient.
II. And be it further enacted by the authority aforesaid, That upon the death, removal out of the county, or resignation of any of the said trustees, the other trustees, or any three of them, shall and may elect one or more person or persons of the same county instead of the trustee or trustees so dying, removing or resigning; and the trustee or trustees so elected shall have the same power and authority, as if he or they had been particularly nominated and appointed by this act.

CHAP. XLV.

An act for altering the court days of the counties of Lancaster, Princess Anne, and Elizabeth city.

I. WHEREAS it is represented that the court days of the counties of Lancaster, Princess Anne, and Elizabeth city, are inconvenient as well to the justices and attorneys as the merchants and others who are obliged to attend the same; Be it therefore enacted by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the first day of May next, the court for the county of Lancaster shall be constantly held on the third Thursday in every month; and for the said county of Princess Anne, on the first Thursday in every month; and for the county of Elizabeth city, on the fourth Thursday in every month; any law, usage or custom, to the contrary thereof, in anywise, notwithstanding.
An act to prevent hogs running at large in the town of Port Royal.

WHEREAS it is represented to this general assembly by the proprietors of the lands adjoining the town of Port Royal, that the permitting hogs to run at large within the limits of the said town is very injurious to them, as such hogs break through and destroy their ditches and enclosures; Be it therefore enacted by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the first day of June next, it shall not be lawful for any person or persons inhabiting within the said town to raise or keep any hogs within the limits thereof, or suffer the same to go at large within the said town; and if any hogs so raised and kept shall be found going or running at large within the said town, it shall and may be lawful for any person whatsoever to kill and destroy the same.

CHAP. XLVII.

An act for further continuing and amending the act, intituled, An act for the better regulating and collecting certain officers' fees, and for other purposes therein mentioned.

I. WHEREAS the act of the general assembly made in the nineteenth year of the reign of his late majesty King George the second, intituled, An act for the better regulating and collecting certain officers' fees, and for other purposes therein mentioned, which hath been continued by several acts, and amended by two acts in the first and third years of his present majesty's reign, will expire on the twelfth day of April, one thousand seven hundred and sixty-seven; and it being necessary that the same should be further continued, with amendments,
Be it therefore enacted by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That the said recited acts, except as to so much thereof as is otherwise directed by this act, shall continue and be in force from and after the said twelfth day of April, one thousand seven hundred and sixty-seven, for and during the term of two years, and no longer.

II. Provided always, and be it further enacted by the authority aforesaid, That from and after the passing of this act, it shall not be lawful for the secretary of this colony, or the several county court clerks, to charge any fee for the search for any thing in their respective offices where a copy is taken or made; and the person requiring such copy shall be chargeable with the fee for the copy only.

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CHAP. XLVIII.

An act for increasing the salary of the Minister of the parish of Frederick, in the county of Frederick.

I. WHEREAS by an act of general assembly made in the twelfth year of the reign of his late majesty George the second, intituled, An act for erecting two new counties and parishes, and granting certain encouragements to the inhabitants thereof, it is enacted for the more easy payment of all levies, secretary's, clerks, sheriffs and other officers fees, by the inhabitants of the counties of Frederick and Augusta, that the said levies and fees should and might be paid in money for tobacco at three-farthings per pound without any deduction: And whereas by one other act of general assembly made in the twenty-second year of his said majesty's reign, intituled, An act for the support of the clergy, and for the regular collecting and paying the parish levies, it is among other things enacted, that every minister, preferred, or to be preferred or received into any parish within this dominion, shall have and receive an annual salary of sixteen thousand pounds of tobacco and cask, with an
allowance of four per cent. for shrinkage; to be levied, assessed, collected and paid in tobacco; which, under the directions of the first recited act, is to be levied and paid in the said county of Frederick in money for tobacco, at the rate of three-farthings per pound; by which the minister of the said parish of Frederick receives a salary very inadequate to other ministers in this colony, and the vestry and inhabitants of the said parish of Frederick, with the consent, and at the instance of the minister of the said parish, have petitioned that an act may pass to empower them to levy an additional sum for the support of the said minister; Be it therefore enacted by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the vestry of the said parish of Frederick, at the time of laying their levy, shall, and they are hereby authorized and required to levy on the tithable persons within their parish the sum of ninety-one pounds, with an allowance of six per centum for collecting the same, to be levied, collected and paid in the same manner, and under the like penalties, as in and by the said second recited act are directed; and if the vestry of the said parish shall neglect or refuse to direct the said ninety-one pounds, with the allowance for collecting as aforesaid, to be levied and collected as by the said second recited act is directed, the vestrymen of the said parish present at laying of the parish levy, neglecting or refusing, shall be liable to the action of the minister injured thereby, his executors or administrators, for all damages he shall sustain by occasion of such refusal or neglect.
CHAP. XLIX.

An act for perpetuating the succession of the trustees appointed by the act of assembly, intituled, An act for enlarging and ascertaining the limits of the borough of Norfolk, and for other purposes therein mentioned.

I. WHEREAS by an act of assembly made in the first year of his present majesty's reign intituled, An act for enlarging and ascertaining the limits of the borough of Norfolk, and for other purposes therein mentioned, a certain piece or parcel of land in the said borough, whereon a publick warehouse lately stood, commonly called the fort land, was vested in John Hutchings, Robert Tucker, Archibald Campbell, James Holt, Paul Loyal, Thomas Newton, Samuel Boush, William Aitchison, Daniel Rothery, William Bradley, John Tucker, Goodrich Boush, James Taylor, Archibald White, Robert Waller, John Hunter, and William Freeman, gentlemen, in fee simple, as trustees and directors, in behalf of themselves and divers other persons named in a schedule to the said act annexed, for the uses and purposes therein mentioned; which said act of assembly was amended and explained by another act of assembly made in the third year of his said majesty's reign, intituled, An act to amend an act to explain the charter and enlarge the privileges of the borough of Norfolk, and for other purposes therein mentioned; also one other act, intituled, An act for enlarging and ascertaining the limits of the borough of Norfolk, and for other purposes therein mentioned: In consequence of which several acts, the persons interested in the said parcel of ground, have formed themselves into a company stiled and known by the name of the Town-Point company; but no provision being made for perpetuating the succession of the said trustees, several of whom are since dead; Be it therefore enacted by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful at any time after the passing of this act, to and for the present
members of the said company, and their heirs, executors, administrators or assigns, and the heirs, executors, administrators or assigns, or other legal representatives of such members of the said company as are now dead, to elect and choose by a majority of voices of the members present from among the members of the said company or their heirs, executors, or administrators or assigns some other persons to succeed such of the trustees and directors as are now dead, or may hereafter die, be removed, resign, or be rendered incapable of doing duty.

II. Provided always, That no member of the said company, or his representative, shall have liberty to vote at such election, who shall not at the time of voting be entitled to twenty-five pounds of capital stock at the least; and that no more than one vote shall be given by coheirs, executors or administrators, in respect of the share of any dead person; nor shall such election be made until public notice of the day, time and place, shall be first given, and a majority of the members having a right to vote be present.

CHAP. L.

An act to vest certain lands in trustees for the purposes therein mentioned.

WHEREAS John Chiswell, late of the city of Williamsburg, gentleman, deceased, by deed bearing date the thirty-first day of May, in the year of our Lord one thousand seven hundred and sixty, did, for the purposes therein mentioned, grant, bargain and sell unto John Robinson of the county of King and Queen, esquire, all the lands of him the said John Chiswell, lying on Rock-fish river, in the county of Albemarle, containing about twenty thousand acres: Also seven eighth parts of a copper mine and lands, lying in the said county of Albemarle, purchased of John Warren: Also one fourth part of a copper mine and lands, purchased of Joshua Fry: Also two thousand acres of land, lying on Buffaloe ridge in the said county of Albemarle: Also one fourth
of a mine and lands, purchased of William Byrd, esquire; and one fourth part of two thousand acres of land which the said John Chiswell and John Robinson had obtained orders of council to survey on New river in the said county of Augusta, with all mines, privileges, profits and advantages, to the same belonging.

II. And, whereas the said John Robinson having sold part of the said lands, hath since departed this life without conveying the same; and it is necessary that the said lands should be vested in trustees, to confirm the title of the purchasers; and the residue to be sold for the intents and purposes of the said recited deed; be it therefore enacted by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That the said lands, as to so much thereof as hath not been already conveyed to any purchaser by the said John Robinson, be, and the same are hereby vested in Peyton Randolph, Archibald Cary, Seth Ward, William Cabell, and Joseph Cabell, esquires, the survivors or survivor of them, In Trust, to sell so much thereof as hath not been already agreed for, for the most that can be got, to any person or persons willing to purchase the same, and convey the same and such other parts of the said land as hath been agreed for, and not conveyed; to hold to such purchaser or purchasers, his or their heirs and assigns for ever.

III. And be it further enacted by the authority aforesaid, That the said trustees shall pay the money arising from such sale, after deducting the expences of sale, and five per centum for their trouble therein, to the administrators of the said John Robinson, to be by them applied to the uses in the said deed mentioned.

IV. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person or persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the said John Chiswell or John Robinson, all such estate, right and title, as they every or any of them, could or might claim, if this act had never been made.
An act to empower the administrators of the estate of John Robinson, esquire, deceased, to sell such parts of his real or personal estate as to them shall seem most convenient for the payment of his debts.

I. WHEREAS John Robinson, esquire, late treasurer of this colony, in his life, was seized in fee simple of and in divers tracts of land in several counties in the said colony, and was also possessed of sundry slaves, and a considerable personal estate; but at the time of his death greatly indebted for the balance of the public money in his hands, as well as to many private persons, more than the value of the said slaves and personal estate amounted to, and which, if sold in a regular course of administration, the lands aforesaid will be left a burden to the said John Robinson's son and heir, who is an infant, and incapable of selling and conveying the said lands; and it would be very advantageous to the said heir, if the administrators of the estate of the said John Robinson, were impowered to sell part of the said lands, and thereby preserve some of the slaves to be worked on such of the said lands as shall remain after satisfying the debts due from the said John Robinson, deceased; Be it therefore enacted by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That Peter Randolph, esquire, Edmund Pendleton, and Peter Lyons, gentlemen, administrators of the estate of the said John Robinson, deceased, shall be, and they are hereby impowered to sell and dispose of so much of the said lands for the best price that may be got for the same, as they shall judge most convenient and necessary, for and towards discharging the debts aforesaid, reserving a sufficient quantity of the said lands to employ such of the slaves aforesaid as shall remain after satisfying the said debts: And the said Peter Randolph, Edmund Pendleton, and Peter Lyons, and the survivor or survivors, in case of the death of any or either of them, shall and may convey such land so sold to the purchaser or purchasers, who
shall from thenceforth hold the same respectively to
them, their heirs and assigns for ever, against the heir
of the said John Robinson, deceased, and all persons
claiming under him; and the money arising by such
sale shall be applied towards the payment of the debts
aforesaid.

CHAP. LII.

An act for raising a public levy.

I. BE it enacted by the Lieutenant-Governor,
Council and Burgesses of this present General Assem-
by, and it is hereby enacted by the authority of the same,
That eight pounds of tobacco be paid by every tithable
person within this dominion, for the defraying and
payment of the public charge of the country, being the
public levy from the thirtieth day of October, one
thousand seven hundred and sixty-four, to the sixth day
of November, one thousand seven hundred and sixty-six;
and that it be paid by the collectors of the several
counties, to the several persons and counties respective-
tly to whom it is proportioned by this general assembly.
And if it shall happen that there shall be more tithables
in any county than the present levy is laid on, then the
county shall have credit for so much, to the use of the
county, and if fewer tithables in any county, then the
county shall bear the loss.

II. Provided always, That where any allowance is
made in the book of proportions to any county, to be
paid in the same county, no more per poll shall be col-
lected from the tithables of such county than will dis-
charge the balance after such allowance shall be de-
ducted; and that every county court shall regulate the
levy accordingly.

III. And be it further enacted by the authority aforesaid, That the sheriff of every county shall, at the court
of his county, to be held in the months of May or June
next, give bond and security for the due collection and
payment of the public levy now laid and assessed. And
whereas there are several balances due to the public
from the following counties, to wit, from the county of
tobacco.

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Brunswick eleven thousand nine hundred and eighty-three pounds of tobacco, from the county of Charles City fifteen thousand one hundred and eighty-four, from the county of Dinwiddie eight hundred and ninety-six, from the county of Gloucester seventeen thousand five hundred and fourteen, from the county of Henrico five thousand seven hundred and fifty-seven, from the county of James City five thousand two hundred and ninety-nine, from the county of Isle of Wight eight thousand five hundred and twenty-two, from the county of Louisa ten thousand one hundred and eighty-two, from the county of Middlesex five thousand one hundred and sixty-three, from the county of New-Kent seven thousand five hundred and sixty-nine, from the county of Southampton thirteen thousand eight hundred and eighty-two, from the county of Surry six thousand six hundred and sixty-three, and from the county of Sussex six thousand two hundred and fifty, as appears by the book of proportions.

IV. And be it further enacted by the authority aforesaid, That the sheriff of each of the said counties above mentioned, shall, after giving one month's notice in the Virginia Gazette, sell the respective quantities of tobacco levied in his county, as a depositum for the use of the public, to the highest bidder, at the court of his county; to be held in the months of July or August next, provided a court be then held, if not at the next succeeding court, on three months credit, and shall take bond, with sufficient security, payable to the treasurer of this colony for the time being, and shall transmit the same to the said treasurer within one month after such sale. And if any such buyer shall neglect or refuse to pay the money on the bonds aforesaid, when the same shall become due, it shall and may be lawful for the general court, or the court of the county where such buyer resides, on a motion to them made by the treasurer of this colony for the time being, to give judgment on the said bonds, and thereon to award execution, provided such buyer and his securities, his and their heirs, executors or administrators, have ten days previous notice.

V. And, whereas it is represented to this assembly, that the money appropriated for the payment of the bounty to persons making hemp within this colony is near exhausted; be it further enacted by the authority aforesaid, That the money arising from the sale of the
several quantities of tobacco before mentioned, shall be appropriated to and for the use and purpose of paying the bounty on hemp, in the same manner and under the same regulations as in the act for encouraging the making of hemp in this colony is directed.

VI. And, whereas some of the venire-men, witnesses and the sheriff of the county of Hampshire, are by the book of proportions, to be paid in Frederick county, by which they will receive one penny per pound for their tobacco; and whereas the said county of Hampshire is intitled to receive five thousand two hundred and ninety-six pounds of tobacco in the county of Orange, and it would be more reasonable that the said county of Hampshire should bear the loss of four thousand four hundred and forty-nine pounds of tobacco, being paid at a penny per pound, than the said venire-men, witnesses and sheriff, who ought to be paid in tobacco; be it enacted by the authority aforesaid, That the sheriff of the said county of Orange may and he is hereby required to pay out of the tobacco which shall be in his hands for the said county of Hampshire, to the following persons, the respective quantities of tobacco herein after mentioned, to wit; to George Wilson and Jacob Brake four hundred and seventy-seven pounds of tobacco each, to John Blue, junior, Benjamin Reeves, and William Buffington, four hundred and seventeen pounds of tobacco each, to George Yoakum, Margaret Yoakum, and Anne Murphey, four hundred and forty-seven pounds of tobacco each, to George Sea, four hundred and sixty-two pounds of tobacco, and to William Clarke, four hundred and forty-one pounds of tobacco, in full of their respective tobacco claims against the public.
An act to dock the entail of certain lands, whereof Lewellin Jones is seized, and for settling other lands and slaves in lieu thereof:

1. WHEREAS Richard Jones late, of the county of Amelia, gentleman, was in his life-time seized in fee simple of a tract of land in the parish of Raleigh, and county aforesaid, on Cellar creek containing by estimation one thousand and six acres; and being so seized did, by his last will and testament in writing bearing date the sixteenth day of December, one thousand seven hundred and fifty-eight, devise the same to his son Lewellin Jones in fee tail, and the said Richard Jones soon afterwards died so seized, whereupon the said Lewellin Jones entered into the lands so devised to him, and was and is thereof seized as tenant in fee tail. And whereas the said Lewellin Jones is seized in fee simple of and in a tract of land containing eight hundred acres, in the said county; four hundred acres of which were granted to Batte Jones by patent, bearing date the fifth day of June, one thousand seven hundred and forty-six, and by his death without issue descended to the said Lewellin Jones in fee simple, and the residue thereof joining to the said four hundred acres granted to the said Lewellin Jones by patent, bearing date the day and year last mentioned; and is possessed in his own right of the following negro women slaves, to wit, Tabb, Fanny and Phillis; and it is represented to this general assembly, that it will be greatly to the benefit of the said Lewellin Jones and his family, if he was allowed to dock the entail of the said one thousand and six acres of land, and to settle the said eight hundred acres of land with the slaves aforesaid, to be annexed thereto, to the same uses. And forasmuch as notice hath been published three Sundays successively in the several churches in the said parish of Raleigh, that application would be made to this present general assembly for an act to this purpose, pursuant to your majesty's instructions: And whereas the said eight hundred acres of land are under mortgage to Thomas Tabb, gentleman, of the county of Amelia, for the payment of a certain sum
therein mentioned; and the said Lewellin Jones and Thomas Tabb are consenting that the said eight hundred acres of land should be settled to the uses aforesaid, acquitted and discharged from the incumbrance aforesaid; and the said one thousand and six acres intended hereby to be docked, should remain charged with the said mortgage, in lieu of the said eight hundred acres: May it therefore please your most excellent majesty, at the humble suit of the said Lewellin Jones, that it may be enacted; And be it enacted by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That the said one thousand and six acres of land be, and the same are hereby vested in the said Lewellin Jones, his heirs and assigns for ever, to his and their own proper use and behoof; and that the said eight hundred acres of land, whereof the said Lewellin Jones is seized, together with the negro slaves aforesaid, and their future increase, shall be, and the same are hereby vested in the said Lewellin Jones, and the heirs of his body; and in default of such heirs, shall descend, pass and go to such person or persons, and in like manner as the said one thousand and six acres of land would have descended and gone under the limitations in the will of the said Richard Jones, if this act had never been made.

II. Saving to the king’s most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, other than the persons claiming under the will of the said Richard Jones, all such right, title, interest, claim and demand, as they, every, or any of them, could or might have had or claimed, if this act had never been made.

III. Provided always, That the execution of this act shall be, and the same is hereby suspended until his majesty’s approbation thereof shall be obtained.
I. WHEREAS William Kendall, late of the county of Northampton, gentleman, being seized in fee simple of and in a neck of land and plantation, situate, lying and being at Matchepungo, in the county aforesaid, containing two thousand and fifty acres by his certain deed poll, bearing date the twentieth day of April, one thousand six hundred and eighty-two, recorded in the court of the said county the fifth day of January then next following, for the consideration therein mentioned, did give and grant unto his son-in-law Hancock Lee of the same county, gentleman, and Mary his then wife, daughter of the said William Kendall, all the aforesaid neck of land or plantation, to hold to them the said Hancock Lee and Mary his wife, and the survivor of them, during their natural lives, and after their decease unto William Lee his grand-son and son of the said Hancock Lee and Mary his wife, during his natural life, remainder to the heirs male of his body, to be begotten; and for want of such issue to his heirs female, and for defect of both, then to the next heir male of the said Hancock and Mary his wife, and his heir male, or for want of such female as aforesaid, and for want of such heir, then to his loving grand-daughter Anne Lee, eldest daughter of the said Hancock Lee and Mary his wife, and to the heirs of her body lawfully to be begotten, male or female, and for defect of them, all then wholly and solely to revert to his heirs at the common law: And whereas the said Hancock Lee and Mary his wife are both since dead, and the said William Lee is also dead without issue, after whose death his brother Richard Lee the next heir male of the said Hancock Lee and Mary his wife, entered into the said land, and died seized thereof, leaving issue Kendall Lee his son and heir, who is now seized thereof as tenant in fee tail, under the deed poll aforesaid: And whereas the said Kendall Lee is seized in fee simple of and in fifty-eight acres of land, in the county of Northumberland, adjoining to a larger
tract of nine hundred and four acres, whereof he is seized as tenant in fee tail, and is likewise seized in fee simple of another tract of land, situate on the upper side of Lee's creek in Loudoun county, containing two hundred and thirty-five acres; and it will be greatly to the advantage of the younger children, as well as to the heir of the said Kendall Lee, to vest the said two thousand and fifty acres of land in the county of Northampton, in the said Kendall Lee in fee simple, and in lieu thereof to settle the fee simple lands in the counties of Northumberland and Loudoun, with the slaves hereafter mentioned to the same uses. And forasmuch as notice hath been published three Sundays successively in the parish church of Hungar's, in the said county of Northampton, that application would be made to this present general assembly, to vest the said lands in the said county of Northampton, in the said Kendall Lee in fee simple, and to settle other lands, with certain slaves thereto annexed in lieu thereof, to the same uses, pursuant to your majesty's instructions: May it therefore please your majesty, at the humble suit of the said Kendall Lee, that it may be enacted; And be it enacted by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That the said two thousand and fifty acres of land in the said county of Northampton be, and the same is hereby vested in the said Kendall Lee, his heirs and assigns, to his and their own proper use and behoof for ever; and that the said two parcels of fee simple lands in the counties of Northumberland and Loudoun, whereof the said Kendall Lee is seized, together with the negro slaves named Solomon, Frank, Moses, Sam, Jack, Nan, Letty, Hannah, Alice and Rachel, shall pass and descend, as the said lands in the county of Northampton would have done under the deed poll of the said William Kendall.

II. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, other than the persons claiming under the deed poll aforesaid, all such right, title, interest, claim and demand, as they, or any of them could or might have, if this act had not been made.

III. Provided always, That the execution of this act shall be, and the same is hereby suspended until his majesty's approbation thereof shall be obtained.
Entail of certain lands whereof Harry Beverley is seized, docked.

I. WHEREAS Robert Beverley, formerly of the county of Spotsylvania, esquire, was seized in fee simple of a valuable tract of land called Newland, whereon he lived, containing about three thousand six hundred acres; of another tract of valuable lands at Portobago in the county of Essex, containing about two thousand seven hundred acres; and of a large tract of remote lands called Octonia in the county of Orange, containing twenty four thousand acres; and being so seized in and by his last will and testament in writing, bearing date the twelfth day of May, one thousand seven hundred and thirty-three, did devise to sundry other persons nine thousand four hundred acres, part of the said Octonia tract of land, and all the residue thereof, containing on an exact survey fourteen thousand eight hundred and twenty-nine acres, together with all his other estate real and personal, he devised to his only son Harry Beverley, and the heirs of his body for ever; as by the said will remaining of record in the court of the said county of Spotsylvania may more fully appear: And after the death of the said testator, the said Harry Beverley the son, entered into the several tracts of land above mentioned, and was seized thereof as tenant in fee tail, and is also seized under other donations in tail of a tract of land, containing about fourteen hundred acres, lying on Rappahannock river, in the county of Caroline, on which he hath built a large brick house, and made other considerable and lasting improvements, which will descend therewith to his eldest son; by which means, and having few slaves to work his lands, which were a considerable annual expense in quitrents and taxes, the said Harry Beverley became and is indebted to sundry persons about the sum of one thousand five hundred pounds current money, which his few slaves, stocks and household goods, will barely be sufficient to discharge; and if taken in execution and sold for that
purpose would leave the said Harry destitute of the means of supporting his family. And whereas by an act of assembly passed in the fifth year of your majesty's reign, intituled, An act to dock the entail of certain lands whereof Harry Beverley, gentleman, is seized, and for settling slaves to be purchased in lieu thereof to the same uses, nine thousand nine hundred and eight acres of land, part of the said Octonia tract, were vested in Larkin Chew, Fielding Lewis, George Taylor, James Maddison and John Carter, gentlemen, the survivors or survivor of them, in trust, that they or the major part of them should cause the same to be sold at public sale, and lay out the money in the purchase of slaves, to be annexed to the residue of the said Octonia tract of land, and to descend therewith to the said Harry Beverley, and the heirs of his body, and to such other persons as the said land would descend and go by virtue of the will of the said Robert Beverley the father, as in and by the said act may more fully appear; which act having obtained your majesty's assent, the trustees are proceeding in the execution thereof: And whereas it is represented to this present general assembly, that it will be greatly to the advantage of the said Harry Beverley, and his family, if he was allowed to sell the residue of the said Octonia tract of land, and apply part of the purchase money to the payment of his debts, and lay out the residue in the purchase of slaves, to be annexed with the slaves to be purchased in pursuance of the former act to the other entailed lands of the said Harry Beverley. And forasmuch as notice hath been published three Sundays successively in the several churches of the parish of St. Thomas, in the said county of Orange, that application would be made to this present general assembly to dock the entail of the said land, pursuant to your majesty's instructions: May it therefore please your most excellent majesty, at the humble suit of the said Harry Beverley, that it may be enacted; And be it enacted by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That all the rest and residue of the said tract of land called Octonia, in the county of Orange, containing four thousand nine hundred and twenty-one acres, be the same more or less, be, and the same is hereby vested in the said Larkin Chew, Fielding Lewis,
George Taylor, James Maddison and John Carter, gentlemen, the survivors or survivor of them, and the heirs, executors and administrators, of such survivor, in trust, that they, or the major part of them or their survivors, shall cause the said land to be sold at public sale intire, or in such parcels as they shall think most convenient, and for the best price that can be got for the same; and on payment of the purchase money, shall, by good and sufficient deed or deeds, convey the inheritance of the said lands to the purchaser or purchasers in fee simple, who shall for ever thereafter hold and enjoy the same respectively, discharged of the limitations in the will of the said Robert Beverley deceased.

II. And be it further enacted, That out of the money arising from the sale of the said lands, the said trustees shall pay to the said Harry Beverley, his executors or administrators, the sum of one thousand five hundred pounds; to be by him applied to the payment of his debts, and the residue of the said money, after defraying the expenses in and about the execution of this and the former act, shall be by the said trustees or the major part of them, or their survivors as soon as conveniently may be, fairly laid out in the purchase of slaves, whereof one third at least to be females; and the said trustees shall cause the names of the said slaves when purchased, together with the names of the slaves by them purchased or to be purchased, in pursuance of the said former act, to be recorded among the records of the county of Spotsylvania; and thereafter such slaves to be purchased under the directions of this and the former act shall be, and the same are hereby vested in the said Harry Beverley during his natural life, and after his decease shall descend, pass and go with the said tract of land called Newland, in the county of Spotsylvania, and annexed to the same, to the heirs of his body; and to such other person or persons to whom the said tract called Octonia would have remained, descended and gone by virtue of the limitations in the will of the said Robert Beverley, if this act had never been made.

III. Saving to the king’s most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the will of the said Robert Beverley, all such
estate, right, title and interest, as they, every, or any of
them, could or might have claimed if this act had ne-
ver been made.

IV. Provided always, That the execution of this act
shall be, and the same is hereby suspended until his
majesty’s approbation thereof shall be obtained.

CHAP. LVI.

An act to dock the entail of six hun-
dred and twenty-three acres of land
in the parish of St. Martin, and
county of Hanover, whereof John
Aylett is seized in fee tail, and for
vesting the same in trustees in fee
simple for the uses therein mention-
ed.

I. WHEREAS Anne Aylett, of the county of King
William, and parish of Saint David, being seized in fee
simple of and in a tract or parcel of land in the coun-
ty of Hanover, containing by estimation one thousand
acres, more or less, which she purchased of William
Meriwether, gentleman, and which was called and
known by the name of Allen’s creek land, by her cer-
tain deed indented, bearing date the second day of Sep-
tember, one thousand seven hundred and forty-nine,
recorded in the said court of Hanover the first day of
March then next following, for the consideration there-
in mentioned, did give and grant unto her grand-son
John Aylett of the county of King William, gentleman,
and the heirs of his body for ever, all the aforesaid tract
or parcel of land, to hold to him the said John Aylett,
and the heirs of his body for ever: And whereas it will
be greatly to the advantage of the said John Aylett,
and his heirs in tail, if he should be permitted to sell
six hundred and twenty-three acres, part of the said
land, and lay out the money arising by the sale thereof
in slaves, one half of which to be females, to be annex-
ed to the residue of the said tract of land: And foras-
much as notice hath been published three Sundays successively in the parish churches of St. Martin’s, in the said county of Hanover, that application would be made to this present general assembly, for docking the entail of six hundred and twenty-three acres, part of the said tract of one thousand acres, and in lieu thereof to settle slaves to the same uses, pursuant to your majesty’s royal instructions: May it therefore please your majesty, at the humble suit of the said John Aylett, that it may be enacted, And be it enacted by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That the said six hundred and twenty-three acres, lying and being on the north side of the south branch of Pamunkey river, with the appurtenances, being part of the said larger tract, shall be, and the same are hereby vested in Nathaniel West, Dandridge, William Aylett, Carter Braxton and Bartholomew Dandridge, gentlemen, or any two of them, and the survivor or survivors of them, In Trust, to be sold for the most money that can be got for the same, and on payment of the purchase money, the said trustees or the survivors or survivor of them, shall make a deed or deeds for the conveyance of the fee simple estate, and inheritance of the said land, to the purchaser or purchasers, who shall for ever after hold and enjoy the same, freed and discharged from all the limitations in the said deed of the said Anne Aylett; any law, usage or custom, to the contrary thereof in anywise notwithstanding.

II. And be it further enacted by the authority aforesaid, That the money arising from the sale of the said lands shall be by the said trustees or the survivors or survivor of them, as soon as conveniently may be, after receiving the same, fairly laid out and disposed of in the purchase of slaves, one half of which to be females; and the said trustees or the survivors or survivor of them are hereby further impowered and required to cause a deed or deeds to be executed for the said slaves to the said John Aylett, which deed shall recite this act and the names of the slaves by them so purchased, and shall be recorded in the court of the said county of Hanover; and the said slaves, from and after the perfecting such deed or deeds, shall descend, pass and go, to the said John Aylett, and all persons claiming under the deed of the said Anne Aylett, in the same manner as the said
tract of land called Allen's creek land is limited, to descend, pass and go, according to the deed of the said Anne Aylett.

III. Saving to the king's most excellent majesty, his heirs and successors, and all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the deed of the said Anne Aylett, all such right, title, interest, claim and demand, as they, every, or any of them, should or might claim if this act had never been made.

IV. Provided always, That the execution of this act shall be, and the same is hereby suspended until his majesty's approbation thereof shall be obtained.

CHAP. LVII.

An act to vest certain lands whereof Thomas Moore, is seized in fee tail, in trustees to be sold, and the money laid out in the purchase of other lands and slaves.

I. WHEREAS Augustine Moore, formerly of the county of King William, gentleman, deceased, was in his life-time seized in fee simple of and in a tract or parcel of land, lying in the parish of St. John, in the said county, containing six hundred and forty-two acres, and being so seized, he the said Augustine Moore, in and by his last will and testament in writing, bearing date the fifth day of January, one thousand seven hundred and forty-two, did, among other things, give and devise the said lands by the description of the land he bought of the reverend Mr. John Fox, and half the land he bought of Martin and Roger Palmer, with a water grist mill adjoining the land purchased of Fox, unto his son Thomas Moore, gentleman, and the heirs of his body, with several remainders, as in the said will duly recorded in the said county court may more fully appear, and soon after died seized of the said lands and mill, whereupon the said Thomas Moore entered into
the said lands and mill, and was and is seized thereof as tenant in fee tail: And whereas the said lands from their long and frequent tillage, do not yield sufficient crops for the support of the said Thomas Moore and his family, and yet from their pleasant and convenient situation may be sold for a great price; and it is represented to this general assembly, that it will be for the advantage of the said Thomas Moore, his heir and family, if the said lands and mill were sold, and the money laid out in the purchase of other more profitable lands and slaves, to be settled to the same uses; and notice having been published in the several churches of the said parish of St. John, that application would be made to this present general assembly, for an act to dock the entail of the said lands and mill, and to settle other lands and slaves in lieu thereof, according to your majesty's instructions: May it therefore please your most excellent majesty at the humble suit of the said Thomas Moore, that it may be enacted, And be it enacted by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That the said tract of land and water grist mill be, and the same is hereby vested in Philip Whitehead Claiborne, John West, William Dandridge, Ferdinando Leigh and Roger Gregory, gentlemen, the survivors or survivor of them, and the heirs, executors or administrators, of such survivor, In Trust, that they or the major part of them or their survivors shall sell the said land and mill for the best price that can be got for the same, and on payment of the purchase money shall, by good and sufficient deed or deeds, convey the said land and mill to the purchaser and purchasers in fee simple, who shall for ever thereafter hold and enjoy the same, discharged of the limitations in the will of the said Augustine Moore, deceased.

II. And be it further enacted, That the money arising by the sale of the said land and mill, after defraying the expences of sale, shall be by the said trustees or the major part of them or their survivors, as soon as conveniently may be, fairly laid out in the purchase of other lands and slaves, one half of which to be females; and the said trustees shall cause the lands so to be purchased, to be conveyed to the said Thomas Moore by good and sufficient deed or deeds, wherein this act shall be recited: to be recorded in the general court or the court of
the county wherein such lands shall lie, and shall cause the names of the slaves so to be purchased, to be recorded with such deed; and from thenceforth the said lands and slaves shall descend, pass and go, together to the said Thomas Moore and the heirs of his body, and to such other person or persons as the said lands in the county of King William would have remained, descended and gone to, by virtue of the limitations in the will of the said Augustine Moore, if this act had never been made.

III. Saving to the king's most excellent majesty, his heirs and successors, and to all and every person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the will of the said Augustine Moore, all such estate, right, title and interest, as they, every, or any of them, could or might have claimed if this act had never been made.

IV. Provided always, That the execution of this act shall be, and the same is hereby suspended until his majesty's approbation thereof shall be obtained.

CHAP. LVIII.

An act to empower George Parker to pay a certain sum of money in lieu of an annuity charged on certain slaves whereof he is possessed.

I. WHEREAS Richard Bennet, esquire, deceased, late of the province of Maryland, did, by his last will and testament, give and bequeath to George Parker of Accomack county, in the colony of Virginia, and his heirs upon the trusts, and to the uses herein after mentioned, all his lands and plantations, as well those on Bennet's creek in Nansemond county, as elsewhere in the said colony, and also all his negro and mulatto slaves in the said colony, together with the stocks and all other his personal estate whatsoever, that should at the time of his decease be at or upon the said lands and plantations, or in any other part of the said colony
of Virginia; the said negro and mulatto slaves and their
increase, together with the stocks, to descend and pass
as part of the inheritance of the said lands, to such per-
son or persons to whom the said lands should from time
to time descend and come. In trust, in the first place,
for raising the sum of thirty pounds Virginia silver mo-
ney, annually for ever, to be paid to the church wardens
of the said parish where the lands lay, called the lower
parish of Nansemond, for the use of the poor at the ap-
pointment of the vestry of the said parish; and did de-
clare a farther trust in the said lands, slaves and stocks,
to and for the uses of the said George Parker, and the
heirs of his body, and for want of such issue, in trust,
for and to the use of his own right heirs for ever. And
whereas after the death of the said Richard Bennet, the
said George Parker entered into the said lands on
Bennet's creek aforesaid, there being no other lands of
the said Richard within this colony, and continued seiz-
ed thereof to the time of his death, when George Par-
k his son and heir entered into the same, and also
continued seized thereof until the first day of November,
one thousand seven hundred and fifty-seven, when he
was evicted by a judgment of the honorable the general
court of this colony: And whereas before the making
of the said will, and the death of the said Richard Ben-
ett, the lower parish of Nansemond had been united to
part of the parish of Chuckatuck, and called by the
name of Suffolk, whereby doubts have arisen, whether
the remainder of the said estate is subject to the said
annuity: Nevertheless, the said George Parker being
desirous of securing the payment of the same, by de-
positing in the hands of the church-wardens of the pa-
rish of Suffolk, in the said county of Nansemond, the
sum of six hundred pounds current money of Virginia;
Be it therefore enacted by the Lieutenant-Governor,
Council and Burgesses of this present General Assem-
bly, and it is hereby enacted by the authority of the same,
That the church-wardens of the said parish of Suffolk
be, and they are hereby impowered and directed to re-
ceive of the said George Parker the said sum of six
hundred pounds, and the same to place out at interest
to any person or persons on such good and sufficient
securities, as will most effectually secure the payment
of the said annuity.

II. And be it further enacted by the authority afore-
said, That if any person or persons borrowing any part
of the said money, shall neglect or refuse to pay the interest thereof annually, it shall and may be lawful for the church-wardens of the said parish, at the next or any other succeeding court, to be held for their county, to demand judgment against any person or persons so neglecting or refusing, his or their securities, their heirs, executors or administrators, for the same with costs: And the said court is hereby authorized and required to give judgment accordingly, provided such person or persons have ten days previous notice.

III. And, to the end the will of the said Richard Bennet may be strictly complied with, be it further enacted by the authority aforesaid, That the church-wardens of the said parish of Suffolk shall, and they are hereby directed to distribute the said annuity, to and for the relief of such poor persons, as shall actually reside in and belong to that part of the said parish of Suffolk called the lower parish of Nansemond, and not to such persons as have or may be sent there from any other part of the said parish of Suffolk, and to and for no other use or purpose whatsoever.

CHAP. LIX.

An act to dock the entail of certain lands whereof William Starke is seized in fee tail, and for settling other lands to the same uses.

I. WHEREAS William Starke, of the county of Prince George, deceased, was in his life-time seized in fee simple of and in a certain plantation and tract of land, with the appurtenances, containing three hundred and fifty acres; situate lying and being in the parish of Bristol, and county aforesaid, commonly called and known by the name of Broadways, and so being thereof seized by his last will and testament in writing bearing date the third day of February, in the year of our Lord one thousand seven hundred and fifty-five, did devise the said plantation and tract of land with the...
appurtenances, to his son William Starke, and his issue lawfully begotten for ever, with remainders over to his other sons successively in tail, as by the said will proved and recorded in the court of the said county of Prince George, is more fully contained: And whereas the said plantation and tract of land is of little value to him the said William Starke, and less capable of improvement than other lands which may be purchased with the money arising from the sale thereof, and the said William Starke is desirous, that the entail of the above mentioned land should be docked, and that one thousand pounds, arising, from the sale thereof, should be placed in the hands of trustees; and that the said money should be laid out in the purchase of other more convenient lands and slaves: And as notice hath been published three Sundays successively in the several churches of the said parish of Bristol, pursuant to your majesty's instructions, that application would be made to this general assembly, to dock the entail of the said land: May it therefore please your most excellent majesty, at the humble suit of the said William Starke, that it may be enacted, And be it enacted by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That on the payment of one thousand pounds current money by the said William Starke, to Alexander Bolling, William Allen, and William Daingerfield, esquires, who are hereby appointed trustees to put this act in execution, the said plantation and three hundred and fifty acres of land, lying and being in the parish of Bristol, and county of Prince George, he, and the same are hereby vested in the said William Starke, his heirs and assigns, to the only use and behoof of him the said William Starke, his heirs and assigns for ever; which said sum of money the said trustees, the survivors or survivor of them, as soon as conveniently may be, after receiving the same, shall fairly lay out in the purchase of other lands and slaves: And the said trustees, the survivors or survivor of them, are hereby empowered and required to cause a deed or deeds to be executed for the said land so by them to be purchased, to the said William Starke; which said deeds shall recite the title and this act, and shall be acknowledged or proved, and recorded in the manner prescribed by law; and the said William Starke from and immediately after the executing of such deed or
deeds, shall stand seized of the lands so purchased, to such use and uses, and of such estate; and the same shall pass in descent, reversion and remainder, according to the limitations and estate mentioned in the aforesaid will of William Starke; any thing contrary thereto in anywise notwithstanding.

II. Saving to the king's most excellent majesty, his heirs and successors, and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the will of the said William Starke, all such right, title, interest, claim and demand, as they, every, or any of them, should or might claim, if this act had never been made.

III. Provided always, That the execution of this act shall be, and is hereby suspended until his majesty's approbation thereof shall be obtained.

CHAP. LX.

An act to dock the entail of eight hundred acres of land, in the county of Amelia, whereof Anne Hall, wife of John Hall, is seized in fee tail, and for vesting the same in trustees in fee simple, and for other purposes therein mentioned.

I. WHEREAS Robert Bolling, late of the county of Prince George, gentleman, deceased, was in his lifetime, and at the time of his decease, seized in fee simple of and in one certain tract or parcel of land, lying and being in the parish of Rawleigh, and county of Amelia, and being so seized, did, by his last will and testament in writing, bearing date the third day of January, in the year of our Lord one thousand seven hundred and forty-eight, give and devise to his daughter Anne Hall, wife of John Hall, of the said county of Amelia, and the heirs of her body lawfully begotten for ever, the said tract of land, by the description of eight
hundred acres of land in Amelia county, upon the upper side of Deep creek, adjoining the lower line of the land formerly given by the said Robert to the said John Hall, as by the said will proved and recorded in the court of the said county of Prince George, is more fully contained: And whereas the said land, for want of slaves to work the same, is rather burthensome than beneficial to the said John Hall and Anne his wife, who are desirous that the entail of the above mentioned land should be docked, and the same vested in trustees, to be sold, and the money arising from the sale to be laid out in the purchase of other lands and slaves; and as notice hath been published three Sundays successively in the several churches of the said parish of Rawleigh, pursuant to your majesty's instructions, that application would be made to this present general assembly, to dock the entail of the said eight hundred acres of land, with the appurtenances; and Robert Hall, eldest son and heir in tail, having consented thereto: May it therefore please your most excellent majesty, at the humble suit of the said John Hall and Anne his wife, that it may be enacted; And be it enacted by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That the said eight hundred acres of land, with the appurtenances, lying and being in the parish of Raleigh, and county of Amelia, be, and the same is hereby vested in David Greenhill, Richard Jones, Daniel Jones, Robert Munford of Amelia, and Thomas Bolling Munford, gentlemen, who are appointed trustees for putting this act in execution: In trust, That they the said trustees, or the survivors or survivor of them, shall cause, the said lands to be sold at public sale, for the best price that can be got for the same; and upon payment of the purchase money, the said trustees or any three of them shall 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 shall for ever hold and enjoy the same, freed and discharged from the limitation in the last will and testament of the said Robert Bolling; any law, usage or custom, to the contrary thereof in anywise notwithstanding. And if any purchase shall be made by any person or persons whatsoever, contrary to this act, such sale shall be void to all intents and purposes whatsoever.
II. And be it further enacted by the authority aforesaid, That the money arising by the sale of the said land shall be by the said trustees, the survivors or survivor of them, as soon as conveniently may be, after receiving the same, fairly laid out and disposed of in the purchase of other lands and slaves: And the said trustees, the survivors or survivor of them are hereby impowered and required to cause a deed or deeds to be executed for the lands and slaves so by them to be bought, to the said John Hall and Anne his wife, which said lands and slaves shall descend, pass and go, in such manner, and for such estates therein, as the said eight hundred acres of land would have remained gone and descended, by virtue of the said will, as if this act had never been made.

III. Saving to the king's most excellent majesty, his heirs and successors, and to all and every person and persons, bodies politic and corporate, their respective heirs and successors other than the persons claiming under the last will and testament of the said Robert Bolling, deceased, all such right, title, interest, claim and demand, as they, every, or any of them, should or might claim, if this act had never been made.

IV. Provided always, That the execution of this act shall be, and is hereby suspended until his majesty's approbation thereof shall be obtained.

CHAP. LXI.

An act for paying the Burgesses wages in money, for this present session of assembly.

I. WHEREAS by one act of assembly made in the third and fourth years of the reign of his late majesty king George the second, intituled, An act for the better regulating the payment of the Burgesses wages, it is amongst other things, enacted, that when any session of assembly should be thereafter held, and upon examination of the treasurer's accounts it should appear that there are monies sufficient in his hands to discharge all
the money debts, together with the Burgesses wages, and the salaries and allowances to the respective officers of the general assembly, saving and reserving in the hands of the treasurer, over and above the said payment, a balance of fifteen hundred pounds at the least, then every Burgess elected and serving for any county or corporation within this dominion, should be paid out of the public money the sum of ten shillings, for each day he should serve in the house of Burgesses, with such further allowances, and under such restrictions and regulations, as in the said act is at large directed: And whereas it appears that there is not money sufficient in the treasurer's hands to pay the Burgesses wages for this present session of assembly, leaving in the hands of the treasurer a balance of fifteen hundred pounds, according to the directions of the said act; nevertheless, as the payment of the said wages in money will be a great ease to the poorer sort of people, by lessening the levy by the poll; Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the Burgesses wages for this present session of assembly shall be paid by the treasurer out of the public money in his hands, according to the directions and regulations in the said recited act mentioned, so soon as he shall have received sufficient to pay the same; any thing in the said recited act to the contrary notwithstanding.
At a General Assembly, begun and held at the Capitol in the City of Williamsburg, the sixth day of November, Anno Domini 1766, in the seventh year of the reign of our sovereign lord George III. by the grace of God, of Great-Britain, France, and Ireland, king, defender of the faith, &c. and from thence continued by several prorogations to Thursday the thirty-first day of March, 1768; being the second session of this present General Assembly.

CHAP. I.

An act to repeal so much of the several acts of assembly therein mentioned, as impose a land and poll-tax, on the inhabitants of this colony, for the years one thousand seven hundred and sixty-eight, and one thousand seven hundred and sixty-nine.

I. WHEREAS by an act of the general assembly, certain acts made on the fourth day of March, in the thirty-third year of the reign of his late majesty king George the second, intituled An act for granting the sum of twenty thousand pounds for the further security and protection of this colony, it was, amongst other things enacted,
that a tax of one shilling and three pence for every hundred acres of land, and after that rate for a greater or lesser quantity, should be paid by the owner or proprietor thereof, on or before the tenth day of April, one thousand seven hundred and sixty-seven; and the farther tax or duty of one shilling and three pence for every hundred acres of land, and so in proportion for a greater or lesser quantity, should be paid, in like manner, by the owner or proprietor thereof, on or before the tenth day of April, one thousand seven hundred and sixty-eight, to the sheriff, of the county wherein such land should lie; and that a tax or duty of two shillings should be paid for every tithable person in this colony, to the sheriff of the county where such person should be inlisted, by the person inlisting such tithable, on or before the said tenth day of April, one thousand seven hundred and sixty-eight, to be collected and accounted for in such manner as by the said act is prescribed: And whereas by one other act of the same assembly made the nineteenth day of May, in the year aforesaid, intituled An act for raising the sum of thirty-two thousand pounds for the relief of the garrison of fort Loudoun, in the Cherokee country, it was amongst other things, enacted, that an additional tax of nine pence for every hundred acres of land, and after that rate for a greater or lesser quantity, should be paid by the owner or proprietor thereof, on or before the tenth day of April, in each of the years one thousand seven hundred and sixty-seven, and one thousand seven hundred and sixty-eight, and that the farther additional tax of one shilling and three pence for every hundred acres of land, and after that rate for a greater or lesser quantity, should be paid by the owner or proprietor thereof, on or before the tenth day of April, one thousand seven hundred and sixty-nine; and that an additional tax or duty of two shillings should be paid for every tithable person in this colony, to the sheriff of the county where such person should be inlisted, by the person inlisting the same, on or before the said tenth day of April, one thousand seven hundred and sixty-eight; and that the farther additional tax or duty of three shillings for every such tithable person, should be paid in like manner, on or before the tenth day of April, one thousand seven hundred and sixty-nine, to be paid, collected, and accounted for, in the manner prescribed by the said act: And whereas, by the report of the committee appointed
to examine into the state of the funds arising from the several taxes heretofore imposed by different acts of the general assembly, and appropriated to the redemption of the treasury notes, it appears, that there has already been collected of the inhabitants of this colony, a sum nearly equal to the whole emission of treasury notes from the year one thousand seven hundred and fifty-four, to the year one thousand seven hundred and sixty-two, inclusive, the balance which will remain due from the country, after deducting the debt due from the estate of John Robinson esquire; late treasurer of this colony, and the arrears in the hands of the several collectors, for which security hath been given to the public, amounting to two hundred and ninety-four pounds, two shillings and eight pence, and no more, which balance, together with any deficiency which may arise from insolvencies or any other accidents, it is judged, that the duty on tobacco, the taxes on wheel carriages, writs, and ordinary licences, which by law are to be continued for two years, will be abundantly sufficient to make good, so that the land and poll-tax imposed by the above in part recited acts of assembly, and which were to be paid and collected in the present and the succeeding year, may and ought to cease, which will be a great relief to the people in the present distressed situation of the colony: 

Be it therefore enacted by the President, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That so much of the above recited acts of assembly as imposed the tax or duty of one shilling and three pence upon every hundred acres of land; and so in proportion for a greater or lesser quantity, also a tax or duty of two shillings on every tithable person, to be paid on or before the tenth day of April, one thousand seven hundred and six-eight, also the farther tax of nine pence for every hundred acres of land, and after that rate for a greater or lesser quantity, and the farther tax or duty of two shillings for every tithable person to be paid on or before the same day, and in the same year, also the farther tax of one shilling and three pence on every hundred acres of land, and after that rate for a greater or lesser quantity, and the farther additional tax or duty of three shillings for every tithable person, to be paid on or before the tenth day of April, one thousand seven hundred and sixty-nine, and so much of all other
acts of assembly as relates to imposing a land and poll-tax on the inhabitants of this colony, to be paid and collected in either of the years one thousand seven hundred and sixty-eight, and one thousand seven hundred and sixty-nine, be, and the same is and are hereby repealed and made void, to all intents and purposes, as if such acts had never been made.

CHAP. II.

An act for further continuing the act, intituled An act for amending the staple of tobacco, and for preventing frauds in his majesty's customs.

WHEREAS the act of the general assembly, passed in the fifth year of his present majesty's reign, intituled An act for amending the staple of tobacco and for preventing frauds in his majesty's customs, and which was continued and amended by another act made in the seventh year of his said majesty's reign, will expire on the first day of October, one thousand seven hundred and sixty-nine; and it is necessary and expedient that the said acts should be further continued: Be it therefore enacted by the President, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said recited acts shall continue, and be in force, from and after the said first day of October, one thousand seven hundred and sixty-nine, for and during the term of two years, and no longer.
An act for further continuing and amending the act, intituled An act for the better regulating and collecting certain officers fees, and for other purposes therein mentioned.

WHEREAS the act of the general assembly, made in the nineteenth year of the reign of his late majesty king George the second, intituled An act for the better regulating and collecting certain officers fees, and for other purposes therein mentioned, which hath been continued by several acts, and amended by three acts in the first, third, and seventh years of his present majesty's reign, will expire on the twelfth day of April, one thousand seven hundred and sixty-nine; and it being necessary that the same should be further continued, and the alternative of paying either money or tobacco, for officers fees allowed by the said act made in the first year of the reign of his present majesty, extended to tobacco due for the attendance of witnesses in civil suits: Be it therefore enacted, by the President, Council, and Bur­gesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said recited acts shall continue, and be in force from and after the said twelfth day of April, one thousand seven hundred and sixty-nine, for and during the term of one year, and no longer.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, from whom any tobacco is or shall be due, for the attendance of a witness or witnesses, in any action or suit, to pay and satisfy the same, either in tobacco or in money at the rate of sixteen shillings and eight pence for every hundred pounds of tobacco, and so in proportion for a greater or lesser quantity, at the option of the payer; and that the like option be allowed to the debtor in paying the tobacco costs, taxed in any judgment or execution.
An act for altering the court day of the county of Goochland.

WHEREAS it is represented that the court day of the county of Goochland is inconvenient, as well to the justices and attorneys, as the merchants and others who are obliged to attend the same: Be it therefore enacted, by the President, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the first day of June next, the court for the said county of Goochland, shall be constantly held on the third Monday in every month; any law, usage, or custom, to the contrary, thereof in any wise notwithstanding.

CHAP. V.

An act to repeal so much of an act, intituled An act for appointing several new ferries, as relates to the ferry across the Fluvanna river, from and to the lands of William Cabell, gentleman.

WHEREAS by an act passed in the first year of the reign of his present majesty, intituled An act for appointing several new ferries, a ferry was established from the land of William Cabell, gentleman, on the north side Fluvanna river, opposite to the lower point of Wood’s Island, in the county of Albemarle, to the land of the said Cabell on the south side of the said river, at a place called Hugh’s valley; which ferry hath hitherto been kept by William Cabell, the younger, gentleman, to whom the lands on the north side of the said river, now in the county of Amherst, belong: And whereas, by the appointment of other ferries in the neighbourhood, the said ferry is become of no use to the public, and the keeping boats and hands, as well as the public
read leading to the same, through the lands of the said William Cabell, the younger, is burthensome to him: Be it therefore enacted, by the President, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That so much of the said recited act of assembly as relates to the keeping a ferry across the Fluvanna river, at the place aforesaid, be, and the same is hereby repealed.

CHAP. VI.

An act to dock the entail of certain lands, whereof James Roscow is seized, and for settling slaves, to be purchased in lieu thereof:

WHEREAS William Roscow, formerly of the county of Warwick, gentleman, was in his life time, and at the time of his death, seized in fee simple of and in a tract of land, situate in the parish of Warwick, and county of Warwick, and containing about seven hundred acres; and being so seized, he the said William Roscow in and by his last will and testament, in writing, bearing date the thirtieth day of January, one thousand seven hundred, did, among other things, devise the said land (now called Derby's) by the description of all the lands he purchased of Mr. Langhorne, on the east side of Waters's creek, adjoining* ley's land, unto his son William Roscow; but did further direct his wife was then big with proved a son, the said lands divided between such son and the said William, and the hei fully begotten; and if either of his said sons should die before they came of age, then the whole lands should go to the survivor, as by the said will may more fully appear: And whereas after the death of the said testator, his wife was delivered of a son by him named Willis Roscow, who afterwards died under age, and without issue, whereby the whole of the said lands came to the said William Roscow, the younger, who entered into the same, and died seized thereof leaving

* A small part of the original torn off where the blanks occur.
issue several sons, all of whom are since dead, without issue, except James Roscow, gentleman, the only surviving son and heir of the body of the said William, who is now seized of the said lands, and of divers other tracts of land in fee tail, under the wills of his said father and grandfather; and having no slaves to cultivate the same, it would be to the advantage of the said James Roscow, or those succeeding to the said estate, if the said land, called Derby's, was allowed to be sold, and the money laid out in the purchase of slaves, to be annexed to his other entailed lands. And forasmuch as notice hath been published three Sundays successively in the several churches of the said parish of Warwick, that application would be made to this present general assembly for an act to dock the entail of the said lands, and to settle slaves in lieu thereof, pursuant to your majesty's instructions: May it therefore please your most excellent majesty, at the humble suit of the said James Roscow, that it may be enacted, And be it enacted by the President, Council, and Burgesses, of this present General Assembly, and by the authority of the same, That the said tract of land called Derby's, containing about seven hundred acres, and so purchased by the said William Roscow, the elder, of Mr. Langhorne, be the same more or less, shall be, and the same is hereby vested in Burwell Basset, Wilson Miles Cary, William Daingerfield, William Biers, and Jerman Baker, gentlemen, the survivors or survivor of them; In Trust, that they, or any three of them, shall sell the said land for the best price that can be got for the same, and on payment of the purchase money, shall, by good and sufficient deed or deeds, convey the said land to the purchaser or purchasers, in fee simple, who shall from thenceforth hold and enjoy the same, discharged of the limitations in the will of the said William Roscow, the elder.

And be it further enacted, That the money arising by the sale of the said lands, shall be, by the said trustees, or any three of them, or their survivors, as soon as conveniently may be, fairly laid out in the purchase of slaves, of which one half at least to be females; and the said trustees shall cause the slaves so to be purchased, to be conveyed to the said James Roscow, by sufficient deed or deeds, wherein this act, together with the names and sexes of the said slaves, shall be recited; and which deed or deeds shall be recorded in the general
MARCH 1768—8th GEORGE III.

Court, or in the court of the said county of Warwick; and from thenceforth the said slaves, with their future increase, shall descend, pass, and go, to the said James Roscow, and the heirs of his body, and to such other person or persons, as the said lands called Derby's would have descended and come to, by virtue of the limitations in the will of the said William Roscow, the elder, if this act had never been made.

Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person or persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the will of the said William Roscow, the elder all such estate, right, title, and interest, as they, every, or any of them, could or might have claimed if this act had never been made.

Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof, shall be obtained.

CHAP. VII.

An act for the ease of the people, by paying the Burgesses wages in money, for this present session of assembly.

WHEREAS by one act of assembly, passed in the third and fourth years of the reign of king George the second, intituled An act for the better regulating the payment of the Burgesses wages, the Burgesses are intitled to receive the sum of ten shillings current money for each day they serve in the house of Burgesses, with such further allowances, and under such restrictions and regulations, as in the said act is at large directed, provided there be a balance at least of fifteen hundred pounds, saved and reserved in the hands of the treasurer: And whereas it appears there is not money sufficient in the treasurer's hands to pay the said wages for this session, leaving the balance aforesaid, according to the directions of the said act: Nevertheless, as it
will be a great ease and relief to the people that the
said wages should be paid in money, out of the treasu-
ry, by lessening the levy by the poll: *Be it enacted, by
the President, Council, and Burgesses, of this present
General Assembly, and it is hereby enacted
*ority of the same, That the Burgesses wages, and their
allowances for this shall be paid by the
treasurer, out of the public money in his hands,
be sufficient to pay the same, according to the
directions of the
ANNO REGNI

GEORGII II.

Regis Magnæ Britanniae, Franciæ, et Hiberniæ, decimo.

At a General Assembly, begun and held at the Capitol in the City of Williamsburg, on Tuesday, the seventh day of November, Anno Domini 1769, in the tenth year of the reign of our sovereign lord George III. by the grace of God, of Great-Britain, France, and Ireland, king, defender of the faith, &c. being the first session of this present General Assembly.

CHAP. I.

An act for regulating the election of Burgesses, for declaring their privileges and allowances, and for fixing the rights of electors.

WHEREAS the laws now in being for regulating the election of Burgesses, and declaring the qualification of voters at such elections, have proved defective: We your majesty's most loyal and obedient subjects, the Governor, Council, and Burgesses, of this present General Assembly, do humbly beseech your most excellent majesty, that it may be declared and enacted, And be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the freeholders of every county, which now is, or hereafter shall be, within this dominion, qualified as is by this
act hereafter directed and declared, have, and shall have, the privilege and liberty of electing two of the most able and fit men, being freeholders qualified to vote in such county respectively, to be present, and to act and vote as representatives of such county in all general assemblies hereafter to be summoned and held within this dominion; and that the freeholders of James City shall have the liberty of electing one Burgess, to be present, and to act and vote in all such general assemblies. And for settling what freeholders shall have a right to vote.

II. Be it further enacted, by the authority aforesaid, That every person shall have a right to vote at any election of Burgesses, for any county, who hath an estate of freehold, for his own life, or the life of another, or other greater estate, in at least fifty acres of land, if no settlement be made upon it, or twenty-five acres, with a plantation and house thereon at least twelve feet square, in his possession, or in the possession of his tenant or tenants, for term of years, at will or sufferance, in the same county where he gives such vote; and any person having such estate in fifty acres of land in one tract uninhabited, lying in two or more counties, shall have a right to vote in that county only wherein the greater quantity of the said land lies, although the same shall not amount to fifty acres in either county; and every person possessed of twenty-five acres, with a plantation and house thereon as aforesaid, lying in two or more counties, shall have a right to vote in that county only where the house shall be; and every person possessed of a lot, or part of a lot, in any city or town, established by act of assembly, with a house thereon at least twelve feet square, shall have a right to vote at such election.

III. Provided always, That where the lands are held by several joint tenants, or tenants in common, or the interest of any such house and lot, or part of a lot, is or shall be divided among several persons, no more than one single vote shall be admitted, in right of such lands, or house and lot, or part of a lot, unless the quantity of such lands shall be sufficient to allot to such tenant fifty acres at least, if the same be uninhabited, or twenty-five acres, with a house and plantation as aforesaid.

IV. Provided also, That no person shall vote for the electing any Burgess, in right of any lands or tene-
ments, whereof he has not been in possession for six
calendar months next before the time of the writ for
such election, unless such lands or tenements came to
such person within that time by descent, marriage,
marrige-settlement, or devise.

V. And be it further enacted, That no feme sole or
covert, infant under the age of twenty-one, recusant
convict, or any person convicted in Great-Britain or
Ireland, during the time for which he is transported,
nor any free negro, mulatto, or Indian, although such
persons be free holders, shall have a vote, or be permit-
ted to poll at any election of Burgesses, or capable of
being elected; and if any person not being a freeholder,
qualified as by this act is directed and required, shall
presume to vote or poll at any such election, he shall
forfeit and pay five hundred pounds of tobacco; one
moiety to the king, his heirs and successors, for the
better support of this government, and the contingent
charges thereof, the other moiety to the informer, to be
recovered with costs, by action of debt or information,
in any court of record, wherein the same is cognizable:
And if in such suit a question shall arise whether such
person be a freeholder as aforesaid, or not, the Onus
Probandi shall lie on the defendant. And for the more
regular and legal electing such Burgesses,

VI. Be it further enacted, by the authority afore-
said, That the following rules and methods shall be
observed, to wit, the writs for the election of Burgesses
shall be signed by the governor, or commander in chief
of this dominion for the time being, with the seal of the
colony affixed to them, and shall be delivered to the
secretary of this colony for the time being, forty days
at least before the day appointed for the general assem-
bly to meet and be held; the secretary shall cause such
writs to be conveyed and safely delivered to the sheriff
of every county, and to the returning officer of every
town, or corporation, respectively, within ten days af-
fer the date thereof; every sheriff, within three days af-
fer his receipt of such writ, shall cause a copy thereof
to be delivered to the minister and reader of every pa-
risb in his county, and shall upon the back of every
such copy endorse the time and place by him appoint-
ed for the election, which shall always be at the court-
house of his county, twenty days at least after his re-
cieving such writ; every minister and reader receiving
such copy and endorsement, shall publish the same in

Persons dis-
abled to
vote, or to
be elected.

Penalty on
disqualified
person vot-
ing.

Rules for is-
suing, deli-
vering and
publishing
writs for e-
lecting bur-
gesses.
his church or chapel, where they or either of them officiate, immediately after divine service, every Sunday between the receipt of such copy and the day of election, and shall return the same copy to the sheriff, together with a certificate of the due publication thereof. And if at any time the secretary shall fail to cause the writs for electing burgesses to be safely conveyed and delivered to the several sheriffs as aforesaid, he shall forfeit and pay the sum of one hundred pounds current money, for every writ he shall fail to deliver as aforesaid; and if the sheriff of any county, or returning officer of any town, or corporation, shall fail to cause a fair copy of such writ, and such endorsement thereon, to be delivered to every parish-minister and reader within his county as aforesaid, within the time before directed, such sheriff, or returning officer, shall forfeit and pay fifty pounds current money; and if any minister or reader receiving such copy shall fail to make publication and return thereof as aforesaid, he shall forfeit and pay twenty-five pounds current money; which said several forfeitures shall be recoverable, with costs, by action of debt or information, in any court of record in this dominion wherein the same shall be cognizable; and one moiety thereof shall be to our sovereign lord the king, his heirs and successors, for and towards the better support of this government, and the contingent charges thereof, the other moiety to the person or persons who shall inform or sue for the same.

VII. And be it further, enacted by the authority aforesaid, That after publication of such writs, and at the day and place of election, every freeholder actually resident within his county shall personally appear, and give his vote, upon penalty of forfeiting two hundred pounds of tobacco to any person or persons who will inform or sue for the same, recoverable, with costs, by action of debt or information, in any court of this dominion.

VIII. And be it further enacted, That when the election of any Burgess or Burgesses cannot be determined upon the view, by consent of the freeholders and candidates, the sheriff, or in his absence the under sheriff, shall proceed to take the poll in manner following, that is to say, he shall appoint such persons as he shall think fit, who shall take an oath to be administered by such sheriff, or under sheriff for their true and impartial taking the poll; and thereupon having books or lists pre-
pared for that purpose, they shall in the court-house, and before the candidates or their agents then present, enter the names of every candidate in a distinct list or column, and the name of every freeholder giving his vote under the name or names of the person or persons he votes for; but no freeholder who has voted once shall be admitted to poll any more at that election: And that every person having a right to vote for two Burgesses at such election, shall name the two persons he votes for when he first offers to be polled, and if he refuses to name more than one at such time, he shall not afterwards at that election be allowed to vote for another: And when no more freeholders appear to vote, after proclamation thrice made at the court-house door, the sheriff shall conclude the poll.

IX. Provided always, That where more freeholders appear at such election, than can be so polled before sun-setting, on the day of election, the sheriff, or under sheriff, shall be empowered and required at the request of any of the candidates or their agents, to adjourn the concluding the poll until the next day, of which notice shall be published at the court-house door, and the same sheriff, or under sheriff, shall, on such next day, proceed in taking and concluding the poll in manner aforesaid; and when the poll shall be concluded as aforesaid, the person or persons appearing, upon examination, to have most votes shall be declared and returned burgess or burgesses; and if two or more candidates shall have an equal number of votes, the sheriff, or in his absence the under sheriff, shall and may return which of them he thinks fit.

X. And be it further enacted, That if upon a scrutiny of the poll before the house of Burgesses, it shall appear that the petitioner and sitting member have an equal number of legal votes, and the sheriff, or under sheriff, who took the poll at such election, shall declare upon oath that if the votes had been equal at the election, he would have returned the petitioner, such petitioner shall be declared duly elected, and his name inserted in the return, in the room of the sitting member.

XI. And be it further enacted, That every person, before he is admitted to poll at such election, shall, if required by any candidate or person appointed by any candidate, first declare whether he votes in right of fifty acres of unsettled land, twenty-five acres with a house and plantation thereon, or a house and lot, or part of a

When polls may be kept open.

Who to be returned burgess.

Candidates equal sheriff may declare.

Oaths or affirmations, if required, to be taken by electors who offer to vote in right.
lot in a town; and shall take one of the following oaths, as adapted to such freeholder, or being one of the people called Quakers, shall declare to the same effect, that is to say,

If for fifty acres of land in the same county unseated,
You shall swear that you are a freeholder in the county of and have at least fifty acres of freehold land unseated, lying and being in the said county, in your sole possession, or in the possession of your tenant or tenants for years, at will or sufferance; that you, or such tenant, have been so possessed, or that you have had the legal estate thereof for at least six calendar months last past, and that you have not been before polled at this election:

If for fifty acres of land in two counties unseated,
You shall swear that you are a freeholder of fifty acres of land unseated, lying and being in the counties of and in your sole possession, or in the possession of your tenant or tenants for years, at will or sufferance; that you, or such tenant, have been so possessed, or that you have had the legal estate thereof for at least six calendar months last past; and that the greatest part of the said land doth lie in the county of and that you have not been before polled at this election:

If for twenty-five acres of land, with a house and plantation in the same county,
You shall swear that you are a freeholder and sole owner of twenty-five acres of land, with a house and plantation upon it, lying and being in the county of and in your sole possession, or in the possession of your tenant or tenants for years, at will or sufferance; that you, or such tenant, have been so possessed, or that you have had the legal estate thereof for at least six calendar months last past; and that you have not been before polled at this election:

If for twenty-five acres of land, with a house and plantation, in two counties,
You shall swear that you are a freeholder and sole owner of twenty-five acres of land, with a house and plantation upon it, lying in the counties of and in your sole possession, or in the possession of your tenant or tenants for years, at will or sufferance; that you, or such tenant, have been so possessed, or that you have had the legal estate thereof for at least six calendar months last past, that the house
is in the county of and that you have not been before polled at this election:

If for a house and lot, or part of a lot in a town.

You shall swear that you are a freeholder of a house and lot, or a house and part of a lot, lying and being in the city or town of in your sole possession, or in the possession of your tenant or tenants for years, at will or sufferance; that you, or such tenant, have been so possessed, or that you have had the legal estate thereof, for at least six calendar months last past, and that you have not been before polled at this election.

Which oath or affirmation, the sheriff, or under sheriff, taking such poll, is hereby empowered and required to administer, and cause the clerk attending to take the poll, to enter sworn or affirmed against the name of every voter who shall take such oath or affirmation as aforesaid; and in case any freeholder, or other person, taking the said oath or affirmation shall thereby commit wilful and corrupt perjury, and be thereof convicted, or if any person do suborn any freeholder, or other person, to take a false oath or affirmation, in order to his being polled, every offender, being thereof convicted, shall suffer as for wilful perjury committed in a court of record.

XII. And whereas some persons, being real freeholders, for want of being proper judges for their freeholds, may scruple to take the said oath, and be thereby deprived of their votes: Be it further enacted, That where any freeholder qualified as is herein before directed, shall offer to give his vote at any election, but being required to take the oath or affirmation aforesaid, shall refuse so to do, such vote shall not be added to the poll, but the sheriff, or under sheriff, shall cause the name of every such person, and who he votes for, to be entered in a separate list, and if there be any scrutiny of such poll before the house of Burgesses, every such vote shall be allowed in the same manner as if it had been entered on the poll at the election.

XIII. And be it further enacted, by the authority aforesaid, That within twenty days next after every such election, the sheriff or under sheriff, taking such poll shall, upon oath, to be administered by any justice of the peace, deliver to the clerk of his county clerk, attested copies of the original poll at such elec-
tion, and a list taken of such as offer to vote, but refuse to take the oath or affirmation as aforesaid, to be by such clerk recorded.

XIV. And be it further enacted, That after the election shall be concluded as aforesaid, the sheriff, or under sheriff, taking the poll, shall make return of such election in manner following: Upon the writ shall be endorsed.

The execution of this writ appears in a certain schedule hereunto annexed.

And in the schedule to the writ annexed, the execution thereof shall be certified as follows:

BY virtue of this writ to me directed, in my full county, held at the court-house for my said county, upon the day of in the year of the reign of by the grace of God, of Great Britain, France, and Ireland, King, Defender of the faith, &c. by the assent of my said county, I have caused to be chosen two burgesses of my said county, to wit, A. B. and C. D. to act and do as in the said writ is required.

And for the college of William and Mary, or for any city, or town, the return shall be thus:

BY virtue of this writ to me directed, I did make lawful publication thereof; and afterwards, to wit, upon the day of in the year of the reign of by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, &c. at the said city [or town] of [or at the said college] by assent of the freeholders and other legal electors [or the president, masters, or professors] I have caused to be chosen one burgess for the said city [or town, or college] to wit, A. B. of to act and do as in the said writ is directed and required.

And if at any time any candidate, or other person on his behalf, shall desire a copy of the poll, the sheriff, or under sheriff, shall cause a fair attested copy thereof to be delivered to such candidate, or person requiring the same.

Method of proceeding to elect burgesses, in the room of others dying or disabled, or when there hath

XV. And be it further enacted, by the authority aforesaid, That when upon the death or disability of any member of the house of Burgesses, or where no election shall have been held for any county, town or corporation, the sheriff, or returning officer, shall receive a writ for the election of one or more Burgesses during the session of any general assembly, such sheriff is
hereby required to appoint such and so many persons as he shall think fit to give notice thereof, and of the day and place of election, unto every freeholder residing within the county, town, or corporation, for which such election is to be; and the same shall be thereupon made as soon as possible, in the manner herein before directed, and the person or persons, so elected, returned in form aforesaid. And if any sheriff, or in his absence the under sheriff, shall refuse to take the poll, when required by any candidate or freeholder, before the return is made, or shall take it in other manner than by this act is directed, or shall refuse to give a copy of the poll when required as aforesaid, or shall make a false return, or fail to make return, and cause the same to be delivered to the clerk of the secretary's office for the time being; or to such other person as shall attend in the said office to receive the same, one day at least before the day in such writ limited for the return thereof; every sheriff, or under sheriff, so offending or failing, shall forfeit and pay one hundred pounds current money; one moiety thereof to our sovereign lord the king; his heirs and successors, for the better support of this government, and the contingent charges thereof; the other moiety to the informer or person who shall sue for the same; to be recovered, with costs, by action of debt or information, in any court of record within this colony.

XVI. And be it further enacted, That the writs for electing burgesses at the college of William and Mary, and for James town, shall be delivered to the sheriff of James city, who is hereby declared to be the proper officer for returning the said writs.

XVII. And be it further enacted, by the authority aforesaid, That no person hereafter to be elected a member of the general assembly, for any county, city, town, or corporation, within this dominion, shall, after the dissolution of any general assembly, or after any vacancy happening in this or any succeeding general assembly, and before his election, either himself, or by any other person or persons on his behalf, and at his charge, directly or indirectly, except in his usual and ordinary course of hospitality in his own house, give, present, or allow, to any person or persons, having voice or vote in such elections, any money, meat, drink, entertainment, or provision, or make any present, gift, reward, or entertainment, or any promise, agreement,
obligation, or engagement, to or for any person or persons, or to or for any county, city, town, or corporation, or to or for the use, benefit, emolument, or preference, of any person or persons, county, city, town, or corporation, in order to be elected a burgess for such county, city, town, or corporation; and every person so giving, promising, or engaging, shall be, and is hereby declared to be guilty of bribery and corruption, and rendered incapable to sit or vote, or of being re-elected a member of the house of burgesses, during the continuance of such general assembly to which he hath been so corruptly elected.

XVIII. And be it further enacted, and declared, That all and every member of the general assembly is, and ought to be, and for ever hereafter shall be, in his and their persons, servants, and estates, real and personal, free, exempted, and privileged, from all arrests, attachments, executions, and all other process whatsoever, save only for treason, felony, or breach of the peace, during his or their attendance in general assembly, and for the space of ten days before and ten days after every session: And if any civil process shall be depending against such member or members before his or their election, such process shall be stayed for ten days before and after every session as aforesaid, but may then be prosecuted, as it might otherwise have been, without discontinuance or abatement. And when any general assembly shall be adjourned or prorogued longer than twenty days, process may be commenced and prosecuted against any member or members thereof, but shall be stayed ten days before and after every session, or meeting by prorogation or adjournment as aforesaid.

XIX. And be it further enacted, by the authority aforesaid, That every burgess shall be allowed and paid by his county, ten shillings a day, besides ferriages, for coming to, attending at, and returning from every session of assembly; and over and above the said daily allowances there shall be paid and allowed for going to and returning from the general assembly, as followeth, to wit: To every burgess for the counties of James City, York, Warwick, Elizabeth City, New Kent, Gloucester, Charles City, Surry, and Isle of Wight, one day for coming and one day for returning; To every burgess for the counties of Henrico, Chesterfield, Nansemond, Sussex, Southampton, Norfolk, Princess Anne, King William, Prince George, King and Queen, Mid-
dlessex, and Essex, and to the burgesses of the borough of Norfolk, two days for coming and two days for returning: To every burgess for the counties of Lancaster, Amelia, Richmond, Caroline, Goochland, Hanover, King George, Cumberland, Dinwiddie, and Brunswick, three days for coming and three days for returning: To every burgess for the counties of Accomack, Northampton, Northumberland, Westmoreland, Stafford, Spotsylvania, Louisa, and Prince Edward, four days for coming and four days for returning: To every burgess for the counties of Prince William, Fauquier, Calpeper, Orange, Albemarle, Buckingham, Bedford, Lunenburg, Fairfax, Loudoun, Charlotte, and Mecklenburg, five days for coming and five days for returning: To every burgess for the counties of Augusta, Amherst, Frederick, Halifax, and Pittsylvania, six days for coming and six days for returning; and to every burgess for the counties of Botetourt, and Hampshire, eight days for coming and eight days for returning: But no burgess shall demand or receive any salary or wages for any day or days he shall fail to attend his service in the house of burgesses, Sundays excepted; and if any burgess shall be taken sick or lame during his attendance on any session, or in his journey thereto, so as to be unable to attend, such burgess shall be allowed and paid for every day of the session, in the same manner as if he had attended the service of the house.

And be it further enacted, and by the authority aforesaid, That when any session of assembly shall be held, and upon examination of the treasurer’s accounts, it shall appear that there are monies sufficient in his hands to discharge all the money debts due from the public, together with the burgesses’ wages, and the salaries and allowances to the respective officers of the general assembly, that then the burgesses’ wages for each session, according to the regulations before mentioned, and the wages for the attendance of every burgess, for any city, town, or corporation at ten shillings per day each, shall be paid by Robert Carter Nicholas, esq. treasurer, or the treasurer for the time being, appointed by or pursuant to act of assembly, out of the public money in his hands.

Provided always, That where the assembly shall be adjourned for more than twenty days, in that case the burgesses attending such assembly, shall be paid their wages to the time of such adjournment, either

Not to be paid, if they fail to attend, unless prevented by sickness, &c.

How to be paid.

In case of adjournment to be paid to the time of adjournment.
by their counties, or the treasurer, according to the rules and regulations aforesaid, in the same manner as if such assembly was prorogued.

XXII. And be it further enacted, by the authority aforesaid, That at the time and place of election of burgesses, for any county, the sheriff, or in his absence the under sheriff of such county respectively, at the door of the court-house, by proclamation to be there three times made, between the hours of one and three of the clock in the afternoon, shall give public notice of the time appointed for a court to be held for receiving propositions and grievances, and the public claims of all and every person and persons within his county, which propositions and grievances shall be signed by the person or persons presenting the same to the court, and thereupon the clerk, by the direction of the court, shall certify the same to the general assembly, and shall deliver the same to the burgesses of the county, to be by them presented accordingly. And in like manner a court for receiving and certifying propositions and grievances, and public claims, as aforesaid, shall be appointed and held in each county respectively, before every session of the general assembly, and the sheriff of the county is hereby required to cause public notice to be given of the time appointed for holding such court, at every respective church and chapel within his county. And whereas it hath been found inconvenient, and may prove of evil consequence, if any member of the house of burgesses should accept of the office of sheriff, or of any place of profit in this government, or if any sheriff, under sheriff, or inspector of tobacco, should be elected and allowed to sit and vote as a member of the house of burgesses:

XXIII. Be it further enacted, by the authority aforesaid, That any person who now is, or hereafter shall be, sheriff, or under sheriff, of any county, or inspector of tobacco, at any of the public warehouses, during the time he shall be sheriff or inspector, and for two years next after he shall be out of office, shall not be capable of sitting and voting as a member of the house of burgesses; and a writ shall issue for electing a new member in his stead, in the same manner as if such person was naturally dead; nor shall any such inspector of tobacco, during the time aforesaid, presume to intermeddie, or concern himself, with any election of a burgess or burgesses, otherwise than by giving his vote, or en-
deavour to influence any person or persons to give his or their votes, under the penalty of fifty pounds; one half to our sovereign lord the king, his heirs and successors, for and towards defraying the contingent charges of this government, and the other moiety to the informer; to be recovered, with costs, by action of debt or information, in any court of record within this dominion. And every member of this present or any future house of burgesses, during the time of his being so, shall be exempted from being made or appointed sheriff. And if any member of the house of burgesses shall accept any office of profit whatsoever in this government, or hold the same in his own name, or in the name of any other person, in trust for him, or for his use and benefit, or shall execute by himself, or his deputy, any such office or place, such person shall be incapable of sitting or voting as a member of the house of burgesses, and a writ shall issue for electing a new member in his stead, in the same manner as if he was naturally dead; but such person shall be capable of being re-elected, and thereupon admitted to his place in the house of burgesses.

XXIV. Provided always, That nothing in this act shall be construed to hinder the legal electors of the city of Williamsburg, the borough of Norfolk, and the college of William and Mary, from choosing a representative in general assembly, for the said city, town, or college, but they, and each of them, shall and may continue so to do, according to their charters of incorporation, and the laws now in being, in the same manner as if this act had never been made.

XXV. And be it further enacted, That all and every other act and acts, clause and clauses, heretofore made, as to so much thereof as is contrary to any thing within the purview of this act, be, and the same is hereby repealed.

XXVI. Provided always, That the execution of this suspending act shall be, and is hereby suspended, until his majesty's approbation thereof, shall be obtained.
An act to continue and amend the act intituled An act for amending the staple of tobacco, and preventing frauds in his majesty's customs.

I. WHEREAS the act of the general assembly passed in the fifth year of the reign of his present majesty, intituled An act for amending the staple of tobacco, and for preventing frauds in his majesty's customs, which was continued and amended by one act made in the seventh year of his said majesty's reign, and further continued by another act made in the eighth year of his said majesty's reign, will expire on the first day of October, one thousand seven hundred and seventy-one, and it is necessary that the same should be further continued and amended: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That if any justice of peace shall know, or be informed upon oath, of any tobacco pressed or packed, in order to be shipped off, or carried out of this colony, without being inspected, such justice by himself, or any sheriff or constable, by warrant from such justice, within the limits of his county, shall have power and authority, and is hereby required to enter any suspected houses, and to break open all doors in the day time (the keys of such doors having been first demanded and refused to be delivered) to search for the same; and if any tobacco shall be found by such justice, sheriff, or constable, pressed in any cask, barrel, or other package whatsoever, that shall not contain five hundred pounds of nett tobacco, such justice, sheriff, or constable, shall seize the same, and the person in whose possession such tobacco shall be found, shall forfeit to the informer five pounds for every hundred weight, and so in proportion for a less quantity, to be recovered, with costs, in any court of record, if it be twenty-five shillings current money or more, or if under that sum, before any justice of the peace of the county where the fact shall be committed; and such justice shall and may issue an execution either against the body or goods of the offender accordingly; any law, statute, or custom,
to the contrary thereof, in any wise notwithstanding.
And any justice of peace of any county near the place
where any ship, sloop, boat, or other vessel, shall ride,
upon information to him made, upon oath, by any per-
son, that there is good cause to suspect any tobacco
uninspected, in cask, bulk, or parcels, to be on board
such ship, sloop, boat, or other vessel, shall and is here-
by impowered and required to issue his warrant, direct-
ed to the sheriff, or any constable, of his county, and
the sheriff or constable shall have full power and autho-
ritv, and he is hereby required to enter and go on board
such ship, sloop, boat, or other vessel, to search for and
seize such tobacco, and the same being seized, shall be
brought on shore, and carried before the same or any
other justice, who shall cause the same to be carried to
the nearest warehouse, and there inspected, and if pass-
ed, restored to the owner, in case he shall be innocent
of the fraud; but if he shall appear to have been con-
cerned in such fraud, or if no owner claims within one
month, the said tobacco shall be sold, and the money
arising from such sale be paid into the public treasury,
and accounted for to the general assembly; and the
commanding officer of any ship or vessel, or the skip-
per of any boat, on board which such tobacco shall be
found, shall forfeit to the informer five pounds for every
hundred weight, and so in proportion for a less quan-
tity, to be recovered, with costs, in any court of record,
if it be twenty-five shillings or more, or if under that
sum, before any justice of peace of the county where
the fact shall be committed. And if any master or com-
manding officer of any ship or vessel, or the skipper of
any sloop, boat, or other vessel, or any other person
whatsoever shall resist the officer in the execution of
any such warrant, every such master or commanding
officer, shall forfeit and pay one hundred pounds; and
every such skipper, sailor, or other person so resisting,
shall forfeit and pay twenty pounds. And if any action
shall be brought against any justice of the peace, sheriff,
or constable, for doing anything in execution of this act,
the defendant may plead the general issue, and give
this act in evidence; and if the plaintiff shall be nonsuit-
ed, or a judgment pass against him, upon a verdict or
demurer, the defendant shall recover double costs.

II. And whereas the recoveries of the forfeitures, in-
flicted by this act, are liable to be evaded by masters
and commanders, and skippers of vessels, and other
persons leaving this colony, before any action or suit brought for such recovery can be determined: For remedy thereof, Be it enacted, by the authority aforesaid, That upon the appearance of the defendant, in any action or suit brought against any master or commander, or skipper of any vessel, or any other person, for a breach of this act, where the plaintiff shall move that the defendant may be held to special bail, the court may, if they see cause, rule him to give special bail accordingly, or commit him in custody of the sheriff, until such bail be given, any law, custom, or usage, to the contrary, in any wise, notwithstanding.

III. And whereas it is represented to this general assembly, that new inspections of tobacco are necessary to be established in the town of Dumfries, in Prince William county; on the lots of Walter Boyd, merchant, numbered 50 and 51, in the town of Blandford, in the county of Prince George; at Tatham's landing, on Guilford river, in the county of Accomack; at Persimmon point, on Currioman bay, upon the land of Philip Ludwell Lee, esq; in the county of Westmoreland, under one inspection with Nomony; and at Town Point, in the town and county of Norfolk: Be it therefore enacted by the authority aforesaid, That from and after the first day of October next, new warehouses shall be erected on the lots numbered 171 and 172, the property of John Murray, in the said town of Dumfries; in the town of Blandford, in the county of Prince George, on the lots of the said Walter Boyd; at Tatham's landing, on Guilford's river, in the county of Accomack; at Persimmon point, on Currioman bay, upon the land of Philip Ludwell Lee, esq; in the county of Westmoreland; and at Town Point, in the town and county of Norfolk; and it shall and may be lawful for the courts of the said counties of Prince William, Prince George, Accomack, Westmoreland, and Norfolk, respectively, to order and direct the respective proprietors of the said lots and lands, to erect, build, and completely finish, by or before the first day of October next, such and so many strong, close and substantial houses, as shall be sufficient to contain at least a thousand hogsheds of tobacco, at the said inspection at Dumfries; fifteen hundred hogsheds at the said inspection at Boyd's; two hundred hogsheds at the said inspection at Tatham's landing; eighty hogsheds at the said inspection at Persimmon point; and fifty hogsheds at the said inspection
at Town point, in Norfolk; and to secure the said houses in the manner before directed, by the said act of assembly. And the said courts respectively shall also take bonds, with sufficient securities, in reasonable penalties, payable to his majesty, and to his heirs and successors, with conditions for the faithful building of such houses. And for more effectually securing the tobacco brought to the public inspections, in this colony, the several courts of the counties, in which any warehouse is or shall be established, shall, at the time the inspectors are required by law to render an account of the quantity of tobacco received at the several warehouses, enter an order that the owner or proprietor of such warehouse shall (where the same is not already done) provide houses sufficient to contain at least two thirds of the tobacco mentioned in such inspectors account, and secure the same in the like manner as is directed by the before recited act, a copy of which order shall be served on the owner or proprietor, his or her guardian, husband, attorney or agent, as the case shall be; and if such owner or proprietor, his or her guardian, husband, attorney or agent, shall fail to appear at the next succeeding court after such notice, and enter into bond, with sufficient security, in a reasonable penalty, payable to his majesty, his heirs and successors, with a condition for the due performance of the same, then it shall and may be lawful for the said court, and they are hereby required, to cause such houses to be made and built as aforesaid, and shall certify the charge thereof to the treasurer of this colony for the time being, who is hereby directed and required to pay the same out of the public money in his hands, arising from the inspection of tobacco, and shall take and receive of the inspectors so much of the rents of the said warehouses, when they become due, as will be sufficient to reimburse the public such charges.

IV. And be it further enacted, by the authority aforesaid, That the notes of the several warehouses hereafter mentioned shall pass in payment of all levies, quit-rents, and officers fees, payable in the counties following, that is to say, of the warehouses at Milner’s, Warrisqueak Bay, Smithfield, and Gray’s creek, in the county of Brunswick; at Osborne’s, Page’s, Crutchfield’s, and Meriwether’s, in the county of Buckingham; at Quantico and Dumfries, in the counties of Culpeper and Orange; at Kennon’s and Swineyard’s, in the county of

County court shall order proprietors of warehouses to provide such as will contain two thirds of the tobacco appearing by the inspectors accounts to be received there;

And, proprietors failing, shall cause them to be built, at the public expense, to be reimbursed out of the warehouse rents.

In what counties the notes of the several warehouses shall pass in payment of levies, &c.
Prince George; at Denbigh, in the county of Elizabeth city; the notes of the warehouses at Fredericksburg, Royston's, Falmouth, Dixon's, Acquia, Quantico, Dumfries, Colchester, Pohick, Hunting creek, and Potowmack falls, in the counties of Hampshire, Frederick, and Loudoun; of the warehouses at Cabin point, in the county of Dinwiddie; at Falmouth and Dixon's, in the county of Orange; at Page's, Crutchfield's, Shockoe's, Byrd's, Rocky Ridge, John Bolling's, Blandford, Osborne's, Warwick, Falmouth, Dixon's, Fredericksburg, and Royston's, in the counties of Augusta and Botetourt; and in Pittsylvania all notes shall pass in payment of levies and officers fees, which pass in payment in the county of Halifax; and the notes at Dumfries, in the counties where the notes at Quantico, and the notes at Boyd's where the notes at Blandford are payable.

V. And be it further enacted, by the authority aforesaid, That an additional salary of ten pounds each, be paid to the inspectors at Blandford warehouse, and fifteen pounds each, to the inspectors at Milner's.

VI. And whereas many and great inconveniences have arisen from inspectors undertaking to deliver tobacco, the property of others, in their warehouses, without order from the proprietors of the same: Be it enacted, by the authority aforesaid, That from and after the passing of this act, if an inspector shall presume to deliver any tobacco, in his warehouse, without order from the owner or proprietor of such tobacco, every inspector so offending, and being thereof duly convicted, in the court of the county wherein he officiates, is declared incapable of serving forever after as an inspector in this colony; and moreover shall be liable to the penalty of five pounds for every hogshead of tobacco so as aforesaid delivered, without order of the owner or proprietor thereof, to be recovered by such owner, or proprietor, if he shall prosecute within three months after the offense committed, or if he declines the prosecution, then, after that time, by any person who shall inform or sue for the same, by action of debt, bill, plaint, or information, in any court of record within this dominion. And if any inspector shall deliver any transfer receipts, or notes of credit for tobacco, to any person or persons, unless at the time of delivering such receipts, or notes, he shall have actually and bona fide received and passed the tobacco, the property of him or them, in whose name or names such notes shall be made out, to the full amount
of the quantity therein specified, every inspector so offending, and being duly convicted, shall be disabled from serving as an inspector, and moreover forfeit five pounds, for every such fictitious note, to any person who will sue for the same, recoverable by action of debt, in any court of record: And upon every prosecution against any inspector for the said offence, the proof of his innocence shall lie upon himself.

VII. And be it further enacted, That the several inspections established at Stratford landing, in the county of Westmoreland, at Guilford, in the county of Accomack, at Kemp’s landing, in the county of Princess Anne, and Great Bridge, in the county of Norfolk, at Walkerton, in the county of King and Queen, and Walker’s, in the county of King William, and at Totaskkey, in the county of Richmond, from and after the first day of October next, be discontinued.

VIII. And be it further enacted, That there shall be paid to each of the inspectors appointed to attend, and attending at the warehouses herein after mentioned, the salary following, to wit, at Bray’s church, in the county of King George, twenty-five pounds; at Layton's and Micou’s, in the county of Essex, under one inspection, thirty pounds; at Bermuda Hundred, in the county of Chesterfield, and four mile creek, on both sides, in the county of Henrico, under one inspection, thirty pounds; at the Brick-House, twenty-five pounds; at Beckwith’s and Cat point, under one inspection, thirty pounds; at Conway’s, thirty-five pounds; at Colchester thirty-five pounds; at Constance’s twenty-five pounds; at the College and Capitol landings, under one inspection, twenty-five pounds; at Deacon’s neck twenty-five pounds; at Dixon’s forty-five pounds; at Eastermost river twenty-five pounds; at Gloucester town twenty-five pounds; at Gibson’s and Morton’s, under one inspection, thirty-five pounds; at Deep creek and Glascock’s, under one inspection, thirty-five pounds; at Gray’s creek thirty pounds; at Hampton and Denbigh, under one inspection, thirty-five pounds; at Hunting creek thirty-five pounds; at Indian creek and Dymer’s, under one inspection, thirty pounds; at Kennon’s and Swineyard’s, under one inspection, thirty-five pounds; at Kemp’s twenty-five pounds; at Littlepage’s and Waddy’s, under one inspection, thirty-five pounds; at Mantapike and Quarles’s, under one inspection, thirty-five pounds; at Mattox and Machotick, under one inspec-
tion, thirty-five pounds; at Noble's twenty-five pounds; at Nomony and Persimmon point, under one inspection, thirty pounds; at Poropotank twenty-five pounds; at Quantico sixty pounds; at Royston's fifty pounds; at Shepard's and Turner's, under one inspection, thirty pounds; at Sleepy Hole and Wilkinson's, under one inspection, twenty-five pounds; at Urbanna twenty-five pounds; at Wiccosomico thirty-five pounds; at Yeocomoco and Rust's, under one inspection, thirty-five pounds; at Byrd's seventy pounds; at Aylett's and Todd's, under one inspection, forty pounds; at Pitt's and Tatham's landing, under one inspection, twenty-five pounds; at Dumfries sixty pounds; at Town point, in Norfolk, twenty pounds; at Cave's twenty pounds; at Boyd's sixty pounds; at Bollingbrooke seventy pounds.

IX. And be it further enacted, That for the rents of the several warehouses, except those, the rents whereof are fixed at certain sums, there shall be paid and allowed ten pence for every hogshead of tobacco received and inspected at, and delivered out of such warehouse respectively.

X. And be it further enacted, by the authority aforesaid, That the several inspectors of the public warehouses, shall annually, on or before the tenth day of November, instead of the tenth day of October, make up their accounts at the public treasury, upon oath, and pay to the treasurer of this colony for the time being, appointed by or pursuant to an act of the general assembly, all monies received, or which ought to be received, by them, by virtue of the said recited act, except the money paid for nails, for every hogshead of transfer tobacco, in the manner and under the penalties prescribed by the said act.

XI. And be it further enacted, That so much of the said act, made in the seventh year of his present majesty's reign, intituled An act for continuing and amending an act, intituled An act for amending the staple of tobacco, and for preventing frauds in his majesty's customs, as impowers the courts of the several counties of Surry, Prince George, Dinwiddie, Chesterfield, Henrico, Hanover, Spotsylvania, King George, and Prince William, to direct what number of hands shall be kept by the inspectors, at the respective warehouses, in the said counties, for turning up, opening, and securing tobacco, and intitles such inspectors to an,
allowance of fifteen pounds annually for each hand, so directed and by them employed, above the number of two, be and the same is repealed.

XII. And whereas the penalties inflicted on persons who shall tend seconds for tobacco, are judged sufficient to restrain that practice, and the tobacco levied for the constables, as a reward for their viewing tobacco fields, in order to discover whether slips or suckers are turned out or tended, is an unnecessary burthen upon the country: Be it therefore enacted, by the authority aforesaid, That so much of an act of assembly made in third and fourth years of the reign of his late majesty King George the second, intituled An act repealing the act for the better and more effectual improving the staple of tobacco, and for the better execution of the laws now in force against tending seconds, and for the further prevention thereof, and so much of another act passed in the tenth year of the reign of his said late majesty, intituled An act to prevent cutting up tobacco suckers, as directs the several constables to view all tobacco fields within their respective precincts, to discover whether suckers or slips of tobacco are turned out or tended, and which directs the justices of the county courts to levy for the constables one pound of tobacco per tithable, for such their services, be, and the same are hereby repealed.

XIII. And be it further enacted, That no inspector of tobacco, by himself, or any person for him, be allowed to keep an ordinary, or house of entertainment, at or near the warehouse where he is an inspector; and every inspector herein offending, shall be incapable of serving in that office.

XIV. And be it further enacted, by the authority aforesaid, That all transfer tobacco, to be delivered out of any warehouse hereafter, shall weigh at least one thousand pounds nett tobacco, any law, custom, or usage, to the contrary thereof, in any wise notwithstanding: And that this act shall continue and be in force from and after the first day of October next; and that the said recited act, as so much thereof as is contrary to this act, together with this act, shall continue and be in force from the said first day of October, one thousand seven hundred and seventy-one, for and during the term of two years and no longer.
An act to amend an act, intituled An act declaring the law concerning executions, and for relief of insolvent debtors.

I. WHEREAS by an act of general assembly made in the twenty-second year of the reign of his late majesty king George the second, intituled An act declaring the law concerning executions, and for relief of insolvent debtors, it was among other things enacted, that if the owner of goods and chattels taken by any sheriff, or other officer, by virtue of a writ of fieri facias, should give sufficient security to such sheriff, or officer, to have the same goods and chattels forth coming at the day of sale, it should be lawful for such sheriff, or other officer, to accept the security, and suffer the goods and chattels to remain in the possession, and at the risque of the debtor, until the time aforesaid: But in case the debtor refused to deliver up the goods and chattels accordingly, no remedy was therein provided for the creditor or officer, who being therefore obliged to commence a new suit on such bond, was compellable, on serving another fieri facias again, to accept security, to have the estate taken forth coming, and might be thereby prevented from ever recovering the debt: For remedy herein,

II Be it enacted, by the Governor, Council, and Burgesses of this present General Assembly, and by the authority of the same, That if the owner of any goods or chattels which shall be taken by any sheriff, or other officer, by virtue of a writ of fieri facias, shall tender sufficient security to have the same goods and chattels forth coming at the day of sale, it shall be lawful for the sheriff or officer to take a bond from such debtor and securities, payable to the creditor, reciting the service of such execution, and the amount of the money or tobacco due thereon, and with condition to have the goods or chattels forth coming to the day of sale, appointed by such sheriff or officer, and shall thereupon

* This note is in the hand writing of Thomas Jefferson, esq. late President of the United States.
suffer the said goods and chattels to remain in the possession, and at the risk of the debtor until that time.

III. And be it further enacted, That if the owner of such goods or chattels shall fail to deliver up the same, according to the condition of the bond, or pay the money or tobacco mentioned in the execution, such sheriff or officer shall return the bond to the office of the clerk of the court from whence the execution issued, to be there safely kept, and to have the force of a judgment, and thereupon it shall be lawful for the court where such bond shall be lodged, upon motion of the person to whom the same is payable, his executors or administrators, to award execution for the money and tobacco therein mentioned, with interest thereon from the date of the bond, till payment and costs, provided the obligors, their executors or administrators, or such of them against whom execution is awarded, have ten days previous notice of such motion; and upon such execution, or on any execution awarded, on a bond to replevy an estate taken by a former execution, the sheriff or officer shall not take any security, either to have the goods forth coming at the day of sale, or for the payment of the money at a future day, according to the further directions of the said recited act, but shall levy the same immediately, and keep in his hands the goods and chattels, taken thereupon, until he shall have sold sufficient thereof to raise the money and tobacco mentioned in the execution, or the same be otherwise satisfied; any thing in the said recited act to the contrary notwithstanding. And for the better direction of such sheriff or officer, the clerk shall endorse upon every such execution, that no security of any kind is to be taken. And for settling what fees the sheriffs or other officers shall receive for executing writs of Distrikingas upon judgments, in actions of detinue, or attachments on decrees in chancery for the payment of money:

IV. Be it further enacted, That the sheriff or officer for executing any such writ of distrikingas, or attachment on such decree, shall be intitled to the same fee or commissions upon the amount of the value of the goods and chattels recovered, or money mentioned in such decree, as is by law allowed for serving any other execution.

V. And be it further enacted, by the authority aforesaid, That every coroner, before he shall be at liberty to serve any writ of execution, shall, in the court of his rising office,
not paying money levied by execution, or suffering defendant to escape, judgment & execution may be awarded against him, on motion.

Estate of sheriff, &c. taken in execution upon judgment for money levied &c. not repleviable.

county, enter into bond, with good and sufficient security, payable to our lord the king, in the penalty of five hundred pounds, with condition for the true and faithful execution of his office; and if such coroner shall thereafter make return upon any writ of fieri facias, or venditioni exponas, that he hath levied the debt, damages, and costs, as in such writ is required, or any part thereof, and shall not immediately pay the same to the party to whom it is payable, or his attorney, or shall return upon any writ of capias ad satisfaciendum, or attachment for not performing a decree in chancery, for payment of money or tobacco, that he hath taken the body of the defendant or defendants, and hath the same ready to satisfy, the money and tobacco in the said writ mentioned, and shall actually have received such money or tobacco of the defendant or defendants, or have suffered him, her, or them, to have escaped, with his consent, and shall not immediately pay such money or tobacco to the party to whom the same is payable, or his attorney, that then, or in either of the said cases, it shall be lawful for the court, from whence such writ issued, upon the motion of the creditor, to give judgment against such coroner, his executors or administrators, for the amount of the money and tobacco therein mentioned, and costs, and thereon to award execution; provided such coroner, his executors or administrators, have ten days previous notice of such motion; and upon such execution no security for payment of the money or tobacco therein mentioned at a future day, or to have the goods forth coming at the day of sale, shall be taken or received; and the clerk shall endorse thereon that no security of any kind is to be taken.

VI. And be it further enacted, That when execution shall issue against the estate of any sheriff, or under sheriff, or their securities, upon a judgment obtained against such sheriff, or under sheriff, and securities, for money or tobacco received by such sheriff, or under sheriff, by virtue of any execution, or process levied or executed by him, or them, or for any money collected or received by them, in any manner as sheriffs, no security for payment of the money or tobacco mentioned in such execution at a future day, or to have the goods forth coming at the day of sale, shall be taken or received; but the officer taking such estate in execution, shall proceed immediately to the sale thereof, notwithstanding—
ing such security shall be tendered; and for the better direction of such officer, the clerk issuing such execution shall endorse thereon, that no security of any kind is to be taken.

VII. And for the more speedy relief of insolvent debtors, Be it further enacted, by the authority aforesaid, That when any person shall be committed to gaol in execution, in any suit commenced or prosecuted in any county court, and shall have remained in prison twenty days, it shall be lawful for any justice of such court, by warrant under his hand and seal, to command the gaoler or keeper of the said prison to bring before the said court, if sitting, or if not sitting, before any two justices of the said court, at their county court-house, on a certain day, to be appointed in such warrant, the body of such person so in prison, together with a list of the several executions with which he or she shall stand charged in the said gaol, of which day, so appointed in the said warrant, reasonable notice shall be given to the creditor or creditors, his or their executors, administrators, or agents, at whose suit or suits such prisoner shall be in execution, in manner herein after directed, which warrant such gaoler is hereby required to obey; and every such prisoner coming before the said court, or justices, as the case shall be, shall subscribe and deliver, in a schedule of his whole estate, and take the same oath as is prescribed by one act of assembly, intituled An act declaring the law concerning executions, and for relief of insolvent debtors, which schedule being so subscribed, shall be by the justices, when taken out of court, returned to the clerk of the court, there to remain for the better information of the creditors; and after delivering in such schedule, and taking such oath, such prisoner shall be by warrant from such court, or two justices, as the case shall be, discharged from his imprisonment, and the gaoler shall be indemnified, in like manner as in the said act is directed.

VIII. Provided always, That notwithstanding such discharge, it shall be lawful for any creditor or creditors, at whose suit such insolvent prisoner was imprisoned, at any time afterwards to sue out a writ of Scire Facias, to have execution against any lands or tenements, goods or chattels, which such insolvent person shall thereafter acquire or be possessed of.

See 22 Geo. III. chap. 8, sect. 24.
His estate how to be disposed of,

Sect. 25.

IX. And be it further enacted, by the authority aforesaid, That all the estate contained in such schedule, and any other estate which may be discovered to belong to the prisoner, for such interest therein as such prisoner hath, and may lawfully depart withal, shall be vested in the sheriff of the county, to be by him sold, and the money paid and disposed of as in the said act is directed; but for as much as the schedules to be subscribed, and delivered in by insolvent debtors, may often contain articles of money and tobacco due to such debtors, and goods, chattels and estates, in the possession of others, which cannot be recovered without new suits, and the sheriffs may decline commencing such suits, on account of the trouble and expence in which they may be involved, whereby such debts, goods, chattels, and estates may be lost to the creditors: For remedy herein,

X. Be it further enacted, by the authority aforesaid, That when any insolvent debtor shall be discharged, pursuant to this, or to the act above mentioned, or according to the directions of an act of assembly made in the twenty-seventh year of the reign of king George the second, intituled An act for reducing the several laws made for establishing the general court, and for regulating and settling the proceedings therein into one act of assembly, and the schedule subscribed and delivered in by such prisoner, shall contain articles of money or tobacco due to such prisoner, or of goods, chattels or estates, to him belonging, and in the possession of any other, in that case the clerk of the court with whom such schedule is directed to remain, shall immediately issue a summons against each of the persons named as debtors in the said schedule, and against such others as are therein said to have possession of any goods, chattels or estates of the property of the prisoner, reciting the sum of money, or quantity of tobacco, he or she is charged with, or the particular goods, chattels or estates said to be in his possession, and requiring him or her to appear at the next court, and to declare on oath whether the said money or tobacco, or any part thereof, be really due to such prisoner, or whether such goods, chattels or estates, or any of them be really in his or her possession, and are of the property of such prisoner; and if the person so summoned shall fail to attend according to such summons, or to shew good
cause for his non-attendance, it shall be lawful for the
court to enter judgment against every such person, for
the money, tobacco, goods, chattels or estates, in such
schedule mentioned, together with costs of suit, a law-
ner’s fee excepted. And if any such person, so sum-
moned, shall appear and be sworn, judgment shall be
entered for so much of the money, tobacco, goods chat-
tels or estates, as he or she shall acknowledge to be due;
or to be of the property of such prisoner; and in his
possession, with costs as aforesaid, which judgments
shall be entered in the name of the sheriff, who may
thereupon proceed to levy executions, as in other cases,
and to dispose of the money, tobacco, goods, chattels
or estates, so recovered, in the same manner as by the
said acts he is directed to dispose of the other effects.

XI. Provided always, That where any such garni-
shée shall not acknowledge the whole money or tobac-
co to be due, or all the goods, chattels, and estates,
mentioned in the schedule, to be of the property of the
prisoner, and in his possession, the sheriff or such pri-
sioner, at any time after (unless barred by any of the
several acts, limiting the times for the commencement
of actions) shall be at liberty to claim the residue, by
legal process; and the former judgment, as to such
garnishee, shall be no farther a bar in such process,
than for so much money or tobacco, or such goods,
chattels, and estates as the garnishee is thereby order-
ed to pay or deliver.

XII. And be it further enacted, by the authority afo-
said, That every sheriff shall be allowed to retain out
of the effects of such insolvent debtor, before the distri-
bution thereof, all reasonable expenses, in recovering
such money, tobacco, goods, chattels, and estates as
aforesaid, including such fee to a lawyer, for the pro-
ceeding against the garnishees, as shall be judged rea-
sonable by the court; and if such effects be not suf-
cient, he shall be reimbursed such expenses by the cre-
ditor, or creditors if more than one, in proportion to
their demands.

XIII. And whereas it is unreasonable that sheriffs
should be obliged to go out of their counties, to give
notice to creditors at whose suit any person may be in
custody of such sheriff, or to pay money levied by ex-
cutions: Be it further enacted, That where any execu-
tion shall be delivered to the sheriff of any other coun-
ty than that wherein the creditor resides, such creditor

Not barred, by judgment
against garnishee
for non-attendance,
claiming the
residue.

Allowance
to sheriff
out of the
estate.

Or if that is
not suffici-
ent, to be
paid by the
creditors.

Creditor not
resident in
the county
to which ex-
ecution is
sent, to appoint an agent there for receiving the money, &c. shall name some person resident in the county where the execution is to be levied, to be his, her, or their agent, for the particular purpose of receiving the money on such execution, and for giving to and receiving from the sheriff any notices which may be necessary relating thereto; and payments made and notices given to such agent, shall be as effectual as if made or given to the creditor. And if any creditor shall fail to appoint such agent, no judgment shall be entered against the sheriff for non-payment of the money or tobacco mentioned in such execution, unless a demand thereof shall have been first made of such sheriff, in his county, by the creditor or some other person having a written order from him: Nor in case of failure, in appointing such agent, shall the sheriff or prisoner be obliged to give notice previous to the discharge of such prisoner, either for want of security for his prison fees, or upon his taking the oath of an insolvent debtor as aforesaid; but such prisoner may be discharged in those cases respectively, without any notice to be given to the creditor so failing.

XIV. Provided always, That the execution of this act shall be, and the same is suspended until his majesty's approbation thereof shall be obtained.

CHAP. IV.

Royal assent proclaimed, April 3, 1771.

Recital.

An act to regulate the practice of suing out and prosecuting writs of replevin, in cases of distress for rents.

I. WHEREAS very great and unjust delays have arisen, from the suing out writs of replevin, in cases of goods distrained for rent, contrary to the true intent and meaning of the act of the general assembly made in the twenty-second year of the reign of his late majesty, intituled An act for the better securing the payment of rents, and preventing the fraudulent practices of tenants: For remedy whereof, Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority
of the same, That from and after the passing of this act, before any writ of replevin shall be granted, in case of goods and chattels distrained for rent, the person or persons praying such writ shall enter into bond, with one or more sufficient securities, in the clerk's office, in the penalty of at least double the value of the rent distrained for, and costs of suit, to perform and satisfy the judgment of the court in such suit, in case he, she, or they, shall be cast therein; and if upon the trial of such suit it shall be found that the rent distrained for, was justly due, the party injured or delayed by suing forth the said writ, shall recover against the party suing forth and prosecuting the same, double the value of the rent in arrear, and distrained for, with full costs of suit; to be recovered in the same manner as judgments are by law recovered, on executing a writ of Fieri Facias, where the clerk is directed to endorse on the back of the writ no security is to be taken.

II. And be it further enacted, by the authority aforesaid, That where any person shall suggest that the goods distrained, are his or her property, and not the property of the tenant, nor held in trust for the use of the tenant in any manner whatsoever, and that the same in his or her opinion are not liable to such distress, he or she giving bond and security, in manner herein before directed, may sue out a writ of replevin for such goods, but not otherwise; and in case the person or persons suing out the said writ shall be cast in such suit, judgment shall be given against him for double the value of the rent in arrear, and distrained for, with full costs as aforesaid. And for the more speedy determination of all such writs of replevin.

III. Be it further enacted, by the authority aforesaid, That every such writ shall be returnable to the next court after the same shall be issued; and such court shall, at their next sitting after the return, cause an issue to be made up therein, which shall be tried at the following court, without waiting for its turn in the order of priority in regard to other suits.

IV. Provided always, That this act shall not extend to prevent the replevyng goods or chattels distrained for rent, where the tenant shall give bond and security for payment thereof at the end of three months, in the manner directed by the abovementioned act.

Goods distrained for rent, not to be replevied without bond and security.

Rent being found due, party delayed by the replevin, to recover double value with costs.

Person other than the tenant, may sue out a writ of replevin, and, if cast, judgment shall be given against him for double value, and costs.

Suits in replevin to be speedily tried.

Not to extend to replevins on giving bond to pay in 3 months.
V. Provided also, That judgment shall and may be recovered on such last mentioned bond, in the same manner as on bonds taking upon executing a writ of Fieri Facias.

VI. Provided always, That the execution of this act shall be, and the same is hereby suspended until his majesty's approbation thereof shall be obtained.

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CHAP. V.

An Act for further continuing the Act, intituled an Act for reducing the several acts of Assembly for making provision against invasions and insurrections into one act.

I. WHEREAS the act of Assembly made in the thirtieth year of the reign of his late majesty, king George the second, intituled An Act for reducing the several acts of Assembly for making provision against invasions and insurrections into one act, and which was continued by two other acts made in the third and seventh years of his present majesty's reign, will expire on the eighth day of June next; and it being necessary and expedient that the said act should be further continued, Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said act of Assembly made in the thirtieth year of his said late majesty's reign shall continue and be in force, from and after the said eighth day of June next, for and during the term of three years and no longer.
An Act to continue and amend an Act, intitled an Act for reducing the several acts made for laying a duty upon liquors into one act.

I. WHEREAS the act of Assembly made in the thirty-second year of the reign of his late majesty, king George the second, intitled An Act for reducing the several acts for laying a duty upon liquors into one act, which was continued by three other acts of Assembly, made in the first, fifth, and seventh years of his present majesty, will expire on the twentieth day of June, one thousand seven hundred and seventy; and it is necessary that the same should be further continued, with amendments: Be it therefore enacted by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That so much of the first recited act of Assembly as imposes a duty of one penny per gallon on beer and ale imported into this colony, be, and the same is hereby repealed, and made void. And that from and after the passing this act, no person importing money into this colony, in the manner prescribed by the said first recited act, for the payment of the duties on liquors thereby imposed, shall have any abatement or allowance on the said duties, unless the said duties, if bonded agreeable to the directions of the said act, shall be punctually and bona fide paid, to the collector of the same, at the time limited in the condition of the bond given to secure the payment thereof; any law, custom or usage, to the contrary, in any wise, notwithstanding.

II. And be it further enacted, by the authority aforesaid, That the penny imposed by the said recited act upon every gallon of wine, rum, brandy and other distilled spirits, and appropriated to the relief of the college of William and Mary, shall be paid half yearly, by the treasurer of this colony for the time being, unto the visitors and governors of the said college, to be applied and disposed of for the founding professorships, scholarships, and such other good uses, for the better support of the said college, as by the said visitors and governors shall, from time to time, be directed and ap-
pointed, and not otherwise; and shall be by them accounted for to the General Assembly; any thing in the said recited act to the contrary, notwithstanding.

III. And be it further enacted, by the authority aforesaid, That this act, together with the said recited acts, except so much thereof as is altered or repealed hereby; shall continue and be in force from and after the said first day of June, one thousand seven hundred and seventy, for and during the term of three years, and no longer.

CHAP. VII.


I. WHEREAS an act of Assembly made in the twenty-fifth year of the reign of his late majesty, king George the second, intituled An Act for reviving the duty upon slaves, to be paid by the buyers, for the term therein mentioned, which was continued by two other acts of Assembly made in the twenty-seventh and thirty-second years of his said majesty's reign, and by one other act made in the seventh year of the reign of his present majesty, and one other act of Assembly made in the thirty-third year of the reign of his late majesty king George the second, intituled An Act to oblige persons bringing slaves into this colony from Maryland, Carolina, and the West-Indies, for their own use, to pay a duty for the term therein likewise mentioned, which was continued by one other act of Assembly made in the seventh year of his present majesty's reign, will expire on the twentieth day of April next; and it being found expedient that the said recited acts should be continued, for the purposes therein mentioned.

II. BE it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said recited acts of Assembly, and every clause and article thereof, shall be, and continue in force from
and after the twentieth day of April next, for and during the term of three years thence next following, and no longer.

III. Provided always, and be it further enacted, by the authority aforesaid, That the said duties shall be collected and paid, according to the directions of the said recited acts, to Robert Carter Nicholas, esq; treasurer, or the treasurer of this colony for the time being, appointed by or pursuant to an act of Assembly; any thing, in the said recited acts, to the contrary, in any wise, notwithstanding.

CHAP. VIII.

An act for laying an additional duty upon slaves, imported into this colony.

I. WHEREAS it is found expedient by this present general assembly, that an additional duty should be laid upon all slaves imported or brought into this colony, to be paid by the buyers: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this act, there shall be levied and paid to our sovereign lord the king, his heirs and successors, for all slaves imported or brought into this colony for sale, either by land or water, from any port or place whatsoever, by the buyer or purchaser, ten per centum on the amount of each respective purchase, over and above the several duties already laid upon slaves imported or brought into this colony, as aforesaid, by any act or acts of Assembly now subsisting in this colony; which said additional duty shall be paid, collected, and accounted for, in such manner and form, and according to such rules, and under such penalties and forfeitures, as are mentioned, prescribed, and appointed for paying, collecting, and accounting, for the duties already imposed upon slaves imported or brought into the said colony, by the several acts of assembly now in force.
II. And be it further enacted, That the said duty be, and the same is hereby appropriated for and towards defraying the contingent charges of this government, and to and for such other use and uses as the general assembly, from time to time, shall direct and appoint.

III. And be it further enacted, by the authority aforesaid, That the execution of this act shall be suspended until his majesty's approbation thereof shall be obtained; and that from and after obtaining the same, this act shall continue and be in force for and during the term of seven years, and no longer.

CHAP. IX.

An act for further continuing the act intituled An act for the better regulating and collecting certain officers, fees, and for other purposes therein mentioned.

I. WHEREAS the act of assembly made in the nineteenth year of the reign of his late majesty king George the second, intituled An act for the better regulating and collecting certain officers fees, and for other purposes therein mentioned, which hath been continued by several acts, and amended by four acts in the first, third, seventh, and eighth years of his present majesty's reign, will expire on the twelfth day of April next; and it being necessary that the same should be further continued: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said recited acts shall continue and be in force from and after the said twelfth day of April next, for and during the term of two years, and no longer.
An act for paying officers fees due from the inhabitants of other counties, for services done in the counties therein mentioned.

I. WHEREAS by an act of the general assembly, passed in the twenty-seventh year of the reign of his late majesty George the second, the inhabitants of the counties of Halifax and Bedford, were allowed to pay all officers fees at twelve shillings and six pence per hundred on the nett tobacco, and by an act passed in the thirty-second year of the reign of his said late majesty George the second, the inhabitants of the county of Loudoun were allowed to discharge all officers fees, payable in the said county, in money, for tobacco at the rate of twelve shillings and six pence per hundred; and by an act passed in the first year of his present majesty's reign, the inhabitants of the counties of Frederick, Augusta, and Hampshire, were allowed to pay all officers fees at the rate of eight shillings and four pence for every hundred weight of gross tobacco; and by an act passed in the seventh year of his present majesty's reign, the inhabitants of Pittsylvania were allowed to pay all officers fees at twelve shillings and six pence per hundred; and by an act passed this present general assembly, the inhabitants of the county of Botetourt are allowed to pay all officers fees at the rate of eight shillings and four pence for every hundred weight of gross tobacco; and forasmuch as the inhabitants of the other counties, within this colony, are by law compellable to pay the fees due from them, to the respective officers of the said counties of Halifax, Bedford, Loudoun, Frederick, Augusta, Hampshire, Pittsylvania, and Botetourt, in tobacco or money at the rate of two pence per pound, altho' upon judgments obtained by them against the inhabitants of the before mentioned counties, they are obliged to receive money for the tobacco fees taxed upon such judgments, according to the rates by which the same are payable in the said counties respectively, which is unequal and unjust.
Tobacco fees due to officers of several counties, payable in money at certain rates, therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for all and every person or persons to pay all fees due from them to the respective officers of the said counties of Halifax, Bedford, Loudoun, Frederick, Augusta, Hampshire, Pittsylvania, and Botetourt, in money for tobacco, according to the rates the inhabitants of the said counties respectively are by law allowed to pay the same; any law, to the contrary thereof, in any wise, notwithstanding.

III. And be it further enacted, by the authority aforesaid, That when any inhabitant of the said counties of Halifax, Bedford, Loudoun, Frederick, Augusta, Hampshire, Pittsylvania, or Botetourt, shall recover in any action or suit brought by them against the inhabitants of any other county, the person against whom judgment shall be obtained in such action or suit, may pay and discharge all the tobacco fees, taxed upon the judgment in such action or suit, at the same rate the plaintiff in such action or suit is intitled to discharge the same; any law, custom, or usage, to the contrary thereof, in any wise, notwithstanding.

CHAP. XI.

An act for laying a Public Levy.

I. BE it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That nine pounds of tobacco be paid by every tithable, within this dominion, for the defraying and payment of the public charge of the country, being the public levy from the sixth day of November, one thousand seven hundred and sixty-six, to the seventh day of November, one thousand seven hundred and sixty-nine; and that it be paid by the collectors of the several counties to the several persons and counties respectively, to whom it is proportioned by this general assembly. And if it shall happen that there shall be more tithables in any
county than the present levy is laid on, then such county shall have credit for so much to the use of the county, and if fewer tithables in any county, then such county shall bear the loss.

II. Provided always, That where any allowance is made in the book of proportions to any county, to be paid in the same county, no more per poll shall be collected from the tithables of such county, than will discharge the balance, after such allowance shall be deducted; and that every county court shall regulate the levy accordingly.

III. And be it further enacted, by the authority aforesaid, That the sheriff of every county shall, at the court of his county, to be held in the months of February or March next, give bond and security for the due collection and payment of the public levy, now laid and assessed. And whereas there are several balances due to the public from the following counties, to wit, from the county of Accomack six thousand seven hundred and forty, from the county of the Isle of Wight ninety-nine, from the county of Lancaster fourteen thousand one hundred and seventy-seven, from the county of Middlesex three hundred and fifteen, from the county of Northumberland six thousand and ninety-seven, from the county of Northampton fifteen thousand three hundred and forty-two, from the county of Richmond nine hundred and nineteen, from the county of Surry twelve thousand seven hundred and sixty-three, and from the county of Sussex seven thousand five hundred and twenty-six pounds of tobacco, as appears by the book of proportions.

IV. Be it further enacted, by the authority aforesaid, That the sheriff of each of the said counties above mentioned, shall, where the depositum in his hands shall amount to one thousand pounds of tobacco, after giving one months notice in the Virginia Gazette, sell the respective quantities of tobacco levied in his county as a depositum, for the use of the public, to the highest bidder, at the court of his county, to be held in the months of July or August next, provided a court, be then held, if not, at the next succeeding court, on credit till the twenty-fifth day of October following; and shall take bond, with sufficient security, payable to the treasurer of this colony for the time being, and shall transmit the same to the said treasurer within one month after such sale: And if any such buyer shall neglect
or refuse to pay the money, on the bonds aforesaid, when the same shall become due, it shall and may be lawful for the general court, or the court of the county where such buyer resides, on a motion to them made by the treasurer of this colony for the time being, to give judgment on the said bonds, and thereon to award execution; provided such buyer and his securities, his and their heirs, executors or administrators, have ten days previous notice: And where the depositum shall be less than one thousand pounds of tobacco, the sheriff shall in the month of July or August, at his county court-house, sell such tobacco for ready money, and immediately pay the same to the treasurer aforesaid; which monies shall be accounted for by the said treasurer to the general assembly.

CHAP. XII.

An Act for the better support of the contingent charges of government.

I. WHEREAS it hath been judged expedient, in compliance with his majesty's requisition, made to this house of burgesses, in this present session of Assembly, to vote the sum of two thousand five hundred pounds sterling towards defraying the expences of running a line between this colony and the Cherokee country, and moreover to direct an application to be made to his majesty to permit copper money to be imported into this colony, to the value of two thousand five hundred pounds sterling, and pass for the greater convenience of change in small payments: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That as soon as his majesty's ultimate resolution shall be known, in regard to the boundary to be established between this colony and the Cherokee Indians, Robert Carter Nicholas, esq; treasurer of this colony, or the treasurer for the time being, appointed by or pursuant to act of assembly, shall, out of the public money in his hands, from time to time, pay to such person or persons as he shall be

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directed by warrant from the governor or commander in chief for the time being, so much money as shall be necessary to defray the expenses of the negotiation, and running the line aforesaid, so as the whole sum to be paid on that occasion, doth not exceed the sum of two thousand five hundred pounds sterling.

II. And be it further enacted, by the authority aforesaid, That if his majesty shall be graciously pleased to permit copper money to be brought in, and pass in this colony, the said treasurer shall, at the public expense, cause so much of such copper to be purchased in Great-Britain as at the rates, at which it doth pass there, will amount to two thousand five hundred pounds sterling, and to be imported into this colony; and shall pay the same away at the British rates to any persons having legal demands against the treasury, in such proportions as is directed by an act of assembly, made in the first year of the reign of king George the second, intituled An act for the better regulating and ascertaining the current rates of silver coin within this dominion, and for preventing the evil practice of cutting foreign gold into pieces; or the said treasurer may exchange such copper at the rates aforesaid for other money, with any person desiring such exchange; and such copper money shall thereafter be current, and pass in payment in this colony, according to the directions and limitations in the said last mentioned act. And whereas, besides the money aforesaid, there are large sums of money due from the public to several persons in this colony, as appears by their different claims, settled and allowed by this present general assembly; and several other considerable sums will shortly become due to different persons for large quantities of tobacco lately damaged and destroyed in the public warehouses; which several sums of money, by reason of the deficiency of the public fund, cannot be raised by the duties already imposed; and it hath been found by experience that the taxes on process, ordinary licences, and wheel-carriages, and additional duty on slaves, the laws for imposing which will expire on the fourteenth day of February next, and a tax on tobacco made and shipped, are easy to the people, and not so burthensome as a poll tax:

III. Be it therefore further enacted, That from and after the said fourteenth day of February next, there shall be levied and paid to our sovereign lord the king, Copper money to be imported with his majesty's permission, payable at certain rates, Duties on slaves;
his heirs and successors, for all slaves imported, or
brought into this colony for sale, either by land or wa-
ter, from any part or place whatsoever, by the buyer
or purchaser, after the rate of five per centum on the
amount of each respective purchase, over and above the
duty already laid upon slaves as aforesaid; which said
additional duty shall be paid, collected, and accounted
for, in such manner, according to such rules, and un-
der the like penalties and forfeitures, as are mentioned,
preserved, and appointed, for the paying, collecting,
and accounting for, the duty already raised, and impos-
ed upon slaves imported, by the several acts of assem-
ble now in force, and made for that purpose; and that
every article, rule and clause, contained in the said acts,
concerning the paying, collecting, and accounting for the
said former duty, shall be used, exercised, and put in
practice, for collecting, paying, and accounting for the
said duty hereby imposed, in the same manner as if the
same articles, rules, and clauses, were inserted in this
act: And moreover a duty of twenty shillings for every
coach, charriot, and other four wheeled carriage (wag-
gons excepted) and ten shillings for every chair, and
two wheeled chaise, shall be paid by the owner or pro-
prieto thereof, on or before the tenth day of April
yearly; and that every such owner or proprietor thereof, at
the time he delivers a list of his tithables to the justice ap-
pointed to take the same yearly, shall deliver a list
of each and every such carriage under the like pen-
alty, and to be recovered in the same manner as is
directed by the act of assembly in the case of con-
cealing tithables; which said duty shall be collected
by the sheriff from each respective person within his
county who hath enlisted, or ought, under the act now
in force, to have enlisted, or shall hereafter enlist such
wheel carriages; and in case of non-payment such sher-
iff may levy the same by distress, in like manner, as he
is by law directed to distrain for levies and other public
debs; and every such sheriff shall, on or before the
twenty-fifth day of October yearly, account with, upon
oath, and pay to the treasurer aforesaid the several
sums by him received upon such lists, deducting five
per centum for his trouble in collecting and paying the
same: And the courts of each county in this colony
shall, at the time of swearing a grand jury for such
county, in the month of November yearly, particularly
give it in charge to such jury, to enquire who have fail-
ed to deliver lists of their wheel carriages as aforesaid; and upon the presentment of any grand jury for such offence, it shall and may be lawful for the court to order a summons to issue for the offender to appear at the next court, to answer such presentment, and shall not admit of any exception or pleading to the form or manner thereof, but shall proceed to trial without the formality of a jury, and give judgment therein, according to the very right of the cause; and if the party summoned fails to appear, the court may give judgment for the penalty for such offence, according to law: Also a duty of twenty shillings for every ordinary licence, to be paid down by the person obtaining the same to the clerk of the court where such licence shall be granted; and two shillings and six pence for every original writ or writs in any action or suit at common law, and subpoena or subpoenas in any suit in chancery in the general court, and for every summons on any petition for lapsed lands, and for every caveat entered in the secretary's office; and one shilling and three-pence for every such writ or subpoena in the county or other inferior court; to be paid down by the plaintiff in such suit to the clerk of such court before such writ, subpoena or summons, shall be issued, or caveat entered; to be taxed in the bill of costs; and, together with the duties upon ordinary licences, shall be accounted for upon oath, and paid by such clerk to the said treasurer, in the months of April and October yearly, deducting after the rate of five per centum for his trouble in receiving, accounting for, and paying the same: Also a further duty of one shilling and sixpence per hogshead for every hogshead of tobacco passed and delivered out of the several warehouses in this colony, to be shipped after the first day of January next, to be paid by the owner or proprietor thereof; which said duty the several inspectors at the said warehouses shall, and they are hereby empowered to collect and receive of and from the said owners and proprietors, before they deliver such tobacco out of their respective warehouses, and shall account for, on oath, and pay the same to the said treasurer, on or before the twenty-fifth day of October yearly, deducting five per centum for their trouble in collecting and paying the same. And whereas several persons, from a misconstruction of the acts now in force, have omitted to give in a list of their carriages, with their
thabes, in the month of June last, and are thereby unwarily subjected to the penalties inflicted by the said acts for such neglect.

III. Be it therefore further enacted, by the authority aforesaid, That the several persons who have failed to give in such lists, shall, on or before the first day of April next, deliver to the clerk of their respective counties a true list of all wheel carriages, of which they were possessed on the said tenth day of June, and upon delivery of such lists, such persons shall be, and they are hereby exempted and discharged from all penalties which they may have incurred for not delivering in such lists at the time aforesaid. And the said clerks of each county respectively shall forthwith deliver such lists to the several sheriffs, who are hereby impowered and required to collect and account for the taxes on the said carriages, in the same manner as if the said lists had been given in at the proper time.

IV. And be it further enacted, by the authority aforesaid, That if any sheriff, clerk, or inspector, shall neglect or refuse to account for and pay the duties, according to the directions of this act, it shall and may be lawful for the general court, or the court of the county where such sheriff, clerk, or inspector, shall respectively reside, upon a motion, to give judgment against them and their securities respectively, for all the said duties so by them severally received, and thereon to award execution, provided that ten days notice be given of such motion.

V. And be it further enacted, That the said treasurer shall account with the general assembly for all the monies that shall come to his hands by virtue of this act, after deducting two per centum for his salary for receiving the same. And whereas the duties aforesaid cannot be collected in proper time, to answer the present demands upon the public, before mentioned:

VI. Be it therefore further enacted, by the authority aforesaid, That it shall and may be lawful for the said treasurer to issue and emit treasury notes, to answer the demands that may be made upon him for the purposes aforesaid, so as the whole amount of such notes shall not exceed the sum of ten thousand pounds; which several notes shall be printed and engraved in such form, and after such method, as the said treasurer shall judge will be most safe from counterfeits and forgeries, and shall be signed by Peyton Randolph, and John Blair,
jun. esquires; and in case of the death of either, before all the treasury notes shall be signed, it shall and may be lawful for the said treasurer to appoint some other person to sign such notes, in the room of him so dying; which signing shall be as effectual, to all intents and purposes, as if it had been done by the persons herein named; and public notice shall be given in the Virginia Gazette of such alteration, for three weeks after the same shall take place.

VII. And be it further enacted, by the authority aforesaid, That James Hubard and Peter Pelham shall be, and they are hereby appointed to overlook the press, during the printing the said notes, who shall use the best of their care and diligence that the number and amount of such notes be not exceeded, nor any fraudulent practice used by the printer, his servants, or any other person concerned therein; and shall number and deliver such notes, when printed, to the persons appointed to sign the same; and each of them, for his trouble herein, shall receive the sum of ten pounds, to be paid by the treasurer aforesaid; and the persons so appointed to sign the said notes, shall deliver them, when signed, to the treasurer, taking his receipt for the same; and the said treasurer shall be allowed one per centum upon the amount of the notes by him paid away, as his salary for paying the same.

VIII. And be it further enacted, by the authority aforesaid, That such notes shall be payable by the said treasurer, in discharge of all legal demands which may be brought against the public, and shall pass current in this colony between such persons as shall be willing to receive the same, and shall be redeemable on the twentieth day of November, in the year of our Lord one thousand seven hundred and seventy-one, and shall then be taken in and discharged by the treasurer for the time being.

IX. And be it further enacted, That if any person or persons shall forge or counterfeit, alter or erase, any such treasury note, or shall tender any such note in payment to any person whatsoever, or demand a redemption of any such note at the treasury, knowing the same to be forged or counterfeited, altered or erased, every person so offending; if lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony, without benefit of clergy.
X. And be it further enacted, by the authority aforesaid, That the money to be raised by the duties imposed by this act, shall stand, be, and remain, as a security for the redemption of the said treasury notes, so to be issued; and the said Robert Carter Nicholas, treasurer, or the treasurer for the time being, appointed as aforesaid, is hereby required to apply all such money as shall come to his hands for the said duties, for and towards the redemption of such Treasury notes, and to no other use or purpose whatsoever.

XI. And be it further enacted, by the authority aforesaid, That so much of this act as relates to imposing, collecting and accounting for the duties aforesaid, shall continue and be in force till the twenty-fifth day of October, one thousand seven hundred and seventy-one, and no longer.

CHAP. XIII.

An act to prevent forging the Treasury Notes of this Colony in circulation

I. WHEREAS many great inconveniencies may arise to the public, by evil disposed people forging the treasury notes of this colony now in circulation: For preventing so bad a practice,

II. Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That if any person or persons, from and after the passing of this act, shall forge or counterfeit, alter or erase, any such treasury note, although the time of redemption by law be passed, or knowing any such note to be forged, counterfeited, altered or erased, shall offer to pass the same in any payment whatsoever, such person or persons, being legally convicted of the same, shall suffer death as a felon, without benefit of clergy.
An act for the more speedy and effectual recovery of the debt due to the public from the estate of the late treasurer.

I. WHEREAS there remains a large balance due to the public from the estate of John Robinson, esq. late treasurer of this colony, for which judgment is entered in the general court, and it is expedient the same should be speedily paid, to effect the redemption of the treasury notes, now remaining in circulation; but if an execution should be levied on his estate, as a sale must be made for ready money, it is apprehended the same would yield very little; and it is judged most for the advantage of the public, as well as of the private creditors of the said John Robinson, and the securities for his due execution of the office of treasurer, to direct a sale of his estate upon credit: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That Edmund Pendleton and Peter Lyons, gentlemen, surviving administrators of the said John Robinson, or the survivor of them, shall, within six months from the passing of this act, fairly sell and dispose of all the lands, slaves, goods and chattels, and other estate of which the said John Robinson died seized and possessed, for all the interest which the said John Robinson had therein, or which he might lawfully part with, except the dower, of Susanna Robinson, his widow, upon twelve months credit, for the best price that can be had, and convey the same to the purchaser or purchasers in fee simple, who shall thereafter respectively hold the same, discharged of the title of the said John Robinson, and his heirs, and all claiming under him.

II. Provided always, and be it further enacted, That the said Edmund Pendleton and Peter Lyons shall, upon every such sale, take bond of the buyer or buyers, with good and sufficient security, to pay the purchase money at the end of twelve months, and shall therein recite that the money is due for part of the said estate so purchased; and if the money shall not be paid
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according to the condition of such bond, it shall be lawful for the general court, or the court of the county where the obligors, or any of them reside, upon the motion of the said Edmund Pendleton and Peter Lyons, or either of them, to give judgment for the money mentioned in such bond, with interest from the day of payment, and costs, and thereon to award execution, provided such obligors, their executors, or administrators, or such of them against whom judgment shall be so entered, have ten days previous notice of such motion. And upon any execution, on such judgment, the sheriff or officer shall not take any sureties to have the goods forth coming at the day of sale, or for the payment of the money at a future day, but shall levy the same immediately; and for his direction herein the clerk shall endorse upon every such execution, that no security is to be taken.

III. And be it further enacted, by the authority aforesaid, That the money to be raised, by virtue of this act, shall be accounted for by the said Edmund Pendleton and Peter Lyons, and after deducting the expenses of sale and collection, shall be paid to Robert Carter Nicholas, esq; treasurer of this colony, or to the treasurer for the time being, appointed by or pursuant to an act of assembly, to be by him applied towards the redemption of the treasury notes, and accounted for to the general assembly, until the balance due from the estate of the said John Robinson to the public, with the interest thereof, is fully paid and discharged; and when that is done, the surplus, if any, shall be applied in a legal course of administration of the said estate. And whereas part of the said John Robinson's lands are subject to the dower of Mrs. Elizabeth Chiswell; and if that dower should be laid off, and if the dower of the said Susanna Robinson should be assigned in each particular tract of land, it might prejudice the sales thereof, and it would be beneficial to the public, and enhance the sale if the said Edmund Pendleton and Peter Lyons, were allowed to compound for the said dowers:

IV. Be it therefore further enacted, by the authority aforesaid, That the said Edmund Pendleton and Peter Lyons shall have full power and authority to make any contract or contracts with the said Elizabeth Chiswell and Susanna Robinson, or either of them, for procuring their respective releases of dower in any of the lands of the said John Robinson, in which they are severally
intitled to such dower, either by allotting them, and either of them, certain tracts of land in lieu of dower in the whole, or by allowing them the usual proportion of the money for which the lands shall sell, as to them shall appear just and equitable; and the said Edmund Pendleton and Peter Lyons shall be allowed in their accounts all money by them so contracted for and paid.

V. Saving to the king’s most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the heirs and devisees of the said John Robinson, all such right, title, and interest, as they, every or any of them, could or might claim if this act had never been made.

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CHAP. XV.

An act to amend an act, intituled An act for inspecting pork, beef, flour, tar, pitch, and turpentine.

I. WHEREAS the acts of assembly made for the inspection of pork, beef, flour, tar, pitch, and turpentine, have been found defective: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That, from and after the first day of April next, every barrel containing tar, pitch, or turpentine, shall be made in the following manner, to wit, the heads and bulge shall be round, and the heads shall not exceed one inch and a half, nor be less than one inch thick, the staves shall be of an equal length, and not less than three fourths of an inch thick, and no sap-pine timber shall be in the barrels made for turpentine, and the barrels shall be well bound with good hoops, at least two thirds of their length, and shall contain thirty-two gallons and a half, wine measure, at least.

II. And be it further enacted, That every inspector shall distinguish on the head of every barrel of turpentine, and in his certificate, whether the same be dipped,
scraped, or a mixture of both, and shall likewise stamp or brand on every barrel of tar, pitch, and turpentine, by him refused, that the same hath been refused, together with his name, and shall demand and receive from the owner thereof the same allowance as if the same had passed inspection.

III. *And be it further enacted,* That every inspector who shall pass any barrel of tar, pitch, or turpentine, contrary to the directions of this act, or shall refuse to stamp, brand, or give such certificate for turpentine, or neglect to stamp or brand such tar, pitch, or turpentine, as is herein before directed, when the same shall be refused, he shall forfeit and pay the sum of twenty shillings for every barrel of tar, pitch, or turpentine, which shall be found not duly qualified, or of less contents than this act requires; to be recovered in the same manner as in the said acts are directed:

IV. *And be it further enacted,* That every barrel containing beef or pork, shall be made of good white oak timber, well seasoned, and clear of sap, and not less than three fourths of an inch thick; and every cooper, and the master or owner of every servant or slave, who shall set up, or expose to sale, any barrel for pork, beef, tar, pitch, or turpentine, contrary to the directions of this act, or neglect to brand or stamp the same as in the said acts directed, shall forfeit and pay the sum of two shillings and six pence for every such barrel, recoverable by the informer before a justice of peace: And that so much of the said acts as is within the purview of this act be, and the same is hereby repealed.
CHAP. XVI.

An act to continue an act, intituled An act for establishing Pilots, and regulating their fees.

I. WHEREAS an act of assembly made in the third year of his present majesty's reign, intituled An act for establishing pilots, and regulating their fees, which was continued by another act of assembly made in the seventh year of the reign of his said majesty, will expire the twentieth day of April next; and it being found expedient that the said act should be continued for the purposes therein mentioned: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said act of assembly, and every clause and article thereof, shall be and continue in force from and after the twentieth day of April next, for and during the term of three years, from thence next following, and no longer.

CHAP. XVII.

An act for preventing and suppressing private Lotteries.

I. WHEREAS many pernicious games, called Lotteries, have been set up in this colony, which have a manifest tendency to the corruption of morals, and the impoverishment of families; and whereas such pernicious practices may not only give opportunities to defraud the honest and industrious, but may be productive of all manner of vice, idleness, and immorality, and against the common good and welfare of the community: For remedy whereof, Be it enacted, by the Governor, Council, and Burgesses, of this present General assembly, and it is hereby enacted, by the authority of the same, That from and after the first day of May next,
No person or persons whatever, shall, on his own account, or that of another, either publicly or privately, set up, erect, make, exercise, keep open, shew, expose, or cause to be played at, drawn or thrown at, any such lotteries, or shall procure the same to be done, either by dice, lots, cards, tickets, or any other numbers or figures, or any other way whatever; and every person or persons herein offending, shall forfeit and pay to the parish, for the use of the poor of such parish, where such offence shall be committed, the whole of the sum or sums to be raised by such lottery; to be recovered by action of debt, or information, in any court within this colony.

CHAP. XVIII.

An act to repeal an act, made in the twenty-second year of his late majesty's reign, intituled An act concerning Strays, and to establish a more effectual method to prevent frauds committed by persons taking up Strays.

I. WHEREAS the act of assembly made in the twenty-second year of the reign of his late majesty George the second, intituled An act concerning Strays, hath been found ineffectual to answer the purposes for which it was intended; and great frauds have been committed, under colour of the said act, by ill disposed people, in taking up and concealing stray horses from the knowledge of the proprietors, and afterwards advertising them by false and imperfect descriptions, so as to make them their own property, under pretence of pursuing the directions of the said act: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said act of assembly, intituled An act concerning Strays, shall be, and the same is hereby repealed, and made void, to all intents and purposes.
II. And be it further enacted, by the authority aforesaid, That every person within this colony and dominion, who shall hereafter take up any stray horse, mare, or colt, shall immediately carry the same before some justice, in what manner -stray horses, &c., shall be taken up, and make oath before such justice that the same was taken up at his plantation or place of residence in the said county, and that the marks or brands thereof have not been altered since the taking up; and then such justice shall take a particular and exact description in writing of the marks, brands, stature, colour, and age, of such horse, mare or colt, together with the name of the taker-up, and his place of abode, and such justice is required immediately to issue his warrant to three disinterested freeholders of the neighbourhood, who, after taking an oath before him for that purpose, shall view and appraise such stray; which description and valuation shall, by such justice, be transmitted to the clerk of the court of such county in twenty days after the same is taken, who shall enter the same in a book, to be by him kept for that purpose. And the taker-up shall pay to the clerk ten pounds of tobacco for making such entry, to be paid and collected in the same manner as his other fees are by law directed to be collected. And every person who shall hereafter take up any neat cattle, sheep, hog, or goat, shall cause the same to be viewed by a freeholder of the county where the same shall happen, and shall immediately go with such freeholder before a justice of the said county, and make oath before him that the same was taken up at his plantation or place of residence in the said county, and that the marks or brands of such stray have not been altered since the taking up; and then such justice shall take from the said freeholders, upon oath, a particular and exact description of the marks, brand, stature, colour, and age, of every such neat cattle, and the mark and colour of every such sheep, hog, or goat, and such justice shall, in like manner, issue his warrant for the appraisement of such stray; which description and valuation shall, in like manner, be transmitted by such justice to the clerk of his county, to be by him entered in the aforesaid book; and the taker-up shall pay such clerk five pounds of tobacco for every head of neat cattle, and three pounds of tobacco for every sheep, hog, or goat; so entered, to be paid and collected as aforesaid; and every such clerk shall moreover
cause a copy of every such description and valuation to be publicly affixed at the court-house of his county, on two several court days next after the same shall be transmitted to him. And for a reward for taking up there shall be paid by the owner five shillings for every horse, mare, colt, or head of neat cattle, and one shilling for every sheep, hog, or goat.

III. And be it further enacted, by the authority aforesaid, That if no owner shall appear after notice twice published at the court-house, as aforesaid, the property thereof shall immediately, after such publication, be vested in the taker up, where the valuation is under twenty shillings.

IV. Provided nevertheless, That the former owner thereof shall, at any time afterwards, have it in his option to demand and recover such stray, or the valuation money, deducting the reward for taking up, and the clerk's fees. And where the valuation amounts to twenty shillings; the taker up shall, within one month after such appraisement, send to the printer a particular description of such stray or strays, together with the name of his county, and place of residence, certified by the clerk of his said county, to be advertised three times in the Virginia Gazette, for which the printer may demand and take two shillings for every horse, mare, colt, or head of neat cattle, mentioned in such advertisement for the first, and one shilling for every advertisement thereafter, and no more; and one shilling for every sheep, hog, or goat, so advertised. And if no person shall claim such stray or strays, within six months after such publication, the property shall be vested in the taker up: But it shall and may be lawful for the former owner, at any time afterwards, upon proving his property, and paying the reward for taking up, and the clerk's and printer's fees, to demand and recover such stray or strays, or the valuation money, at the option of the said former owner. And every person taking up any stray horse, mare, or colt, and failing to carry the same immediately before some justice as aforesaid, or if any other stray, failing to cause a particular description thereof to be given to a justice, in manner aforesaid, in three days after taking up the same, or failing to send a description thereof to the printer, certified by the clerk within the time, and according to the directions of this act, or making use of any such stray before the same shall be appraised, as aforesaid, shall, for every
such offence, forfeit and pay to the informer the sum of
ten pounds, to be recovered, with costs, in any court of
record, wherein the same shall be cognizable; and more-
over shall be liable to the action of the owner of such
stray or strays, and, upon conviction, shall pay double
damages.

V. And be it further enacted, by the authority afore-
said, That if any person whatsoever, whether he be a
freeholder, tenant for years, or otherwise, shall take up
any boat, or other vessel, adrift, he shall, in like man-
ner, cause the same to be viewed by some freeholder of
the county where the same shall be taken up; and shall
immediately go with such freeholder before some justice
of the county, and make oath when and where the same
was taken up, and that the marks thereof have not been
altered or defaced since the taking up; and then such
justice shall take from such freeholder, upon oath, an
exact description of such vessel, and the burthen and
built thereof, and thereupon the like proceedings shall
be pursued, and the taker up shall be entitled to the same
rewards, and be subject to the same penalties, fines, and
forfeitures, to be recovered and appropriated in the same
manner as are herein before directed, prescribed, and
appointed, with respect to stray horses.

VI. Provided always, That if, after notice published,
as aforesaid, any stray shall happen to die, or get away,
before the owner shall claim and prove his or her right,
the taker up shall not be answerable for the same. And
if any person, not being a freeholder, or tenant by lease
for the term of three years at least, shall presume to take
up any stray, or if any such freeholder or tenant for
years shall take up any such stray, at any other place
than on his own plantation, or at his place of residence,
he or she shall, for every offence, forfeit and pay to the
informe the sum of twenty shillings, recoverable, with
costs, before any justice of the county where the offence
shall be committed: And upon failure of payment, or
giving security for payment, within ten days after con-
viction, every such offender shall, by order of such jus-
tice, receive twenty lashes on his or her bare back, well
laid on.

VII. Provided always, That the execution of this
act shall be, and the same is hereby suspended until
his majesty's approbation thereof shall be obtained.
An Act to amend the Act, intituled an Act to amend the Act for the better government of Servants and Slaves.

I. WHEREAS by an act of the General Assembly made in the twenty-second year of his late majesty George the second, intituled An Act directing the trial of slaves committing capital crimes, and for the more effectual punishing conspiracies and insurrections of them, and for the better government of negroes, mulattoes, and Indians, bond or free, the county courts within this dominion are impowered to punish outlying slaves who cannot be reclaimed, by dismembering such slaves, which punishment is often disproportioned to the offence, and contrary to the principles of humanity: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That it shall not be lawful for any county court to order and direct castration of any slave, except such slave shall be convicted of an attempt to ravish a white woman, in which case they may inflict such punishment; any thing in the said recited act, to the contrary, notwithstanding.

II. And whereas the act passed in the fifth year of his present majesty's reign, intituled An Act to amend the act for the better government of servants and slaves, as to so much thereof as relates to the method of taking up and proceeding with runaway servants and slaves, is found ineffectual, and it is necessary that the same should be further amended:

III. Be it therefore enacted, by the authority aforesaid, That from and after the commencement of this act, the taker up of every runaway servant or slave, who shall discover the name of his or her master or owner, shall immediately carry such servant or slave before a justice of peace of the county where such servant or slave shall be taken up, to be examined; and if thereupon, and upon the oath of the taker up, such servant or slave appears to be a runaway, the justice shall grant the taker up a certificate of his having made such oath, reciting his or her proper name and sirname, the county of his or her residence, the name of the runaway, the proper name and sirname of his or her owner, and
the county where he or she resides, the time and place when and where the runaway was taken up, and the distance of miles, in the judgment of the justice, from the place of residence of the owner, or from the house or quarter where the runaway was usually kept, and upon delivery of such runaway, and producing the certificate as aforesaid, the taker up shall be entitled to a reward of ten shillings for taking up, and sixpence per mile, mentioned in the certificate, to be paid by the owner; and upon such owner's neglecting or refusing to pay the said reward, the taker up may sue for and recover the same, with costs, either by warrant before a single justice, where the reward shall not exceed twenty-five shillings, or, where the reward shall exceed that sum, by a petition or action, as the case may require, in any court of record within this colony.

IV. Provided always, and be it further enacted, by the authority aforesaid, That the taker up shall have it in his option either to convey such runaway to the owner or overseer of the plantation where such runaway is usually kept, as aforesaid, or to carry him or her to gaol; and in the latter case, the justice shall issue his warrant, directed to the sheriff or gaoler of the county wherein the runaway is taken up, commanding him to receive such runaway into his custody, and to commit him or her to prison, and the sheriff or gaoler shall give the taker up a receipt for the body of such runaway, which receipt the taker up producing to the justice, the justice shall thereupon grant his certificate to entitle the taker up to the reward aforesaid, for taking up and conveying such runaway; and the sheriff or gaoler shall forthwith cause notice of such commitment, with a description of the runaway, to be advertised in the Virginia Gazette three weeks; and if no owner shall appear, at the expiration of two months from the time of the commitment, such runaway shall be conveyed to the public gaol, according to the directions of the act passed in the twenty-seventh year of his late majesty George the second, intituled An Act for the better government of servants and slaves.

V. Provided also, That if the owner or overseer of such runaway shall be an inhabitant of the county where such runaway is taken up, the taker up shall, in that case, convey and deliver him or her to the owner or overseer as aforesaid, and shall not be at liberty to carry

Rewards of the taker up: how to be recovered.

Taker up may convey runaway to owner, &c. to carry him to gaol.

Sheriff, or gaoler, by justice's warrant, to commit runaway, and give receipt, and advertisement in the Gazette.

Runaway advertised, not claimed, to be sent to Public Gaol, &c. according to 27 Geo. II [1755] cap. 2, of the edit. in 1769.

Runaway to be carried to owner, &c. resident in the county where taken up.
Line 1: 

Reward for taking up, &c. to be paid to sheriff, &c. recoverable by taker up.

Line 2: 

How runaway, not declaring his name to be dealt with.

Line 3: 

Master licencing slave to go at large, and trade, subject to penalty.

Line 4: 

Part of 5 Geo. III. cap. 9, repealed.

ry such runaway to the gaol of the county, as is before directed.

VI. And be it further enacted, by the authority aforesaid, That before any runaway shall be delivered out of custody of the sheriff or gaoler, the person claiming such runaway shall pay down the reward aforesaid, for taking up, and the charge of advertising, with the fees for keeping and maintaining the runaway, as the same are now settled by law; and every sheriff or gaoler receiving the reward aforesaid for taking up, and refusing or neglecting to pay the same, the taker-up may recover the same, with costs, by warrant, before a single justice, where the reward shall not exceed twenty-five shillings, or where the reward shall exceed that sum, then by petition or action, as the case may require, in any court of record within this colony.

VII. And be it further enacted, by the authority aforesaid, That where such runaway servant or slave cannot or will not declare the name of his or her owner, the same proceedings shall be pursued as are directed by the last recited act of assembly.

VIII. And whereas many owners of slaves, in consideration of stipulated wages to be paid by such slaves, licence them to go at large, and to trade as freemen, which is found to be a great encouragement to the commission of thefts and other evil practices by such slaves, in order to enable them to fulfil their agreements with their masters or owners: For prevention whereof, Be it further enacted, by the authority aforesaid, That from and after the commencement of this act, if any master or owner of a slave shall licence such slave to go at large, and trade as a freeman as aforesaid, the master or owner shall forfeit and pay the sum of ten pounds current money, for the use of the poor of that parish where such slave shall be found going at large, and trading as aforesaid, to be recovered by the churchwardens by action of debt, in any court of record within this dominion. And if after conviction such slave shall be found so going at large, and trading, the master or owner shall again be liable to the like penalty, to be recovered and applied as aforesaid, and so as often after conviction as such slave shall be found so going at large, and trading.

IX. And be it further enacted, by the authority aforesaid, That so much of the said recited act, intituled An act to amend the act for the better government of ser-
vants and slaves, concerning the apprehending and conveying such runaway servants and slaves, and paying for the same, as is contrary to this act, shall be, and the same is hereby repealed and made void.

X. Provided always, That the execution of this act shall be, and the same is hereby suspended until his majesty's approbation thereof shall be obtained.

CHAP. XX:

An act to oblige the owners of mills, hedges, or stops, on the rivers there-in mentioned, to make openings or slopes therein for the passage of

fish.

I. WHEREAS it is represented to this general assembly, by sundry inhabitants of the counties of Albemarle and Fauquier, that they were formerly well supplied with fish from the Rivanna and Hedgman rivers; but that they are now deprived thereof by several mill-dams, whereby the passage of fish up the said rivers is in a great measure obstructed: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the owner or proprietor of all and every mill-dam already erected, in either of the said rivers, shall before the first day of March, which shall be in the year one thousand seven hundred and seventy-one, make a gate or slope in or to their respective mill-dams, which said gate or slope shall be ten feet wide, and the length of the said slope shall be at least three times its height, and shall be kept open during the months of March, April and May, in every year. And if such owner or proprietor shall neglect or refuse so to do, within the times aforesaid, every such owner or proprietor shall forfeit and pay the sum of twenty shillings, for every twenty-four hours, he or they shall so neglect or refuse; one moiety to our sovereign lord the king, his heirs and successors, for the use of the poor.
of the parish or parishes where the offence shall be committed, and the other moiety to the informer; to be recovered, with costs, by action of debt or information, in any court of record within this colony and dominion.

II. And be it further enacted, by the authority aforesaid, That if any person or persons shall hereafter erect or raise any mill-dam, in either of the rivers above-mentioned, every such person or persons shall make or leave the like opening or slope in the same, as is herein before directed; and in case of neglect or failure, shall be subject and liable to the same penalty and forfeiture as the owners or proprietors of mill-dams already erected in the said rivers, are by this act subjected and made liable to; to be recovered and appropriated in the manner above-mentioned.

III. And whereas it hath been further represented, that divers unfair practices have prevailed of erecting fish-dams, hedges, and other stops, in the said rivers, and of extending and fixing seines and drags across the same: Be it therefore enacted, by the authority aforesaid, That every owner or proprietor of lands on the said rivers shall, before the first day of March aforesaid, abate and throw down such fish-dams, hedges, and other stops, as may have been heretofore erected adjacent to their respective lands; and that it shall not hereafter be lawful for any person to erect, or cause to be erected, in either of the said rivers, any fish-dam, hedge, or other stop, or to fix any seine or drag across the same. And if any owner or proprietor of lands, or any other person, shall fail to abate and throw down any such fish-dam, hedge, or stop, already erected, in either of the said rivers adjacent to their lands as aforesaid, or shall hereafter erect, or cause to be erected, any fish-dam, hedge, or other stop therein, or shall fix any seine or drag across the same, every such person so offending, shall forfeit and pay for every such offence the sum of twenty pounds; to be recovered and appropriated as is above directed. And if, after any recovery of the penalty last mentioned, such offender shall fail forthwith to abate and throw down such fish-dam, hedge, or other stop, erected, or to be erected, in either of the said rivers, that then, and so from time to time till the same shall be abated and thrown down, he shall be and continue subject to the like penalties and forfeitures; to be recovered and appropriated in the same manner.
An act for encouraging the making of Hemp.

I. WHEREAS the making good and merchantable hemp fit for exportation, will be not only beneficial to the inhabitants of this colony, but also, by the supply of such naval stores, advantageous to the navigation and commerce of Great-Britain: To the end therefore, that the makers thereof may have suitable encouragement, Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That there shall be paid to the person and persons who shall make, or cause to be made, within this colony, hemp, winter or water-rotted, dry, bright and clean, a reward of four shillings for every gross hundred of hemp, made as aforesaid.

II. And be it further enacted, by the authority aforesaid, That any justice of peace, or constable of any county, wherein hemp shall be made, may, and shall, upon application of the maker or owner thereof, truly weigh all such hemp as to him or them shall be offered, and desired to be weighed, and shall give a certificate to the county court of the true quantity so weighed, and the name of the maker or owner thereof, for which such justice, or constable, shall have and receive of such maker or owner five shillings per ton, and so proportionably for a greater or less quantity; which certificate being produced to such county court, and oath made before them, by the maker or owner, that the hemp therein mentioned was duly weighed, and that, at the time the same was so weighed, it was winter or water-rotted, dry, bright and clean, and made upon his or her plantation, in such county, or on what plantation the same was made, that he nor any other person for him hath obtained a certificate, or received a reward or premium for the same, the clerk of such court shall certify the same to the governor or commander in chief of this dominion, for the time being, who, upon the party's producing such certificate, is hereby empowered and desired to issue his warrant to the treasurer of this colony for the payment of such sum or sums as shall appear to be due, by virtue of this act. And the clerk of every
county court shall have and receive as a fee for all services done by him, in pursuance of this act, the sum of two shillings and six pence, and no more. And if any person whatsoever shall take a false oath, in obtaining a certificate, whereby to intitle him or herself to any premium or reward given by this act, he or she so offending, and being thereof convicted, shall forfeit and pay four times the money obtained by means of such false oath, to the informer, to be recovered, with costs, by action of debt or information, in any court of record where the same shall be cognizable, and moreover shall suffer as for wilful and corrupt perjury.

And by whom paid.

III. And be it further enacted, by the authority aforesaid, That the treasurer of this colony, for the time being, shall be, and is hereby authorized and required, out of any public monies in his hands, to pay unto the party or parties intitled thereto, such sum and sums of money as shall be to them ordered, by warrant from the said governor or commander in chief, to him directed, for the bounties aforesaid, from time to time, in pursuance of this act, to be allowed to the said treasurer upon passing of his accounts in the general assembly.

IV. Provided always, That the rewards for hemp, shall not exceed the sum of four thousand pounds.

CHAP. XXII.

An act for encouraging the making Wine.

I. WHEREAS the climate, soil, and natural productions of this colony, make it very probable that the most delicious wines might be made here, and it is certain the introduction of so valuable an article would bring great riches to the people, and give a very favourable turn to the commerce of the mother country; and it appears that Andrew Estave, a native of France, is acquainted with the culture of vines, and hath offered to undertake the management of a vineyard, from which the public may receive great advantage: Be it
therefore enacted, by the Governor, Council, and Burgess, of this present General Assembly, and it is hereby enacted by the authority of the same, That the honourable William Nelson, and Thomas Nelson, esquires, Peyton Randolph, Robert Carter Nicholas, Lewis Burwell, Dudley Digges the younger, John Blair the younger, Severn Eyre, and George Wythe, esquires, shall be, and they are hereby nominated and appointed trustees for the purposes herein after expressed; that is to say, that the said trustees, or the major part of them, as soon as the same can well be done, shall purchase a piece of land, not exceeding one hundred acres, fit for the culture of vines, and as conveniently situated to the city of Williamsburg as may be, on which shall be built a dwelling-house of such dimensions as they shall think proper; and shall likewise purchase three negro men slaves, to be worked on the said land, under the direction and management of the said Andrew Estave, for the sole purpose of cultivating vines, and making wine therefrom; and the treasurer of this colony, for the time being, shall, and he is hereby empowered and required, out of the public money in his hands, to pay upon the governor's warrant to the said trustees, a sum not exceeding four hundred and fifty pounds, to be laid out as aforesaid. And to render the purposes of this act as effectual as possible,

II. Be it further enacted, by the authority aforesaid, That the said trustees are hereby required to procure three poor boys, to be bound apprentices to the said Andrew Estave, who shall enter into covenants to teach them the art of cultivating vines, and making wine; and they the said trustees shall have power, from time to time, to consider the conduct of the said Andrew Estave, in discharge of the trust hereby reposed in him, and, if they shall be dissatisfied therewith, to remove him from the said land, and to possess themselves of the said slaves.

III. And be it further enacted, by the authority aforesaid, That if the said Andrew Estave shall make or cause to be made on the said land, within six years from the tenth day of November next, the quantity of ten hogsheads of good merchantable wine, in the opinion of the said trustees, or the major part of them, that then, and in that case, the said trustees shall and may, and they are hereby empowered and directed to convey
to the said Andrew Estave the said lands and slaves, to hold to him and his heirs forever, as a reward for so useful an improvement.

IV. And be it further enacted, by the authority aforesaid, That in case of the death or resignation of any of the trustees, the survivors of them shall elect and choose another able and discreet person to act in the room of such trustees so dying, or resigning, who shall have the same power as any other trustee nominated or appointed by this act.

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**CHAP. XXIII.**

An Act to suspend the execution of an Act, intituled An Act to amend an Act intituled an Act for the inspection of Pork, Beef, Flour, Tar, Pitch, and Turpentine.

I. **WHEREAS** an act of Assembly was passed this present session of Assembly, intituled An Act to amend an act, intituled An Act for inspecting pork, beef, flour, tar, pitch, and turpentine, which was to commence and be in force from and after the first day of April last, which act is now in force, and it is found by experience to be very prejudicial to great numbers of persons, makers of tar, pitch and turpentine, who had made barrels, and filled them with those commodities before that time, and had not an opportunity to get them inspected before the commencement of the said act: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the execution of the said act of Assembly be, and the same is hereby suspended till the first day of January next. And whereas it is found very difficult and useless to make the staves of tar, pitch, turpentine, and pork barrels of the thickness directed by the said act, and the size of the said tar, pitch, and turpentine barrels, is larger than is necessary:
II. Be it therefore further enacted, by the authority aforesaid, That from and after the said first day of January next, the staves of every barrel containing pork, beef, tar, pitch, and turpentine, shall be of the thickness prescribed by the said act, except at the bulge and head of the said barrels, which shall be at least five eighths of an inch thick, and the said tar, pitch, and turpentine barrels, shall contain thirty-two gallons, wine measure, at least; any thing contained in the said act to the contrary thereof, in any wise, notwithstanding.

CHAP. XXIV.

An Act for appointing Commissioners to meet with Commissioners, who are or may be appointed by the Legislatures of the neighbouring Colonies, to form and agree upon a general plan for the regulation of the Indian trade.

I. WHEREAS his majesty has been graciously pleased to direct that the regulations of the Indian trade for the future shall be committed to the care and management of the colonies: And whereas it is conceived, that the good purposes thereby intended cannot be fully answered, without the co-operation of the several legislatures of the neighbouring colonies concerned therein: For obtaining whereof, Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That Richard Bland, Patrick Henry, and Thomas Walker, esquires, be, and they are hereby appointed, commissioners on the part of the colony of Virginia, and fully authorized and empowered to meet and confer with such commissioners as are, or shall be, appointed by the several legislatures of the colonies of Quebec, New-York, New Jersey, Maryland, Pennsyl-
Virginia, and the three lower counties on Delaware, to agree on a general plan for the regulation of the Indian trade.

II. And be it further enacted, by the authority aforesaid, That the said commissioners for the colony of Virginia, or such of them as shall meet the commissioners appointed, or to be appointed, for the said neighbouring colonies, shall, with all convenient speed, after such meeting, or meetings, make full and perfect report, or reports, of such regulations or plan as they shall agree upon, in conjunction with such other commissioners as are, or may be, appointed by the legislatures of the said neighbouring colonies, to the governor and Assembly of this dominion, for the time being, in order that a proper law or laws may be passed, if the said report or reports shall be by them approved.

III. And be it further enacted, by the authority aforesaid, That provision shall be made for paying the reasonable expenses which shall accrue on the part of this colony, in performance of the service aforesaid, when the amount thereof shall be known, by some future act or acts of Assembly, to be passed for that purpose.

CHAP. XXV.

An act for appointing several new Ferries, and for other purposes therein mentioned.

I. WHEREAS it is represented to this present general assembly, that public ferries at the places hereafter mentioned will be of great advantage to travellers and others: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That public ferries be constantly kept at the following places, and that the rates for passing the same shall be as follows; that is to say, from the land of Benjamin Foreman, in Frederick county, over Potowmack river, to the land of the right honourable lord Baltimore, in Maryland, the price for a man three pence.
three farthings, and the price for a horse the same; from the land of Benjamin Howard, in the county of Buckingham, across the Fluvanna river, to the land of Neil Campbell, in the county of Albemarle, the price for a man three-pence, and the price for a horse the same; from the land of Williams Simms, in the county of Halifax, across Staunton river, to the land of John Randolph, in the county of Charlotte, the price for a man three-pence, and the price of a horse the same; from the land of John Nicholas, in the county of Buckingham, across Slate river, to the land of the said Nicholas, opposite thereto, the price for a man three-pence, and the price for a horse the same; from the land of Harman Miller, in the county of Halifax, across Dan river, to the land of James Legrand, opposite thereto, the price for a man three-pence, and for a horse the same; from the land of Thomas Aubrey, in the county of Loudoun, across Potowmack river, to the land of James Hook, in Maryland, the price for a man three-pence three farthings, and for a horse the same; from the land of Daniel Cargill, in the county of Charlotte, across Staunton river, to the land of John Foushee, in the county of Halifax, the price for a man three-pence, and for a horse the same; from the land of Richard Jones, in the county of Halifax, across Dan river, to the land of the reverend Miles Selden, opposite thereto, the price for a man three-pence, and for a horse the same. And for the transportation of wheel carriages, tobacco, cattle, and other beasts, at any 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 the same as for four horses; for every two wheeled chaise or chair the same as for two horses; for every hogshead of tobacco as for one horse; for every head of next 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 of one horse, according to the prices herein before settled at such ferries respectively, and no more. And if any of the said ferry keepers 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 whatsoever, he, she, or they, for such offence, shall forfeit and pay to the party griev'd the ferriage demanded or received, \
\textit{Carriages,} &c.\textit{Penalty of ferry keeper demanding more than legal rates;}
\textit{W 2—Vol. 8.}
and ten shillings, to be recovered, with costs, before any justice of the peace, where the offence shall be committed. And where a ferry is by this act appointed on one side of a river, and none on the other side answerable thereto, it shall and may be lawful for the respective county courts to appoint an opposite ferry, and to allow the respective rates herein before directed: And such courts shall and may, and are hereby required to order and direct what boat or boats, and what number of hands shall be kept at each ferry respectively: And every such ferry keeper shall enter into bond in the manner directed by one act of assembly, made in the twenty-second year of his late majesty’s reign, intituled An act for the settlement and regulation of ferries, and for dispatch of public expresses, and shall be liable to the penalties thereby inflicted for any neglect or omission of their duty.

II. And whereas by an act of the general assembly, passed in the seventh year of his present majesty’s reign, the rates of ferriage at Swan’s Point, James-Town, and Crouche’s creek, were increased, which hath since been found burthensome to divers inhabitants of this colony: Be it therefore enacted, by the authority aforesaid, That so much of the act of the general assembly, intituled An act for increasing the rates of ferriage at Swan’s Point, James-Town, and Crouche’s creek, and for other purposes therein mentioned, as relates to the increase of the said ferriage be, and the same is hereby repealed, and made void.

III. And whereas by an act of the general assembly, passed in the twenty-second year of his late majesty’s reign, ferries were established from Tappahannock town, in the county of Essex, to the land of Landon Carter, esq. in the county of Richmond; from Hackley’s land, on the north side of Rappahannock river, to the land of Richard Corbin, esq. in the county of Caroline; from the land of William Lowry, in the county of Essex, to the land of Benjamin Rust, in the county of Richmond, and from the said Rust’s to the said Lowry’s; and from the land of Richard Eppes, at City Point, in the county of Prince George, to the ship-landing at Shirley Hundred, in the county of Charles City, and from the said ship-landing to the City Point, which said several ferries are now become useless and inconvenient: Be it therefore enacted, by the authority aforesaid, That so much of the act of the general assembly, intituled An
act for the settlement and regulation of ferries, and dispatch of public expresses, as relates to the appointment of the said several last mentioned ferries be, and the same is hereby repealed and made void.

IV. And be it further enacted, That so much of the act of general assembly made in the fourth year of the reign of his present majesty, intitled An act for exempting the inhabitants of Elizabeth City county, and also the ministers and other parishioners of Suffolk, in Nansemond, and of Antrim parish, in Halifax, from the payment of ferriage, and for other purposes therein mentioned, as exempts all the inhabitants of the said parish of Suffolk, except the minister thereof, from the payment of ferriage over Nansemond river, be and is repealed.

V. And whereas doubts and disputes have often arisen, to the great delay and hindrance of passengers, about the right which a person appointed to keep a ferry on one side of a river or creek hath to take in a fare on the opposite shore, and to receive the pay for ferrying over, Be it therefore enacted, by the authority aforesaid, That it shall and may be lawful for any keeper of a ferry to take into his boat or boats, any passengers, carriage, horses and cattle of any kind whatsoever, on either side, to convey them over, and to receive the ferriage for the same; any law, usage, or custom, to the contrary, in any wise, notwithstanding.

CHAP. XXVI.

An act to regulate the inoculation of the Small-Pox within this colony.

I. WHEREAS the wanton introduction of the Small-Pox into this colony by inoculation, when the same was not necessary, hath, of late years, proved a nuisance to several neighbourhoods, by disturbing the peace and quietness of many of his majesty's subjects, and exposing their lives to the infection of that mortal distemper, which, from the situation and circumstances
of the colony, they would otherwise have little reason to dread: To prevent which for the future, Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That if any person or persons whatsoever, shall wilfully, or designedly, after the first day of September next ensuing, presume to import or bring into this colony, from any country or place whatever, the small-pox, or any variolous or infectious matter of the said distemper, with a purpose to inoculate any person or persons whatever, or by any means whatever, to propagate the said distemper within this colony, he or she, so offending, shall forfeit and pay the sum of one thousand pounds, for every offence so committed; one moiety whereof shall be to the informer, and the other moiety to the churchwardens of the parish where the offence shall be committed, for the use of the poor of the said parish; to be recovered, with costs, by action of debt, bill, plaint, or information, in any court of record within this dominion.

II. But forasmuch as the inoculation of the small-pox may, under peculiar circumstances, be not only a prudent but necessary means of securing those who are unavoidably exposed to the danger of taking the distemper in the natural way, and for this reason it is judged proper to tolerate it, under reasonable restrictions and regulations:

III. Be it therefore enacted, by the authority aforesaid, That from and after the said first day of September next, if any person shall think him or herself, his or her family, exposed to the immediate danger of catching the said distemper, such person may give notice thereof to the sheriff of any county, or to the mayor or chief magistrate of any city or corporation, and the said sheriff, mayor, or chief magistrate, shall, immediately, and without loss of time, summon all the acting magistrates of the said county, city, or borough, to meet at the most convenient time and place in the said county, city, or borough, and the said magistrates, or such of them as shall be present, being assembled, shall consider whether, upon the whole circumstances of the case, inoculation may be prudent or necessary, or dangerous to the health and safety of the neighbourhood, and thereupon either grant a licence for such inoculation, under such restrictions and regulations as they shall judge necessary and proper, or prohibit the same, as to them, or a majority of them, shall seem expedient.
IV. And be it further enacted, by the authority aforesaid, That if any person or persons shall inoculate, or procure inoculation of the small-pox to be performed within this colony, without obtaining a licence in the manner before directed, or shall not conform to the rules and regulations prescribed by such justices, he, she, or they, shall forfeit and pay respectively, for every such offence, the sum of one hundred pounds; one moiety whereof shall be to the informer, and the other moiety to the churchwardens of the parish wherein such offence shall be committed, for the use of the poor of the said parish; to be recovered, with costs, by action of debt, bill, plaint, or information, in any court of record within this dominion. And moreover it shall and may be lawful for any justice of the peace, upon information given to him, upon oath, to issue his warrant against any person so offending, and upon sufficient proof, before him made, to cause such offender to give security, in such reasonable penalty as such justice shall think fit, for his or her good behaviour, and upon failure to give such security, to commit him or her to the gaol of his county, there to be confined until such security is given.

V. And whereas checking of the progress of the said distemper, where it may accidentally break out, or the regulations which may be established for carrying on inoculation, may be attended with some expence: Be it therefore enacted, by the authority aforesaid, That it shall and may be lawful for the justices of the court of every county, at the time of laying their levy, and for the mayor, recorder, aldermen, and common council, of any city or borough, at such time as they shall judge most convenient, to levy on the tithable persons in their said county, city, or borough, so much tobacco or money as will be sufficient to defray the expences necessarily incurred for the purposes aforesaid, in any such county, city, or borough,

VI. And be it further enacted, by the authority aforesaid, That if any sheriff, mayor, or chief magistrate, shall, upon application to him made, in manner aforesaid, refuse, or unreasonably delay, to summon the magistrates of any county, city, or borough, for the purpose aforesaid, or if any magistrate so summoned, shall refuse or neglect to attend according to such summon, every such sheriff, mayor, or chief magistrate, shall for
feit the sum of one hundred pounds, upon his refusing or neglecting to give such notice, without reasonable excuse; and every other magistrate so refusing or neglecting, without reasonable excuse, shall forfeit and pay the sum of five pounds, to the person aggrieved; to be recovered, with costs, by action of debt, in any court of record within this dominion.

CHAP. XXVII.

An Act for the relief of parishes from such charges as may arise from bastard children born within the same.

I. WHEREAS the laws now in force are not sufficient to provide for the security and indemnifying the parishes from the great charges frequently arising from children begotten and born out of lawful marriage: For remedy whereof, Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That, from and after the passing this act, if any single woman, not being a servant or slave, shall be delivered of a bastard child which shall be chargeable, or likely to become chargeable, to any parish, and shall, upon examination to be taken in writing, upon oath, before any justice of the peace of the county wherein such parish shall lie, charge any person, not being a servant, with being the father of such bastard child, it shall and may be lawful for any justice of the peace of the county wherein the person so charged shall be a resident or inhabitant, upon application made to him by the churchwardens of the parish wherein such child shall be born, or by any one of them, to issue his warrant for the immediate apprehending the person so charged as aforesaid, and for bringing him before such justice, or before any other justice of the peace of the county wherein he is a resident or inhabitant; and the justice before whom such person shall be brought is hereby authorized
and required to commit the person so charged as afore-
said to the common gaol of his county, unless he
shall enter into a recognizance, with sufficient security,
in the sum of ten pounds, upon condition to appear at
the next court to be held for such county, and to abide
by and perform such order or orders as shall be made
by the said court; and if, upon the circumstances of the
case, such court shall adjudge the person so charged to
be the father of such bastard child, and that such child
is likely to become chargeable to the parish, they shall,
and may, by their discretion, take order for keeping
such bastard child, by charging the father with the
payment of money or tobacco for the maintenance
of such child, in such manner, and in such propor-
tions, as they shall think meet and convenient, and for
such time as such child is likely to become charge-
able to the parish, and no longer. And the father
of such child shall enter into a recognizance, with
sufficient securities, before the said court, in such sum
as the said court, in their discretion, shall think fit,
payable to his majesty, his heirs and successors, to ob-
serve and perform such order or orders of the court as
aforesaid. And if the father, charged with the main-
tenance of such bastard child as aforesaid, shall make
default, and not pay the money or tobacco so as afore-
said charged upon him by order of the said court, to
the churchwardens of the parish, for the maintenance
of such child, the court before whom such recognizance
was entered into, shall, from time to time, upon the
motion of the churchwardens of the said parish, or any
one of them, enter up judgment and award execution
for the money or tobacco in such order or orders men-
tioned, as the same shall become due, against the said
father and his securities, their executors or administra-
tors; provided ten days notice be given to the parties
against whom such motion is made, before the making
thereof. And if the father of such child shall refuse to
enter into recognizance as aforesaid, such father shall
be committed by the said court to the common gaol of
the county, there to remain, without bail or mainprize,
until he shall enter into such recognizance as aforesaid,
or until he shall discharge himself by taking the oath
of an insolvent debtor, and delivering in a schedule of
his estate in manner directed, by the laws now in force,
for debtors in execution* (and which estate shall, by
order of the court, be applied towards indemnifying the parish as aforesaid) or until the churchwardens of the parish concerned shall otherwise consent to his discharge.

II. Provided always, That it shall not be lawful for any justice, or justices of the peace, to send for any woman whatsoever, before she shall be delivered, in order to her being examined concerning her pregnancy, or compel her to answer any questions relating thereto, before her delivery.

III. And be it further enacted, by the authority aforesaid, That if any single woman, not being a servant, shall be delivered of a bastard child, she shall be liable to pay the sum of twenty shillings, current money of Virginia, to the churchwardens of the parish wherein she shall be delivered; to be recovered, with costs, before a justice of peace, and on such judgment execution may issue as in other cases: But the persons so convicted shall not be liable to be whipped for failing to make payments, or to give security for such fine, any law to the contrary notwithstanding; which fine, recovered as aforesaid, shall be applied by the churchwardens to the use of the poor of the parish.

IV. And be it further enacted, by the authority aforesaid, That every such bastard child shall be bound apprentice by the churchwardens of the parish, for the time being, wherein such child shall be born, every male until he shall attain the age of twenty-one years, and every female until she shall attain the age of eighteen years, and no longer; and the master or mistress of every such apprentice shall find and provide for him or her diet, cloaths, lodging, and accommodations fit and necessary, and shall teach, or cause him or her to be taught to read and write, and at the expiration of his or her apprenticeship, shall pay every such apprentice the like allowance as is by law* appointed for servants, by indenture or custom, and on refusal, shall be compellable thereto in like manner. And if, upon complaint made to the county court, it shall appear that any such apprentice is ill used, or not taught the trade or profession to which he or she may be bound, it shall be lawful for such court to remove and bind him or her to such other person or persons as they shall think fit.

V. And whereas by an act of assembly made in the twenty-seventh year of the reign of King George the
second, intituled An act for the better government of servants and slaves, it is amongst other things enacted, if any woman servant shall be delivered of a bastard child, within the time of her service, that, in recompense for the loss and trouble occasioned her master or mistress thereby, she shall, for every such offence, serve her said master or owner one whole year, after her time, by indenture, custom, or former order of court, shall be expired, or pay her master or owner one thousand pounds of tobacco; and the reputed father, if free, shall give security to the churchwardens of the parish to maintain the child, and keep the parish indemnified, or be compelled thereto, by order of the county court, upon the complaint of the churchwardens. And whereas it frequently happens that convict servants are delivered of such bastard children, who, being disabled to give testimony, cannot be examined, nor for that reason can the reputed father of such bastard child be discovered, and the parish indemnified from the charge of its maintenance: For remedy whereof,

VI. Be it enacted, That where any convict servant woman shall be delivered of a bastard child, during the time of her service, the master or owner of such servant shall be obliged to maintain such child, or be compelled thereto by the county court, on complaint of the churchwardens, and, in consideration of such maintenance, shall be intitled to the service of such child, if a male until he shall arrive to the age of twenty-one years, if a female until she shall arrive to the age of eighteen years.

VII. Provided always, That such master or owner shall find and provide for such child, the like accommodations, education, and freedom dues, and shall be compelled to answer his or her complaint, made to the county court, for default therein, or for ill usage, in like manner, as is before directed in the case of other apprentices.

VIII. And be it further enacted, That all and every act and acts, clause and clauses, heretofore made, as to so much thereof as is contrary to this act, be, and the same are hereby repealed.
An Act to make provision for the support and maintenance of idlets, lunatics, and other persons of unsound minds.

I. WHEREAS several persons of insane and disordered minds have been frequently found wandering in different parts of this colony, and no certain provision having been yet made either towards effecting a cure of those whose cases are not become quite desperate, nor for restraining others who may be dangerous to society:

Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the honourable John Blair, William Nelson, Thomas Nelson, Robert Carter, and Peyton Randolph, esquires, and Robert Carter Nicholas, John Randolph, Benjamin Waller, John Blair, jun. George Wythe, Dudley Digges, jun. Lewis Burwell, Thomas Nelson, jun. Thomas Everard, and John Tazewell, esquires, be, and they are hereby constituted trustees for founding and establishing a public hospital, for the reception of such persons as shall, from time to time, according to the rules and orders established by this act, be sent thereto. And the said trustees shall be called and known by the name and style of the court of directors of the public hospital, for persons of insane and disordered minds.

II. And for the better and more regular ordering the business of the said hospital, the said directors shall, at their first meeting, proceed to the choice of a president, who, with any six of the other directors, shall hold a court for the dispatch of business, and in case of the absence, sickness, or death of the said president, the other members of the said court may choose another president, either perpetual or temporary, as the exigency of affairs may require; and in case of the death, resignation, or absence out of the colony for the space of two years of one or more of the said directors, the president, for the time being, and the rest of the directors, continuing in office, shall and may proceed to the choice of other fit and able persons, to supply all such vacancies.
II. And be it further enacted, by the authority aforesaid, That the said court of directors be, and they are hereby impowered to purchase a piece or parcel of land, not exceeding four acres, the most healthy in situation that can be procured, and as convenient as may be to the city of Williamsburg; and to contract for the building thereon a commodious house or houses, fit for the reception and accommodation of such disordered persons as are described by this act, and to provide a proper keeper and matron of the said hospital, with necessary nurses and guards, and, as occasion may require, to call in any physicians or surgeons for the assistance and relief of such poor patients, and to provide all necessaries for their comfortable support and maintenance, and in general, from time to time, to make and ordain all such rules, orders, and regulations, for the better establishing and governing such hospital, as to them shall seem fit and necessary. And for the better and more regular determining who are the proper objects of this act.

III. Be it further enacted, by the authority aforesaid, That any magistrate of the quorum, in any county within this colony, or any chief magistrate of any city or borough, either upon his own knowledge, or on proper information, that any such disordered person is going at large in his county, city, or borough, shall, and he is hereby required to issue his warrant to the sheriff, or any one of the constables of the said county, city or borough, commanding him to bring such person before himself; or any other justice of the quorum, and any other two magistrates, which three magistrates, being assembled, may examine the said person supposed to be disordered in his or her senses, and take such evidence in writing, touching his or her insanity, and the causes of it, as they can procure; and if it shall appear expedient and necessary to such magistrates, or a majority of them, they shall forthwith, by warrant under their hands and seals, transmit such disordered person, together with the depositions taken before them, either with or without a guard, as may seem necessary, to the public hospital, to be delivered to the keeper of the said hospital, who shall give a receipt for such person, and immediately give notice to the president of the directors, who shall in convenient time summon his court to consider what is farther necessary to be done; and if it shall appear to such court, that such person is a pro-
And registered.

IV. Provided always, If any friend of such person will appear before such magistrates, or such court of directors, and give sufficient security that proper care shall be taken of such person, and that he or she shall be restrained, or secured from going at large till he or she is restored to his or her senses, it shall and may be lawful for such justices, or such court, to deliver such insane person to his or her friend.

V. And be it further enacted, by the authority aforesaid, That the sheriff or other officer conveying such disordered person to the public hospital, shall receive such compensation for his trouble and expences as to the court of directors shall seem reasonable, having regard to the quality of such person.

VI. And be it further enacted, by the authority aforesaid, That the treasurer of this colony for the time being is hereby impowered and required to pay, upon the governor's warrant, to the court of directors, for purchasing the land, building the hospital, and other incidental charges, any sum or sums of money, not exceeding the sum of twelve hundred pounds, and for each person removed, to be maintained and supported in the said hospital, any sum not exceeding twenty-five pounds per annum.

VII. And whereas it may happen, that some persons may fall into the unhappy circumstances described by this act, whose estates may be sufficient to defray the expense of their support and maintenance in the said hospital, where they may be more securely kept and managed, and with much less anxiety to their friends: Be it further enacted, by the authority aforesaid, That it shall and may be lawful for the court of any county, city or borough, within this colony, upon application to them made by the friend or guardian of any such insane or disordered person, to appoint three or more of their members to enquire, upon oath to be taken before such court, into the state and condition of such person, and also into the circumstances of his or her estate; and if, upon the report of the persons so appointed, it shall appear to such court necessary or expedient, that such person should be placed in the said hospital, the said court is hereby impowered and required to order and direct such person to be forthwith remov-
ed thereto, and at the same time to settle the allowance to be made to the said hospital for such person's support and maintenance out of his or her estate having regard to the neat profits thereof.

VIII. And be it further enacted, by the authority aforesaid, That the said court of directors are hereby impowered and required to receive such person into the said hospital, and, from time to time, to make and ordain such rules and orders for the better government of such person, according to his or her quality, and the allowance made out of his or her estate, as to them shall seem necessary or expedient. And the said court of directors are hereby directed and required to keep distinct and proper accounts of the expenditure of all such monies which shall be paid into their hands, to be laid before the general assembly, when the same shall be called for.

IX. And be it further enacted, by the authority aforesaid, That if any person who shall be taken into the said hospital, shall recover his or her perfect senses, so that he or she, in the opinion of the said court of directors, may be safely released, it shall and may be lawful for the said court to discharge such person, giving him or her a proper certificate thereof.

X. And be it further enacted, by the authority aforesaid, That this act shall continue and be in force for and during the term of five years, and from thence to the end of the next session of assembly.

And received by the trustees, who may ordain rules for their government, and allowances out of the estate.

Trustees to lay their accounts before the general assembly.

When a person taken into the hospital may be discharged.

Continuance

CHAP. XXIX.

An act to prevent the exorbitant exactions of the collectors of the county and parish levies.

I. WHEREAS many of the inhabitants of this colony do not make tobacco to pay their levies, and others are so remote from the public warehouses, that they cannot conveniently carry their tobacco to be inspected before the tenth day of April yearly, when distress may be made for such levies, whereby such persons are sub-
ject to great oppression from the sheriffs and other collectors, who exact an unreasonable and exorbitant price for such levies in money, and afterwards purchase transfer tobacco at an under rate, to pay the county and parish creditors, taking to themselves the whole gain they so unjustly extort from the people: For remedy whereof, Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the first day of August next, all allowances now directed to be levied by the county courts, for the secretary, clerks, and sheriffs, for public and other services, be levied and assessed in money, in lieu of tobacco, after the rate of two-pence per pound; and all contracts hereafter to be made by any county court or vestry shall be made payable in money, and such courts and vestries shall lay their levies in money, and proportion the same upon the tithable persons within their counties and parishes; but such courts and vestries respectively shall also, at the same time, settle what quantity of tobacco may be paid for each tithable, in lieu of the said money levy, and it shall and may be lawful for all persons chargeable with such county and parish levies to pay the same in money or tobacco, at their option, according to such proportions; and if any person chargeable with such levies shall neglect or refuse to pay the same to the sheriffs or other collectors, in money or tobacco as aforesaid, before the tenth day of May yearly, such sheriffs or collectors shall and may distrain for the same, in manner as is now directed by law.

II. Provided always, That any distress taken and sold for such levies, shall be sold for money,

III. And be it further enacted, by the authority aforesaid, That every sheriff or collector shall, at the court held for his county, in the month of June yearly, or if there shall be no court in that month, then at the next succeeding court, lay before the court an account, upon oath, of all tobacco and money which he shall have received for levies, expressing in such list of whom the same was received; and after such account exhibited, and oath made, such sheriff or other collector shall sell all the tobacco by him received at public auction, at the door of the court-house, between the hours of two and four, and shall, within ten days after such sale, pay each creditor their respective demands in money; and
if any sheriff or other collector shall refuse or delay to make payment accordingly, when required, it shall be lawful for the court of his county, and they are hereby authorized and required, upon the motion of any creditor unpaid, to give judgment for the amount of any such claim, if the same exceeds twenty-five shillings, together with costs, and thereon to award execution; provided such sheriff or collector have ten days previous notice of such motion; and if such claim be of the value of twenty-five shillings, or under, the same shall be recoverable before any justice of peace, in the same manner as small debts are now recovered.

IV. Provided always, That if the tobacco shall sell for less than the price estimated as aforesaid by the court or vestry when the levy was laid, the deficiency shall be levied for the sheriff or collector at the laying of the next levy; and if the tobacco shall sell for more than such estimate, the county and parish, respectively, shall take credit for the same, in the hands of the sheriff, or collector, at the laying of the next levy.

V. And be it further enacted, by the authority aforesaid, That if any sheriff or other collector shall fail to account for and sell the tobacco by him received as aforesaid, such sheriff or other collector shall be answerable to each creditor for his full demand, to be recovered as aforesaid, and shall moreover be chargeable to the county or parish for the full value of the tobacco by him received, accounting for the whole levies (insolvents excepted) as if the same had been wholly paid in tobacco, to be recovered with costs, by and in the names of the justices and vestrymen respectively, in any court of record within this dominion, upon motion as aforesaid, to and for the use of their county or parish respectively, to be applied in discharge of their next levy; and if it shall appear to the court upon the account, to be rendered as aforesaid, or by the oaths of two or more credible witnesses, that any sheriff or collector hath demanded or received a greater price for tobacco from any person chargeable therewith than the price so as aforesaid proportioned by the court or vestry, such court shall and may, and they are hereby authorized and required immediately to give judgment, and award execution against the estate of such sheriff or collector, for double the value of such overplus and costs, in favour of the person aggrieved.
VI. Provided always, That nothing in this act shall be construed to extend to the salary of any minister now received, or heretofore to be received, into any parish within this colony, who is or shall be intitled to receive their salary in tobacco. But if any minister shall, at the laying of the parish levy, agree with his vestry to receive his salary in money, in lieu of tobacco, such vestry shall and may, and they are hereby authorized and required to make such agreement with their ministers, and levy the same accordingly; and every collector shall be answerable to such minister in the same manner as to other creditors aforesaid; and if such ministers shall not choose to enter into such agreement, the vestry shall levy so much money, as in their judgment will be sufficient, and shall direct their churchwardens or collector to purchase tobacco at some of the warehouses, the notes of which are directed to pass in payment of levies in such parish; and if the churchwardens or collector shall fail to pay such tobacco to their minister, by the time aforesaid, it shall and may be lawful for the court of the county where such minister shall reside, and they are hereby authorized and required to give judgment against the churchwardens or collector for such tobacco and costs, upon the motion of the said minister.

VII. Provided always, That such churchwardens or collector shall have ten days previous notice of such motion.

VIII. Provided also, That nothing in this act contained, shall be construed to extend to alter the rate of tobacco in such counties, in which the inhabitants thereof are now allowed to discharge the same in money for tobacco, at certain prices by law directed.

IX. And be it further enacted, by the authority aforesaid, That all and every other act and acts, clause and clauses, heretofore made, contrary to the purview of this act, shall be, and are hereby repealed.

X. And be it further enacted, That this act shall continue and be in force from the passing thereof for three years, and from thence to the * end of the next session of assembly.

* Which was 15, 1773. (MS. note.)

* The Governor assented to this bill, June 28, 1770; the three years therefore expired June 28, 1773; after which there never was another session of assembly till the dissolution of the monarchy. The first commonwealth assembly adjourned Dec. 21, 1776, and were dissolved by not meeting on their adjournment, Mar
XI. Provided always, That the execution of this act shall be, and is hereby suspended until his majesty's approbation thereof shall be obtained.

CHAP. XXX:

An Act to amend an Act, intituled an Act against stealing Hogs.

I. WHEREAS the act of assembly now in force against stealing hogs hath been found defective, in that the offenders cannot be ruled to give special bail, and, being generally people of no property, do, on the commencement of suits, remove away, leaving the prosecutor to pay the costs, to the great discouragement of such prosecutions: For remedy whereof,

II. Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the first day of October next, in all suits to be brought, or informations filed, against any person, not being a slave, for hog-stealing, it shall be lawful for the court to rule the defendant to give special bail, and to commit him or her to prison, until he or she shall give such bail; any law to the contrary notwithstanding.

CHAP. XXXI.

An Act to continue an Act, intituled an Act for regulating the practice of Attornies.

I. WHEREAS the act of Assembly made in the first year of his present majesty's reign, intituled An Act for regulating the practice of Attornies, which was con-
continued by one other act of Assembly, made in the seventh year of his said majesty’s reign, will expire at the end of the present session of Assembly; and it is necessary that the same should be further continued, Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said first recited act of Assembly shall continue and be in force from and after the expiration aforesaid, for and during the term of seven years, and from thence to the end of the next session of Assembly.

CHAP. XXXII.

An Act to compel persons to find security for payment of costs in certain cases.

I. WHEREAS divers litigious persons have, of late, preferred petitions to the governor or commander in chief for grants of lands, under pretence that they were forfeited for non-payment of his majesty’s quit-rents, or for want of seating and planting, which petitions are heard in the general court; others have entered caveats in the secretary’s office against the issuing out of patents to those who had surveyed lands, in order to the obtaining such patents, pretending that the rules of government have not been complied with, in the progress of making and returning the surveys, which caveats are heard before the governor and council; and others have causelessly procured indictments to be preferred to the grand juries for assaults and batteries, and other offences, not capital; in defending which several proceedings the defendants are often put to great expence, which they cannot be reimbursed, although the complaint shall appear groundless, the person prosecuting the same being either unable, or not subject, to repay such costs: For remedy whereof, Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That upon the determination of any caveat now depending, or hereafter to be entered and heard,
before the governor or commander in chief, and the council, of this colony, it shall be lawful for the said governor and council to award costs (to be settled by such person as they shall appoint for that purpose, and by them approved) to the defendant in such caveat, in case he shall prevail, and upon a certificate thereof, it shall be lawful for the court of the county, in which the party resides, against whom such costs shall be awarded, upon motion of the other party, to enter judgment for the amount of such costs, with the costs of the motion, and thereon to award execution; provided that the person or persons, against whom such judgment is entered, have ten days previous notice of such motion. And in all such caveats it shall be lawful for the governor and council, upon good cause to them shewn, to rule the person entering the same to find security for payment of costs; and if such person or persons shall fail to give security accordingly, such caveat shall be dismissed, with costs. And in all petitions for lapsed land and indictments as aforesaid, now depending, or hereafter to be brought or prosecuted, it shall be lawful for the court, before whom the same shall be depending, upon good cause to them shewn, to compel the petitioner or prosecutor to find security for payment of the costs; and if such petitioner or prosecutor should fail to give security accordingly, the petition or indictment shall be dismissed, with costs.

II. And whereas divers such litigious persons have given notice to the proprietors of lands, to survey the same, under pretence of there being surplus lands within the bounds of their grants, in order to obtain patents for such surplus lands, according to the directions of an act passed in the twenty-second year of the reign of king George the second, intituled An act for settling the titles and bounds of lands, and for preventing unlawful hunting and ranging, and when such lands have been surveyed at considerable expence, and found to contain no more than the quit-rents had been paid for, the person giving notice was wholly unable to repay the charges of survey, to which he is made liable by the said act.

III. Be it therefore further enacted, That from and after the first day of August next, no person shall be obliged to survey his land, upon notice as aforesaid; nor shall the person, giving such notice, derive to himself any advantage therefrom, unless, at the time of
for payment of costs be tendered.
giving the same, he or she shall tender to the person, to whom the notice is given, a bond, with good and sufficient security, for repaying the charges of survey, in case the lands shall be found to contain no more than the quantity for which quit-rents have been usually paid.

CHAP. XXXIII.

An act for further continuing and amending the act, intituled an act for increasing the rewards for killing wolves within certain counties, to be paid by the respective counties wherein the services shall be performed.

Act giving rewards for killing wolves, further continued, and amended.

I. WHEREAS the act of assembly made in the fifth year of his majesty's reign, intituled An act for increasing the rewards for killing wolves, within certain counties, to be paid by the respective counties wherein the services shall be performed, and which was continued by another act made in the seventh year of his said majesty's reign (except as to the counties of Buckingham, Fauquier, and Loudoun, the said act, as to so much thereof as relates to those counties, being repealed) will expire on the first day of June next; and it is necessary that the said act should be further continued; and the inhabitants of several other counties being desirous that the said act should be extended to their said counties: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said recited act shall continue and be in force, from and after the said first day of June next, for and during the term of three years.

II. And be it further enacted, by the authority aforesaid, That from and after the passing of this act, and during the continuance thereof, any person who shall kill any wolf, within the counties of Louisa, Fauquier,
Culpeper, and Botetourt, shall have an additional reward of fifty pounds of nett tobacco for every young wolf, not exceeding the age of four months, and for every wolf above that age one hundred pounds of nett tobacco, to be levied and paid in the respective counties wherein the services shall be performed; and the several county courts of Louisa, Fauquier, Culpeper, and Botetourt, are hereby impovvered and required to levy the same in their annual county levy to the persons intitled thereto.

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CHAP. XXXIV.

An act for destroying crows and squirrels in certain counties therein mentioned.

I. WHEREAS it is represented to this General Assembly, that crows and squirrels do great damage to the crops of corn, in the counties of Accomack, Albemarle, Amherst, Augusta, Bedford, Buckingham, Culpeper, Fauquier, Frederick, Hampshire, Loudoun, Northumberland, Orange, Pittsylvania, and Prince Edward: For remedy whereof, Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this act every person dwelling within the said counties respectively, who is by law obliged to give a list of the tithables in his or her family, shall annually, before the time appointed for returning such list to the county court, produce to the justice of peace, who shall be appointed to take lists of tithables in the precinct where such person shall dwell, five crows heads, or squirrels scalps, for every tithable by him or her listed for that year; and every such justice shall forthwith cause such scalps and heads to be destroyed, to prevent their being produced a second time, and shall, in a distinct column, to be for that purpose made; in the said list, enter the number of such heads and scalps in a line, with the name of the person producing the same. And the court of each of...
the said counties of Accomack, Albemarle, Amherst, Augusta, Bedford, Buckingham, Culpeper, Fauquier, Frederick, Hampshire, Loudoun, Northumberland, Orange, Pittsylvania, and Prince Edward, shall annually, at the laying of the county levy, give the county credit, in one article, for one pound of tobacco, for every head or scalp wanting to make up the full number required by this act. And the sheriff, or collector of each of the said counties respectively, is hereby empowered and required to demand and receive of such delinquents, or levy by distress, the said one pound of tobacco for each head or scalp so wanting to make up the said number of five heads, for every tithable, as aforesaid, on every person respectively, who shall have failed to produce the same, according to the directions of this act, to be applied towards the discharge of the said county debt, in the manner herein directed.

II. And be it further enacted, by the authority aforesaid, That this act shall continue and be in force for three years from the passing thereof.

CHAP. XXXV.

An Act to appoint Commissioners to state and settle the damages done by the late storm in several warehouses.

I. WHEREAS large quantities of tobacco, by a violent storm in the month of September last, have been damaged at the public warehouses, at Roy's, Crutchfield's, Guilford, and Page's, and at other public warehouses, in this colony, the exact quantity of which, and the names of the proprietors, cannot now be ascertained: To the end therefore, that it may fully appear to whom the said damaged tobacco belonged, and that a just account thereof may be stated, and the sufferers receive satisfaction for their several losses, Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That Edmund Pendleton, Walker Taliaferro, Robert Gilchrist, James Taylor, William
Macon, John Snelson, Richard Johnson, John Syme, Southy Simpson, John Watts, William Taylor, Tully Robinson Wise, Richard Henry Lee, Richard Lee, Thomas Chilton, William Booth, Richard Randolph, and Richard Adams, gentlemen, shall be, and they are hereby constituted and appointed commissioners for taking, examining, and stating the accounts, claims and demands, of the proprietors of the tobacco damaged at any of the warehouses aforesaid; and in stating the said accounts, the said commissioners, or any two or more of them, shall, and are hereby directed and required to distinguish the quantity of crop, and of transfer tobacco, that had been inspected, and such other tobacco as was not inspected, which accounts the said commissioners, or any two or more of them, shall deliver certified under their hands and seals, to the proprietors thereof, expressing therein the value of such damaged tobacco in money, which said accounts, so certified, and produced to the treasurer, for the time being, shall be a sufficient warrant for the payment of the respective sums specified therein; and which the said treasurer is hereby authorized and required to pay out of the public money in his hands.

II. And be it further enacted, by the authority aforesaid, That the said commissioners, or any two or more of them respectively, shall, and they are hereby impowered and required to meet at such time or times, and at such places, as they shall think fit, of which time and place public notice shall be advertised in the Virginia Gazette, and at each respective warehouse, at least one month before such meeting, and to examine any person or persons they shall think necessary for their information, in all things relating to the said accounts, and to administer an oath or affirmation, as the case shall require, for the better discovering the true quantity of the said damaged tobacco, to any person or persons.

III. And be it further enacted, by the authority aforesaid, That every of the said commissioners, hereby constituted, before he enters upon the execution of this act, shall, before some county court, take the following oath:

I A. B. do swear, that I will, according to the best of my skill and knowledge, faithfully, impartially, and truly demean myself in taking, examining and stating, the accounts, claims and demands, of the proprietors of
the tobacco damaged in warehouse, according to the directions of the act of Assembly lately made for that purpose.

IV. And be it further enacted, by the authority aforesaid; That the inspectors, at the said several warehouses, shall sell, at public auction, so much of the said damaged tobacco as can be saved at their respective warehouses, giving fifteen days notice, at least, of the time and place of such sale, and immediately pay the money arising from such sales to the said treasurer, for the use of the public, who shall account for the same to the General Assembly.

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CHAP. XXXVI.

An act to repeal an act of the General Assembly exempting the inhabitants of Mecklenburg county from the payment of ferriage on certain days.

I. WHEREAS by an act of the general assembly passed in the seventh year of his present majesty’s reign, intituled An act for exempting the inhabitants of Mecklenburg county, and also the minister and other parishioners of St. James’s parish, in the said county, from the payment of ferriage on Sundays, court days, and on the days appointed for general musters, the inhabitants of Mecklenburg county were exempted from the payment of ferriage on certain days, and the court of the said county were impowered and required to contrast and agree with the ferry keepers for an annual allowance to be paid them, which was directed to be levied upon the people.

II. And whereas it is represented to this present general assembly, that the said act is burthensome to the inhabitants of the said county, and no ways expedient: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the
said act, and all and every the clause or clauses there-in contained, shall be, and the same are hereby re-pealed.

CHAPEL. XXXVII.

An act for exempting free negro, mulatto, and Indian women, from the payment of levies:

I. WHEREAS by an act of the general assembly passed in the twenty second year of the reign of his late majesty George the second, intituled An act concerning tithables, it is among other things enacted,* that all free negro, mulatto, and Indian women, of the age of sixteen years, except Indians tributary to this government, and all wives of free negroes, mulattoes, and Indians, except as is before excepted, should be, and are thereby declared tithables, and chargeable for defraying the public, county, and parish levies, of this colony and dominion, which is found very burthensome to such negroes, mulattoes, and Indians, and is more-over derogatory of the rights of free-born subjects: For remedy whereof, Be it enacted, by the Governor, Council, and Burgesses, of this present General Assem-bly, and it is hereby enacted, by the authority of the same; That from and after the ninth day of June next, all free negro, mulatto, and Indian women, and all wives, other than slaves, of free negroes, mulattoes, and In-di ans, shall be, and are hereby exempted from being listed as tithables, and from the payment of any public, county, or parish levies.

II. And be it further enacted, by the authority afore-said, That so much of the said recited act as declares free negro, mulatto, and Indian women, to be charge-able with public, county, and parish levies, shall be, and the same is hereby repealed.

III. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty’s approbation thereof shall be obtained.
An Act for giving a salary to the Speaker of the House of Burgesses.

I. WHEREAS it has been thought expedient that the offices of Speaker of the House of Burgesses and Treasurer of this colony should be separated, by which means the Speaker is deprived of that provision which was formerly allowed by the emoluments arising from the treasury, whilst the said offices continued united: And whereas it is necessary, in order to support the dignity of the said office, and enable the Speaker to employ his time in the service of his country, that a proper allowance should be made him: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the treasurer of this colony, out of the public money in his hands, do pay to Peyton Randolph, esq. speaker of the house of burgesses, or the speaker for the time being, the sum of six hundred and twenty-five pounds of current money of Virginia, to be paid at four equal payments; that is to say the sum of one hundred and fifty-six pounds and five shillings; on the sixth day of February next, and the like sum of one hundred and fifty-six pounds and five shillings, on the sixth day of May next, and the like sum of one hundred and fifty-six pounds and five shillings, on the sixth day of August next, and the like sum of one hundred and fifty-six pounds and five shillings, on the sixth day of November next, respectively, and so annually during the continuation of this present general assembly, and in case of a dissolution thereof, until the meeting of the succeeding assembly.

II. And it is hereby further enacted, by the authority aforesaid, That the governor or commander in chief for the time being, is hereby empowered and desired to issue his warrant, directed to the treasurer for the time being, for payment of the several sums aforesaid, as they shall become respectively due.
CHAP. XXXIX.

An act for continuing the act, intituled An act for appointing a Treasurer.

I. WHEREAS the act of assembly made in the seventh year of his present majesty's reign, intituled An act for appointing a treasurer, will expire at the end of this session of assembly; and it being expedient and necessary that the said act should be continued: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said act of assembly shall continue and be in force from and after the expiration thereof, for and during the continuance of this present general assembly, and after the dissolution thereof to the end of the next session of assembly, and no longer.

CHAP. XL.

An act for dividing the county and parish of Augusta, and for adding certain islands, in the Fluvanna river, to the counties of Albemarle and Amherst.

I. WHEREAS many inconveniencies attend the inhabitants of the county and parish of Augusta, by reason of the great extent thereof, and the said inhabitants have petitioned this general assembly that the said county and parish may be divided: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the thirty-first day of January next ensuing, the said county and parish of Augusta be divided into two counties and parishes, by a line beginning at the Blue Ridge, run-
Boundaries.

ne the confluence of Mary's creek, or the south river, with the north branch of James river, thence up the same to the mouth of Carr's creek, thence up the said creek to the mountain, thence north fifty-five degrees west, as far as the courts of the two counties shall extend it; and that all that part of the said county and parish, which lies on the south side of the said line, shall be one distinct county and parish, and called and known by the name of Botetourt; and that all the other part thereof, which is on the north side of the said line, shall be one other distinct county and parish, and retain the name of Augusta. And for the due administration of justice in the said county and parish of Botetourt,

Court days.

II. Be it further enacted, by the authority aforesaid, That after the said thirty-first day of January, a court for the said county of Botetourt be constantly held, by the justices thereof, upon the second Tuesday in every month, in such manner as by the laws of this colony is provided, and shall be by their commissions directed.

III. Provided always, That nothing herein contained shall be construed to hinder the sheriff or collectors of the said county and parish of Augusta, as the same now stands entire and undivided, from collecting and making distress for any public dues or officers fees, which shall remain unpaid by the inhabitants of Botetourt at the time of its taking place; but such sheriff or collector shall have the same power to collect or restrain for the said dues and fees, and shall be answerable for them, in the same manner as if this act had never been made; any law, usage, or custom, to the contrary thereof, in any wise, notwithstanding.

IV. And be it further enacted, by the authority aforesaid, That the court of the said county of Augusta shall have jurisdiction of all actions and suits, both in law and equity, which shall be depending before them 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 against the body or estate of the defendant or defendants, in any such action or suit, in the same manner as if this act had never been made; any law, custom, or usage, to the contrary thereof, in any wise, notwithstanding.

V. And whereas, by an act of the general assembly made in the first year of his present majesty's reign, intituled An act to continue and amend an act for the
better regulating and collecting certain officers' fees, and for other purposes therein mentioned, the inhabitants of the said county of Augusta, as the same stands entire and undivided, are allowed to discharge all secretary's, clerks, and other officers' fees, in the said county, at the rate of eight shillings and four pence for every hundred weight of gross tobacco; and it is reasonable that the same liberty should be granted to the inhabitants of the said county of Botetourt:

VI. Be it therefore enacted, by the authority aforesaid, That from and after the said thirty-first day of January next, the inhabitants of the said county of Botetourt shall discharge all fees due from them to the secretary, clerks, and other officers, in the said county, at the rate of eight shillings and four pence for every hundred weight of gross tobacco. And for the better ordering of all parochial affairs in the said parishes,

VII. Be it further enacted, by the authority aforesaid, That the vestry of the said parish of Augusta, as the same now stands entire and undivided, be, and they are hereby declared to be dissolved; and the freeholders and housekeepers in the said parishes, respectively, shall meet at some convenient time and place, to be appointed, and publicly advertised by the respective sheriffs of the said counties of Augusta and Botetourt, before the first day of May next, and then and there elect twelve of the most able and discreet persons of their respective parishes; which persons, so elected, having, in their respective county courts, taken the oaths appointed to be taken by law, and 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 vestries of the said parishes respectively; which said vestries are hereby empowered and made capable to take, receive, and hold, any lands, tenements, or hereditaments, which shall be purchased or given as a glebe or glebes for the use of the minister of each parish respectively, for the time being, forever.

VIII. And be it further enacted, That if, upon the division of the said county and parish, any money shall be in hand, or due to the county or parish, as the same now is entire, such money shall be divided between the new counties and parishes, in proportion to the number of tithables in each, and by them applied towards lessening their respective levies; and if any money or tobacco shall happen to be levied this present year by
the court of the said county of Augusta for repairs done, or to be made, to the court-house or prison, the money or tobacco, so levied, shall be proportioned and divided as aforesaid.

IX. And whereas the people situated on the waters of the Mississippi, in the said county of Botetourt, will be very remote from their court-house, and must necessarily become a separate county, as soon as their numbers are sufficient, which will probably happen in a short time: Be it further enacted, by the authority aforesaid, That the inhabitants of that part of the said county of Botetourt, which lies on the said waters, shall be exempted from the payment of any levies, to be laid by the said county court for the purpose of building a court-house and prison, for the said county.

X. And whereas the main branch of James river, called the Fluvanna, from its confluence with Rockfish river to the Blue Ridge of mountains, was, by former acts of assembly, made the division between the county of Amherst, on one side, and the counties of Buckingham and Bedford on the other, which Fluvanna hath in it several small islands, and it is doubted whether the same be included in either, or which of the said counties: For settling the same,

XI. Be it further enacted, That all and every of the said islands shall be held, deemed, and taken, to be part of the said county of Amherst, and all other islands in the said river, adjacent to the county of Albemarle, shall be deemed and taken to be part of the said county of Albemarle; any thing in the said former acts, to the contrary, notwithstanding.
An act for dividing the parish of Saint George, in the county of Spotsylvania, and for other purposes there-in mentioned.

1. WHEREAS the parish of Saint George, in the county of Spotsylvania, by reason of its large extent, is inconvenient to the inhabitants thereof: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the first day of March next, the said parish of Saint George be divided by the river Po, where it is intersected by the line of Caroline county, thence up the said river Po to the mouth of the run, called the Robinson, thence up the said river whereon John Mitchell's mill now stands, until it intersects the line of Orange county; and that all that part of the said parish of Saint George that lies between the said river Po and Rappahannock river, shall be one distinct parish, and retain the name of Saint George, and all the remainder of the said parish of Saint George shall be one other distinct parish, and called by the name of Berkeley.

II. And be it further enacted, by the authority aforesaid, That the present vestry of the said parish of Saint George shall be, and the same is hereby declared to be dissolved, and that the freeholders and housekeepers of the said parishes of Saint George and Berkeley respectively, shall meet at some convenient time and place, to be appointed, and publicly advertised by the sheriff of the said county of Spotsylvania, at least one month before the tenth day of April next following, and then and there elect twelve of the most able and discreet persons, being freeholders and resident in their respective parishes, for vestrymen in each of the said parishes, which vestrymen, so elected, having, in the court of the said county of Spotsylvania, taken and subscribed the oaths prescribed by law, and taken and subscribed the oath of abjuration, and repeated and subscribed the test, and also 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 vestries of
the said parishes respectively.

III. And whereas the present vestry of the said parish of Saint George have contracted for the building of a new church, which will be in that part of the parish now called Saint George, and also for repairs and additions to be made to the Mattapony chapel, which will be in the part of the said parish now called Berkeley:

IV. And whereas it is not known whether the charges of the said new church repairs and additions are levied by the present vestry: Be it therefore further enacted, by the authority aforesaid, That the respective vestries of the said parishes of Saint George and Berkeley shall and may, and they are hereby respectively required to levy and assess upon the inhabitants of the said parishes, the charges of the said new church repairs and additions, in proportion to the number of the inhabitants of their respective parishes.

V. Provided always, That nothing herein contained shall be construed to hinder the collector of the said parish of Saint George, as the same now stands intire and undivided, from collecting or making distress for any parish levies which shall remain unpaid by the inhabitants of the said parish of Berkeley at the time of its taking place, but such collector shall have the same power to collect or distrain for the said levies, and shall be answerable for them in the same manner as if this act had never been made.

CHAP. XLII.

An act for altering the court days of several counties therein mentioned.

I. WHEREAS it hath been represented to this present general assembly, that the days appointed for holding courts in the counties of Pittsylvania, Middlesex, Spotsylvania, and Culpeper, are inconvenient to the justices and others, who are obliged to attend the said courts: Be it therefore enacted, by the Governor, COUN
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cid, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the last day of July next, the court of the said county of Pittsylvania shall be held upon the last Thursday in every month, the court of the said county of Middlesex upon the fourth Monday in every month, the court of the said county of Spotsylvania upon the third Thursday in every month, and the court of the said county of Culpeper upon the third Monday in every month; any law, custom, or usage, to the contrary, in any wise, notwithstanding.

CHAP. XLIII.

An act to explain certain doubts touching the jurisdiction of the court of Hustings of the city of Williamsburg.

I. WHEREAS doubts have arisen upon the extent of the jurisdiction of the court of Hustings of the city of Williamsburg: For explaining thereof, Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act the said court shall have jurisdiction, and hold plea of all transitory actions and suits at common law, and in chancery, which shall actually arise within the limits of the said city, in the same manner as county courts within this colony by law have or can take cognizance of such pleas; any law, custom, or usage, to the contrary thereof, notwithstanding.

II. And whereas the said court of Hustings hath heretofore exercised an unlimited jurisdiction, as well in chancery as common law, and it will introduce great confusion if the same should now be liable to be reversed for want of a proper jurisdiction: Be it enacted, by the authority aforesaid, That all judgments, orders, and decrees, which have been heretofore made, given, or pronounced, by the said court of Hustings, shall for
ever hereafter be held, deemed, and taken to be as valid, as if the same had been made, given, or pronounced, by any county court within this colony; any thing in this or any other act, to the contrary, or seeming to the contrary, in any wise, notwithstanding.

CHAP. XLIV.

An act for settling the fees of the clerk and serjeant of the court of Hustings for the city of Williamsburg.

I. BE it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this act, the clerk of the court of Hustings for the city of Williamsburg, shall be intitled to the same fees for services by him done as are by law allowed for the like services to the clerks of county courts, to be collected, levied, and accounted for, in the same manner, and under the like regulations, as are provided in the case of the clerk of the county court of York.

II. And be it further enacted, by the authority aforesaid, That the serjeant of the said court of Hustings shall be intitled to the same fees for services by him done as are by law allowed for the like services to the sheriffs of the several counties, to be collected, levied, and accounted for, in the same manner, and under the like regulations, as are provided in the case of the sheriff of York county.
An act to divide the parish of Hamilton, in the counties of Fauquier and Prince William.

I. WHEREAS the parish of Hamilton, in the counties of Fauquier and Prince William, by reason of the great extent thereof, is very inconvenient to the inhabitants of the said parish: Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the first day of May next ensuing, the said parish of Hamilton shall be divided into two distinct parishes, in the following manner; to wit, by a straight line, to begin at the north fork of Broad run, at an angle made by the line that divides the said parish of Hamilton from the parish of Dettingen, and to end at two red oaks, on the bank of the north fork of Rappahannock river, in the plantation of Jesse Williams; and that all that part of the said parish, which lies on the lower side of the said line, shall be one distinct parish, and retain the name of Hamilton; and all that, the other part of the said parish, shall be one other distinct parish, and be called and known by the name of Leeds.

II. And be it further enacted, by the authority aforesaid, That the present vestry of the parish of Hamilton shall be, and is hereby declared to be dissolved; and that the freeholders and housekeepers of the said parishes of Hamilton and Leeds, respectively, shall meet at some convenient time and place, to be appointed, and publicly advertised by the sheriff of the said county of Fauquier, at least one month before the first day of July next ensuing, and then and there elect twelve of the most able and discreet persons of their respective parishes, to be vestrymen in each of the said parishes; which vestrymen, so elected, having, in the court of Fauquier, taken and subscribed the oaths appointed to be taken by law, and taken and subscribed the oath of abjuration, and repeated and subscribed the test, and also 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 vestries of the said parishes respectively.
III. Provided always, That nothing herein contained shall be construed to hinder the collector or collectors of the said parish of Hamilton from collecting or making distress for any parish levies which shall remain unpaid by the inhabitants of the said parish of Leeds at the time of its taking place, but such collector or collectors shall have the same power to collect and distress for the said levies, and shall be answerable for them in the same manner as if this act had never been made; any law, custom, or usage, to the contrary thereof, in any wise, notwithstanding.

IV. And whereas, on the division of the said parish of Hamilton, the present glebe, and the buildings thereon, will all remain in that part of the said parish that retains the name of Hamilton, which glebe and buildings did belong to the said parish of Hamilton before the parish of Leeds was divided therefrom: Be it therefore further enacted, That the said glebe land, with the improvements thereon, be, and the same is hereby vested in the churchwardens of the said parish of Hamilton, and their successors, in trust, that they shall 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.

V. Saving to the king's most excellent majesty, his heirs and successors, and all and every other person or persons, bodies politic and corporate, their respective heirs and successors, other than the ministers and vestries of the said parishes, and the persons claiming under the said vestries, all such right, title, interest, claim, and demand, as they, every, or any of them, should or might have had or claimed to the said glebe land if this act had never been made.

VI. And be it further enacted, That when the said churchwardens shall have received such purchase money, they shall pay to the vestry of the said parish of Leeds, for the use of the said parish, such part thereof as their proportion would have amounted to at the time the said parish was divided from the parish of Hamilton, in case the said glebe land had been sold; and that the residue of the said purchase money shall be divided between, and applied to the use of the said parishes of Hamilton and Leeds respectively, in proportion to the number of tithables in each parish.
An act for adding part of the county of Nansemond to the county of Isle of Wight, and for ascertaining part of the boundary between the counties of James City and York.

I. WHEREAS all that part of the parish of Suffolk, and county of Nansemond, from the line dividing the said county of Nansemond from the county of Isle of Wight, on James river, and down the said river to the mouth of Chuckatuck creek, and up the said creek to the mouth of a small creek, commonly called Chuckatuck bay, and up the said last mentioned creek to the county line, and down the said line to James river, is very inconvenient for the inhabitants thereof to get to the public places in the said parish of Suffolk, and county of Nansemond, and would be more convenient to the parish of Newport and Isle of Wight county: Be it therefore enacted, by the Governor, Council, and Burgess of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act all that part of the said parish of Suffolk, and county of Nansemond, within the afore recited bounds, shall be added to the parish of Newport and county of Isle of Wight.

II. And whereas it is represented, that the line dividing the counties of James City and York, so far as the same runs through the city of Williamsburg, is very uncertain, and that it is necessary for the direction of the several sheriffs of the said counties, in executing their process, that the line should be fixed and ascertained: Be it enacted, by the authority aforesaid, That from and after passing this act the said line shall be established and continued from the main road, by the north end of the college, as it now runs down the middle of the main street to the eastern end of the market place, thence into the lane which divides the store-house of James Anderson, merchant, from the lots of the orphan of William Lightfoot, esq. deceased, as far as the middle of the paling of the said lots, thence through the middle of those lots, and all the other lots on the north side of Francis street, till it passes through the middle
of the lots of the honourable William and Thomas Nelson; thence across the capitol square, in a straight line, through the middle of the lots of John Prentis, gentleman, and Catherine Davenport, till it falls into the street leading to the main York road.

CHAP. XLVII.

An act for adding part of the parish of Southfarnham to the parish of St. Anne.

I. WHEREAS it is represented to this present general assembly that the addition of the upper end of Southfarnham parish, in the county of Essex, which lies above the following line, to wit, from Col. Francis Waring's mill run, at the mouth of the road branch, thence up the said branch to a marked black oak, at the head thereof, from thence south sixty degrees west to the main road, thence south forty-seven degrees west to a small persimmon and maple tree, at the head of a branch of Hoskins's run, would be of great ease and advantage to the inhabitants of that part of the said parish of Southfarnham, who are, in their present remote situation, subject to many inconveniences:

II. Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the first day of May next, all that part of the said parish of Southfarnham that lies above the line before mentioned, shall be united to and made part of the parish of Saint Anne, in the county aforesaid.

III. Provided always, That nothing herein contained, shall be construed to hinder the collector or collectors of the said parish of Southfarnham, as the same now stands intire and undivided, from collecting and making distress for any parish levies which shall remain unpaid by the inhabitants of that part of the parish of Southfarnham hereby added to and made part of the said parish of St. Anne, at the time the said division shall take place; but such collector or collectors
shall have the same power to collect and distrain for the
said levies, and shall be answerable for them in the same
manner as if this act had never been made; any law, usage, or custom, to the contrary thereof, in any wise, notwithstanding.

CHAP. XLVIII.
An act for reimbursing the inhabitants of King William and Hanover counties the expence of clearing Pamunkey river.

I. WHEREAS by an act of the general assembly, passed in the twenty-fifth year of the reign of his late majesty George the second, intituled An act for clearing Appamattox and Pamunkey rivers, certain trustees, therein appointed, are authorized and impowered to take and receive subscriptions for clearing the upper part of the said river Pamunkey: And whereas, from the great prices given for tobacco at Crutchfield's, Page's, and Meriwether's warehouses, situate on the said river, in the county of Hanover, many persons, from distant parts of the colony, are induced to carry their tobacco to the said warehouses for inspection, and it is unreasonable that the inhabitants of the counties of King William and Hanover should bear the whole burthen and expence of clearing the said river: For remedy whereof,

II. Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act, a duty of four pence per hogshead, on every hogshead of tobacco passed at and shipped from either of the said warehouses, shall be paid to the inspectors, at the said warehouses, respectively, for the time being, at the time of delivering out and shipping the said tobacco for exportation.

III. And be it further enacted, by the authority aforesaid, That the several inspectors, at the said warehouses, shall annually, in the month of October, account

[Amended post chap. 56.]

Recital of great price for tobacco, at Crutchfield's Page's and Meriwether's warehouses.

Duty on tobacco, to reimburse counties of King William and Hanover, for clearing Pamunkey river.
with the court of the said county of Hanover, upon oath, for the aforesaid duty of four pence per hogshead; and the said court of Hanover shall apply the same towards reimbursing the said counties of Hanover and King William the expense of clearing the said river, and to and for no other use or purpose whatsoever.

IV. And be it further enacted, by the authority aforesaid, That this act shall continue and be in force for the term of four years, and no longer.

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CHAP. XLIX.

An Act to impower the vestry of Meherrin parish, in the county of Brunswick, to sell the glebe of the said parish, and lay out the money in purchasing a more convenient glebe.

I. WHEREAS it is represented to this present general assembly that the lands set apart for a glebe in the parish of Meherrin, in the county of Brunswick, are very inconveniently situated for that purpose; and it would be very advantageous to the minister of the said parish, as also to the inhabitants thereof in general, if the vestry of the said parish are impowered to dispose of the said glebe, and to lay out the money arising from the sale thereof, in purchasing other lands for a glebe: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said glebe lands, with the appurtenances, be, and the same are hereby vested in the present vestry of the said parish for the time being: In Trust, nevertheless, that the said vestry, or the greater part of them, shall, by deeds of bargain and sale, sell and convey the said glebe, with the appurtenances, for the best price that can be got for the same, to any person or persons who shall be willing to purchase the said lands, to hold to such purchaser or purchasers, his or their heirs or assigns, forever.
II. And be it further enacted, by the authority aforesaid, That the money arising by the sales of the said glebe, shall be, by the said vestry, laid out and applied for and towards purchasing more convenient lands for a glebe, for the use and benefit of the minister of the said parish, for the time being, forever.

III. Saving to the king’s most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the vestry of the said parish, all such estate, right, title, or interest, as they, or any of them, should or might claim if this act had never been made.

CHAP. L.

An act to impower the vestry of Dettingen parish, in the county of Prince William, to sell the glebe of the said parish, and lay out the money in purchasing a more convenient glebe.

I. WHEREAS it is represented to this present general assembly that the land set apart for a glebe in the parish of Dettingen, in the county of Prince William, is very inconveniently situated for that purpose; and it would be very advantageous to the minister of the said parish, as also to the inhabitants thereof in general, if the vestry of the said parish are impowered to dispose of the said glebe, and to lay out the money arising from the sale thereof, in purchasing other land for a glebe: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said glebe land, with the appurtenances, be, and the same is hereby vested in the present vestry of the said parish for the time being; In Trust, nevertheless, that the said vestry, or the greater part of them, shall, by deeds of bargain and sale, sell and convey the said
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glebe, with the appurtenances, for the best price that can be got for the same, to any person or persons who shall be willing to purchase the said lands, to hold to such purchaser or purchasers, his or their heirs and assigns, forever.

II. And be it further enacted, by the authority aforesaid, That the money arising by the sales of the said glebe, shall be, by the said vestry, laid out and applied for and towards purchasing a more convenient glebe, for the use and benefit of the minister of the said parish, for the time being, forever.

III. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the said vestry, all such estate, right, title, or interest, as they, or any of them, should or might claim if this act had never been made.

CHAP. LI.

An act to impower the vestry of Saint Mark's parish, in the county of Culpeper, to sell the glebe of the said parish, and lay out the money in purchasing a more convenient glebe.

I. WHEREAS it is represented to this present general assembly that the glebe land belonging to the parish of Saint Mark, in the county of Culpeper, by reason of the smallness of the quantity, and the length of time it has been in cultivation, is, for the most part, worn out; that the small proportion of the land, belonging to the said glebe, which still remains uncleared, is so destitute of timber that it is not in the minister's power to make the necessary repairs, either with respect to the houses or fences thereon, without purchasing of timber for those purposes; nor is there wood sufficient for fuel for more than some very few years; and that it would be very advantageous to the minister of the said parish.
if the vestry of the said parish are impowered to dispose of the said glebe, and to lay out the money arising from the sale thereof, in purchasing other land for a glebe: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said glebe land, with the appurtenances, be, and the same is hereby vested in the present vestry of the said parish of Saint Mark, for the time being; In Trust, nevertheless, that the said vestry, or the greater part of them, shall, by deeds of bargain and sale, sell and convey the said glebe, with the appurtenances, for the best price that can be got for the same, to any person or persons who shall be willing to purchase the said glebe, to hold to such purchaser or purchasers, his or their heirs or assigns, forever.

II. And be it further enacted, by the authority aforesaid, That the money arising by the sale of the said glebe, shall be, by the said vestry, laid out and applied for and towards purchasing more convenient land for a glebe, for the use and benefit of the minister of the said parish of Saint Mark, for the time being, forever.

III. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the vestry of the said parish, all such estate, right, title, or interest, as they, every, or any of them, could or might claim or demand if this act had never been made.

CHAP. LII.

An act to amend an act, intituled An act for establishing a town near Warwick, in the county of Henrico.

I. WHEREAS by an act of assembly made in the twenty-second year of the reign of his late majesty king George the second, intituled An act for establishing a town near Warwick, in the county of Henrico, it is among other things enacted, that certain lands lying...
between the top of the river bank and low water mark, be vested in Peter Randolph, John Bolling, Samuel Cobbs, George Carrington, Archibald Cary, Thomas Tabb, Alexander Spiers, David Bell, and Philip Mayo, gentlemen, forever, to the intent and purpose that they, or the major part of them, may, from time to time, grant the same, or any part thereof, to such person or persons, being proprietor or proprietors of any lot or lots in the said town, as shall be willing to build warehouses and wharfs thereon, upon such conditions as to the said trustees, or the major part of them, shall seem best. And whereas the major part of the said trustees are either dead or removed out of the colony, whereby the surviving trustees have no power to grant any of the lands intended as aforesaid, for building warehouses and wharfs thereon: Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this act, George Carrington, Archibald Cary, and David Bell, the surviving trustees aforesaid, with Richard Randolph, Alexander Trent, William Randolph, Robert Goode, Edward Osborne, and Seth Ward, be constituted and appointed trustees of the said town, and they, or any five of them, are hereby impowered to grant any of the land aforesaid (not already granted) to such person or persons, being proprietor or proprietors of any lots in the said town, as shall be willing to build warehouses or wharfs thereon; and in case the proprietors as aforesaid shall not within three months apply for and obtain grants from the said trustees of the land aforesaid, then it shall and may be lawful for the said trustees, or any five of them, after advertising the same three times in the Virginia Gazette, to grant the said lands in such manner as they shall think fit, to any other person or persons who shall be willing to build warehouses and wharfs thereon.

II. And be it further enacted, by the authority aforesaid, That in case of the death, removal out of the country, or other legal disability of any one or more of the trustees before named, it shall and may be lawful for the surviving or remaining trustees, from time to time, to elect and choose so many other persons, in the room of those so dead or removed, as shall make up the number of nine; which trustees, so chosen, shall be, to all
intents and purposes, vested with the same power as any other in this act particularly nominated and appointed.

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CHAP. LIII.

An act for adding twenty acres of land, whereof Patrick Ramsay is seized, to the town of Blandford.

I. WHEREAS it is represented to this general assembly by Patrick Ramsay, gentleman, that he is seized in fee simple of twenty acres of land, adjoining the town of Blandford, which he is desirous may be added to and made part of the said town: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said twenty acres of land, so soon as the same shall be laid off in lots, and the said lots shall be respectively built on and saved, agreeable to the directions of the act of the general assembly passed in the third year of his present majesty's reign, intituled An act for appointing directors and trustees of the town of Blandford, in the county of Prince George, and to prevent hogs running at large therein, be added to, and made part of the said town: And the freeholders and inhabitants of the said lots shall then be intitled to and enjoy all the rights, privileges and immunities, granted to and enjoyed by the freeholders and inhabitants of the said town, and shall moreover be subject to the same rules and government with the other inhabitants of the said town.
An act to empower the churchwardens and vestry of the parish of Hungars, in the county of Northampton, to lease certain lands therein mentioned.

I. WHEREAS it is represented to this general assembly, by the vestry and inhabitants of the parish of Hungars, in the county of Northampton, that the Gingskin tribe of Indians, inhabiting within the said parish, are possessed of a valuable tract of land, containing six hundred acres, which the said Indians neglect to cultivate; and by pursuing their ancient custom of hunting, fishing, and fowling, leave their aged, sick, and disabled, to languish in distress, and to become a charge and burthen to the said parish, which is unreasonable: For remedy whereof, Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That two hundred acres, part of the said tract of six hundred acres of land, and not in the actual occupation of the said Indians, be, and the same is hereby vested in the churchwardens and vestry of the said parish of Hungars, upon trust, nevertheless, that the churchwardens of the said parish, with the approbation of the vestry, or the major part thereof, shall and may, and they are hereby impowered, by good and sufficient deed or deeds, duly proved and recorded, to demise or lease, for a term not exceeding twenty-one years, the said two hundred acres of land, reserving on such lease or demise the highest rent that can be got for the same, after public notice shall be given by the said churchwardens of the time and place of letting the same. And the said churchwardens and vestry shall set apart fifty acres of the said two hundred acres, to be constantly kept in timber, for the term aforesaid, for necessary buildings and repairs on the demised premises.

II. And be it further enacted, by the authority aforesaid, That the rent of the said two hundred acres of land shall be annually paid to the said churchwardens, or the churchwardens of the said parish for the time

Part of lands of Gingskin tribe of Indians, in parish of Hungars, in Northampton county, to be rented out by the churchwardens.
being, to be by them accounted for to the vestry, and applied to the relief and maintenance of such aged, sick, and disabled Indians, of the said Gingaskin tribe, in such manner as the said churchwardens and vestry, or the major part of them, shall think most proper.

CHAP. LV.

An act for reimbursing the late vestry of the parish of Frederick, in the county of Frederick, the amount of a judgment therein mentioned.

I. WHEREAS William Meldrum, clerk, late minister of the parish of Frederick, in the county of Frederick, by judgment of the honourable the general court, hath recovered against John Hite, John Greenfield, John Bowman, Thomas Speake, John Lindsay, William Cocks, Robert Lemen, William Crumley, Cornelius Riddell, Isaac Hite, Thomas Swearingen, and John Funk, gentlemen, late vestrymen of the said parish, the sum of one hundred and forty-nine pounds twelve shillings and one penny, for the balance of his salary as their minister; and also three pounds and nine pence, and four thousand six hundred and fifty-five pounds of tobacco, for costs; and whereas the said vestry were also at some charges in their defence; and it appearing to this present general assembly, that it is reasonable that the said vestry, or such of them as have actually paid the said judgment, costs, and charges, should be reimbursed the same, and such commissions as they, or any of them, may have paid for having the same levied on them: Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the present vestry of the said parish shall and may, and they are hereby authorized and required to levy and assess, upon the tithable persons within their parish, the amount of such judgment, costs, charges, and commissions, with an allowance of six per centum, for collecting of the same, to be levied for such person or
persons respectively, who shall have paid the same, and collected and paid in the same manner, and under the like penalties, as in and by an act, intituled An act for the support of the clergy, and for the regular collecting and paying the parish levies, is directed.

CHAP. LVI.

An act to amend an act, passed in the former part of this session of assembly, for reimbursing the counties of Hanover and King William the expense of clearing Pamunkey river.

I. WHEREAS by an act passed in the former part of this session of the general assembly, intituled An act to reimburse the counties of Hanover and King William the expense of clearing Pamunkey river, it is among other things enacted, that a duty of four pence per hogshead shall be paid for every hogshead of tobacco passed and shipped for exportation, at and from the warehouses called Meriwether’s, in the said county of Hanover. And whereas it is represented that no expence hath been hitherto incurred by the said counties of Hanover and King William, for clearing the said river, below the said warehouses, and it is unreasonable that the expence that hath arisen, for the purpose of clearing the upper part of the said river, should be assessed on the tobacco brought to the said warehouses, which have not occasioned, nor are likely to occasion, any expence to the said counties: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That so much of the said recited act as relates to imposing a duty on all tobacco passed and shipped from Meriwether’s warehouses, for the purpose of reimbursing the said counties of Hanover and King William the expense of clearing the said river Pamunkey, shall be, and the same is hereby repealed, and made void.
An act for establishing a town in the county of Pittsylvania.

I. WHEREAS it hath been represented to this present general assembly that James Roberts, of the county of Pittsylvania, hath laid off fifty acres of his land, where the court-house for the said county now stands, into lots and streets for a town, 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, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this act the said fifty acres of land, so laid off as aforesaid, shall be, and are hereby established a town, to be called and known by the name of Chatham.

II. And be it further enacted, by the authority aforesaid, That the freeholders and inhabitants of the said town, so soon as they shall have built upon and saved their lots according to the conditions 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, erected by act of assembly in this colony.

III. And be it further enacted, by the authority aforesaid, That it shall not be lawful for any person whatsoever, to erect or build, or cause to be erected or built, in the said town, any wooden chimney; and if any person shall presume to erect or build, or cause to be erected or built, any wooden chimney in the said town, he or she shall forfeit and pay twenty shillings current money for every month such wooden chimney shall be used; to be recovered before any justice of the peace of the said county of Pittsylvania, by any person who shall inform or sue for the same.
I. WHEREAS an act, intituled An act for reviving and amending the acts for allowing fairs to be kept in the towns of Fredericksburg and Richmond, as to so much thereof as relates to the said town of Fredericksburg, will expire at the end of this present session of assembly, and it is necessary that the same should be further continued and amended: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the last day of July next, the fairs shall be held in the said town of Fredericksburg, on the Monday next after the third Thursday in May and September annually; any thing in the aforesaid act, to the contrary, notwithstanding.

II. And be it further enacted, That the said act, except so much thereof as is contrary to this act, be, and the same is hereby continued for the term of seven years, and to the end of the next session of assembly.

III. And whereas doubts have arisen touching the privilege of persons attending the county court of Spotsylvania, during the time of holding the said fairs: For removing such doubts, Be it enacted, by the authority aforesaid, That nothing in the said recited act shall extend to the suits depending in the said court, but the justices thereof may hear and determine all causes, enforce the appearance of jurors and witnesses, and accept the surrender of principals in discharge of their bail, during the sitting of the said court; any thing in the said recited act, to the contrary, notwithstanding.

IV. And whereas by an act passed in the thirty second year of his late majesty's reign, intituled An act for enlarging the towns of Fredericksburg and Winchester, the city of Williamsburg, and town of Dumfries, one hundred and twenty poles of land were added
to the lower line of the town of Fredericksburg, which are since found not sufficient to include a whole square of lots: Be it therefore enacted, by the authority aforesaid, That the present lower boundary of the said town of Fredericksburg, be extended so as to complete the lower square of lots, as now laid off by the surveyor of the county of Spotsylvania, under the direction of the said last recited act.

V. Provided always, That nothing herein contained, shall be construed, deemed, or taken, to derogate from, alter, or infringe, the royal power and prerogative of his majesty, his heirs and successors, of granting to any person or persons, body politic and corporate, the privileges of holding fairs or markets, in any such manner as he or they, by his or their royal letters patent, or by his or their instructions to the governor or commander in chief of this dominion, for the time being, shall think fit.

CHAP. LIX.

An act to annex part of the county of York to the county of James City,
and for other purposes therein mentioned.

I. WHEREAS it hath been represented to this general assembly that the justices of James City county have entered into an agreement with the mayor, recorder, aldermen and common council, of the city of Williamsburg to build a new court-house at their joint expense, and for their common use and benefit, but it so happens that no convenient place can be found, whereon to erect the said court-house, except on that part of the market-square which lies on the north side of Duke of Gloucester-street, in the said city, and which by the present dividing line between the said county of James City and the county of York, is contained in the said county of York; Be it therefore enacted, by the Governor, Council, and Burgesses of this present Ge-
neral assembly, and it is hereby enacted, by the authori-
ty of the same, That so much of the said market-square
as lies on the north side of the said street, as far as Ni-
cholson street, and between the line of Hugh Walker's
lot, on the west, and the paling where Haldenby Dix-
on's store stands, on the east, be, and the same is hereby
added to and made part of the said county of James
City; any thing, in any former law, contained to the
contrary thereof, notwithstanding.

II. And be it further enacted, by the authority afore-
said, That the said justices of James City, be, and they
are hereby empowered to sell, at public auction, for the
best price that can be got for the same, the land where-
on their present court-house and prison stand (being
part of a lot in the said city) together with the court-
house, and that they, the said justices, or any four of
them shall and may convey the same to the purchaser
or purchasers in fee simple, and shall apply the mo-
ney arising from such sale towards discharging their
proportion of the expenses of building the new court-
house.

III. And be it further enacted, by the authority afore-
said, That the justices of the said county of James city,
and the mayor, recorder, aldermen, and common counc-
il, of the said city of Williamsburg, shall, at all times
hereafter, maintain and keep in repair the said court-
house at their joint expense, and for their common use
and benefit.

IV. Saving to the king's most excellent majesty, his
heirs and successors, and to all and every other person
and persons, bodies politic and corporate, other than
the said justices of James city county, all such right,
title, interest, claim, and demand, as they, every, or
any of them, could or might have to the said parcel of
land, and court-house, if this act had never been made.
An act for establishing towns at Rocky Ridge, Gloucester court-house, and Layton’s warehouse, and for other purposes therein mentioned.

I. WHEREAS it hath been represented to this present general assembly that the honourable William Byrd, esquire, hath lately laid out a parcel of his lands at Rocky Ridge, at the falls of James river, in the county of Chesterfield, in lots and streets for a town, and hath also laid out another parcel of his lands, on the north side of James river, adjoining to the town of Richmond, at a place called Shoccoes, in the county of Henrico, in lots and streets, and hath made sale of most of the said lots in both places to divers persons, some of whom have since settled and built thereon; and whereas it would tend to the more speedy improvement and settling the same, if the freeholders and inhabitants thereof should be intitled to the like privileges enjoyed by the freeholders and inhabitants of other towns in this colony: Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said first mentioned piece of land, lying and being at the falls of James river, on the south side thereof, in the county of Chesterfield aforesaid, be, and the same is hereby constituted, appointed, erected, and established, a town, in the manner it is already laid out in lots and streets, agreeable to a plan and survey thereof made by Benjamin Watkins, surveyor of the county of Chesterfield aforesaid, containing the number of three hundred and twelve lots, as by the said plan and survey, relation being thereto had, may fully and at large appear, and shall be called and known by the name of Manchester; and that the freeholders of the said town shall forever hereafter enjoy the same rights and privileges which the freeholders of other towns, erected by acts of assembly in this colony, have and enjoy.

II. And be it further enacted, by the authority aforesaid, That the said piece or parcel of land, at Shoccoes aforesaid, on the north side of the falls of James river, in the county of Henrico aforesaid, be added to
and made part of the said town of Richmond; and that the freeholders and inhabitants thereof shall be intitled to and enjoy all the rights and privileges granted to and enjoyed by the freeholders and inhabitants of the said town of Richmond, and be subjected to the same rules and restrictions.

III. And be it further enacted, by the authority aforesaid, That the honourable William Byrd, esquire, and Archibald Cary, Richard Randolph, Richard Adams, Alexander Trent, Thomas Mann Randolph, Peter Field Treat, James Lyle, and Robert Goode, gentlemen, shall be, and they are hereby nominated, constituted, and appointed, directors and trustees of the said town of Manchester; and they, or any five of them, shall and may, and they are hereby authorized and impow•ered to make, from time to time, such orders, rules, and directions, for the regular and orderly placing and building the houses in the said town of Manchester, as to them shall seem expedient: And that in case of the death, removal out of the country, or other legal disability of any one or more of the directors and trustees before named, it shall and may be lawful for the surviving or remaining trustees, to elect and choose so many other persons, in the room of those so dead or disabled, as shall make up the number of nine; which trustees, so chosen, shall, to all intents and purposes, be vested with the same power and authority as any other in this act particularly nominated and appointed.

IV. And be it further enacted, by the authority aforesaid, That it shall not hereafter be lawful for any person whatsoever to erect or build, or cause to be erected or built, in the said town of Manchester, any wooden chimney, neither shall it be lawful for any person whatsoever, after the expiration of six months from the passing of this act, to make use of any wooden chimney already erected in the said town; and the owners or proprietors of all such wooden chimneys, as now are in the said town, shall, before the expiration of the time aforesaid, wholly destroy and disuse the same, or cause them to be pulled down, otherwise it shall be lawful for the sheriff of the said county of Chesterfield, and he is hereby required to cause all such wooden chimneys to be pulled down and demolished; and in like manner it shall be lawful for the said sheriff, and he is hereby required to cause to be pulled down and demolished, all other
wooden chimneys which shall be erected or built in the said town, in breach of this act.

V. And whereas there are five tenements in the town of Manchester, and six adjoining the said town of Richmond, which are included in the surveys of the said towns, and are part of the same, which are vacant lands, and were allotted to sundry tenements known by the names of Lyle's, Buchanan's, Stuart's, Gunn's, and Todd's, in the town of Manchester, and M'Pherson's, Coutt's, Ross's, James Buchanan's, M'Dowell's, and Younghusband's, adjoining to the town of Richmond, and it may be of advantage to the proprietors of the said tenements to lay off the same into half acres: Be it enacted, by the authority aforesaid, That if, at any time hereafter, the proprietors of the said tenements shall lay off the said vacant tenements into lots and streets, agreeable to the other streets and lots in the said towns; in manner before directed, in that case the owner or owners of such half acre lots shall be intituled to the same privileges, and subject to the same rules and regulations, as the other freeholders of the said towns are and shall be.

VI. And be it further enacted, by the authority aforesaid, That the said proprietors shall not be at liberty; at any time hereafter, to erect any house on any of the said tenements, so as to obstruct the prospect of any street which terminates at the said tenements, that may hereafter, when the same shall be laid off in lots, stop the said streets.

VII. And whereas it hath been represented to this present general assembly that the establishment of towns on the lands of John Fox, gentleman, adjoining the lands whereon the court house of the county of Gloucester is erected; and on the lands of Thomas Ley, gentleman, at Layton's warehouse, in the county of Essex, will be advantageous to the respective inhabitants of the said counties of Gloucester and Essex: Be it therefore enacted, by the authority aforesaid, That it shall and may be lawful, to and for the said John Fox and Thomas Ley, respectively, to lay off sixty acres of their lands, at the places aforesaid, into lots and streets, for towns, the first to be called and known by the name of Botetourt town, and the other by the name of Beaufort.

VIII. And be it further enacted, by the authority aforesaid, That the purchasers of the lots, in the said towns
respectively, so soon as they shall have built upon and
saved the same, according to the conditions of their
respective deeds of conveyance, shall then be intitled
to, and have and enjoy all the rights, privileges, and
immunities, which the freeholders and inhabitants of
other towns, erected by act of assembly, in this colony
hold and enjoy.

IX. And whereas it is represented to this general as-
sembly by the inhabitants of Tappahannock town, in
the county of Essex, that they are often in great danger
of having their houses and effects burnt, by reason of
wooden chimneys in the said town: Be it enacted, by the
authority aforesaid, That it shall not hereafter be law-
ful for any person whatever to erect or build, or cause
to be erected or built, in the said town of Tappahan-
nock, any wooden chimney, neither shall it be lawful
for any person whatever, after the tenth day of Novem-
ber next, to make use of any wooden chimney already
erected in the said town; and that the owners or pro-
prietors of all such wooden chimneys, as now are in the
said town, shall, before the expiration of the time aforesaid,
wholly destroy and disuse the same, or cause them
to be pulled down, otherwise it shall be lawful for the sher-
iff of the said county of Essex, and he is hereby authoriz-
ed and required to cause all such wooden chimneys to
to be pulled down and demolished; and in like manner
it shall be lawful for the said sheriff, and he is hereby
authorized and required to cause to be pulled down
and demolished all other wooden chimneys which shall
be built or erected in the said town, in breach of this
act.
An act for dividing the parishes of Frederick, in the county of Frederick, and Cameron in the county of Loudoun; and for other purposes therein mentioned:

I. WHEREAS the parish of Frederick, in the county of Frederick, by reason of the great extent thereof, is very inconvenient to the inhabitants, who have petitioned this present general assembly that the same may be divided into three distinct parishes: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the last day of December next the said parish of Frederick shall be divided into three distinct parishes: in the following manner, that is to say, on the north, by a line beginning at Williams's gap, where the road intersects the line of Loudoun and Frederick counties, proceeding thence, in a direct course, so as to pass seven miles to the north eastward of the town of Winchester, till it intersects the line of Hampshire county; thence with the said Hampshire line to the intersection of a line, to be run in a direct course west north west from the mouth of Cedar creek, and from the mouth of Cedar creek a direct course to the mouth of Flint run, thence east south east to the line of Culpeper county, thence with the Culpeper and Loudoun lines to Williams's gap, the beginning; and all that part of the present parish of Frederick, within the said boundaries, shall be one distinct parish, and retain the name of Frederick; and all that part of the present parish of Frederick, which lies between the first mentioned line, running from Williams's gap, and Potowmack river, shall be one other distinct parish, and be known by the name of Norborne; and all the remainder of the present parish of Frederick shall be one other distinct parish, and be known by the name of Beckford.

II. And whereas the parish of Cameron, in the county of Loudoun, by reason of its large extent, is inconvenient to the inhabitants thereof: Be it further enacted, by the authority aforesaid, That from and after the last day of December next the said parish of Cameron shall be divided, and that part which shall be one other distinct parish, and be known by the name of Shelburne.
day of December next, the said parish of Cameron shall be divided, as follows, that is to say, by Goose creek, beginning at the mouth thereof, and running up the same to the mouth of Little river, thence up the said Little river to the intersection of the line dividing the land of James Mercer, esq. and John Evans, thence along the said line, and the several lines dividing the lands of the said Mercer, and Wilkinson and Hunter, Charles West, and Robert Burwell, esq. to the line of Fauquier county; and all that part of the present parish of Cameron, which lies to the southward of the said Goose creek, Little river, and the said several lines between the said Mercer, Evans, Wilkinson and Hunter, West and Burwell, shall be one distinct parish, and retain the name of Cameron; and all the remainder of the present parish shall be one other distinct parish, and be known by the name of Shelburne.

III. And be it further enacted, by the authority aforesaid, That the present vestries of the said parishes of Frederick and Cameron, be, and the same are hereby dissolved; and that the freeholders and housekeepers of the said parishes of Frederick, Norborne, Beckford, Cameron, and Shelburne, respectively, shall meet at some convenient time and place, to be appointed, and publicly advertised by the sheriffs of the said counties of Frederick and Loudoun, respectively, at least one month before the first day of March next following, and then and there elect twelve of the most able and discreet persons, being freeholders, and resident in their respective parishes, to be vestrymen thereof, who, having in the courts of the said counties of Frederick and Loudoun, respectively, taken and subscribed the oaths appointed by law, and taken and subscribed the oath of abjuration, and repeated and subscribed the test, and also 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 vestrymen of the said parishes respectively.

IV. Provided always, That nothing herein contained shall be construed to hinder the collector or collectors of the said parishes of Frederick and Cameron, respectively, as the same now stand entire and undivided, from collecting and making distress for any parish levies which shall remain unpaid by the inhabitants of the said parishes of Frederick and Cameron, at the time the said division shall take place; but such collec-
tor or collectors, respectively, shall have the same power to collect and distress for the said levies, and shall be answerable for them in the same manner, as if this act had never been made; any law, usage, or custom, to the contrary thereof, in any wise, notwithstanding.

V. And whereas by the division of the present parish of Frederick, the glebe land will lie in that part of the parish which retains the name of Frederick: Be it enacted, by the authority aforesaid, That the said glebe land, with the appurtenances, be, and the same is hereby vested in the vestry that shall be elected for the said parish of Frederick, in pursuance of this act; In Trust, nevertheless, that the said vestry of the said parish of Frederick, when elected, or the greater part of them, shall sell the same, at public auction, on twelve months credit, taking bond, with sufficient security, for the purchase money, and convey the same, with the appurtenances, to the purchaser, his heirs and assigns, forever; a proportion of which purchase money, when received by the vestry of the said parish of Frederick, shall be paid to the vestries of the said parishes of Norborne, and Beckford, according to the number of tithables in the several parishes of Frederick, Norborne, and Beckford, respectively, at the time the said division shall take place, and apply the residue thereof towards purchasing another glebe, and erecting buildings thereon, for the use of the minister of the said parish of Frederick, for the time being, forever.

VI. And whereas by the present division of the said parish of Frederick there will be a new church in each of the said parishes of Frederick, and Norborne, the charges of which have lately been defrayed by the inhabitants of the said present parish of Frederick: Be it enacted, by the authority aforesaid, That the said vestries of the parishes of Frederick, and Norborne, when elected, shall respectively account for the said church, according to their several costs, and refund and pay to the vestry of the parish of Beckford a proportion thereof, according to the number of tithables, in their respective parishes, at the time the same shall take place.

VII. And whereas the glebe land, in the present parish of Cameron, will lie in that part of the said parish which retains the name of Cameron, but the same being inconvenient, and the inhabitants of the other part of the said parish having agreed to allow the said parish
of Cameron, when divided, the benefit of the sale there- 
of: Be it therefore enacted, by the authority aforesaid, 
That the said glebe land of the present parish of Cam-
eron, with the appurtenances, be, and the same is here-
by vested in the vestry that shall be elected for the said 
parish of Cameron, in pursuance of this act; In Trust, 
nevertheless, that the said vestry of Cameron, when 
elected, or the greater part of them, shall or may sell 
the same at public auction, on twelve months credit, 
taking bond and sufficient security for the purchase 
money, and convey the same, with the appurtenances, 
to the purchaser, his heirs and assigns, forever, and 
apply the money, arising from such sale, when receiv-
ed, towards purchasing a more convenient glebe, and 
erecting buildings thereon, for the use and benefit of 
the minister of the said parish of Cameron, for the time 
being, forever.

VIII. Saving to the king's most excellent majesty, 
his heirs and successors, and to all and every other per-
son and persons, bodies politic and corporate, their re-
spective heirs and successors, other than the respective 
vestries of the said parishes of Frederick and Cameron, 
and the persons claiming under them; all such right, 
title, estate, interest, claim, and demand, as they, every, 
or any of them, should or might claim if this act had 
ever been made.

CHAP. LXII.

An act to explain and amend an act of this present session of assembly, intituled An act to divide the parish of Hamilton, in the counties of Fauquier and Prince William.

I. WHEREAS an act passed the former part of this present general assembly, intituled An act to divide the parish of Hamilton in the counties of Fauquier and Prince William, wherein, among other things, it was enacted, that the churchwardens of the said parish of
Hamilton should sell the glebe and buildings which did belong to the said parish of Hamilton, before the parish of Leeds was divided therefrom, and that when the said churchwardens had received such purchase money, they should pay to the vestry of the said parish of Leeds, for the use of the said parish, such part thereof as their proportion would have amounted to, at the time of the said division; and that the residue of such purchase money should be divided between, and applied to the use of the said parishes of Hamilton and Leeds respectively, in proportion to the number of tithables in each parish; which said distribution is unjust: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That so much of the said recited act as relates to the distribution aforesaid, be, and the same is hereby repealed.

II. And whereas it is further represented to this present general assembly, that it would be of mutual advantage to the said parishes of Hamilton and Leeds, if the said glebe lands were sold on credit, and a more equal distribution made between them of the money arising from such sale: Be it further enacted, by the authority aforesaid, That the churchwardens of Hamilton parish shall, on or before the last day of September next, sell the said glebe lands on credit, for the most that may be got for the same, giving public notice thereof at least one month before such sale, and shall take bond, with sufficient security, of such purchaser or purchasers, for the payment of such purchase money, at the end of twelve months, from the day wherein such glebe lands were sold.

III. And be it further enacted, by the authority aforesaid, That when the said churchwardens of the said parish of Hamilton, shall have received the purchase money aforesaid, they shall pay to the vestry of the said parish of Leeds, for the use of the said parish, such part of the said purchase money as shall be proportionable to the number of tithables that was in the said parish at the time the said division took place, and the remaining part of such purchase money shall, by the vestry of the parish of Hamilton, be applied to the use of the said parish; any thing in the said recited act, to the contrary thereof, notwithstanding.
An act to repeal an act for increasing the salary of the minister of the parish of Frederick, in the county of Frederick.

I. WHEREAS by an act of assembly made in the twelfth year of the reign of his late majesty George the second, intituled An act for erecting two new counties and parishes, and granting certain encouragements to the inhabitants thereof, all levies and officers fees becoming due from the inhabitants of the counties and parishes of Frederick and Augusta, might be paid in money, for tobacco, at three farthings per pound; and whereas by one other act of assembly made in the twenty-second year of his said majesty's reign, intituled An act for the support of the clergy, and for the regular collecting and paying the parish levies, it is among other things enacted, that every minister preferred, or to be preferred or received, into any parish within this dominion, should have and receive an annual salary of sixteen thousand pounds of tobacco and cask, with an allowance of four per cent. for shrinkage, to be levied, collected, and paid in tobacco, which last mentioned act was a repeal of so much of the former as related to the ministers salaries, in the said parishes of Frederick and Augusta; but from a mistaken opinion that the said salaries were payable in money at three farthings a pound, at the instance of the minister and vestry of the said parish of Frederick, an act of assembly was passed in the seventh year of the reign of his present majesty, intituled An act for increasing the salary of the minister of the parish of Frederick, in the county of Frederick, whereby the vestry of the said parish of Frederick were empowered and required to levy for their minister annually, the sum of ninety-one pounds, to make his salary equal to that of other ministers, which addition is become unnecessary: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said last mentioned act, intituled An act for increasing the salary of the
minister of the parish of Frederick, in the county of Frederick, and every clause thereof, be, and the same is hereby repealed.

CHAP. LXIV.

An act to empower the vestry of Bristol parish, in the counties of Dinwiddie and Prince George, to sell their glebe.

I. WHEREAS it is represented to this present general assembly that the glebe belonging to the parish of Bristol, in the counties of Prince George and Dinwiddie, is inconveniently situated, and contains only one hundred and ninety-two acres and an half, and it would be very advantageous to the minister of the said parish, as also to the inhabitants thereof in general, if the vestry of the said parish were empowered to dispose of the said glebe, and lay out the money, arising from the sale thereof, in purchasing a more convenient glebe, and erecting buildings thereon: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said glebe, with the appurtenances, be, and the same is hereby vested in the said vestry of the parish of Bristol; In Trust, nevertheless, that the said vestry, or the greater part of them, shall, by deeds of bargain and sale, sell and convey the said glebe, with the appurtenances, for the best price that can be got for the same, to any person or persons who shall be willing to purchase the same, to hold to such purchaser or purchasers, his or their heirs and assigns, forever.

II. And be it further enacted, by the authority aforesaid, That the money, arising by the sale of the said glebe, shall be, by the said vestry, laid out and applied for and towards purchasing a more convenient tract or parcel of land for a glebe for the said parish, and erect-
ing buildings thereon, for the use and benefit of the ministers of the said parish of Bristol, for the time being, for ever.

III. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the said vestry, and the persons claiming under them, all such right, title, estate, interest, claim, and demand, as they, every, or any of them, should or might claim if this act had never been made.

CHAP. LXV.

An act for dissolving the several vestries therein mentioned:

I. WHEREAS it is represented to this present general assembly that the vestry of the parish of Hungars, in the county of Northampton, have been guilty of unwarrantable proceedings, and that a majority of the vestry of the parish of Augusta, in the county of Augusta, are dissenters from the church of England, and that there are such divisions among the vestry of the parish of Overwharton, in the county of Stafford, that the affairs of the said parish have for some time been neglected and mismanaged: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the vestries of the said parishes of Hungars, Augusta, and Overwharton, shall be, and the same are hereby, respectively, dissolved.

II. And be it further enacted, by the authority aforesaid, That the freeholders and housekeepers of the said parishes of Hungars, Augusta, and Overwharton, respectively, shall meet at some convenient time and place, to be appointed, and publicly advertised by the sheriffs of the said counties of Northampton, Augusta, and Stafford, respectively, at least one month before the twentieth day of September next, and then and there elect twelve of the most able and discreet persons, being
freeholders, and resident in their respective parishes, for vestrymen, in every of the said parishes; which vestrymen, so elected, having, in the courts of the said counties of Northampton, Augusta, and Stafford, respectively, taken and subscribed the oaths prescribed by law, and taken and subscribed the oath of abjuration, and repeated and subscribed the test, and also 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 vestries of the said parishes of Hungars, Augusta, and Overwharton, respectively.

III. And whereas the levies of the said parish of Overwharton, for two years last past, have not been laid by the vestry thereof, whereby the creditors of the said parish remain unpaid: Be it therefore enacted, That the vestry of the said parish, to be elected by virtue of this act, shall levy and assess upon the tithable persons of the said parish all such sums of money, and quantities of tobacco, as ought to have been levied and assessed by the said present vestry.

IV. Provided, That notwithstanding any thing in this act contained, any suit or suits brought by or against the vestry or churchwardens of either of the said parishes, and now depending, may be prosecuted in the same manner as if this act had not been made.

CHAP. LXVI.

An act to appoint trustees, in the room of those who are dead, for the Pamunkey Indians, and with further power to hear and determine controversies among them.

I. WHEREAS by an act of assembly passed in the thirty-second year of the reign of king George the second, intituled An act for vesting certain lands, belonging to the Pamunkey Indians, in trustees, to be leased out for their benefit, all the lands belonging to the said

New trustees for Pamunkey Indians appointed;
Indians, lying in the county of King William, separate from the tract whereon they lived, were vested in certain trustees, for managing and taking care of the same, for the benefit of the said Indians; and the said trustees, or any two of them, were empowered to lease out the said lands, in such manner, to such person or persons, and for such rent or rents as they should, from time to time, judge reasonable, under certain restrictions therein mentioned, and apply such rents to and for the use and benefit of the said Indians: And whereas, in pursuance of the said act, the said trustees did lease out the said lands upon certain terms stipulated in a lease, by them executed; but all the trustees being dead, except one, it is become necessary to appoint new trustees to see that justice is done to the said Indians: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That Bernard Moore, Carter Braxton, George Webb, Robert Ruffin, Thomas Claiborne, and Francis West, gentlemen, be, and they are hereby constituted and appointed trustees for managing and taking care of the said lands, for the benefit of the said Indians; and they the said Bernard Moore, Carter Braxton, George Webb, Robert Ruffin, Thomas Claiborne, and Francis West, or any three of them, shall have the same power and authority to do all and every matter or thing in the execution of the said re- cited act as if they had been particularly named as trustees therein.

II. Provided always, That nothing herein contained shall be construed so as to make void any lease or leases made by the former trustees, in pursuance of the said act.

III. And whereas controversies often arise among the said Indians, touching their respective boundaries and titles to the said lands: Be it therefore enacted, by the authority aforesaid, That the said trustees, or the major part of them, upon application to them made, shall and may, and they are hereby empowered, after summoning the parties before them, to hear and determine the matter in dispute, in such manner as they shall think just and equitable.
An act to vest three hundred acres of land, devised by Zachary Crips, for a glebe, in the parish of Ware, in the county of Gloucester, in trustees, to be sold, and for other purposes therein mentioned.

I. WHEREAS a tract or parcel of land containing three hundred acres, lying and being in the parish of Ware, in the county of Gloucester, was given and devised by one Zachary Crips for a glebe to the said parish forever, for the use of the incumbent or minister of the said parish, for the time being; besides which, the vestry of the said parish, have appropriated three hundred and seventy acres of land for a glebe to that parish, which might be rendered a much better provision for the incumbent of the said parish, for the time being, by annexing some slaves to the same; and the said three hundred acres of land, so as aforesaid devised by the said Crips, being of little or no value to the incumbent, it would be more for his benefit if the same might be sold, and the purchase money applied to the buying of slaves, to be annexed to the said glebe of three hundred and seventy acres, so as aforesaid appropriated by the said parish:  

Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said three hundred acres of land, with the appurtenances, devised by the said Crips, be, and the same are hereby vested in the reverend James Maury Fontaine, Robert Throckmorton, Francis Tompikes, and Francis Whiting, gentlemen, of the said parish of Ware: In Trust, that they, or any two of them, shall sell, and by good and sufficient deeds convey, for the best price that can be got for the same, the said three hundred acres of land, with the appurtenances, by such description as they shall think necessary, to any person or persons who shall be willing to purchase the same, to hold to such purchaser or purchasers in fee simple; and when the same shall be sold and conveyed, the said trustees shall account with the vestry of the said parish.
of Ware, who shall receive the purchase money in trust for the applying the same in the purchase of slaves, one half of which shall be young females, to be annexed to the said three hundred and seventy acres of land, for the use of the incumbent, for the time being, forever; which lands and slaves, together with their future increase, so as aforesaid to be annexed, shall be deemed and taken to be in lieu and full satisfaction of and for any glebe the vestry of the said parish of Ware ought to purchase or provide for the minister or incumbent thereof; any law, custom, or usage, to the contrary thereof, in any wise, notwithstanding.

II. Saving to the king's most excellent majesty, his heirs, and successors, and to all and every other person or persons, bodies politic and corporate, their respective heirs and successors, other than the minister or incumbent of the said parish, for the time being, all such right, title, interest, claim, and demand, as they, every, or any of them, should or might have had or claimed if this act had never been made.

CHAP. LXVIII.

An act to empower the executors of the will of Charles Carter, esq. to sell part of his lands, for the payment of his debts and legacies.

I. WHEREAS Charles Carter, late of Cleve, in the county of King George, esq. was, in his life-time, and at the time of his death, seized in fee simple of divers tracts of land, and particularly of a tract containing six thousand one hundred and thirty-three acres, lying on Broad run, in the parish of Hamilton, in the counties of Fauquier and Prince William, and another of six thousand one hundred and sixty-six acres, lying on Kettle run, in the said parish and counties, and was also possessed of a considerable estate in slaves; and being so seized and possessed, he the said Charles Carter, in and by his last will and testament, in writing, bearing date the tenth day of September, one thousand
seven hundred and sixty-two, did bequeath large sums of money in legacies to his daughters and others, which, with the debts he then owed, amounted to upwards of sixteen thousand pounds, and charged with the payment of such debts and legacies, did devise all his said lands, and most of his slaves, to his sons John and Landon Carter, the lands to them respectively, and the heirs of their bodies, with several remainders over, and did direct that his executors should, in the first place, apply his slaves to the payment of his debts, and of his said will appointed Landon Carter, and Charles Carter of Corotoman, esquires, executors, as by the said will, duly proved and recorded in the said county court of King George, may more fully appear; and soon after the making thereof the said testator died. And whereas it is represented to this general assembly, by the said executors, that the said debts and legacies cannot be paid without selling all the testator's slaves, whereby the lands devised to the sons John and Landon, will be rendered of little value to them for want of slaves to work the same, and it will be greatly to the advantage of the said John and Landon if the executors were allowed to sell the two tracts of land herein before mentioned, for the payment of the debts and legacies, whereby part of the slaves might be saved. And as much as notice hath been published three Sundays successively in the several churches of the parish of Hamilton that application would be made to this present general assembly for an act to dock the intail of the said two tracts of land, for the purposes aforesaid, according to your majesty's instructions,

II. May it therefore please your most excellent majesty, at the humble suit of the said Landon and Charles Carter, that it may be enacted, And be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and by the authority of the same, That the said two tracts of land, on Broad run and Kettle run, in the counties of Fauquier and Prince William, be, and the same are hereby vested in the said Landon Carter, and Charles Carter, or the survivor of them, and the heirs of such survivor; In Trust, nevertheless, that they, or the survivor of them, shall fairly sell and convey the same to any person or persons willing to purchase, to hold to such purchaser or purchasers in fee simple, discharged of the limitations in the will of the said Charles Carter the
elder, and shall apply the money, arising from such sales, towards the payment of the debts and legacies of their said testator, rendering an account thereof to the court of the said county of King George.

III. Saving to the king’s most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the said John and Landon Carter, and their heirs, and others claiming under the will of the said Charles Carter the elder, all such right, title, and interest, as they, every, or any of them, have or could or might claim if this act had never been made.

IV. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty’s approbation thereof shall be obtained.

CHAP. LXIX.

An act to confirm to George Marshall the fee simple estate in certain lands purchased by him of the vestry of Hanover, in the county of King George.

I. WHEREAS by an act of assembly made in the second year of his present majesty’s reign, the vestry of the parish of Hanover, in King George county, were impowered to sell their glebe lands, and to lay out the money, arising from such sale; in the purchase of a more convenient glebe; in pursuance of which the said vestry did sell the same, and did agree to purchase of Richard Tutt, gentleman, five hundred and ninety acres of land, for which they were to pay the sum of seven hundred and fifty pounds; which sum the said vestry thinking too great to be levied on the tithables of the said parish, agreed to sell two hundred and fifty-one acres, part thereof, to George Marshall, for the sum of one hundred and twenty-five pounds ten shillings: And whereas the said Richard Tutt died before
he had executed deeds for the same; but did, by his last will and testament, in writing, direct James Tutt, his son (whom he appointed executor to his said will) to convey the said land to the said vestry: And whereas, according to the directions of the said vestry, and the will aforesaid, the said James Tutt hath executed deeds to the said vestry for three hundred and thirty-nine acres, the quantity they allotted for the glebe, and likewise another deed to the said George Marshall for two hundred and fifty-one acres, the residue thereof, which said last deed being thought insufficient to convey to the said George Marshall the fee simple estate in the said two hundred and fifty-one acres of land, so as aforesaid conveyed to him: For the confirmation of the said title in the said George Marshall, Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said last mentioned lands, be, and the same are hereby declared vested in the said George Marshall, his heirs and assigns, to the only use and behoof of him the said George Marshall, his heirs and assigns, forever; any law, usage, or custom, to the contrary thereof, in any wise, notwithstanding.

II. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the said Richard Tutt, or the vestry of the said parish, all such estate, right, title, or interest, as they, every, or any of them, could or might claim or demand, if this act had never been made.
An act to dock the intail of certain lands, whereof Thomas Fisher, junior, is seized, and for settling slaves, of greater value, to the same uses.

I. WHEREAS Philip Fisher, late of the county of Northampton, deceased, was, in his lifetime, and at the time of his death, seized in fee simple of and in one certain tract or parcel of land, containing eight hundred acres, with the appurtenances, lying and being in the parish of Hungars, in the county aforesaid; and being so seized, did, by his last will and testament, in writing, bearing date the ninth day of December, one thousand seven hundred and one, devise the said lands by the following description and bounds, to wit, beginning at a waterwork, at the bottom or edge of an old field, known by the name of Thomas's field, and from thence, along a fence, now standing on the side of the said field, to a line of marked trees, and along the said line of marked trees to the head of a branch, known by the name of the Joyner's branch, and all his land in Northampton county, on the north and east of the bounds before mentioned, unto his son John Fisher, and to the heirs of his body lawfully begotten, and so, from heir to heir, forever; and for want of such heirs, then to be equally divided between his daughters Tamar Hunt, and Anne Gascoigne, unto them and their heirs forever; as by the said will, duly proved and recorded in the court of the said county, relation being thereto had, may more fully and at large appear; and soon after making the said will died; after whose death the said John, the son, entered into the said land, and died thereof seized, leaving issue a son named Maddox, who entered into the said land, and died thereof seized, leaving issue Thomas Fisher, his eldest son and heir, who has entered into the same, and is now seized and possessed thereof: And whereas it hath been represented to this present general assembly that it will be greatly to the advantage of the said Thomas Fisher, and his posterity, to dock the intail of four hundred and five acres, part of the said land, and to settle certain slaves,
of greater value, in lieu thereof, to the same uses. And forasmuch as notice hath been published three Sundays successively, in the several churches of the said parish of Hungars, that application would be made to this general assembly to dock the intail of the said four hundred and five acres of land, and to settle slaves, of greater value, to the same uses.

II. May it please your excellent majesty, at the humble suit of the said Thomas Fisher, that it may be enacted, And be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said four hundred and five acres of land, lying and being in the parish and county aforesaid, being part of the land so devised by the said Philip Fisher as aforesaid, and bounded as follows, to wit, beginning at a white oak, at the creek called Naswaddox, thence running westerly down the said creek to a line of marked trees, thence north eighty-one west sixty-four chains eighty links to the other creek, thence easterly up the creek and branch to a line of marked trees north sixty east twenty-six chains, and from thence along a line of marked trees to the creek, to the beginning, be, and the same is hereby vested in the said Thomas Fisher, junior, in fee simple; any thing in the said will, or any law, usage, or custom, to the contrary thereof, in any wise, notwithstanding. And that the following male and female slaves, to wit, Peter, Jacob, Joshua, Milus, Caleb, Philip, Leah, Hannah, Tamar, and Peg, shall be, and they are hereby annexed to the residue of the said eight hundred acres of land, and together with the future increase of the said females shall descend, pass, and go, in possession, remainder, and reversion, in the same manner, and to the same person and persons, as the said lands shall descend, go, remain, and revert, by the will of the said Philip Fisher.

III. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the said Thomas Fisher, and all and every other person and persons claiming under the will of the said Philip Fisher, all such right, title, and interest, as they, every, or any of them, could or might claim if this act had never been made.
IV. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

CHAP. LXXI.

An act to dock the intail of certain lands whereof David Garland is seized in fee tail, and for vesting the title in Francis Eppes, gentleman, in fee simple, and for settling the value thereof in slaves to the same uses.

I. WHEREAS David Garland, of the county of Lunenburg, was formerly seized in fee tail of six hundred and eighty acres of land, in the county of Hanover, under the last will and testament of Edward Garland, the elder, deceased; and whereas, by one act of the general assembly, passed in the twenty-fifth year of the reign of George the second, intituled An act to dock the intail of certain lands whereof David Garland is seized, and for settling other lands and slaves of greater value to the same uses, the intail of the aforesaid six hundred and eighty acres of land was docked, and the same vested in the said David Garland in fee simple; and by the same act two thousand and forty-eight acres in the parish of Cumberland, and county of Lunenburg, which the said David Garland then held in fee simple; also eight slaves, named Will, Peter, Daniel, Adam, Dick, Gilbert, Kate, and Amey, which the said David Garland then held as of his own right, and property, were settled on the said David, and the heirs of his body, lawfully begotten, to the same uses as the said lands in Hanover county were, by the will of the said Edward Garland, limited and appointed. And whereas it is represented to this present general assembly by the said David Garland, that since the passing the said recited act, some of the slaves aforesaid are dead, and
the heir in tail is now of lawful age, and hath but few
slaves to cultivate the lands, and that it will tend much
to the advantage of the said heir, and all who shall or
may claim under the will of the said Edward Garland,
to sell and dispose of part of the said intailed lands, and
that the money arising from such sale may be laid out
in slaves, to be annexed to the remainder of the said
lands, to the same uses; and the said David Garland
having contracted for the sale of three hundred and
seventy-eight acres, part of the said intailed lands, to
Francis Eppes, gentleman, for the sum of three hun-
dred and seventy-eight pounds current money, the full
value thereof; and forasmuch as notice hath been pub-
lished three Sundays successively in the several church-
es of the parish of Cumberland, in the said county of
Lunenburg, that application would be made to this pre-
sent general assembly for an act to dock the intail of
the said last mentioned lands, and for settling slaves to
the same uses, pursuant to your majesty's instructions;
and Samuel Garland, eldest son and heir at law of the
said David Garland, is consenting thereto,

II. May it please your most excellent majesty, at
the humble suit of the said David Garland, that it may
be enacted, And be it enacted, by the Governor, Council,
and Burgesses, of this present General Assembly, and it
is hereby enacted, by the authority of the same, That
from and after passing this act, the said tract of three
hundred and seventy-eight acres, part of the aforesaid
two thousand and forty-eight acres of land, bounded
as follows, beginning at an elm tree on Flat Rock
creek, running thence north forty-five degrees west one
hundred and fifty poles to a shrub white oak, thence
north five degrees east one hundred and sixty-two poles
to a red oak, north sixty degrees east one hundred and
thirty-four poles to a white oak on Flat Rock creek,
thence down the said creek, as it meanders to an ash,
north seventy-four degrees east eighty poles to a white
oak and hickory, south seventy-two degrees east twen-
ty-four poles to a white oak on a great branch, thence
down the meanders of the said branch to Flat Rock
creek, thence up the said creek to the first station, be,
and the same is hereby vested in the said Francis Eppes,
his heirs and assigns, forever, to his own proper use.

III. Provided always, and be it further enacted, That
the said Francis Eppes shall pay the said sum of three
hundred and seventy-eight pounds to Thomas Pettus,
Lodowick Farmer, William Taylor, and John Ragsdale, gentlemen; in trust, that they, or the greater part of them, or their survivors, shall fairly lay out the said money to the best advantage in the purchase of slaves, suitable for tending and cultivating the remainder of the said intailed lands, one half of the number, at least, to be females; and shall cause the names of such slaves, when purchased, to be recorded in the court of the said county of Lunenburg; and all and every such slaves, together with the future increase of the females thereof, be, and the same are hereby annexed to the remainder of the said intailed lands, and from thenceforth the said slaves shall descend, pass, and go, from the said David Garland to such person or persons, and under the same limitations as the said three hundred and seventy-eight acres of land would or might have descended, passed, and gone, had this act never been made.

IV. Provided nevertheless, That the slaves so annexed, and their future increase, shall be liable to be taken in execution, and sold, for satisfying and paying the just debts of the tenant in tail, for the time being, in the same manner as other intailed slaves are liable.

V. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the will and testament of the said Edward Garland, the elder, all such right, title, interest, claim, and demand, as they, every, or any of them, should or might claim if this act had never been made.

VI. Provided always, That the execution of this act shall be, and is hereby suspended, until his majesty's approbation thereof shall be obtained.
An act to dock the intail of certain lands and slaves, whereof John Page, esquire, is seized, and for settling other lands of greater value, to the same uses.

I. WHEREAS Robert Carter, formerly of the county of Lancaster, esquire, was, in his lifetime, seized in fee simple of and in one tract of land, containing two thousand six hundred and sixty acres, lying then in the county of King and Queen, but now in the parish of Drysdale, in the county of Caroline, by him purchased of John Halloway, gentleman, and was also possessed of one other tract of land, containing two thousand six hundred and eighty-six acres, for the residue of the term of five hundred years, from the fifteenth day of April, one thousand seven hundred and ten, by him also purchased of the said John Halloway, and being so seized and possessed, he the said Robert Carter, in and by his last will and testament, in writing, bearing date the twenty-second day of August, one thousand seven hundred and twenty-six, among other things, did devise, as followeth, Whereas I have bought two tracts of land of major John Halloway, lying in King and Queen county, which cost me seven hundred pounds sterling, six negroes of Mr. Augustine Moore, which cost me one hundred and twenty pounds sterling, and sundry negroes, in number twelve, of Mr. John Pratt, which cost me one hundred and eighty pounds ten shillings; which said two tracts of land and negroes are now in the possession of Mann Page, esquire, and my daughter Judith Page, his wife, and no settlement thereof made; and having also given orders to the said Mann Page to lay out a debt due from him to me upon an account, amounting to one hundred and sixty pounds eighteen shillings and two pence, in slaves, for a further settlement upon the aforesaid lands, I do therefore give and devise the said lands and slaves, and also the slaves that shall be bought with the said money, unto my said daughter Judith Page for and during the term of her natural life, and the profits of the said land and slaves, and after the decease of my said daughter Judith Page,
the said lands and slaves do go to my grandson Carter Page, and to the heirs male issue of his body lawfully begotten, and for want of such to my grandson John Page, and to the heirs male issue of his body lawfully begotten, with divers other remainders over, as in and by the said will, recorded in the general court, may more fully appear; and soon after the said testator died so seized and possessed; after whose death, slaves, to the amount of the said sum of one hundred and sixty pounds eighteen shillings, and two pence, were purchased and placed on the lands aforesaid, and the aforesaid Judith Page, who survived the said Mann Page, her husband, remained seized and possessed of the said lands and slaves, until her death, at which time the said Carter Page, her son, being dead, without issue, the aforesaid John Page entered into and became seized and possessed of the said several lands and slaves, that is to say, of the said two thousand six hundred and sixty acres of land, and the slaves, as tenant in fee tail, and of the other lands, as of his absolute property, the same being a chattel interest only in the said Robert Carter, and not subject to the intail by him created therein, which slaves and their increase now amount to the number of about thirty. And whereas the said John Page is seized in fee simple of and in the following tracts of land, that is to say, of six hundred and twenty acres, by him purchased of Richard Tunstall, Mordecai Throckmorton, and William Byrd Richards, gentlemen, trustees for Thomas Todd, and conveyed by deed, recorded in Gloucester county court, of two hundred and twenty-nine acres purchased of John Armistead and Mary his wife, and of two hundred and twenty-five acres purchased of Gabriel Jones, and conveyed by deed, recorded in the said county court of Gloucester: And the said John Page hath also contracted for the purchase of another tract, containing about three hundred and thirty acres, for which the consideration money is paid, but no conveyance hath yet been executed for the same; which several parcels of land lie contiguous to an intailed estate, whereof the said John Page is seized and possessed, in the county of Gloucester, and it will be of advantage to the issue of the said John Page, to dock the intail of the said remote lands, in the county of Caroline, with the slaves annexed thereto, and to settle the said fee simple lands in the county of Gloucester, which are of greater value, in lieu thereof.
And forasmuch as notice hath been published three Sundays successively in the several churches of the said parish of Drysdale, that application would be made to this present general assembly for an act to dock the in-tail of the said lands and slaves, in the county of Caro-line, and for settling the said other lands in lieu there-of, pursuant to your majesty’s instructions,

II. May it therefore please your most excellent majesty, at the humble suit of the said John Page, that it may be enacted, \( \text{And be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and by the authority of the same, That the said two thousand six hundred and sixty acres of land, with the said several slaves thereon and thereto annexed, be, and the same are hereby vested in the said John Page, his heirs and assigns, forever, to his and their own proper use; and that the said three tracts of land, in the county of Gloucester, whereof the said John Page is seized in fee simple, together with the said tract of three hundred and thirty acres, when the same shall be conveyed to the said John Page, shall be, and the same are hereby vested in the said John Page, and the heirs male of his body, forever; and on failure of such heirs, the same shall pass and go to such person or persons, for such estate and interest, and under the like limitations and remainders, as the said lands in the county of Caroline would have remained, passed, and been subject to, according to the will of the said Robert Carter, if this act had never been made.} \)

III. Saving to the king’s most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the will of the said Robert Carter, deceased, all such right, title, and interest, as they, every, or any of them, could or might claim if this act had never been made.

IV. \( P r o v i d e d \ a l w a y s, \) That the execution of this act shall be, and is hereby suspended, until his majesty’s approbation thereof shall be obtained.
An act to dock the intail of certain lands whereof Robert Burwell, esquire, is seized in tail male, and for settling other lands of equal value in lieu thereof.

I. WHEREAS Nathaniel Burwell, late of the county of Gloucester, esquire, deceased, was, in his lifetime, seized in his demesne as of fee of and in three thousand four hundred acres of land, at Warrisqueak bay, in the parish of Newport, and county of Isle of Wight, and being so seized, made his last will and testament in writing, bearing date the twentieth day of August, in the year of our Lord one thousand seven hundred and twenty-one, whereby, among other things, he gave and devised the said lands, by the description of all his lands, tenements, and houses, on the south side of James river, in Virginia, unto his son Robert Burwell, and the heirs male of his body, lawfully begotten, forever; and for want of such issue to his son Carter Burwell, during his life; and after his decease, unto the second, third, fourth, fifth, and sixth sons, successively, of him the said Carter Burwell, and the several male heirs of their bodies successively; and for default of such issue, to the first son of his said son Carter Burwell, and the issue male of his body forever; and for default of such issue, to the male heirs of the body of his son Lewis; and for default of such issue, to the female issue of the body of his said son Robert Burwell; and for default of such issue, to his right heirs; as in the said last will, proved and recorded in the general court of this colony, more fully is contained: by virtue of which said devise, the said Robert Burwell entered into the premises, with the appurtenances, and is now thereof seized in tail male. And whereas the said Robert Burwell is desirous to dock the intail of the said lands, and being seized of a considerable tract of land, lying upon the branches of Bull run, in the county of Prince William, in fee simple, is willing to settle two thousand acres, part thereof, being of equal value, in lieu of the said Isle of Wight lands, to the same uses, which will be more be-
official to the heirs in reversion; and notice having been published three Sundays successively; at the churches of the said parish of Newport, wherein the said intailed lands lie, that application would be made to this general assembly for docking the intail thereof, pursuant to your majesty’s instructions,

II. May it therefore please your most excellent majesty, at the humble suit of the said Robert Burwell, that it may be enacted, And be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said tract or parcel of land, with the appurtenances, containing three thousand four hundred acres, or thereabouts; at Warrisqueak bay, in the said county of Isle of Wight, so as aforesaid devised by the last will and testament of the said Nathaniel Burwell, esquire, deceased, to the said Robert Burwell, in tail male, shall be, and are hereby vested in him the said Robert Burwell, in fee simple, to him and his heirs and assigns forever; and that two thousand acres of land, with the appurtenances, part of the aforesaid tract, situate, lying, and being upon the branches of Bull run, in the county of Prince William, to be laid off, adjoining to the lands of Nathaniel Burwell, son of the aforesaid Carter Burwell, by a line parallel to the dividing line between him and the said Robert Burwell, as the same was laid off, and run by Henry Fitzhugh, and Catesby Cocke, gentlemen, by order of the general court, and recorded in the secretary’s office, in lieu of the said three thousand four hundred acres of land, be, and are hereby vested in the said Robert Burwell, and the heirs male of his body; and upon failure of such issue, the same shall remain and descend to such person and persons in the same manner, and under the same limitations and remainders successively, as the said tract in Isle of Wight would have remained and descended, by virtue of the before recited last will and testament of the said Nathaniel Burwell, esquire; if this act had never been made.

III. Saving to the king’s most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, and their respective heirs and successors, other than the person or persons claiming the said three thousand four hundred acres of land, or any part thereof, under the last will and testament of the said Nathaniel Burwell, all such
right, title, interest, claim, and demand, as they, every, or any of them, should or might have had or claimed if this act had never been made.

IV. Provided always, That the execution of this act shall be suspended until his majesty's approbation thereof shall be obtained.

CHAP. LXXIV.

An act to dock the intail of certain lands whereof Francis Eppes is seized, and for settling other lands in lieu thereof:

I. WHEREAS Francis Eppes, the elder, late of the county of Henrico, deceased, by his last will and testament, duly made and published, bearing date the second day of October, one thousand seven hundred and nineteen, amongst other things, devised to his son Francis Eppes, and to the male heir of his body lawfully begotten, and for want of such to the female heirs of his body lawfully begotten, one hundred and fifty acres of land, which the brick house stands on, and one half of his part of Martin's swamp, and all his land at Longfield, to him and his heirs as aforesaid forever; which said Francis Eppes, the son, is since dead, and the lands aforesaid are now descended to Francis Eppes, the great grandson of the testator. And whereas it is represented to this present general assembly that it will be advantageous to the said Francis Eppes, the great grandson, and his posterity, to dock the intail of the said lands at Longfield, containing four hundred acres, in the county of Henrico, and to settle four hundred acres of land, whereof he is seized in fee simple, in the county of Chesterfield, adjoining to the one hundred and fifty acres, on which the brick house aforesaid stands, being of greater value, to the same uses. And forasmuch as notice hath been published three Sundays successively, in the several churches in the parish of Henrico, where the said lands lie, that application would be made to this present general assembly to dock the
intail of the said four hundred acres of land in Henrico, and to settle four hundred acres of land in the county of Chesterfield, in lieu thereof, to the same uses, pursuant to your majesty’s instructions,

II. May it therefore please your most excellent majesty, at the humble suit of the said Francis Eppes, that it may be enacted, And be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this act the said four hundred acres of land at Longfield, in the county of Henrico, be, and the same is hereby vested in the said Francis Eppes, his heirs and assigns, to his and their own proper use and behoof forever; and that the said four hundred acres of land, in the county of Chesterfield, adjoining to the one hundred and fifty acres, on which the brick house stands, shall be, and the same is hereby vested in the said Francis Eppes, and the heirs of his body; and in default of such heirs shall descend, pass, and go, to such person or persons, and in like manner as the said lands in the county of Henrico would have descended and gone under the will of the said Francis Eppes, the elder, if this act had never been made.

III. Saving to the king’s most excellent majesty, his heirs and successors, and to all and every other person or persons, bodies politic and corporate, other than the persons claiming under the will of the said Francis Eppes, the elder, all such right, title, interest, and estate, claim, and demand, as they, every, or any of them, could or might have claimed if this act had never been made.

IV. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty’s approbation thereof shall be obtained.
An act to dock the intail of certain lands whereof John Woromeley, gentleman, is seized, and for settling other lands and slaves to the same uses.

I. WHEREAS Elizabeth Woromeley, late of the county of Middlesex, widow, was, in her lifetime, seized in fee simple of and in a tract or parcel of land, with the appurtenances, situate in the parish of York Hampton, and county of York, containing six hundred and thirty acres, and being so seized, did, by her last will and testament, bearing date the third day of March, one thousand seven hundred and forty-three, give and devise the same, under the description of all her lands, tenements, and hereditaments, in the county of York, unto her son John Woromeley, and the heirs of his body lawfully begotten, forever; and on failure of such heirs, to her son Ralph Woromeley, and his heirs forever, as by the said will, duly proved and recorded in the said county court of Middlesex, may appear; and soon after the said testatrix died seized of the said land, and the said John Woromeley entered into the same, and is now seized thereof as tenant in tail. And whereas William Tayloe, late of the county of Lancaster, gentleman, was seized in fee simple of and in a tract of land, containing about eight hundred acres, lying in the said county of Lancaster, and being so seized, made his last will and testament, in writing, bearing date the fifth day of February, one thousand seven hundred and sixty-seven, and therein among other things, did give and devise the said lands to Mr. William Digges (who had intermarried with Elizabeth, the only daughter and heir apparent of the said John Woromeley, and grand daughter of the said William Tayloe) and his heirs forever, that, if he thought proper, he might sell and dispose of the same towards the payment of a debt, for which the testator was engaged as security for the said John Woromeley, as by the said will, of record, in the said county court of Lancaster, may more fully appear; and soon after the said testator died seized of the said land. And the said John Woromeley being desirous to
sell and dispose of the said lands in the county of York, and to settle the said lands, in the county of Lancaster, with some slaves to be annexed thereto, being together of greater value, to the same uses, hath come to an agreement with the said William Digges to pay the debt mentioned in the will of the said William Tayloe, in consideration whereof the said William Digges hath agreed to release to the said John Wormeley all his the said William’s interest in the said lands, in the county of Lancaster. And forasmuch as notice hath been published three Sundays successively, in the several churches in the said parish of York Hampton, that application would be made to this present session of Assembly for an act to dock the intail of the said lands, in the county of York, and to settle other lands and slaves to the same uses, pursuant to your majesty’s instructions.

II. May it therefore please your most excellent majesty, at the humble suit of the said John Wormeley, that it may be enacted, And be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and by the authority of the same, That the said tract of land, in the county of York, be, and the same is hereby vested in the said John Wormeley, his heirs and assigns, forever, to his and their own proper use: And that the said lands, in the county of Lancaster, whereof the said William Tayloe died seized, together with the following negro slaves, viz. Frank, Sarah, Kate, Sue, Winny, Abigail, Randolph, Billy, Bob, Duke, young Duke, Dick, Ben, Sarah, Joanna, Phillis, Kate, Phil, Dedon, Abraham, Daniel, Nanny, Sue, Tom, and Sarah, of which the said John Wormeley is possessed in his own right, be, and the same is hereby vested in the said John Wormeley, and the heirs of his body; and in default of such issue, the same shall descend, pass, and go, to such person or persons to whom the said lands in the county of York would have descended and come by virtue of the limitations in the will of the said Elizabeth Wormeley, if this act had never been made.

III. Saving to the king’s most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the wills of the said Elizabeth Wormeley, and William Tayloe, all such right, title, and interest, as
they, every, or any of them, could or might claim if this act had never been made.

IV. Provided always, That the execution of this act be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

CHAP. LXXVI.

An act to confirm an agreement made by Thomas Talbutt with the court of Norfolk county.

I. WHEREAS it is represented to this present general assembly by Thomas Talbutt, that he purchased of one Robert Todd, deceased, a parcel of land in the borough of Norfolk, a small part or slip whereof, upon a survey since made, appears to be included within the land appropriated for the building of the court-house and prison of the county of Norfolk: And whereas the said Thomas Talbutt hath laid off a street, twenty-six feet wide, running from the said land to the bridge, over Back creek, which is very advantageous, and the said Talbutt is willing to pay the value of the said slip of public land, and to add the said street to the said borough: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That Edward Hack Moseley the elder, George Abyvon, Thomas Newton the elder, and Arthur Boush, gentlemen, or any three of them, who are no ways interested in the said land, shall and may, and they are hereby impowered and directed to set a value on the said slip of land, and upon receipt of the same from the said Thomas Talbutt, the said slip of land, containing two thousand two hundred and fifty-eight square feet, and bounded as is expressed in the survey made as aforesaid, shall be vested in the said Thomas Talbutt, his heirs, and assigns, forever; and the court of the said county of Norfolk shall apply the valuation money, so to be paid by the said Talbutt, towards lessening their county levy.
II. And be it further enacted, by the authority aforesaid, That the said street, so as aforesaid laid off by the said Talbutt, be, and the same is hereby made part of the said borough of Norfolk.

CHAP. LXXVII.

An act to dock the intail of certain lands whereof Richard Johnson, gentleman, is seized, and for settling other lands and slaves to the same uses.

I. WHEREAS Richard Johnson, formerly of the county of King and Queen, gentleman, was, in his lifetime, and at the time of his death, seized in fee simple of and in a tract of land, containing about one thousand acres, lying on Mattapony river, in the parish of Stratton Major, in the county of King and Queen, and being so seized, he the said Richard Johnson, in and by his last will and testament, in writing, bearing date the thirteenth day of December, one thousand seven hundred and thirty-three, did give and devise the said lands to his nephew, Richard Johnson, and the heirs of his body, with several remainders over, as in and by the said will, recorded in the court of the said county of King and Queen, may more fully appear; and soon after the said testator died seized; after whose death the said Richard Johnson entered into the said lands, and was thereof seized, and by indenture, bearing date the seventh day of June, one thousand seven hundred and forty-four, did bargain, sell, and convey the same unto John Robinson, late of the said county of King and Queen, esquire, who, with others claiming under him, hath been ever since in possession thereof; but it being discovered that the said Richard Johnson had only an estate tail in the said lands, the purchasers are like to be disturbed in their title thereto, and the said Richard Johnson, and his family, involved in law suits on that account; And whereas the said Richard Johnson is seized in fee
ample of and in one tract of land, containing about four hundred acres, lying on the north side of the Southanna river, in the county of Louisa, by him purchased of Thomas Meriwether, and is possessed, in his own right, of the following slaves, viz. a woman named Sarah, and her five children, Miney, Clear, Sukey, Daniel, and Harry, Abbey and her children, Jack and Jenny, Tom, and Will, Jemmy, Hannah and Isham; and it is represented to this general assembly that it will be of advantage to the said Richard Johnson, and his family, to dock the intail of the said lands in the county of King and Queen, whereby the title of the said respective purchasers may be confirmed, and to settle the said lands in the county of Louisa, with the slaves aforesaid, to be annexed thereto, being of equal value, to the same uses: And forasmuch as notice hath been published three Sundays successively, in the several churches of the said parish of Stratton Major, that application would be made to this present session of assembly for an act to be passed for that purpose, pursuant to your majesty's instructions.

II. May it therefore please your most excellent majesty, at the humble suit of the said Richard Johnson, that it may be enacted, And be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and by the authority of the same, That the said tract of land, in the county of King and Queen, be, and the same is hereby vested in William Lyne, John Tayloe Corbin, David Ker, Francis Gains, and John Lyne, gentlemen, the survivors or survivor of them; In Trust that they, or any three of them, shall, by good and sufficient deed or deeds, convey the same to such person or persons as claim under the said John Robinson, and for such estate and interest therein, as such person or persons would have been entitled to under the conveyance from the said Richard Johnson to the said John Robinson, if the said Richard Johnson had been seized of the said lands in fee simple; and the persons to whom such conveyances are made, shall, forever thereafter, hold and enjoy the same, discharged of the limitations in the will of the said Richard Johnson the elder.

III. And be it further enacted, by the authority aforesaid, That the said tract of land, in the county of Louisa, with the slaves aforesaid, and their future increase, shall be, and the same are hereby vested in
Thomas Johnson, John Boswell, Pouncey Anderson, Richard Anderson, and James Dabney, gentlemen, the survivors or survivor of them, and the heirs, executors or administrators of such survivor; in trust, to and for the following uses, that is to say, to the use of the said Richard Johnson the younger, during his natural life, and after his death (subject to the dower of Dorothy, his now wife, therein, in case she survive him) to the use of the heirs of the body of the said Richard Johnson forever; and in default of such issue the said lands and slaves shall descend, pass, and go together to such person or persons to whom the said lands in the county of King and Queen would have descended and come by virtue of the limitations in the will of the said Richard Johnson the elder, if this act had never been made.

IV. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the will of the said Richard Johnson the elder, all such right, title, and interest, as they, every, or any of them, could or might have claimed if this act had never been made.

V. Provided always, That the execution of this act be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

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CHAP. LXXVIII.

An act to dock the intail of two thousand eight hundred acres of land, in the county of Brunswick, whereof Armistead Lightfoot is seized in fee tail, and vesting the same in trustees, to be sold for certain purposes therein mentioned.

WHEREAS Philip Lightfoot, esquire, deceased, of the county of York, being, in his lifetime, seized in fee simple of and in six thousand five hundred and eighty-
eight acres of land, situate in the parish of St. Andrew, in the county of Brunswick, did, by his last will and testament, bearing date the thirty-first day of July, in the year of our Lord one thousand seven hundred and forty-seven, give and devise the same, together with sixty slaves, to his son John Lightfoot, and the heirs of his body, lawfully begotten, forever; but if the said John Lightfoot should die without such issue, then he gave the said lands and slaves to his son Armistead Lightfoot, and the issue of his body, with remainder to his son William Lightfoot, and his heirs forever; as by the last will and testament of the said Philip Lightfoot, proved and recorded in the court of York county, reference being thereto had, will more fully appear; and soon after making his will, as aforesaid, the said Philip Lightfoot departed this life; after whose decease the said John Lightfoot entered into the said lands, and died seized thereof without issue; after whose death the said lands, by virtue of the limitation in the will of the said Philip Lightfoot, descended to the said Armistead Lightfoot, who is now seized thereof in fee tail: And where as the slaves, so as aforesaid annexed to the lands in Brunswick, since the same descended to the said Armistead Lightfoot, have been taken in execution, and sold for payment of the debts of the said Armistead; and the said Armistead Lightfoot being seized in fee tail of and in two tracts of land, in the county of Goochland called and known by the names of Dover and Beaverdam, which are of much greater value than the lands in Brunswick, and it will be greatly to the advantage of the said Armistead Lightfoot, by better enabling him to support his family, as well as beneficial to the heir in tail, to dock the intail of two thousand eight hundred acres, the upper part of the said tract of six thousand five hundred and eighty-eight acres, and to vest the same in trustees, to be sold, and to lay out the money, arising therefrom, in the purchase of slaves, to be settled on the said Dover and Beaverdam lands: And forasmuch as notice hath been published three Sundays successively, at the several churches of the said parish of St. Andrew, agreeable to your majesty's instructions, that application would be made to this general assembly to dock the intail of the said two thousand eight hundred acres of land,

II. May it therefore please your most excellent majesty, at the humble suit of the said Armistead Light-
foot, that it may be enacted, And be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That two thousand eight hundred acres of land, with the appurtenances, to be laid off intire, at the upper end of the said tract of six thousand five hundred and eighty-eight acres, be, and the same are hereby vested in Lewis Burwell, James Burwell, Thomas Mann Randolph, Nathaniel Edwards the younger, and John Woodson, gentlemen, who are appointed trustees for putting this act in execution; In Trust, that they the said trustees, or the survivors, or survivor of them, shall cause the same to be sold at public sale, for the best price that can be got for the same, and, upon payment of the purchase money, the said trustees, or any two of them, shall seal and deliver good and sufficient deeds for the conveyance of the fee simple estate and inheritance of the said land to the purchaser or purchasers, who shall forever hold and enjoy the same, freed and discharged from the limitations in the last will and testament of the said Philip Lightfoot; any law, usage, or custom, to the contrary thereof, in any wise, notwithstanding.

III. And be it further enacted, by the authority aforesaid, That the money arising by the sale of the said lands, after deducting the expences of sale, shall be, by the said trustees, or the survivors, or survivor of them, fairly laid out and disposed of in the purchase of slaves, a list of the names and sexes whereof the said trustees shall cause to be recorded in the court of the said county of Goochland, and the said slaves shall be vested in the said trustees, the survivors, or survivor of them, and the heirs of such survivor, to hold the same, in trust, to and for the following uses, that is to say, to the use of the said Armistead Lightfoot, for and during his natural life, and after his decease, as to one third part thereof; to the use of Anne, now the wife of the said Armistead Lightfoot, in case she shall survive him, for and during her natural life, for her dower in such slaves; and as to the other two third parts of the said slaves, and their increase, from and after the death of the said Armistead Lightfoot, and as to the said one third part of the said slaves, and their increase, allotted for the dower of the said Anne, from and after her death, or other determination of her dower, to the use of the heirs of the body of the said Armistead Lightfoot forever; and in default
of such issue, to the use of such person or persons to whom the said two thousand eight hundred acres of land would have descended, passed, and gone, by virtue of the will of the said Philip Lightfoot, if this act had never been made.

III. Saving to the king's most excellent majesty, his heirs and successors, and to all and every person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the will of the said Philip Lightfoot, all such right, title, interest, claim, and demand, as they, every, or any of them, should or might have had or claimed if this act had never been made.

IV. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

CHAP. LXXIX.

An act to vest certain lands whereof John Robinson, esquire, died seized in trust for Philip Johnson, gentleman, and his children, in trustees, for the purposes therein mentioned.

I. WHEREAS John Robinson, late of the county of King and Queen, esquire, was, in his lifetime, seized of divers lands and tenements, in the parish of Bruton, and county of James city, to wit, of one messuage, and three hundred and twelve acres of land, adjoining to the city of Williamsburg, except nineteen acres, and twenty-six poles, laid off into lots, and annexed to the city of Williamsburg, by an act made in the first year of the reign of his present majesty, intituled An act to vest certain lands therein mentioned in Philip Johnson, gentleman, adding the same to the city of Williamsburg, and for other purposes therein mentioned, also of forty-three acres, purchased by Philip Johnson, gentleman, of John Baskerfield, also of six hundred acres, with the appurtenances, called and known by the name
of Tuttys neck, and also of two lots or half acres of
land on Francis street, in the city of Williamsburg, sit-
uate between the lots of William Pasteur and Benjamin
Waller, gentlemen, in trust, as to one moiety thereof
for the use of Philip Johnson, gentleman, during his
natural life, and after his decease, in trust, and to and
for the use of such child or children as the said Philip
then had, or might thereafter have, by Elizabeth his
wife, the daughter of Thomas Bray, gentleman, de-
ceased, to whom he should give or devise the same by
deed or will, subject, nevertheless, to the dower of the
said Elizabeth, and as to the other moiety thereof, in
trust, and to and for the use of the said Philip Johnson,
his heirs and assigns, forever, in case he should pay
unto such child or children of him and the said Eliza-
beth all and every such sum and sums of money as the
said Elizabeth, notwithstanding her coverture, should,
by any deed or instrument of writing, duly executed by
her, give, direct, and appoint, according to the proviso,
and his covenant, contained in an indenture of release,
bearing date the twenty-second day of October, one
thousand seven hundred and fifty-one, made between
the said Philip Johnson and Elizabeth his wife of the
one part, and the said John Robison of the other part,
which indenture is now remaining of record in the se-
creterys office; but in case he should not pay such mo-
ney, then, in trust, and to and for the use and behoof
of such child or children as aforesaid, to whom the said
Elizabeth, by such deed or instrument in writing, should
give, direct, and appoint the same; and in case the said
Elizabeth should execute no such deed or instrument,
then in trust, and to and for the use of the said Philip
Johnson, during his natural life, and after his decease,
in trust, and to and for the use of such child or chil-
dren, as the said Philip Johnson then had, or might
thereafter have, by the said Elizabeth, to whom he
should give or devise the same, by will or deed, as afores
aid, and to the heirs and assigns of such child or chil-
dren, subject, nevertheless, to the dower of the said Eli-
zabeth. And whereas the said Elizabeth, the wife of
the said Philip Johnson, departed this life some time in
the year of our Lord one thousand seven hundred and
sixty-five, leaving, by the said Philip, seven children,
to wit, James Bray, William, Elizabeth, Thomas, Re-
becca, Martha, and Anne Johnson, without having made
any gift or appointment to them, or either of them, ac-
cording to her power aforesaid, so that the said Philip
became intitled to the use of the several tracts or par-
cels of land above mentioned, with their appurtenances,
during his life, and hath full power to dispose of them
at his death, to and amongst his children, in such man-
er as he may think proper: And whereas the said lands,
together with the other estate, devised by the said Tho-
mas Bray to the use of his daughter Elizabeth, the late
wife of the said Philip Johnson, stand charged by his
will with a legacy of five hundred pounds current mo-
ney to his grand-daughter Elizabeth Johnson, before
named, to be paid when she attains her age of twenty-
one years, or marries; and inasmuch as a division of
the said lands into small parcels, will greatly lessen their
value, but on the contrary, it will be much to the ad-
antage, as well of the said Philip, as his younger chil-
dren, several of whom will soon stand in need of some
provision, if the said lands and lots should be sold, and
the money arising from such sale placed in the hands
of trustees, who might, when the same becomes due,
according to the will of her grandfather, pay to the
said Elizabeth Johnson her legacy of five hundred
pounds, and put the residue of such money out at in-
erest, upon proper securities, and pay such interest as it
becomes due to the trustees of the said Philip Johnson,
to whom he hath already, by deed, conveyed his whole
estate during the life of the said Philip, or for such other
term as may be necessary for the purposes of their trust,
and the principal sum, at his death, to and amongst
such of his children before named, and their descen-
dants, in such manner as he may direct and appoint,
pursuant to the power for that purpose to him given:
And forasmuch as notice hath been published three
Sundays successively, in the several parish churches
in the county of James city, that application would be
made to this general assembly to vest the said lands
and lots in trustees, for the purposes before mentioned,
pursuant to your majesty's instructions,

II. May it therefore please your most excellent ma-
esty, at the humble suit of the said Philip Johnson,
that it may be enacted, And be it enacted, by the Go-
vernor, Council, and Burgesses, of this present General
Assembly, and it is hereby enacted by the authority of
the same, That the several tracts and lots of land, be-
fore mentioned, with all and singular their appurtenan-
ces, shall be, and the same are hereby vested in Peyton
Randolph, Robert Carter Nicholas, Lewis Burwell, and Philip Whitehead Claiborne, gentlemen, who are appointed trustees for putting this act in execution; In Trust, that they, the survivors, or survivor of them, shall, after convenient notice, cause the said lands and lots, or such of them as they shall think fit, to be sold at public auction, for the best prices that can be got for the same, upon such credit as they may approve; and, upon payment of the purchase money, the said trustees, or any two of them, shall seal and deliver a deed or deeds, indented, for conveying the same in fee simple to the purchaser or purchasers, who shall forever hold and enjoy the same, freed and discharged from all the limitations and uses to which the said John Robinson, esquire, in his lifetime, did, or his heir after his decease could have held the same; any decree, law, custom, or usage, to the contrary notwithstanding.

III. And be it further enacted, by the authority aforesaid, That the said trustees, the survivors or survivor of them, out of the money arising from such sales, shall, in the first place, pay to Elizabeth Johnson, daughter of the said Philip and Elizabeth his wife, the sum of five hundred pounds current money, when the same shall become due, according to the will of her grandfather, the said Thomas Bray, and shall place the residue out at interest, upon such securities as shall be approved by the honourable the general court, and shall pay the interest, arising annually, so soon as they receive the same, to the trustees of the said Philip Johnson, for such uses and purposes as he hath conveyed to them his estate during the continuance of such their trust; and after the expiration, or fulfilling thereof, then to the said Philip Johnson, for his own use, during his natural life.

IV. And be it further enacted, by the authority aforesaid, That the said trustees, the survivors, or survivor of them, shall, after the death of the said Philip Johnson; assign and transfer the securities, so taken for the money placed out at interest, in pursuance of this act, to such of the children before named of the said Philip Johnson, and Elizabeth his wife, in such manner, and in such portions, as the said Philip, by his last will and testament, or other writing, duly executed, shall direct and appoint.

V. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person
and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the limitations and uses to which the said John Robinson, esquire, in his lifetime, stood seized of the said lands, as is before recited, all such right, title, interest, and claim therein, as they, every, or any of them, should or might claim if this act had never been made.

VI. Provided always, That the execution of this act shall be, and is hereby suspended, until his majesty's approbation thereof shall be obtained.

CHAP. LXXX.

An act to vest certain intailed lands therein mentioned in Charles Carter, and for settling other lands to the same uses.

I. WHEREAS Robert Carter, formerly of the county of Lancaster, esq. was, in his lifetime, seized in fee of and in divers messuages, lands, and tenements, in several parts of this colony, and being so seized, did, by his last will and testament, in writing, bearing date the twenty-second day of August, in the year of our Lord one thousand seven hundred and twenty-six, among other things, devise to his eldest son John Carter, esq. and the heirs male of his body, with divers remainders over, one certain tract or parcel of land, situate in the parish of Saint Mary's, and county of Caroline, containing two thousand acres, and known by the name of Pewman's end tract; also one other tract situate in the parish of Northam, in the county of Richmond, being a moiety, or half part of all those lands the said Robert Carter bought of Robert Cary, merchant, of London, being the lower division thereof, including the fork of Totaskey creek, which moiety or half part is to be divided and laid off according to the direction of the will of the said Robert Carter; also ten thousand acres of land, on the branches of Occoquan,
upon Cedar run, Owl run, and Licking run, granted to George Turbeville, and by the said Turbeville conveyed to the said Robert Carter, then being in the county of Prince William, but now in the parish of Hamilton, and county of Fauquier, but by a subsequent clause in the said will, the said Robert Carter did revoke the devise of the said last mentioned tract of land, and gave the same unto his said son John Carter, and his heirs for ever, desiring him to give four thousand acres, part thereof, unto his the testator’s grandsons, Robert Burwell, and John Page, as by the last will and testament of the said Robert Carter, duly proved and recorded in the honourable general court, will more fully appear; and soon after making the said will the said Robert Carter departed this life so seized of the lands aforesaid; after whose decease the said John Carter, the son, entered into the said lands, with the appurtenances, and died seized thereof: And whereas the said John Carter was, in his lifetime, seized in fee of the following tracts of land, that is to say, of six thousand acres on Cedar run, then in Prince William, but now in the parish of Hamilton, and county of Fauquier; of six thousand acres in the said parish of Hamilton, and county of Prince William, situate on Broad run, besides the said ten thousand acres on the branches of Occoquan, so devised him by the will of his father, and divers other lands and tenements; and being so seized, he the said John Carter, by his last will and testament, in writing, bearing date the first day of July, in the year of our Lord one thousand seven hundred and forty-two, did, among other things, devise to his eldest son Charles Carter, and the heirs of his body lawfully begotten, forever, with remainders over, the said ten thousand acres of land (except four thousand acres, part thereof, by him devised to the aforesaid Robert Burwell, and John Page;) also his fourth part of the said tracts of land in the counties of Fauquier, and Prince William, by the description of all his the said John Carter’s lands (except as is therein excepted) in Prince William county, on Cedar run, Owl run, Kettle run, Broad run, and Bull run, as by the last will and testament of the said John Carter, duly proved and recorded in the honourable general court, will more fully appear; and soon after making his said will, the said John Carter departed this life; after whose decease the said Charles Carter, the son, entered into the lands, as well
those, so as aforesaid devised by the will of the said Robert Carter, as those devised by the will of the said John Carter, and is now seized thereof in tail, and is moreover seized in fee tail, in possession, under the wills and donations of his ancestors, of a very valuable tract of land called Corotoman, in the county of Lancaster, containing about eight thousand acres, and is also, under the like wills and donations, seized of the reversion in fee tail, expectant on the death of his mother Elizabeth, now the wife of Bowler Cocke, gentleman, of and in two thousand two hundred and fifty-five acres of land, in the county of Charles city, one thousand nine hundred and sixty-eight acres in the county of Prince George, six hundred acres on Pamunkey river, in the county of Hanover, and of two thousand one hundred acres, called North Wales, on the said river, in the county of Caroline: And whereas the said Charles Carter is seized in fee simple of and in a tract or parcel of land, containing three thousand three hundred acres, bought by him of the executors of James Littlepage, deceased, also of one other tract of land containing five hundred acres, purchased by him of Peter and Henry Terrell, which lands are extremely rich and fertile, and may be very advantageous to the issue in tail, especially as they are contiguous to the said intailed lands, lying on Pamunkey river, in the counties of Hanover and Caroline, yet, if divided amongst the younger children of the said Charles Carter, of whom he hath several, the same would, by such minute divisions, be greatly diminished in its value: And it is represented to this general assembly that it will be for the benefit of the said Charles Carter, and his family, to vest the said lands in the parish of Saint Mary, in the county of Caroline, and the other lands above mentioned in the counties of Richmond, Fauquier, and Prince William, in the said Charles Carter in fee simple, whereby he may be enabled to make a better provision for his younger children, and to settle the lands in the county of Hanover, so as aforesaid purchased by the said Charles Carter of the executors of James Littlepage, and of Peter and Henry Terrell, to the same uses: And forasmuch as notice hath been published three Sundays successively, in the several parish churches where the said lands lie, that application would be made to this present general assembly to dock the intail of the said lands, pursuant to your majesty's instructions.
II. May it therefore please your most excellent majesty, at the humble suit of the said Charles Carter, that it may be enacted, *And be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the said tract of land called Pewman's end, in the county of Caroline, the said tract of land on Totaskey, in the county of Richmond, and the said several tracts of land in the counties of Fauquier, and Prince William, whereof the said Charles Carter is seized in fee tail, be, and the same are hereby vested in the said Charles Carter, his heirs and assigns, in fee simple, to the only use and behoof of him the said Charles Carter, his heirs, and assigns, forever: And that the said tracts of land, herein before mentioned, to be purchased by the said Charles Carter of the executors of James Littlepage, deceased, and of Peter and Henry Terrell, be, and the same are hereby vested in the said Charles Carter, and the heirs male of his body, lawfully begotten; and upon failure of such heirs, one full and equal moiety of the same shall remain and descend to such person and persons, in the same manner, and under the like limitations and remainders successively, as the said several tracts of land on Pewman's end and Totaskey, would have remained and descended by virtue of the said before recited last will and testament of the said Robert Carter, if this act had never been made: And the other moiety of the said land, so purchased of Littlepage's executors, and the said Peter and Henry Terrell, shall, on failure of issue male of the said Charles Carter, descend and go to such person and persons, in the same manner, and under the like limitations and remainders as the said several tracts of land in the counties of Fauquier and Prince William would have remained and descended by virtue of the will of the said John Carter, if this act had never been made.

III. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming either under the last will and testament of the said Robert Carter, or under the last will and testament of the said John Carter, deceased, all such right, title, interest, claim, and demand, as they, every, or any of them, should or might claim if this act had never been made.
IV. Provided always, That the execution of this act shall be, and is hereby suspended, until his majesty’s approbation thereof shall be obtained.

CHAP. LXXXI.

An act to vest certain intailed lands and slaves therein mentioned in Nathaniel Lyttleton Savage, gentleman, in fee simple, and to settle other lands in lieu thereof.

I. WHEREAS John Savage, formerly of the county of Northampton, gentleman, being seized in fee simple of and in a tract of land containing nine hundred and fifty acres, lying in Savage’s neck, in the said county, made his certain deed in writing, bearing date the sixteenth day of December, one thousand six hundred and sixty-seven, and therein did give and grant the said tract of land to Mary Robins, and the heirs of her body forever, as by the said deed recorded in the court of the said county of Northampton, may more fully appear, which lands afterwards descended and came to Nathaniel Lyttleton Savage, gentleman, as grandson and heir of the body of the said Mary Robins: And whereas by act of assembly passed in the seventh year of the reign of his present majesty, intituled An act to impower Nathaniel Lyttleton Savage, gentleman, to sell and dispose of certain intailed lands, and for settling other lands and slaves to the same uses, the said nine hundred and fifty acres of land in the county of Northampton, were vested in the said Nathaniel Lyttleton Savage, in fee simple, and two tracts of land by him then lately purchased of Ralph Wormele, esquire, containing together one thousand eight hundred acres, lying in the parish of York Hampton, in the county of York, with eight negro slaves, named in the said act, annexed thereto, were vested in the said, Nathaniel Lyttleton Savage, and the heirs of his body, with remainder to
the uses limited as to the said lands in Northampton by
the aforesaid deed of the said John Savage: And where-
as the said Nathaniel Lyttleton Savage is seized in fee
simple of and in two tracts of land, lying in the parish
of Hungars, in the said county of Northampton, the
one containing eleven hundred and forty-eight acres,
purchased by the said Nathaniel Littleton Savage of
Kendall Lee and Betty his wife, and conveyed by deed
recorded in the said county court, and the other contain-
ing two hundred and thirty-three acres, purchased by the
said Nathaniel Littleton Savage of Savage Cowdrey
and Mary his wife, and conveyed by deed recorded in
the general court, as by the said several deeds may
more fully appear; and it is represented to this general
assembly, that it will be for the advantage of the said
Nathaniel Lyttleton Savage, his heir and family, to vest
the said lands in the county of York, and the slaves
aforesaid, in the said Nathaniel Lyttleton Savage, in
fee simple, whereby he may be enabled to sell and dis-
pose of the same, and to settle the said two tracts of
land last mentioned, in the county of Northampton, in
lieu thereof. And forasmuch as notice has been pub-
lished three Sundays successively, in the several church-
es of the said parish of York Hampton, that application
would be made to this present general assembly, for an
act to be passed for that purpose, pursuant to your ma-
jesty's instructions,

II. May it therefore please your most excellent ma-
jesty, at the humble suit of the said Nathaniel Lyttleton
Savage, that it may be enacted, And be it enacted, by
the Governor, Council, and Burgesses, of this present
General Assembly, and it is hereby enacted by the au-
thority of the same, That the said tract of land in the
county of York, containing one thousand eight hun-
dred acres, be the same more or less, and the said eight
slaves, with their present offspring, and future increase,
be, and the same are hereby vested in the said Nathani-
el Lyttleton Savage, his heirs, and assigns, forever, to
his and their own proper use and behoof, and that the
two above mentioned tracts of land, lying in North-
ampton county, the one containing eleven hundred and
forty-eight acres, and the other two hundred and thirty-
three acres, be the same more or less, be, and the same
are hereby vested in the said Nathaniel Lyttleton Sa-
vage, and the heirs of his body; and in default of such
heirs, the same shall pass, descend, and go to such per-
son or persons, and for the like estate and interest there-
in, as the said lands in the county of York would have
remained, descended, and gone, by virtue of the said
recited act, in case this act had never been made.

III. And be it further enacted, by the authority afore-
said, That the said recited act, as to so much thereof
only as is contrary to this act, be, and the same is
hereby repealed.

IV. Saving to the king’s most excellent majesty, his
heirs and successors, and to all and every other person
and persons, bodies politic and corporate, their respec-
tive heirs and successors, other than the persons claim-
ing under the aforesaid deed of John Savage, the elder,
as to the lands in Savage’s neck, or the herein before
recited act of assembly, as to the said lands in the coun-
ty of York, all such estate, rig t, title, or interest, as
they, every, or any of them, could or might claim if
this act had never been made.

V. Provided always, That the execution of this act
shall be, and the same is hereby suspended, until his
majesty’s approbation thereof shall be obtained.

CHAP. LXXXII.

An act to vest certain lands in David
Meade in fee simple, whereof the
said David and Sarah his wife are
seized in right of the said Sarah in
fee tail, and for settling other lands
in lieu thereof.

1. WHEREAS William Waters, formerly of the
county of Northampton, deceased, was in his lifetime,
and at the time of his death, seized in fee simple of and
in one certain tract or parcel of land, situate on King’s
creek, and bay of Chesapeak, in the parish of Hungars,
and county of Northampton, containing, by estimation,
six hundred acres, and being so seized, did, by his last
will and testament, in writing bearing date the eighth
day of October, in the year of our Lord one thousand
six hundred and eighty-five, devise the same in these
words, to wit, I give and bequeath unto my well ke-
loved son William Waters, and the heirs of his body, lawfully begotten, forever, all my plantation I now dwell upon, lying in the aforesaid county, with all the housings, orchards, and fencing thereon, and to belonging forever; and if my said son William Waters shall depart this life, and leave no heir of his body, lawfully begotten, then my will and desire is that my well beloved sons Obedience Waters and Thomas Waters shall have, hold, and enjoy my above said plantation, with all what thereunto belongeth as aforesaid, to them and their heirs forever; and soon after making the said will the said testator died; and the said William Waters, his son, entered into the said lands, and became thereof seized in fee tail, and being so seized, departed this life, leaving issue William Waters, his eldest son and heir, who entered into the same, and was thereof seized, and died so seized, leaving issue Sarah, his only daughter and heir, since intermarried with David Meade, which said David and Sarah having entered into the said lands, are thereof seized by virtue of the said devise, and have it now in their power, as it is represented to this general assembly, to make an advantageous sale thereof, provided the said intail can be docked: And whereas the said David Meade is seized in fee simple of and in twelve hundred and thirty-four acres of land, on the southern branch of Nansemond river, in the county of Nansemond, bounded as followeth, to wit, beginning at a cypress in the mill pond, thence along a marked line north nine degrees west twenty-four poles to a post on the public road leading to Suffolk town, thence along the said road to a pine in Thomas Summer’s line, thence on lines of marked trees to a corner white oak joining the lands of Josiah Riddick, thence by other lines of marked trees along the patent line to a pine joining the lands of William Frost, thence along the said patent lines to a hickory on the side of the mill-pond, thence down the said mill-pond to the beginning, being part of a tract of land devised by David Meade, the elder, to Susanna his wife for life, and after her death to David Meade, the younger, before mentioned, in fee simple, and by the said Susanna surrendered to the said David, the younger, by deed, indented, bearing date the twenty-sixth day of November, in the year of our Lord one thousand seven hundred and sixty-nine, and is also seized of one other tract or parcel of land in the same county, containing
seven hundred and twenty acres, fifty-six acres, part whereof, were purchased by the said David Meade, and a certain George Walker, of Mary Bell, executrix of the last will and testament of William Bell, deceased, and by her conveyed to the said David and George by deed, indented, bearing date the eleventh day of June, in the year of our Lord one thousand seven hundred and sixty-four, and recorded the same day in Nansemond county court, which last mentioned land, as to one moiety thereof, was afterwards, by deed, bearing date the nineteenth day of February, in the year of our Lord one thousand seven hundred and sixty-eight, sold and conveyed by the said George Walker to the said David Meade, four hundred acres, and two hundred and sixty-four acres, other parts thereof, were granted to the said David by patents, bearing date the tenth of September, in the year of our Lord one thousand seven hundred and sixty-seven; and is also seized of one other tract or parcel of land in the same county, containing one hundred and sixty-eight acres, purchased by the said David Meade, and George Walker, of one Joseph Lockhart, who conveyed the same to them by deed, indented, and recorded, bearing date the tenth day of July, in the year of our Lord one thousand seven hundred and sixty-five, and by the said George sold and conveyed, as to his moiety thereof, to the said David, by one other deed, indented, bearing date the nineteenth day of February in the year of our Lord one thousand seven hundred and sixty-eight; and it will be greatly to the advantage of the said David and Sarah Meade, and their posterity, to dock the intail of the said six hundred acres in the county of Northampton, and to settle the said three tracts of twelve hundred and thirty-four acres, seven hundred and twenty acres, and one hundred and sixty-eight acres, in the county of Nansemond, being of greater value, to the same uses; and forasmuch as notice hath been published three Sundays successively, in the churches of the said parish of Hungars, that application would be made to this general assembly to dock the intail of the said six hundred acres in Northampton, and to settle other lands, of greater value, to the same uses, pursuant to your majesty's instructions,

II. May it therefore please your most excellent majesty, at the humble suit of the said David and Sarah Meade, that it may be enacted, And be it enacted, by
the Governor, Council, and Burgesses, of this present
General Assembly, and it is hereby enacted, by the au-
thority of the same, That the said six hundred acres of
land, in the county of Northampton, with the appurte-
nances, so as aforesaid devised by the last will and tes-
tament of the said William Waters, the elder, be, and
the same are hereby vested in the said David Meade, his
heirs, and assigns, to the only proper use and behoof
of him the said David, and of his heirs and assigns for-
ever: And that the said three other tracts of twelve
hundred and thirty-four acres, seven hundred and twen-
ty acres, and one hundred and sixty-eight acres of land,
in the county of Nansemond, with the appurtenances,
shall be, and the same are hereby vested in the said
Sarah Meade, and the heirs of her body, lawfully be-
gotten; and in default of such heirs, the same shall
remain and descend to such person and persons to
whom the said six hundred acres, in the county of
Northampton, would have remained and descended by
virtue of the said last will and testament of the said
William Waters, the elder, if this act had never been
made.

III. Saving to the king's most excellent majesty, his
heirs and successors, and all and every other person
and persons, bodies politic and corporate other than the
persons claiming under the said last will and testament
of the said William Waters, the elder, all such right,
title, interest, and estate, claim and demand, as they,
every, or any of them, could or might claim if this act
had never been made.

IV. Provided always, That the execution of this act
shall be, and the same is hereby suspended, until his
majesty's approbation thereof shall be obtained.
An act to vest certain intailed lands thereinmentioned in George Brooke gentleman, in fee simple, and for settling other lands of greater value, in lieu thereof.

I. WHEREAS George Braxton, the elder, formerly of the county of King and Queen, esquire, was, in his lifetime seized in fee simple of and in a tract of land, containing about five hundred and seventy-eight acres, lying on Mattapony river, in the parish of Saint John, and county of King William, and being so seized, he the said George Braxton in and by his last will and testament in writing bearing date the thirtieth day of June, one thousand seven hundred and twenty-five, did, among other things, give and devise the said tract of land, by the description of the land and plantation which he bought of Mr. Richard Phillips, Ford, and Mallory, with all the marsh and sunken grounds, to his daughter Elizabeth Brooke, and the heirs of her body, with several remainders over, in case of her death without issue, as in and by the said will, duly recorded in the court of the said county of King and Queen, may more fully appear; and after the death of the said testator, some disputes arising in the family, concerning the said will, and the distribution of the testator's estate, a settlement was made and executed by and between his representatives, bearing date the twenty-first day of September, one thousand seven hundred and fifty-eight, whereby, among other things, the aforesaid devise to the said Elizabeth Brooke, and remainders thereon depending, were confirmed, as by the said settlement, recorded in the general court, may more fully appear, by virtue of which devise and settlement the said Elizabeth Brooke entered into the lands before described, and died seized thereof; and after her death George Brooke, gentleman, her eldest son and heir, entered into the said lands, and is now seized thereof, as tenant in fee tail: And whereas the said George Brooke is seized in fee simple of and in a tract of land called Mantapike, containing about seven hundred and eighty acres, lying on the said river, in the said county of King and Queen,
by him purchased of Tunstall Banks; and it is represented to this present general assembly that it will be for the advantage of the said George Brooke, his heir and family, if the said tract of land, in the county of King William, was vested in the said George Brooke in fee simple, and the said tract of land, in the said county of King and Queen which is of greater value, settled to the same uses: And forasmuch as notice hath been published three Sunday's successively, in the several churches of the said parish of Saint John, that application would be made to this present session of assembly for an act to pass for this purpose, pursuant to your majesty's instructions,

II. May it therefore please your most excellent majesty at the humble suit of the said George Brooke, that it may be enacted, And be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and by the authority of the same, That the said tract of land, in the county of King William, with the marsh and sunken grounds, be the same five hundred seventy-eight acres, more or less, be, and the same is hereby vested in the said George Brooke, his heirs and assigns, forever, to his and their own proper use: And that the said tract of land, called Mantapake, in the county of King and Queen, by the said George Brooke, purchased of Tunstall Banks, be the same more or less, shall be, and the same is hereby vested in the said George Brooke, and the heirs of his body; and for want of such issue, the same shall descend, pass, and go, to such person or persons to whom the said lands, in the county of King William, would have remained, descended, and gone, by virtue of the limitations in the will of the said George Braxton, the elder, and the said family settlement; if this act had never been made.

III. Saving to the king's most excellent majesty his heirs and successors, and to all and every other person and persons, bodies politic and corporate, other than the persons claiming under the will of the said George Braxton, the elder, and the said family settlement, all such right, title, interest, and estate, claim and demand, as they, every, or any of them, could or might have, if this act had never been made.

IV. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof be obtained.
An act to vest certain lands whereof Bernard Moore, esquire, is seized in fee tail, in trustees, to be sold, and the money laid out in the purchase of other lands and slaves, to be settled to the same uses.

I. WHEREAS Augustine Moore formerly of the county of King William, gentleman, was, in his lifetime, seized in fee simple of and in a tract of land wherein he lived, containing about eighteen hundred acres, situate, on Mattapony river, in the parish of St. John, in the said county of King William; and being so seized, he the said Augustine Moore, in and by his last will and testament in writing, bearing date the twenty-sixth day of January, one thousand seven hundred and forty-two, did devise the said lands to his dear and well beloved wife, Elizabeth Moore, during her natural life; and after her death, he gave and devised the same to his son Bernard Moore, and the heirs of his body, with several limitations and remainders, as in and by the said will, remaining of record in the court of the said county of King William, may more fully appear; and soon afterwards the said testator died so seized, and the said Elizabeth Moore being also dead, the said Bernard Moore entered into the said lands, and was and yet is seized thereof, as tenant in fee tail: And whereas the said lands, from their long and frequent tillage, do not yield sufficient crops for the support of the said Bernard and his numerous family; and yet, from their pleasant and convenient situation, may be sold for a great price; and it is represented to this general assembly that it will be for the advantage of the said Bernard Moore, his heir and family, if the said lands were sold, and the money laid out in the purchase of fresh lands and slaves which would yield a greater profit, and enable the said Bernard to support his family, and make a better provision for his younger children: And forasmuch as notice hath been published three Sundays successively, in the several churches of the said parish of St. John, that application would be made to this present general assembly for an act to dock the intail of the said lands,
and to settle other lands and slaves, in lieu thereof, according to your majesty's instructions,

II. May it therefore please your most excellent majesty, at the humble suit of the said Bernard Moore, that it may be enacted, And be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and by the authority of the same, That the said tract of land, containing eighteen hundred acres, be the same more or less, be, and the same is hereby vested in John Baylor, Carter Braxton, Thomas Walker, Thomas Jefferson, and John Walker, gentlemen, the survivors or survivor of them, and the heirs, executors, or administrators, of such survivor; In Trust, that they, or the major part of them, or their survivors, shall sell the said land for the best price that can be got for the same, and, on payment of the purchase money, shall, by good and sufficient deed or deeds, convey the said lands to the purchaser or purchasers in fee simple, who shall forever thereafter hold and enjoy the same, discharged of the limitations in the will of the said Augustine Moore, deceased.

III. And be it further enacted, That the money arising from the sale of the said lands after defraying the expenses of sale, shall be by the said trustees, or the major part of them, or their survivors, as soon as conveniently may be, fairly laid out in the purchase of other lands and slaves, which shall be, by good and sufficient deed or deeds, conveyed to the said trustees, the survivors or survivor of them and the heirs of such survivor, to hold the same, In Trust, to and for the following uses, that is to say, to the use of the said Bernard Moore, for and during his natural life, without impeachment of waste, and after his decease, as to one third part of such lands and slaves, so to be purchased, to the use of Anna Catharina, now the wife of the said Bernard Moore, in case she shall survive him, for and during her natural life, for her dower; and as to the other two third parts of such lands and slaves, from and after the death of the said Bernard Moore, and as to the said one third part, allotted for the dower of the said Anna Catharina, from and after her death, or other determination of such dower, to the use of the heirs of the body of the said Bernard Moore, and the heirs of his or her body forever; and in default of such issue, to the use of such other person or persons, to whom the said lands in the county of King William, would have
remained, descended, and gone, by virtue of the limitations in the will of the said Augustine Moore, if this act had never been made.

IV. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the will of the said Augustine Moore, all such estate, right, title, or interest, as they, every, or any of them, could or might claim, if this act had never been made.

V. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

CHAP. LXXXV.

An act to vest certain intailed lands whereof Charles Lewis, gentleman, is seized, in John Lewis, gentleman, in fee simple, and settle other lands to the same uses.

WHEREAS John Lewis, formerly of the county of Gloucester, esquire, was seized in fee simple of a tract of land called Chamokins, lying in the parish of St. Peter, in the county of New-Kent, containing about thirteen hundred acres, and being so seized, he, the said John, by indenture, bearing date the thirteenth day of October, one thousand seven hundred and seventeen, did, for the consideration therein mentioned, give and grant the said lands unto his son Charles Lewis, and the male heirs of his body, forever, with several limitations and remainders, as in and by the said indenture may more fully appear, by virtue whereof, the said Charles Lewis entered into the said lands, and was thereof seized as tenant in tail male. And whereas, by an act of general assembly, passed in the thirty-fourth year of the reign of his late majesty king George the second, intituled An act to dock the intail of certain
lands whereof Charles Lewis, gentleman, is seized, and
for settling other lands of greater value to the same
uses, the said tract of land in the county of New-Kent,
was vested in the said Charles Lewis in fee simple, and
another tract containing eighteen hundred and fifty
acres of land, situate on Tye river, then in the county
of Albemarle (formerly Goochland) but now in the pa-
ris of Amherst, in the county of Amherst, which had
been granted by letters patent, bearing date the twenty-
fifth day of July, one thousand seven hundred and for-
ty-one, unto him the said Charles Lewis, were vested
in the said Charles, and the male heirs of his body, and
subject to the like limitations and remainders as the
said lands in the county of New-Kent were subject to
by the deed of the said John Lewis, herein before re-
cited, which last mentioned lands were, by the said
Charles Lewis, surrendered to John Lewis, the younger,
his eldest son, and apparent heir male, who hath ever
since had the use and occupation thereof. And where-
as the said John Lewis, the younger, is seized in fee
simple of and in a tract of land, containing one thou-
sand one hundred and forty-six acres, lying upon Dan
river, in the county of Pittsylvania, granted to him by
letters patent bearing date the ninth day of February,
one thousand seven hundred and seventy, to which the
said John hath removed, and intends the same for his
place of residence; and it will be for the advantage of
the said John Lewis, his heir and family, to vest the
said lands in the county of Amherst, in the said John in
fee simple, whereby he may be enabled to make a pro-
vision for his younger children by sale of the same, and
to settle the said lands in the county of Pittsylvania,
being of greater value, to the same uses. And forasmuch as notice hath been published three Sundays suc-
cessively, in the several churches of the said parish of
Amherst, that application would be made to this pre-
sent general assembly to dock the intail of the said
eighteen hundred and fifty acres of land, and to settle
other lands to the same uses, pursuant to your majes-
ty's instructions,
II. May it therefore please your most excellent ma-
esty, at the humble suit of the said Charles Lewis, and
John Lewis, the younger, that it may be enacted, And
be it enacted, by the Governor, Council, and Burgesses,
of this present General Assembly, and by the authority
of the same, That the said eighteen hundred and fifty
acres of land on Tye river, in the county of Amherst, be the same more or less, be, and the same is hereby vested in the said John Lewis, the younger, his heirs and assigns, forever, to his and their own proper use; and that the said one thousand one hundred and forty-six acres of land, lying on Dan river, in the county of Pittsylvania, be the same more or less, shall be, and the same is hereby vested in the said John Lewis, the younger, and the male heirs of his body; and in default of such issue, the same shall descend, pass, and go, to such person or persons to whom the said thirteen hundred acres of land, in the county of New Kent, would have remained, descended, or come, by virtue of the limitations in the indenture aforesaid of the said John Lewis, the elder, if this, or the said recited act, had never been made.

III. And be it further enacted, by the authority aforesaid, That the said recited act, as to so much thereof only as is contrary to this act, be, and the same is hereby repealed.

IV. Saving to the king’s most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic or corporate, their respective heirs and successors, other than the persons claiming under the said indenture of the said John Lewis, the elder, or the said recited act, all such estate, right, title, and interest, as they, every, or any of them, could or might claim if this act had never been made.

V. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty’s approbation thereof shall be obtained.
An act to dock the intail of four thousand acres of land, in the county of Isle of Wight, whereof James Burwell is seized in fee tail, and for vesting the same in trustees in fee simple, for certain purposes therein mentioned.

I. WHEREAS James Burwell, late of the county of York, gentleman, deceased, was in his lifetime, and at the time of his death, seized in fee simple of a certain tract or parcel of land, containing four thousand acres, situate in the parish of Newport, and county of Isle of Wight, and being so seized, did, by his last will and testament in writing bearing date the sixth day of September, in the year of our Lord one thousand seven hundred and eighteen give and devise the same, under the description of all his lands in the county of Isle of Wight, to his son Nathaniel Bacon Burwell, and the heirs male of his body, lawfully issuing, with divers remainders over, as by the said will, proved and recorded in the court of the said county of York, reference being thereto had, will more fully appear; and the said James Burwell soon after making the will aforesaid departed this life; after whose decease the said Nathaniel Bacon Burwell entered into, and died seized of the said land, leaving James Burwell, his eldest son, who is now seized thereof in fee tail: And whereas the said land, for want of slaves to work the same, is rather burthensome than beneficial to the said James Burwell, and it will be of advantage, as well to the said James, and the issue in tail, as to those claiming in remainder, to dock the intail of the said land, and to vest the same in trustees, to be sold, and to lay out three fourths of the money, arising from the sale thereof, in the purchase of other lands, to be settled to the same uses, the other fourth part in the purchase of slaves, to be settled on the said lands: And forasmuch as notice hath been published three Sundays successively in the several churches of the said parish of Newport, pursuant to your majesty's instructions, that application would be
made to this present general assembly, to dock the intail of the said four thousand acres of land, with the appurtenances,

II. May it therefore please your most excellent majesty, at the humble suit of the said James Burwell, that it may be enacted, And be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said four thousand acres of land, with the appurtenances, be, and the same is hereby vested in Lewis Burwell, Dudley Digges, the younger, Thomas Nelson, the younger, Richard Baker, and Nathaniel Burwell, the younger, gentlemen, who are appointed trustees for putting this act in execution; In Trust, that they the said trustees, or the survivors or survivor of them, shall cause the said lands to be sold at public sale, for the best price that can be got for the same, and, upon payment of the purchase money, the said trustees, or any three of them, shall 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 shall forever hold and enjoy the same, freed and discharged from the limitation in the last will and testament of the said James Burwell; any law, usage or custom, to the contrary thereof, in any wise notwithstanding.

III. And be it further enacted, by the authority aforesaid, That three fourths of the money arising by the sale of the said lands shall be, by the trustees, the survivors or survivor of them, as soon as conveniently may be, after receiving the same, fairly laid out in the purchase of other lands, and the other fourth part in slaves, to be settled on the said land; and the said trustees, the survivors, or survivor of them, are hereby impowered and required to cause a deed or deeds to be executed for the lands and slaves, so by them to be bought, to the said James Burwell; which said lands and slaves shall descend, pass, and go in such manner, and for such estates therein, as the said four thousand acres of land, would have remained, gone, and descended, by virtue of the said will, as if this act had never been made.

IV. Provided always, That nothing in this act contained shall be construed to exempt the slaves so to be purchased, from the payment of the debts of the tenant
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in tail for the time being, according to the laws now in force.

V. Saving to the king’s most excellent majesty his heirs, and successors, and to all and every person and persons, bodies politic and corporate, their respective heirs, and successors, other than the persons claiming under the last will and testament of the said James Burwell, deceased, all such right, title interest, claim, and demand, as they, every, or any of them, should or might claim, if this act had never been made.

VI. Provided always, That the execution of this act shall be, and is hereby suspended, until his majesty’s approbation thereof shall be obtained.

CHAP. LXXXVII.

An act to dock the intail 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.

I. WHEREAS Edmund Gwynn, of the county of Gloucester, deceased, was, in his lifetime, seized in fee simple of a tract of land, lying and being in the parish of Ware, in the said county, containing, by estimation, five hundred and fifty acres, and being so seized, in and by his last will and testament, bearing date the tenth day of March, in the year of our lord one thousand six hundred and eighty-three, did among other things, give and devise the said land unto his son John Gwynn, and his heirs lawfully begotten of his body, and in case of his mortality without issue, he then gave his said land unto his daughter Lucy Gwynn, and to her heirs lawfully begotten forever, with divers remainders over, as in and by the said will, remaining in the said county court of Gloucester, may more fully appear, and soon after died so seized; and after his death the said John Intail of 550 acres of land in Gloucester, whereof Sarah the wife of John Rootes, is seized, docked, and vested in trustees for certain purposes.
Gwynn entered into the said land, and died without issue, upon which the aforesaid Lucy Gwynn entered into the said land, and intermarried with Thomas Reade, of the said county of Gloucester, deceased, and by him had issue Thomas Reade, her eldest son and heir, and John Reade, her second son; and the said Lucy dying seized, the said Thomas, her son, entered and died without issue, whereupon the said land descendened to the said John Reade, late of the county of King and Queen, clerk, deceased, and on his death descended to his only daughter and heir, Sarah Reade, now the wife of John Rootes, gentleman, and the said John and Sarah in their right are now seized and possessed of the said land in fee tail: And whereas Mildred Warner, relict of Augustine Warner, of the county of Gloucester, esquire, deceased, was, in her lifetime, seized in fee of a tract of land given to her by her father, George Reade, esquire, lying and being at Cheesecake, in the county of Gloucester aforesaid, and being so seized, by her last will and testament, bearing date the fourth day of January, in the year of our Lord one thousand six hundred and ninety-four, did, among other things, give and bequeath to her son Robert Warner, all the said last mentioned tract of land, to hold to the said Robert Warner, and the heirs of his body; and in default of such heirs to his brother George Warner, and the heirs of his body forever; and for want of such issue to her four brothers Robert, Francis, Benjamin, and Thomas Reade, or any of their heirs, to them and the heirs of their bodies lawfully begotten forever, with divers other remainders, as by the said will, recorded in the court of Gloucester, may more fully appear; and soon after the said Mildred died so seized, and the said Robert Warner, and George Warner, both dying afterwards without issue, the said tract of land at Cheesecake became vested in the said Robert, Francis, Benjamin, and Thomas Reade, brothers of the said Mildred Warner; or their representatives respectively, and after dividing the same part of the said tract of land in two parcels, one of two hundred acres, and the other of four hundred and eighty-five acres, became vested in the said Thomas Reade, as his dividend in fee tail, by virtue of the will aforesaid, who left issue the aforesaid Thomas Reade, his eldest son and heir, and the said John Reade, clerk, his second son, who, on the death of the said Thomas without issue, entered into
the said lands last mentioned, and on his death, the same descended to his said daughter Sarah Rootes, who, with her said husband, is seized and possessed of the same in fee tail; and the said John Rootes, and Sarah his wife, having very few slaves to cultivate the said three tracts of intailed lands, and as on their death the same would descend to their heir in tail, without any slaves to work thereon, which would be very disadvantageous to him; it is represented to this general assembly that it would be more for the advantage of the said John Rootes, and Sarah his wife, and her issue, and those claiming in remainder and reversion, if the first mentioned tract of land, containing five hundred and fifty acres, in the parish of Ware, and county of Gloucester, aforesaid, was sold, and the money laid out in the purchase of slaves, to be annexed to the other two tracts of intailed lands aforesaid. And as much as notice hath been published three Sundays successively, in the said parish of Ware, that application would be made to this present general assembly to dock the intail of the said tract of five hundred and fifty acres of land, according to your majesty's instructions,

II. May it therefore please your most excellent majesty, at the humble suit of the said John Rootes, and Sarah his wife, that it may be enacted, And be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and by the authority of the same, That the said tract of land, lying and being in the parish of Ware, and county of Gloucester, aforesaid, containing, by estimation, five hundred and fifty acres, with the appurtenances, shall be, and the same is hereby 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, shall cause the said five hundred and fifty acres of land to be sold at public sale, for the best price that can be got for the same, and, upon payment of the purchase money, the said trustees, or any three of them, shall 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 shall forever hold and enjoy the same, freed and discharged from the limitations in the will of the said Edmund Gwynn, deceased.
III. And be it further enacted, by the authority aforesaid, That the money arising by the sale of the said land shall be by the trustees, the survivors, or survivor of them, as soon as conveniently may be, after receiving the same, fairly laid out in the purchase of slaves, one third at least to be females; and the trustees, or the survivors, or survivor of them, shall cause the names of the said slaves, when purchased, to be recorded among the records of the said county of Gloucester, and thereafter such slaves, and their increase, shall be vested in the said trustees, the survivors, or survivor of them, and the heirs, executors, or administrators, of such survivor, in trust, to and for the following uses; that is to say, to the sole and separate use of the said Sarah, for and during her natural life; and from and after the death of the said Sarah, to the use of the said John Roots, during his life; and after the death of the longest liver of them, then the said slaves, and their increase, shall be annexed to the said two tracts of land, containing two hundred, and four hundred and eighty-five acres at Cheesecake, aforesaid, and shall descend, pass, and go, to the heirs of the body of the said Sarah; and in default of such issue, the said slaves shall go to such other person or persons, to whom the said tract of five hundred and fifty acres of land would have remained, descended, and gone, by virtue of the limitations in the will of the said Edmund Gwynn, if this act had never been made.

IV. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the last will and testament of the said Edmund Gwynn, deceased, all such right, title, claim, interest, and demand, as they, every, or any of them, should or might claim if this act had never been made.

V. Provided always, That the execution of this act shall be, and is hereby suspended, until his majesty's approbation thereof shall be obtained.
An act to vest certain intailed lands, whereof William and John Armistead, gentlemen, are seized in trustees, to be sold for payment of the debts due from the estate of their father.

I. WHEREAS William Armistead, formerly of the county of Gloucester, esquire, was, in his lifetime, and at the time of his death, seized in fee simple of a very valuable estate in lands, lying in the county of Gloucester, and of two thousand seven hundred and forty acres, lying in the parish of Christ church, in the county of Middlesex, and was also seized of a tract of land containing about six thousand acres, lying in the parish of Hamilton, in the county of Prince William, and being so seized, he the said William Armistead, in and by his last will and testament, in writing, bearing date the thirtieth day of December, in the year one thousand seven hundred and fifty-five, did, among other things, give and devise as follows, Item, I give and bequeath unto my well beloved son William Armistead all my lands in Gloucester and Middlesex counties, with seventy choice slaves, including my house servants, and likewise the stocks of all sorts, with all the household furniture, in and upon the said estate, to him and the heirs of his body lawfully begotten for ever. Item; I give and bequeath unto my well beloved son John Armistead all that tract of land purchased from the trustees of Mr. George Carter, in the county of Prince William, with all the stocks and slaves thereupon, and likewise all the slaves and stocks in and upon my lands, in the counties of Culpeper and Caroline, to him and the heirs of his body lawfully begotten for ever; and after other devises to his sons Bowles and Henry Armistead, did direct as follows: My will and desire is that my said sons shall not come to the possession of their estates till they severally arrive to the age of twenty-one years, that is to say, when my son William arrives to the age of twenty-one years he shall be entitled to his estate, and in like manner shall all my
other sons be entitled to their estates respectively, as by the said will, recorded in the general court, may more fully appear; and soon afterwards the said testator died so seized, considerably indebted to sundry persons in Great-Britain and this colony, so that when the said William and John Armistead, the sons, severally arrived to the age of twenty-one years, they could not obtain the possession of their estates so devised to them, until they engaged to pay their respective proportions of the said debts, then and yet remaining due, which they severally undertook to pay, amounting to about the sum of one thousand seven hundred pounds sterling each, which the said John and William have no means of discharging but by selling some part of the estates to them respectively devised, as aforesaid, which they cannot do, by reason of their limited interest therein; and should their intailed slaves be taken in execution, and sold for that purpose, their lands would be rendered useless, and they wholly unable to support their families, and make provision for their younger children; it is therefore represented to this general assembly that it will be of advantage to the said William and John Armistead, and their respective families, if they were allowed to sell some part of their intailed lands, for payment of the said debts, whereby their slaves might be saved to work the residue: And forasmuch as notice hath been published three Sundays successively, in the several churches of the said parish of Christ church; in the county of Middlesex, and in the several churches of the said parish of Hamilton, in the county of Prince William, that application would be made to this present session of assembly for an act to be passed to sell the said lands, in the county of Middlesex, and two thousand acres, part of the said lands, in the county of Prince William, for the purposes aforesaid, pursuant to your majesty’s instructions,

II. May it therefore please your most excellent majesty, at the humble suit of the said William Armistead, and John Armistead, that it may be enacted, And be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and by the authority of the same, That the said two thousand seven hundred and forty acres of land, be the same more or less, whereof the said William Armistead, the elder, died seized, in the county of Middlesex, be, and the same is hereby vested in Ralph Worneley, the elder, William Chur-
chill, and Philip Ludwell Grymes, esquires; In Trust, that they, or any two of them, shall sell and dispose of the same, for the best price that can be had, to any person or persons willing to purchase, and convey the said lands to the purchaser or purchasers in fee simple, who shall forever thereafter hold the same, discharged of the limitations in the will of the said William Armistead, the elder; and out of the money arising from such sales, the said trustees shall, in the first place, pay to the said William Armistead the said sum of one thousand seven hundred pounds sterling, and the surplus, if any, after defraying the expenses of sale, shall be, by the said trustees, or two of them, fairly laid out in the purchase of other lands, which they shall cause to be conveyed, by good and sufficient deed or deeds to the said William Armistead, who shall, from thenceforth, hold the same, to him and the heirs of his body forever; and in default of such issue, the said lands shall go to such person or persons, to whom the said lands, in the county of Middlesex, would have descended and come, if this act had never been made.

III. And be it further enacted, by the authority aforesaid, That the said tract of land, in the county of Prince William, be, and the same is hereby vested in John Baylor, Walker Taliaferro, Henry Lee, Foushee Tebbs, and Thomas Marshall, esquires, or the survivors of them; In Trust, that they, or any three of them, shall sell and dispose of so much thereof, not exceeding two thousand acres, as shall be sufficient to raise the sum of one thousand seven hundred pounds sterling, beside the expenses of sale (to be laid off in such manner as to them shall seem most convenient and proper) for the best price that can be had, and convey the lands, so sold, to the purchaser or purchasers in fee simple, who shall for ever thereafter hold and enjoy the same, freed and discharged of the limitations in the will of the said William Armistead, the elder; and the said trustees shall pay the said one thousand seven hundred pounds sterling to the said John Armistead, his executors, or administrators; and what shall be left of the said tract of six thousand acres of land, shall remain to the said John Armistead, and the heirs of his body, according to the will of his said father.

IV. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person
and persons, bodies politic and corporate, other than the persons claiming under the said William Armistead, the elder, all such right, title, interest, and estate, claim and demand, as they, every, or any of them, could or might have if this act had never been made.

V. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty’s approbation thereof be obtained.

CHAP. LXXXIX.

An act for the ease and relief of the people, by paying the burgesses in money for the last convention and present session of Assembly.

I. WHEREAS by one act of assembly passed in the third and fourth years of the reign of his late majesty king George the second, intituled An act for the better regulating the payment of the burgesses wages, it is among other things enacted, that when any session of assembly should be hereafter held, and, upon examination of the treasurer’s accounts, it should appear that there are monies sufficient in his hands to discharge all the money debts, together with the burgesses wages, and the salaries and allowances to the respective officers of the general assembly, saving and reserving in the hands of the treasurer, over and above the said allowances, a balance of fifteen hundred pounds at least, that then every burgess elected, and serving for any county or corporation within this dominion, should be paid out of the public money the sum of ten shillings for each day he should serve in the house of burgesses, with such further allowances, and under such restrictions and regulations, as in the said act is at large directed.

II. And whereas it appears there is not money sufficient in the treasurer’s hands to pay the burgesses wages, for this present session of assembly and the late convention, leaving a balance of fifteen hundred pounds according to the directions of the said act: Neverthe-
less, as the payment of the said wages in money will be a great ease and relief to the inhabitants of this colony, by lessening the levy by the poll.

III. Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing this act, the burgesses wages and allowances, for the late convention and present session of assembly, shall be paid by the treasurer, out of the public money in his hands, according to the directions and regulations of the said recited act.
At a General Assembly, begun and held at the Capitol, in the City of Williamsburg, the seventh day of November, Anno Domini one thousand seven hundred and sixty-nine, in the tenth year of the reign of our sovereign lord George the third, by the grace of God, of Great-Britain, France, and Ireland, king, defender of the faith, &c. and from thence continued by several prorogations, and convened by proclamation the eleventh day of July, in the year of our Lord one thousand seven hundred and seventy-one, being the second session of this present General Assembly.

CHAP. I.

An act for the relief of the sufferers by the loss of tobacco damaged or burnt in several warehouses.

1. WHEREAS large quantities of tobacco have lately been, by excessive rains and the overflowing of several rivers, destroyed and damaged in the public warehouses established at Shockoe and Byrd's, in the county of Henrico, at the Rocky Ridge and Warwick, in the county of Chesterfield, at Falmouth and Dixon's, in the county of King George, and at Quantico, in the...
in the great freshet of 2771, county of Prince William, and by a late accidental fire other tobaccoes have been burnt in the public warehouses at Nasswaddox, in the county of Northampton; as appears by the books of the several inspectors, and other proper vouchers, for which the public is become chargeable; but inasmuch as the particular accounts of the losses of each proprietor cannot at present be liquidated and settled with proper exactness and precision: For remedy whereof, and that the accounts may be fairly and justly stated, Be it enacted, by the President, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That Richard Bland, Archibald Cary, Richard Adams, Patrick Henry, John Banister, William Macon, Roger Dixon, Walker Taliaferro, Henry Pendleton, William Fitzhugh, of Somerset, Joseph Jones, Fielding Lewis, Thomas Ludwell Lee, Thomas Blackburne, Matthew Whiting, Landon Carter, the younger, Bailey Washington, Severn Eyre, John Burton, Griffin Stith, John Bowdoin, and Nathaniel Littleton Savage, esquires, shall be, and they are hereby constituted and appointed commissioners for taking, examining, and stating the accounts, claims and demands, of the several proprietors of tobacco, damaged or burnt in the said respective warehouses, and which had not remained therein above one year, before the said tobacco was so destroyed, damaged, or burnt.

II. And be it further enacted, That the said commissioners, or any three, or more of them, are hereby empowered and required to meet at such times or places as they shall think fit, of which public notice shall be advertised in the Virginia Gazette, and at the warehouse where the loss to be examined into shall have happened, at least one month before such meeting, and to examine any person or persons they shall think necessary for their information in all things relating to the said accounts, and to administer an oath or affirmation, as the case shall be, to any person or persons, for the better discovering the true quantity of the tobacco so lost.

III. And be it further enacted, That each of the said commissioners, before he enters upon the execution of this act, shall take an oath before some justice of the peace, the tenor whereof shall be as followeth, that is to say, I A. B. do swear that I will, according to my skill and knowledge, faithfully, impartially, and truly,
demean myself in taking, examining, and stating the accounts, claims, and demands, of the proprietors of the tobacco damaged or burnt at warehouse, according to the directions of the act, intituled An act for the relief of the sufferers by the loss of tobacco damaged or burnt in several warehouses.

IV. And be it further enacted, by the authority aforesaid, That in stating the said accounts the commissioners shall distinguish what of the tobacco so damaged or burnt had been inspected and passed, what was damaged or burnt before the same was inspected, and what was refused by the inspectors, and damaged, or burnt, before the same was picked, with the names of the several proprietors or owners thereof, which said accounts the said commissioners, respectively taking the same, shall transmit to the treasurer of this colony, under their hands and seals, as soon as the same shall be stated and settled.

V. And be it further enacted, by the authority aforesaid, That the said treasurer, out of the money to be raised by virtue of this act, shall, immediately after the said accounts shall be so settled and delivered to him, pay, upon warrant from the governor, or commander in chief, for the time being, to the several proprietors of the said tobacco so damaged or burnt, according to the amount of their respective claims, stated in the said accounts, after the following rates; that is to say, twenty shillings per hundred for the crop tobacco passed at Shockoe, Byrd's, Rocky Ridge, Warwick, and NASWADDOX, and eighteen shillings per hundred for the crop tobacco passed at Falmouth, Dixon's, and Quantico; nine pounds for every hogshead of uninspected tobacco, at Shockoe, Byrd's, Rocky Ridge, Warwick, and NASWADDOX, eight pounds six shillings and eight pence for every hogshead of uninspected tobacco at Falmouth and Dixon's, and Quantico, four pounds three shillings and four pence for every hogshead of tobacco refused and put by to be picked at the said warehouses, and two pence per pound for all transfer tobacco, which the inspectors may not be able to pay for, under the further provision made by this act.

VI. And whereas great quantities of the said damaged tobacco have been overhauled by the inspectors, and others employed by them, in order to save as much thereof as possible, part of which hath been since prized
Transfer notes to be discharged out of tobacco saved, after deducting expenses of salvage, &c.

Tobacco floated from the warehouses how to be discovered and accounted for.

and reviewed; but, from the uncommon dampness of the season, the whole could not be hitherto finished:

VII. Be it further enacted, by the authority aforesaid, That out of the tobacco so saved, or to be saved (a particular account of which, and all expenses of salvage, shall be rendered by the inspectors, and examined and stated by the commissioners respectively) the several inspectors shall, in the first place, pay and discharge what shall be due and owing from them respectively upon outstanding transfer notes, and shall, under the direction of the commissioners, without delay, sell and dispose of the remainder of the tobacco so to be saved, at public sale, of which fifteen days previous notice shall be given; and out of the money to be raised by such sale, shall pay and discharge the several demands for salvage and expenses, so to be stated and settled, and pay the overplus to the treasurer aforesaid, for the use of the public, to be by him accounted for to the general assembly. And if, upon settlement of the said accounts, there shall appear to be a deficiency of the tobacco, so saved at any warehouse, to discharge the transfer notes thereof, the said commissioners shall certify the same to the treasurer, who is hereby impowered and required to pay the proprietors of transfer tobacco for such deficiency, according to the rates aforesaid.

VIII. And whereas it appears that considerable quantities of tobacco were floated out of several of the warehouses down the rivers, and lodged on the plantations of different people; out of which, it is hoped, there may be considerable savings;

IX. Be it further enacted, by the authority aforesaid, That the said commissioners shall be, and they are hereby authorized and impowered to call all and every person or persons, who may have possessed themselves of any tobacco floated from the said warehouses, except such as have become possessed thereof, under contracts with the inspectors, to a strict account for the same; and upon their refusing or unreasonably delaying to account for, and deliver up, to the said commissioners, all such of the said tobacco as they may have saved, upon their being allowed a reasonable salvage, which the said commissioners are impowered to settle and allow them, the said commissioners are hereby authorized and required, in the name of the treasurer of this colony, for the time being, for the use of the pub-
lic, to commence and prosecute one or more suits, either in law or equity, as the case may require, for the better discovering and recovery of the said tobacco, or the value thereof.

X. And be it further enacted, That so much of the tobacco last mentioned, as may be saved and recovered, and has not already been re-inspected, the said commissioners are hereby impowered and required to have conveyed, with all convenient expedition, to the next or most convenient public warehouse, there to be reviewed and inspected, and then sold by the said commissioners, who shall pay the money to the treasurer for the use of the public.

XI. And whereas it is judged necessary that the present warehouses called Byrd’s, Shockoe’s, and Falmouth, from the lowness of their situation, should be discontinued, and removed to some other places, more convenient and secure from the overflowing of the water by tides and freshes:

XII. Be it therefore further enacted, by the authority aforesaid, That from and after the tenth day of October next, the several inspections at the present warehouses called Byrd’s, Shockoe’s, and Falmouth, shall be, and the same are hereby discontinued; and that from and after the said tenth day of October, the said inspections called Byrd’s and Shockoe’s, shall be removed to, and established on, the lots commonly known by the names of James Buchanan’s and Housling’s tenements, in the town of Richmond, and the inspection called Falmouth, to a lot of ground, containing one acre, belonging to the reverend John Dixon, adjoining the town and the back line of a lot he sold to David Briggs, merchant; and that it shall and may be lawful for the courts of the counties of Henrico and King George, respectively, to order and direct the proprietors of the said lots and lands to erect, build, and compleatly finish, by or before the first day of October next, such and so many strong, close, and substantial houses, as shall be sufficient to contain, at least, at the said warehouse to be called Byrd’s fourteen hundred hogsheads, at the warehouse to be called Shockoe’s sixteen hundred hogsheads, and at the warehouse to be called Falmouth one thousand hogsheads, and the said courts shall previously take of the respective proprietors bonds, with sufficient securities, in reasonable penalties, payable to his majesty, his heirs, and successors.
with conditions for the faithful building of such houses. And the said inspections, when removed, and the proprietors of the warehouses, when built, shall be under the same regulations and penalties as are prescribed by the laws now in force, respecting the present warehouses of Byrd’s, Shockoe’s and Falmouth; and moreover the several inspectors shall be intitled to and receive the same salaries.

XIII. And be it further enacted, That the said commissioners, or any three, or more of them, shall enquire into the state and condition of the warehouses at Quantico, at the time the tobacco was damaged there-in; and if they shall discover that the same were not in sufficient repair, that they examine into the cause there-of, and that they report the same to the next session of assembly.

XIV. And whereas the duties already imposed for paying the ordinary demands of the several public creditors are found insufficient to relieve the unhappy sufferers on the present occasion, and experience hath evinced, that the tax on legal process, ordinary licences, and wheel carriages, and a tax or duty on tobacco exported, are easy to the people, and not so burdensome as a poll-tax:

XV. Be it therefore further enacted, That from and after the twenty-fifth day of October next, there shall be levied, and paid by the proprietor thereof, to our sovereign lord the king, his heirs and successors, on or before the tenth day of April, yearly, a tax or duty of twenty shillings for every coach, chariot, or other four wheel carriage (except waggons) and ten shillings for every chair or two wheel chaise; and that every such owner or proprietor, at the time he delivers in a list of his tithables to the justice appointed to take the same yearly, shall deliver a list of each and every such carriage, under the like penalty, and to be recovered in the same manner, as is directed by the act of assembly in the case of concealing tithables; which said duty shall be collected by the sheriff from each respective person within his county, who hath enlisted, or ought, under the act now in force, to have enlisted, or shall hereafter enlist, such wheel carriages; and in case of non-payment, the said sheriff may levy the same by distress, in like manner as he is by law directed to restrain for levies and other public dues. And every such sheriff shall, on or before the twenty-fifth day of Octo-
ber, yearly, account with upon oath, and pay to the treasurer for the time being, appointed by, or pursuant to, an act of the general assembly, the several sums by him received, deducting five per centum for his trouble in collecting and paying the same. And the courts of each county shall, at the time of swearing a grand jury for such county, in the month of November, yearly, particularly give it in charge to such jury to enquire who have failed to deliver in lists of their carriages as aforesaid; and, upon presentment of any grand jury for such offence, it shall be lawful for the said court to order a summons to issue for the offender to appear at the next court, to answer such presentment, and shall not admit of any exception or pleading to the form or manner thereof, but shall proceed to trial without the formality of a jury, and give judgment therein according to the very right of the cause; and if the party summoned fails to appear, the court may give judgment for the penalty for such offence, according to law: Also a duty of twenty shillings for every ordinary licence, to be paid by the person obtaining the same, to the clerk of the court, before such licence shall be granted: Also two shillings and six pence for every original writ or writs, in any action or suit at common law, and subpoena or subpoenas, in any suit in-chancery, in the general court, and for every summons, on any petition for lapsed land, and for every caveat entered in the secretary's office, and one shilling and three pence for every such writ or subpoena in the county, or other inferior court, to be paid by the plaintiff in such suit to the clerk of the court, before such process shall be issued or caveat entered, and taxed in the bill of costs, and, together with the duties on ordinary licences, shall be accounted for on oath, and paid by such clerk to the treasurer, appointed as aforesaid, in the months of April and October, yearly, deducting after the rate of five per centum for his trouble in receiving, accounting for, and paying the same: Also a further tax or duty of three shillings for every hogshead of tobacco passed and delivered out of the several warehouses in this colony, to be shipped after the said twenty-fifth day of October next, to be paid by the owner or proprietor thereof, which said duty the several inspectors, at the said warehouses, are hereby required to receive from such owners or proprietors, before they deliver the tobacco out of their respective warehouses, and shall ac-
count for, upon oath, and pay the same to the said treasurer, on or before the tenth day of November, yearly, deducting five per centum for their trouble in collecting and paying the same.

XVI. And whereas several persons, from a misconstruction of the laws now in force, may have omitted to give in lists of their wheel carriages, with their tithables, in the month of June last, and may thereby be unwarly subjected to the penalties inflicted by the law for such neglect: Be it further enacted, by the authority aforesaid, that the several persons who have failed to give in such lists, shall, on or before the first day of January next, deliver to the clerk of their respective counties, a true list of all such wheel carriages as are hereby taxed, of which they were possessed on the said tenth day of June last, and on delivery of such lists, such persons shall be and they are hereby exempted and discharged from all penalties which they may have incurred for not delivering in such lists in due time, and the said clerk shall forthwith deliver such lists to the sheriff of his county, who is hereby empowered and required to collect and account for the taxes on the said carriages, in the same manner as if they had been listed at the proper time.

XVII. And be it further enacted, That the several inspectors shall, in their respective county courts, on or before the twenty-fifth day of October next, give bond, with sufficient securities, in reasonable penalties, payable to his majesty, his heirs, and successors, with condition for the due collection and payment of the said duties on tobacco, and that every inspector, hereafter to be appointed, shall, before he enters upon the execution of his office, give like bond and security.

XVIII. And be it further enacted, by the authority aforesaid, That if any sheriff, clerk, or inspector, shall refuse or neglect to account for and pay the duties, according to the directions of this act, it shall and may be lawful for the general court, or the court of the county where such sheriff, clerk, or inspector resides, upon a motion, to give judgment against them and their securities, respectively, for all such duties so by them severally received, and thereon to award execution, provided that ten days previous notice be given of such motion.

XIX. And be it further enacted, That the said treasurer shall account with the general assembly for all the monies that shall come to his hands by virtue of this act,
after deducting two per centum, as his salary, for receiving the same.

XX. And whereas, from the great length of time allowed for collecting the duties imposed by this act (which the circumstances of the country, and the scarcity of money, would not admit of being sooner done) the said duties will not be collected in time to make the sufferers that immediate satisfaction for their losses, which the public justice intitles them to: Be it therefore further enacted, by the authority aforesaid, That it shall and may be lawful for the said treasurer to issue and emit treasury notes to answer the demands that may be made upon him for the purposes aforesaid, so that the whole amount of the said notes shall not exceed the sum of thirty thousand pounds, which several notes shall be printed and engraved in such form, and after such method, as the said treasurer shall judge will render them most safe from counterfeits and forgeries, and shall be signed by Peyton Randolph, and John Blair, the younger, esquires, and in case of the death of either of them, before such treasury notes shall all be signed, it shall and may be lawful for the said treasurer to appoint some other person to sign the notes, in the room of him so dying, of which public notice shall be given in the Virginia Gazette, for three weeks after the same shall take place, and the signing the notes by such persons, so appointed, shall be as effectual, to all intents and purposes, as if it had been done by the persons herein named; and each of the said signers shall, for his trouble, receive the sum of ten pounds, to be paid by the treasurer aforesaid.

XXI. And be it further enacted, That James Hubbard, and Peter Pelham, shall be, and they are hereby appointed to overlook the press, during the printing the said notes, who shall use the best of their care and diligence that the number and amount of such notes be not exceeded, nor any fraudulent practice used by the printer, his servants, or any person concerned therein, and shall number and deliver such notes, when printed, to the persons appointed to sign the same, and each of them, for his trouble herein, shall receive the sum of twenty-five pounds, to be paid by the treasurer aforesaid, and the persons, so appointed to sign such notes, shall deliver them, when signed, to the treasurer, taking his receipt for the same; and the said treasurer shall be
allowed one per centum upon the amount of the notes by him paid away, as his salary for paying the same.

XXII. And be it further enacted, That such notes shall be payable, by the treasurer, in discharge of all demands that shall be brought against the public, pursuant to, and conformable to the directions of this act, and shall pass current in this colony, between such persons as shall be willing to receive the same, and shall be redeemable on the tenth day of December, one thousand seven hundred and seventy-five, and shall then be taken in and discharged by the treasurer for the time being, and shall be burnt and destroyed by the committee appointed by a former act to examine and burn the old treasury notes.

XXIII. And be it further enacted, by the authority aforesaid, That if any person, or persons, shall forge or counterfeit, alter or erase, any such treasury notes, or tender any such notes in payment to any person whatsoever, or demand a redemption of any such note at the treasury, knowing the same to be forged or counterfeited, altered or erased, every person so offending, if lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony, without benefit of clergy.

XXIV. And whereas pasting paper on the back of such treasury notes may be a means of preventing the detection of forgeries; Be it further enacted, That no person shall be intitled to a redemption of any note, on the back of which any other paper shall be so pasted; but if any treasury note shall be accidentally torn, wetted, or otherwise defaced, the proprietor thereof shall be intitled to receive the amount thereof from the treasurer, upon returning such note to him to be burnt as aforesaid.

XXV. And be it further enacted, That the money to be raised by the duties imposed by this act, shall stand, be, and remain, as a security for the redemption of the said treasury notes so to be issued, and the said treasurer, or the treasurer for the time being, appointed as aforesaid, is hereby required to apply all such money as shall come to his hands for the said duties, for and towards the redemption of such treasury notes, and to no other use or purpose whatsoever,

XXVI. And be it further enacted, by the authority aforesaid, That Robert Carter Nicholas, esq. treasurer of this colony, shall give such further security as shall
be approved of by the president or commander in chief, in the sum of sixty thousand pounds, for the due answering and paying all such money as shall be received by him from time to time, and for the true and faithful performance of his office, and in case of his death, resignation, or disability, the treasurer to be appointed in his stead shall, in like manner, give such further security, before he enters into his said office.

XXVII. And be it further enacted, by the authority aforesaid, That so much of this act, as relates to the imposing the duties aforesaid, shall continue and be in force until the twenty-fifth day of October, one thousand seven hundred and seventy-five, and no longer.

CHAP. II.

An act for further continuing the act, intituled An act for the better regulating and disciplining the militia.

I. WHEREAS the act of assembly, made in the thirtieth year of the reign of his late majesty king George the second, intituled An act for the better regulating and disciplining the militia, which was continued by another act, made in the thirty-second year of his said late majesty's reign, and was continued and amended by two other acts, made in the third and seventh years of his present majesty's reign, will expire at the end of this present session of assembly, and it is expedient that the same should be further continued:

II. Be it therefore enacted, by the President, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That this act, together with the said recited acts, shall continue and be in force, from and after the passing of this act, for and during the term of two years.
Parishioners of Augusta, in county of Augusta, authorised to elect a vestry.

I. WHEREAS by an act of assembly, made in the tenth year of his present majesty's reign, intituled An act for dissolving the several vestries therein mention-
ed, the vestry of the parish of Augusta, in the county of Augusta, was dissolved, and a new vestry to be elected on the twentieth day of September, then next following.

II. And whereas, by reason of the remote situation of the said county, the sheriff thereof had not notice of the said act, so as to cause an election of vestrymen to be made before the time limited had expired, whereby the minister, and other parish creditors, remain unpaid, and must continue so much longer, if a remedy be not speedily provided for the election of a vestry in the said parish: Be it therefore enacted, by the President, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the freeholders and housekeepers of the said parish of Augusta, shall meet at some convenient time and place, to be appointed and publicly advertised by the sheriff of the said county of Augusta at least one month, before the first day of October next, and then and there elect twelve of the most able and discreet persons, being freeholders and resident in the said parish, for vestrymen, which vestrymen, so elected, having, in the court of the said county of Augusta, taken and subscribed the oaths prescribed by law, and taken and subscribed the oath of abjuration, and repeated and subscribed the test, and also 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 Augusta.
An act for the ease and relief of the people, by paying the burgesses wages in money for this present session of assembly.

I. WHEREAS by one act of assembly, passed in the third and fourth years of the reign of his late majesty king George the second, intituled, An act for the better regulating the payment of the burgesses wages, it is, among other things, enacted, that when any session of assembly should be thereafter held, and upon examination of the treasurer’s accounts, it should appear that there are monies sufficient in his hands to discharge all the money debts, together with the burgesses wages, and the salaries and allowances to the respective officers of the general assembly, saving and reserving in the hands of the treasurer, over and above the said allowances, a balance of fifteen hundred pounds at least, that then every burgess, elected and serving for any county or corporation within this dominion, should be paid out of the public money, the sum of ten shillings for each day he should serve in the house of burgesses, with such further allowances, and under such restrictions and regulations, as in the said act is at large declared.

II. And whereas it appears there is not money sufficient in the treasurer’s hands to pay the burgesses wages for this present session of assembly, leaving a balance of fifteen hundred pounds, according to the directions of the said act: Nevertheless, as the payment of the said wages in money will be a great ease and relief to the inhabitants of this colony, by lessening the levy by poll, Be it therefore enacted, by the President, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing this act, the burgesses wages and allowances, for the present session of assembly, shall be paid by the treasurer, out of the public money in his hands, according to the directions and regulations of the said recited act.
At a General Assembly, begun and held at the Capitol, in the City of Williamsburg, on Monday the tenth day of February, Anno Domini one thousand seven hundred and seventy-two, in the twelfth year of the reign of our sovereign lord George the third, by the grace of God, of Great-Britain, France, and Ireland, king, defender of the faith, &c. being the first session of this present General Assembly.

CHAP. I.

An act to continue and amend the act, intituled An act to continue and amend the act, intituled An act for amending the staple of tobacco and for preventing frauds in his majesty’s customs.

I. WHEREAS the act of the general assembly, made in the fifth year of his present majesty’s reign, intituled An act for amending the staple of tobacco, and preventing frauds in his majesty’s customs, which was continued and amended by an act, made in the seventh year of his said majesty’s reign, and further continued by one other act, made in the tenth year of his said majesty’s reign, will expire on the first day of Octo-
ber, in the year one thousand seven hundred and seventy-three, and it is necessary and convenient that the same should be farther continued and amended: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the tenth day of October next, the inspections of tobacco at Hampton and Den- bigh, at Littlepage's and Waddy's, and at Morton's and Gibson's, respectively, shall be, and they are hereby disunited, and established as separate inspections.

II. And be it further enacted, by the authority aforesaid, That the warehouses, for the inspection of tobacco, at Totuskey, in the county of Richmond, and at Waller's, in the county of King William, and Walkerton, in the county of King and Queen, under one inspection, which were discontinued by the said act of the tenth year of his present majesty's reign, shall be, and they are hereby revived and re-established, with the same salaries (except as is herein after excepted) to the respective inspectors, as were allowed and appointed by the said recited acts of the fifth and seventh years of his present majesty's reign; and there shall be paid to each of the inspectors appointed to attend and attending at Royston's sixty pounds, at Colchester fifty pounds, at Hunting creek forty-five pounds, at the Brick house thirty pounds, at Cave's thirty pounds, at Acquia sixty pounds, at Dixon's, in the town of Falmouth, fifty pounds, at Robert Bolling's sixty pounds, at Boilingbroke sixty pounds, at Blandford sixty pounds, at Littlepage's thirty pounds, at Waddy's twenty pounds, and at Totuskey thirty pounds per annum.

III. And whereas, by an act of assembly, passed in the third year of his present majesty's reign, for farther continuing and amending the act for amending the staple of tobacco, and preventing frauds in his majesty's customs, the court of the county of Fairfax was ordered to cause warehouses to be erected, for the reception of tobacco, on the lots six, twenty-nine, and forty-two, the property of Benjamin Grayson, in the town of Colchester; but before such warehouses were built, the said lots six and forty-two, from the inconvenience of their situation, were found to be improper for that purpose; and therefore the warehouses, directed by the said act, were built upon the lots number
twenty-nine, and number seven, adjoining, also the property of the said Benjamin Grayson; and as disputes may arise touching the legality of the establishment of the said warehouses, and there not being room on the lots twenty-nine and seven to contain the houses necessary at the said inspection, and it is thought convenient to add the lot number eight to the lots number seven and twenty-nine, for that purpose: Be it therefore enacted, by the authority aforesaid, That the warehouses already built, shall be, and they are hereby confirmed, and the said lot number eight added to the said lots number seven and twenty-nine, for the purpose of erecting such additional warehouses.

IV. And whereas it is represented that new inspections of tobacco are necessary to be established on the lots of Robert Bolling, adjoining Davis’s landing, in the town of Blandford, and on the said Bolling’s land at Cedar point, in the county of Dinwiddie: Be it therefore further enacted, by the authority aforesaid, That from and after the first day of October next, new warehouses shall be erected on the said lots, and at Cedar point aforesaid, and it shall and may be lawful for the courts of the said counties of Prince George and Dinwiddie, respectively, to order and direct the said Robert Bolling to erect, build, and completely finish, by or before the said first day of October next, such close, strong, and substantial houses, as shall be sufficient to contain, at least, fifteen hundred hogsheads of tobacco, at each of the said new inspections at Blandford and Cedar point, and to secure the same in the manner directed by the said act of the fifth year of his present majesty’s reign; and the said courts, respectively, shall take bonds, payable to his majesty, his heirs, and successors, with condition for the faithful building of such new houses; and that the salaries of the inspectors, attending at each of the said inspections, shall be sixty pounds each.

V. And be it further enacted, by the authority aforesaid, That the receipts of the warehouses at Deep creek, in the county of Lancaster, and at Glassock’s, in the county of Richmond, shall pass in payment of all quitrents, levies, and officers fees, in the said counties of Richmond and Lancaster, respectively; and that the receipts of the warehouses on the lots of Robert Bolling, adjoining Davis’s landing, in the town of Blandford, and on the said Bolling’s land, at Cedar point, in

Notes where payable in discharge of quitrents. &c.
the county of Dinwiddie, shall pass in all payments where the receipts of the warehouses at Blandford and Bolling's point are payable.

VI. And be it further enacted, by the authority aforesaid, That the courts of the several counties within this colony, wherein any warehouses, for the inspection of tobacco, now are, or shall hereafter be established, shall and may, and they are hereby required, in the month of July or August, annually, to appoint four of their members to examine, from time to time, into the state and condition of such warehouses, and whether they are built and secured according to the directions of the said recited acts, and the persons so appointed, or any two of them, finding that the said warehouses are not in good and sufficient repair, shall immediately give notice, in writing, to the proprietor of such warehouses, to repair the same; and if such proprietor, having notice as aforesaid, shall refuse so to do, within one month from the time of such notice, it shall and may be lawful for the persons so appointed, or any two of them, to let such repairs to the lowest bidder, and to take bond and security of the undertaker for the due performance thereof; and such repairs shall be paid for in the manner directed by the said recited act of the fifth year of his present majesty's reign.

VII. And be it further enacted, by the authority aforesaid, That when the persons appointed as aforesaid, upon examination of the state of the warehouses, shall find the same to be built, well secured, and in good repair, according to the directions of the said recited acts, it shall and may be lawful, and they are hereby required, upon application of any proprietor of the said warehouses, to give him or her a certificate that the warehouses, belonging to such proprietor, are built, well secured, and in good repair, according to the directions of the said recited acts, which certificate shall discharge such proprietor from all damage which may arise at the said warehouses, until the said proprietor shall have notice to repair the same as aforesaid.

VIII. And whereas doubts have arisen in construction of the said recited act of the tenth year of his present majesty's reign, whether the rents, received at different warehouses, should be proportioned between the public and the proprietor, or whether the whole rents should be paid to the treasurer, until the public is fully reimbursed the expences it hath been at in build-
ing and repairing of such warehouses: For removing such doubts, Be it further enacted, by the authority aforesaid, That the rents of the said warehouses, which have been, or shall be built or repaired, both at the expense of the public and proprietor, shall be proportioned by the courts of the several counties, as is directed by the said recited act of the fifth year of his present majesty’s reign.

IX. And be it further enacted, by the authority aforesaid, That this act shall commence and be in force from and after the first day of October, and that the said recited acts as to so much thereof as is not contrary hereunto, together with this act, shall continue and be in force from the said first day of October, in the year one thousand seven hundred and seventy-three, for and during the term of two years, and no longer.

CHAP. II.

An act to amend so much of an act of assembly, intituled An act for the inspection of pork, beef, flour, tar, pitch, and turpentine, as relates to the inspection of flour.

1. WHEREAS the manufacturing of flour and bread is of late much increased in this colony, and become a very advantageous article of commerce, and the laws, now in force, being thought insufficient to prevent frauds, which may be committed by millers, bakers, and others, employed therein: For remedy whereof, Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the first day of August next, all casks, containing flour intended for exportation, before the same is removed from the mill where manufactured, shall be branded with the first letter of the owner’s christian name, and with his surname at length, or the name of the said mill, which brand or mark, so used, shall be recorded.

County courts to proportion rents of warehouses between the public and proprietor.

Continuance.
in the court of the county where such owners reside; and the clerk of the court for recording the same shall receive one shilling; and for every cask of flour removed before the same shall be branded, as is before directed, the owner thereof shall forfeit and pay one shilling.

II. And be it further enacted, That all wheat flour, made for exportation, shall be genuine and unmixed with any other grain, and shall be all of the same fineness, and faithfully packed in good casks, made of seasoned timber, and, when delivered, well and securely nailed, under the penalty of one shilling for every cask, to be recovered of the miller, or if he be a servant or slave, of the owner who shall neglect or fail so to do, in either of the cases aforesaid.

III. And be it further enacted, That the owners of mills and bakehouses shall, on every cask, containing flour or bread, mark the true tare of such cask, and for every cask false tared, the offender shall forfeit and pay five shillings; and if any inspector of flour, or the purchaser of flour, or bread, shall suspect any fraud, such inspector or purchaser may, in the presence of the seller, cause any of the said casks to be unpacked, and if any fraud is discovered, the seller, besides the penalty aforesaid, shall be obliged to pay the expence attending the same; but if no fraud appears, then the said expence shall be paid by the purchaser.

IV. And be it further enacted, by the authority aforesaid, That every owner of a mill or bakehouse, at the time of the delivery of any flour or bread for exportation, shall make out and deliver therewith a manifest or invoice, under his hand, of the marks, numbers, and nett weight of every cask, on pain of forfeiting forty shillings for every neglect; and all flour or bread, delivered as aforesaid, and put into any cart, wain, waggon, or boat, to be conveyed to the place of exportation, shall be sufficiently covered and secured from the weather; and if any driver of a cart, wain, or waggon, or skipper of a boat, or other vessel, carrying flour or bread, as aforesaid, shall neglect to provide such covering, he, or in case he shall be a servant or slave, the owner, shall forfeit and pay one shilling for every cask so carried.

V. And be it further enacted, That all flour, intended for exportation, shall be inspected according to the directions of the laws now in force, and if found to be good and merchantable, the inspector shall stamp or
brand, on the head of every cask, the letter V for Virginia, the first letter of his county, the first letter of his own christian name, his surname at length, and the quantity of the flour, S F for superfine, and F for fine.

VI. And be it further enacted, by the authority afore
said, That it shall and may be lawful for any sworn officer to go on board any ship or vessel in the day time, and search for any flour on board intended for exportation without being marked and branded, according to the directions of this act, and if any such shall be found, the owner thereof shall forfeit and pay five shillings for every cask; and in case the master of any ship or vessel shall not permit or suffer such search to be made, he shall forfeit and pay ten pounds for every offence.

VII. And be it further enacted, That the weights and measures used at merchant mills shall, once in every year, be by some person, to be appointed by the court of the county in which such mill is erected, examined and made agreeable to the standard of the county.

VIII. And be it further enacted, That no owner of a merchant mill, or any person employed in such mill, shall be appointed an inspector of flour, and if any such person shall take and execute the said office, he shall forfeit and pay fifty pounds; and it shall not be lawful for any inspector of flour to trade or deal therein; and if any such inspector shall presume so to do, he shall forfeit and pay fifty pounds for every offence; and if any person or persons shall alter or counterfeit the brand of any manufacturer or inspector of flour, the offender shall, for the first offence, forfeit five pounds, for the second offence ten pounds, and for the third offence shall stand in the pillory, for such time as the court, before whom he is convicted, shall direct.

IX. And be it further enacted, by the authority afore
said, That the several fines and forfeitures imposed by this act shall and may be recovered to the use of the informer, where the same shall not exceed twenty-five shillings, before any justice of the peace, and for any sum above twenty-five shillings, and not exceeding five pounds, by petition in any county court, and for all sums above five pounds in any court of record in this colony, by action of debt, or information, with costs of suit.

X. Provided nevertheless, That where any officer and appro
shall discover flour to have been shipped contrary to printed

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the directions of this act, the penalty in such case inflicted on the offender, if recovered, on a suit brought, shall be one moiety to such officer, and the other moiety to the person who will inform, or sue for the same.

XI. And be it further enacted, That all and every other act and acts, clause and clauses, heretofore made, for or concerning any matter or thing within the purview or meaning of this act, shall be, and are hereby repealed.

XII. And be it further enacted, That this act shall continue and be in force, from and after the first day of August next, for and during the term of three years, and from thence to the end of the next session of assembly.

CHAP. III.

An act for further continuing the act, intituled An act for reducing the several acts of assembly, for making provision against invasions and insurrections, into one act.

WHEREAS the act of the general assembly, made in the thirtieth year of the reign of his late majesty king George the second, intituled An act for reducing the several acts of assembly, for making provision against invasions and insurrections, into one act, which hath been continued by three other acts, made in the third, seventh, and tenth years of his present majesty's reign, will expire on the eighth day of June, in the year one thousand seven hundred and seventy-three, and it is necessary that the same should be farther continued: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said act of assembly, made in the thirtieth year of his said late majesty's reign, shall continue and be in force, from and after the said eighth day of June.
in the year one thousand seven hundred and seventy-three, for and during the term of two years, and no longer.

CHAP. IV.

An act for further continuing and amending the act intituled An act for the better regulating and collecting certain officers fees, and for other purposes therein mentioned.

I. WHEREAS the act of assembly, made in the nineteenth year of the reign of his late majesty king George the second, intituled An act for the better regulating and collecting certain officers fees, and for other purposes therein mentioned, which hath been continued by several acts, and amended by four acts, in the first, third, seventh, and eighth years of his present majesty’s reign, will expire on the twelfth day of April next; and it being necessary that the same should be further continued, with amendments: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said recited acts shall continue and be in force, from and after the said twelfth day of April next, for and during the term of Continuance two years, and no longer.

II. Provided nevertheless, and be it further enacted, by the authority aforesaid, That it shall and may be lawful to and for any person or persons, from whom any tobacco shall be due for secretary’s, clerks, sheriffs, surveyors, or other officers fees, to pay and satisfy the same, either in tobacco, according to the said recited acts, or in money, at the rate of twelve shillings per hundred weight of gross tobacco, and so in proportion for a greater or lesser quantity, at the option of the payer; and the sheriffs or collectors of the said fees shall, and they are hereby required to receive the same from any person or per-
LAWS OF VIRGINIA,

sons in discharge of the said fees; and the sheriffs or collectors of the fees aforesaid shall account with, and pay to the persons intitled to the same, all the money which they shall receive in payment of such fees, which shall discharge such sheriffs or collectors from any other demands for the fees so paid in money; anything in the before recited acts, to the contrary thereof, in any wise, notwithstanding.

III. Provided also, That nothing herein contained shall be construed to extend to the fees of any of the officers aforesaid which shall become due and owing in the counties of Halifax, Pittsylvania, Bedford, Lou- doun, Frederick, Augusta, Botetourt, and Hampshire, but that the fees due in the said counties shall continue to be paid in the same manner as if this act had never been made.

CHAP. V.

An act to impower the clerks of county courts to issue certain writs of execution into other counties.

I. WHEREAS the laws concerning executions are defective in not authorizing the clerks of county courts to issue all manner of legal and proper writs of execution upon judgments, decrees in chancery, and final orders, duly recovered and obtained in such courts, into other counties, as is done in writs of capias ad satisfac- ciendum and fieri facias: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the clerks of the several county courts in this colony, shall be, and they are hereby impowered and required, upon the application of any party who hath obtained, or shall obtain, any judgment, decree, or final order, in such courts, to issue any legal or proper writ of execution or attachment thereupon, as the case may require; as also to issue attachments against executors, administrators, or guardians, who shall fail to account when ordered so to do by such court, direc-
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eded to the sheriff of the same, or any other county, provided there be fifteen days at least, and not more than ninety days between the teste and return of such writ.

II. And be it further enacted, by the authority aforesaid, That the sheriff to whom such writ shall be directed and delivered, shall duly execute and return the same, or in default therein shall be liable to the like penalties as are by law inflicted, respectively, for the not executing or returning other writs of execution; and upon failing to pay the money by him received upon any such writ, or suffering a voluntary or negligent escape of the debtor, shall be subject to the same remedy and proceedings as are prescribed by the laws now in force for the like defaults in other executions.

CHAP. VI.

An act for altering the method of drawing out writs of Alias Capias, and other process, in the county courts, for regulating certain expenses on attachments, and writs of execution, and for altering the court days of certain counties.

I. WHEREAS the laws, as they now stand, restrain the clerks of the county courts within this colony from issuing any writs of alias capias, renewing any petitions, or other process, where the original process hath not been executed, until such new process shall be ordered by the court of such county; and whereas it frequently happens that such courts, neglecting to sit to order such new process, the honest creditor is obliged to pay the costs of his original process, or run the risk of losing his just debt: To remedy which evil, Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That when the sheriff, or any other officer, of any county within this colony, shall return any writ, petition, or other process, to him court.
directed, into the clerk's office of such county, by which return it shall appear to the clerk that the said process hath not been executed, it shall and may be lawful for such clerk, and he is hereby required, at the request of the party at whose instance the same was originally sued out, or his attorney, to issue an alias capias, or renew such process, without the formality of having such suit called in court; any law, custom, or usage, to the contrary notwithstanding.

II. And whereas the sheriffs, and other officers, of the several counties within this colony, do frequently serve attachments, and writs of execution, upon horses, cattle, hogs, sheep, and other live stock, which such officers are obliged to retain in their custody for a length of time before an order of court can be obtained for the sale of such live stock, or for want of buyers, during which time such stock frequently perish for want of proper food, or are greatly impoverished, to the great detriment both of the creditor and his debtor: For remedy whereof, Be it further enacted, by the authority aforesaid, That when any sheriff or other officer, shall serve an attachment, or any writ of execution, on horses, or other live stock, and the same shall not be immediately repleved or restored to the debtor, it shall and may be lawful for such officers, and they are hereby required, to provide sufficient sustenance for the support of such live stock, until such stock shall be sold, or otherwise legally discharged from such attachment, or writ of execution; and upon the trial of any attachment, or return of any execution, the court before whom such attachment shall be tried, or such execution returned, may and shall, upon the motion of the officer serving the same, settle and adjust what such officer shall be allowed for his expences incurred by supporting such stock, to be taxed in the bill of costs against the party against whom judgment shall be given on such attachment, and the same shall be retained by the officer out of the money arising from the sale of such stock; and the said officer shall and may retain the expences of supporting such stock, taken by execution, as aforesaid, out of the money arising from the sale, to be settled in manner aforesaid. And where the plaintiff in any attachment shall be cast, the expences aforesaid shall be taxed in the bill of costs against such plaintiff, for which the defendant may take execution, with the other costs.
III. And whereas it is represented to this present general assembly, that the court days of the counties of Loudoun, and Pittsylvania, as they are now appointed, are found to be inconvenient, as well to the inhabitants of the said counties, as to others who attend the said courts: For remedy whereof, Be it enacted, That from and after the first day of May next, the court of the said county of Loudoun shall be constantly held on the fourth Monday, and the court of the said county of Pittsylvania on the fourth Thursday in every month; any law, custom, or usage, to the contrary, notwithstanding.

CHAP. VII.

An act for altering the court days of the counties of Surry, Bedford, and Princess Anne.

WHEREAS it hath been represented to this present general assembly, that the days appointed for holding courts in the counties of Surry, Bedford, and Princess Anne, are inconvenient to the justices and others, who are obliged to attend the said courts: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the tenth day of June next, the court of the said county of Surry shall be held upon the fourth Tuesday in every month, and the court of the said county of Bedford shall be held on the fourth Monday in every month, and the court of the said county of Princess Anne shall be held upon the second Thursday in every month; any law, custom, or usage, to the contrary, in any wise, notwithstanding.
CHAP. VIII.

An act to amend an act, intituled An act to prevent malicious maiming and wounding.

I. WHEREAS many disorderly and quarrelsome persons do frequently molest, disturb, and ill treat many of his majesty's peaceable and quiet subjects, often wounding and doing them great injury, yet not in such a manner as to come within the description and penalties of the act of assembly, made in the twenty-second year of his late majesty's reign, to prevent malicious maiming and wounding, and the offenders, upon suits brought against them, and damages recovered, do secrete their effects, so that no satisfaction can be obtained for such injuries: For remedy whereof, Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That if any person or persons, from and after the first day of June next, shall wound, by gouging, plucking or putting out an eye, biting, kicking, or stamping upon any of his majesty's subjects, and a suit shall be brought to recover damages for the same, the defendant or defendants shall give bail to answer such suit, and if the jury, by whom such suit shall be tried, shall find that the wounding was wilful and malicious, the defendant or defendants shall immediately pay, in court, the damages assessed by the jury, with the costs of suit, or give sufficient security to pay the same within three months; and every person failing so to do, shall, by order of such court, receive on his bare back so many lashes, well laid on, at the public whipping post, as the court shall think fit to order, not exceeding thirty-nine.

II. And be it further enacted, by the authority aforesaid, That where any person, wounded as aforesaid, shall not, within three months, commence and prosecute his action for the said injury, it shall and may be lawful for any other person, in his own name, to prosecute for the same, by an action upon the case, in which action the defendant or defendants shall be held to bail, and plead to issue immediately, and if, upon the trial thereof, he or they shall be found guilty of
such wilful and malicious wounding, the jury shall assess damages, and judgment shall be entered for the same, to be paid, one moiety to the prosecutor, and the other moiety to the churchwardens of the parish where the offence is committed, for the use of the poor of the said parish, with costs of suit; and on failure of present payment, or giving security, the person, so convicted, shall receive such corporal punishment as before mentioned.

III. Provided always, That if the plaintiff, in such action, shall fail to prosecute the same, or the defendant or defendants shall, upon trial thereof, be acquitted, he or they shall recover their full costs against the plaintiff.

IV. And be it further enacted, by the authority aforesaid, That for the better direction of the sheriff, in taking bail in such suits, it shall and may be lawful for any justice of peace of the county, upon affidavit made before him by the plaintiff of such wounding, and he is hereby required to certify the same to the clerk of the court, who shall endorse on the writ, sued out by such plaintiff, that good bail is to be taken; and where any person, wounded as aforesaid, shall fail to commence his action for the same, within the time prescribed by this act, and any other person shall bring suit for the same, such person, or any witness by him produced, making affidavit of the wounding before a magistrate as aforesaid, and the same being certified to the clerk of the court, such clerk shall endorse on the writ, to be issued, that good bail is to be taken, and such bail, or the sheriff, if he takes none or insufficient bail, shall be subject to the same proceedings, and entitled to the like remedy as is provided by law in other cases; and the special bail to be given in any such suit shall be liable in the same manner as in other cases; and if any defendant shall not be present in court at the time of his conviction of the offence aforesaid, and shall afterwards be surrendered by his bail to the sheriff, within the time allowed by law for such render, and shall not immediately pay the amount of the damages and costs, or give security for payment thereof, as aforesaid, such defendant shall be committed to gaol, there to remain until the next court, to be held for the county, or until such payment or security, and shall then, by order of court, receive such corporal punishment as aforesaid, in case such payment be not then
Clerk shall endorse on execution for what the damages, &c., were recovered.

Remedy upon bonds taken in pursuance of the act.

made, or security given; and for the better direction to the sheriffs, the clerk shall endorse upon every such execution, or the bail shall give notice to the sheriff in case of a render, without execution, that the damages and costs, for which the defendant was committed, were recovered for a wounding contrary to this act.

V. And be it further enacted, by the authority aforesaid. That all bonds to be taken pursuant to this act, shall be payable to the plaintiff or his assigns, and shall be returnable to the clerk's office where the recovery shall be, and shall have the force of judgments, and on failure of payment of the money or tobacco, at the time mentioned in such bond, it shall be lawful for the court, on the motion of the obligee, his executors, administrators, or assigns, to give judgment thereupon against the obligor and his securities, or his or their executors or administrators, and thereon to award execution, provided that ten days previous notice of such motion be given, and upon such execution, if against the estate, the sheriff shall proceed to sale, without taking bond either for the forthcoming of the estate, or to replevy the same, as is directed in other cases; and for the better direction of the sheriff, the clerk shall endorse upon every such execution, that no security, of any kind, is to be taken.

CHAP. IX.

An act for amending the acts concerning the trials and outlawries of slaves.

Recital.

Slave convicted of housebreaking in the night, not excluded from clergy, unless a free man, in the like case would be so.

I. WHEREAS it hath been doubted whether slaves convicted of breaking and entering houses in the night time, without stealing goods or chattels from thence, are entitled to the benefit of clergy: For explaining the law in this point, Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That a slave who shall break any house in the night time, shall not be excluded from clergy, unless the said breaking, in the case of a free man, would be a burglary.
II. And be it further enacted, That from and after the passing of this act, sentence of death shall in no case be passed upon any slave, unless four of the court, before whom such slave is arraigned and tried, being a majority, shall concur in their opinion of his or her guilt; any law, custom, or usage, to the contrary there-of, notwithstanding.

III. And whereas doubts have arisen, and various opinions have prevailed, touching the proper construction of part of an act of assembly, made in the twenty-second year of the reign of his late majesty, directing the method of proceeding against outlying slaves, and in what manner they shall be paid for by the public, when killed or destroyed, in pursuance of the said act: For removing such doubts, and that the said act may hereafter receive one uniform interpretation, Be it enacted, by the authority aforesaid, That no justice or justices of the peace of this colony shall, by virtue of the said act, issue a proclamation against any slave, authorizing any person to kill or destroy such slave, unless it shall appear to the satisfaction of such justice or justices that such slave is outlying and doing mischief; and if any slave shall hereafter be killed or destroyed, by virtue of any proclamation, issued contrary to this act, the owner or proprietor of such slave shall not be paid for such slave by the public; any thing in the said recited act to the contrary, or seeming to the contrary, in any wise, notwithstanding.

CHAP. X.

An act to amend an act, intituled An act concerning Seamen.

I. WHEREAS the act, passed in the twenty-second year of the reign of his late majesty king George the second, intituled An act concerning seamen, hath been found insufficient to restrain masters or commanders of vessels from discharging sick, or disabled sailors or servants, and is often evaded by such commanders, leaving the country before any suit brought against
them can be determined, and without effects whereon to levy execution: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this act, if any suit shall be brought by the churchwardens of any parish against any master or commander of a vessel for putting on shore any sick or disabled sailor or servant, contrary to the said recited act, it shall and may be lawful for the court, before whom such suit is depending, upon a motion of the plaintiffs, to rule the defendant, on his appearance, to special bail; any law, custom, or usage, to the contrary, in any wise, notwithstanding.

II. Provided always, That the said churchwardens, or either of them, shall make affidavit of the cause of action before a magistrate, and the same being certified to the clerk of the court, such clerk shall endorse upon the writ to be issued, that good bail is to be taken, and such bail, or the sheriff, if he takes none or insufficient bail, shall be subject to the same proceedings, and intitled to the like remedy as is provided by law in other cases, and the special bail to be given in any such suit shall be liable in the same manner as in other cases.

CHAP. XI.

An act to amend the act, intitled an act prescribing the method of appointing sheriffs, and for limiting the time of their continuance in office, and directing their duty therein, and for other purposes.

I. WHEREAS by the long continuance of under sheriffs in office they gain an undue influence, and by that means are induced to commit many acts of oppression and injustice to his majesty's subjects: For prevention whereof, Be it enacted and declared, by the Gov-
Under sheriff may not continue more than 2 years in office without consent of the court.

II. And whereas it frequently happens, from the inclemency of weather, or other accidents, that the county courts are not held at the time the high sheriff is by law to qualify under the commissions granted to them, which has occasioned various disputes touching the legality of the execution of the office by the preceding sheriff, after the granting of any new commission: For remedy whereof, Be it further enacted, by the authority aforesaid, That if no court shall be held for any county in the month next after the date of any new commission granted to the sheriff, the preceding sheriff shall continue to act and execute the office of sheriff, till a court shall be held for the county, so as to qualify the sheriff appointed by such new commission.

III. And whereas the inhabitants of this colony are liable to be, and in many instances have been, imposed upon by the sheriffs or collectors of the several counties, for want of an account stated separately and distinctly of the several fees by them collected for different officers, and also a clear account of the quitrents, public county, or parish levies, which the said sheriffs, or their deputies, often refuse to give, and often do make distress, if immediate payment be not made of a sum demanded by them in gross, which practices are productive of great inconveniences: For remedy whereof, Be it further enacted, by the authority aforesaid, That every sheriff, deputy sheriff, or collector, who shall hereafter receive from any person, or persons, any officers fees, quitrents, public county, or parish levies, shall deliver to the person, so paying, a fair and distinct account of the several articles, for which he shall receive the same, and also a receipt for what shall be so paid him; and every sheriff, deputy sheriff, or collector, failing herein, shall forfeit and pay to the person by whom such payment shall be made, the sum of twenty shillings for each offence, to be recovered, with costs, before any justice of the peace of the county where such sheriff, deputy

Sheriff, &c. receiving fees, &c. shall deliver to the party a distinct account of the articles with a receipt, or be subject to a penalty, and liable to the party's action.
sheriff, or collector, shall reside; and such sheriff, or other officer, shall moreover be liable to the party grieved for all damages he may sustain by means of such officers demanding and receiving a greater sum than shall be really due, to be recovered by action of trespass on the case, before any court of record within this colony, in which action, where the plaintiff shall recover, he shall also recover his full costs.

IV. And whereas by an act of the general assembly, passed in the tenth year of his present majesty's reign, the inhabitants of the county of Botetourt were allowed to discharge all secretary's, clerks, and other officers fees, at the rate of eight shillings and four pence for every hundred weight of gross tobacco, and it is reasonable that the same liberty should be granted to the county of Fincastle: Be it therefore further enacted, by the authority aforesaid, That from and after the first day of December next, the inhabitants of the said county of Fincastle shall discharge all fees due from them to the secretary, clerks, and other officers, in the said county, at the rate of eight shillings and four pence for every hundred weight of gross tobacco.

CHAP. XII.

An act to amend an act, intituled An act directing the duty of surveyors of land.

I. WHEREAS many inconveniencies have arisen from the inattention of surveyors to the variation of the magnetic needle, in resurveying lands which were formerly surveyed, when the variation was very different from what it is now, and many mistakes and much confusion may arise in comparing future surveys with the present: For remedy whereof, Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the first day of June, in the year of our Lord one thousand seven hundred and seventy-three, every surveyor in this colony shall,
under the penalty of five pounds, return all his or their original or new surveys, and protract and lay down their plats by the true, and not by the artificial or magnetic meridian, and shall moreover express and declare, in or on the plat and return of each survey, by him or them taken or made, the true quantity or degree of the variation aforesaid, and whether it be east or west.

II. Provided always, That when any surveyor shall be called upon or ordered to resurvey any lands, that may have been surveyed before the commencement of this act, such surveyor shall or may resurvey such lands according to the present mode of surveying by the magnetic meridian, but shall, nevertheless, under the penalty aforesaid, return and certify, in his plat, the quantity or degree of the variation of the magnetic needle from the true meridian, at the time of making such resurvey, and shall also, in the said plat and return, certify (where the same can be done) the quantity or degree of variation between the original lines of such former survey from the true meridian aforesaid.

III. And be it further enacted, That the penalties inflicted by this act may be recovered by any person, or persons, who shall sustain any damage by the surveyor's failing to comply with the directions of this act, who will inform or sue for the same by action of debt, bill, plaint, or information, in any court of record within this dominion.

CHAP. XIII.

An act for regulating the allowances to the keeper of the public prison for the maintenance of poor prisoners for debt, and for other purposes therein mentioned.

I. WHEREAS by one clause of an act, passed in the twenty second year of the reign of his late majesty king George the second, intituled An act de-
declaring the law concerning executions, and for relief of insolvent debtors, it is, amongst other things, enacted, that where any person shall be committed to prison, for any debt or damages whatsoever, and shall not be able to satisfy and pay his or her ordinary prison fees, such of the said fees as shall become due for the first twenty days imprisonment shall be discharged by the county, which is unreasonable, and frequently occasions the imprisonment of poor and indigent persons by their creditors, who are compellable, by the said act, to reimburse the county the fees due on such imprisonment: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That so much of the said act, which directs that the prison fees, due for the first twenty days, for the imprisonment of any person committed to prison, for any debt or damages, who are not able to pay and satisfy such fees, shall be discharged by the county, be, and the same is hereby repealed. And the sheriff or gaoler may demand and receive of the party or parties, at whose suit such insolvent person shall be imprisoned, all such fees as shall become due, until the creditor shall agree to release such prisoner; and if the creditor, upon notice given to him or her, his or her attorney or agent, shall refuse to give security to the sheriff or gaoler for the payment of such prison fees, or shall fail to pay the same, when demanded, it shall and may be lawful for such sheriff or gaoler to discharge such debtor or out of prison, according to the directions of the said recited acts.

II. And whereas, by one other act, passed the same session, intituled An act concerning the public prison, and directing the method of appointing the keeper thereof, the keeper of the said public gaol is empowered to demand and receive of all prisoners committed to his custody by the general court, on mesne process, or in execution, the fees and allowances settled or to be settled by law, but where any such prisoner should be so poor as not to be able to maintain him or herself in prison, there should be allowed six pence per day, and paid by the general assembly, for the maintenance of such poor prisoner, which from the high price of provisions, is found to be insufficient for such maintenance, and doubts having also arisen whether the public or counties are to pay the public gaoler for the maintenance,
of such poor prisoners, who, being committed to a county gaol, are removed to the public prison by habeas corpus: Be it therefore enacted, by the authority aforesaid, That the allowance to the keeper of the public gaol, for all poor prisoners, who are unable to pay his or her ordinary prison fees, whether committed on execution, or by order of the general court, or removed by habeas corpus, shall, for the first twenty days, be paid by the public, and levied on the creditor, and that such allowance, for such poor prisoners, shall be one shilling and six pence per day.

III. And be it further enacted, by the authority aforesaid, That the keeper of the said public gaol shall also be entitled to receive one shilling per day for the keeping every runaway servant or slave, committed to the said gaol, pursuant to the laws now in force.

IV. And the better to enable the said keeper of the public gaol to provide for the prisoners under his care, Be it enacted, by the authority aforesaid, That the treasurer of this colony, for the time being, shall advance and pay to the said gaoler, out of the public money in his hands, by warrant from the governor or commander in chief, for the time being, the sum of one hundred pounds, at four equal payments, to be deducted out of the tobacco that shall be levied for the said gaoler in the book of claims by the succeeding session of assembly.

CHAP. XIV.

An act to continue an act, intituled an act to continue and amend an act, intituled an act for reducing the several acts, made for laying a duty upon liquors, into one act.

WHEREAS the act of assembly, made in the thirty Act laying a second year of the reign of his late majesty king George duty upon liquors, further continued intituled An act for reducing the several acts for laying a duty upon liquors, into one act, which was
was continued by several acts, and amended by one act, made in the tenth year of his present majesty's reign, will expire on the first day of June, one thousand seven hundred and seventy-three, and it is necessary that the same should be further continued: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That this act, together with the said recited acts, shall continue and be in force, from and after the said first day of June, one thousand seven hundred and seventy-three, for and during the term of seven years, and no longer.

CHAP. XV.

An act for continuing and amending several acts, and reviving one act, for laying duties upon slaves imported.

I. WHEREAS an act of assembly, made in the twenty-fifth year of the reign of his late majesty king George the second, intituled An act for reviving the duty upon slaves, to be paid by the buyers, for the term therein mentioned; and one other act of assembly, made in the thirty-third year of his said late majesty's reign, intituled An act to oblige persons bringing slaves into this colony from Maryland, Carolina, and the West-Indies, for their own use, to pay a duty; which several acts have, from time to time, been continued by several other acts, will expire on the twentieth day of April, one thousand seven hundred and seventy-three, and it is found expedient and necessary that the said acts should be further continued and amended: And whereas an additional duty of five per cent. was laid on all slaves imported into this colony, by an act passed in the twenty-seventh year of the reign of his late majesty king George the second, intituled An act for the encouragement of the settlers upon the waters of the Mississippi, which duty was continued for five years,
by an act passed in the third year of the reign of his present majesty, and was afterwards revived by an act, passed in the tenth year of his present majesty, intituled An act for the better support of the contingent charges of government, which expired on the twenty-fifth of October last, and it is necessary that the same should be revived: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That so much of the said act, intituled An act for the better support of the contingent charges of government, as relates to the imposing, collecting, and accounting for, the said additional duty of five per cent. upon slaves shall be revived, and that it shall continue and be in force, from and after the twentieth of April next, for and during the space of six years, and from thence to the end of the next session of assembly.

II. And whereas it is represented to this present general assembly, that many frauds have been committed by some importers of slaves into this colony, who do not enter them with the proper officers at all, and by others who make sham and pretended sales of slaves, by exposing them at public auction, in large numbers, the importer or owner still retaining the real property, and afterwards disposing of such slaves at advanced prices, whereby the country, in some instances, is totally deprived of the duty, and, in others, the said duty is greatly lessened: For remedy whereof, Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the tenth day of June next, every owner or importer of any slave or slaves, from any country or place whatever, either by land, or by water, shall, within the time prescribed by law, for reporting at the customhouse the cargo of any ship or vessel, and within the time prescribed by the said last mentioned act, for delivering to the county court clerks a list of all slaves imported or brought from any part of America, deliver in, upon oath, to the naval officer of each district, or to the county court clerks respectively, as the case may be, a true and perfect list or manifest of all slaves by him or her imported; and if any owner or importer shall fail so to do, he or she shall forfeit and pay the sum of twenty pounds for every slave so secreted, or of which such owner or importer shall fail to give in such list or man-
manifest, to be recovered with full costs, by action of debt, by the informer, for his own use, in any court of record within this dominion. And every naval officer, and county court clerk, shall, within two months after such list or manifest is delivered to him, transmit an exact copy thereof to the treasurer of this colony for the time being; and every officer or clerk failing herein, shall forfeit and pay the sum of ten pounds, to be recovered with costs of suit by the said treasurer, in his own name, but for the use of the public, by action of debt in any court of record.

A duty of 5l. per poll on slaves imported from Maryland, Carolina, and the West-Indies, or any other part of America, except such as are excepted by the said act, there shall, from and after the said tenth day of June next, be paid to our sovereign lord the king, his heirs, and successors, in lieu of the twenty per cent. ad valorem, a duty of five pounds by the head, to be collected and paid to the treasurer of this colony for the time being, and by him accounted for in the same manner as by the said recited acts is directed.

Continuance

IV. And be it further enacted, by the authority aforesaid, That so much of the said recited acts of assembly, and every clause and article thereof as is not altered by this act, together with this act, shall continue and be in force from and after the twentieth day of April, which shall be in the year of our lord one thousand seven hundred and seventy-three, for and during the term of five years, and from thence to the end of the next session of general assembly.

V. Provided always, and be it enacted, by the authority aforesaid, That the said duties shall be collected and paid, according to the directions of the said recited acts, to Robert Carter Nicholas, esquire, treasurer, or the treasurer of this colony for the time being, appointed by, or pursuant to, an act of assembly; anything in the said recited acts, to the contrary, in any wise, notwithstanding.
An act for laying a Public Levy.

I. BE it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That six pounds of tobacco be paid by every tithable within this dominion for the defraying and payment of the public charge of the country, being the public levy from the seventh day of November, one thousand seven hundred and sixty nine, to the sixth day of February, one thousand seven hundred and seventy two, and that it be paid by the collector of the several counties to the several persons and counties respectively, to whom it is proportioned by this general assembly. And if it shall happen that there shall be more tithables in any county than the present levy is laid on, then such county shall have credit for so much to the use of the county, and if fewer tithables in any county, then such county shall bear the loss. Provided always, that where any allowance is made in the book of proportions to any county, to be paid in the same county, no more per poll shall be collected from the tithables of such county than will discharge the balance, after such allowance shall be deducted, and that every county court shall regulate the levy accordingly.

II. And be it further enacted, by the authority aforesaid, That the sheriff of every county shall, at the court give bond of his county, to be held in the months of May or June, give bond and security for the due collection and payment of the public levy now laid and assessed.

III. And whereas there are several balances due to the public from the following counties, to wit, from the county of Hanover, seven thousand and twenty, and from the county of James City eight hundred and ninety five pounds of tobacco, as appears by the book of proportions: Be it further enacted, That the sheriff of each of the said counties above mentioned, shall after giving one month's notice in the Virginia Gazette, sell the respective quantities of tobacco levied in his county, as a depositum for the use of the public, to the highest bidder, at the court of his county, to be held in the months of July or August next, provided a court be then held, if not, at the next succeeding court, on cre-
dit till the first day of November following, and shall take bond, with sufficient security, payable to the treasurer of this colony for the time being, and shall transmit the same to the said treasurer within one month after such sale. And if any such buyer shall neglect or refuse to pay the money on the bonds aforesaid, when the same shall become due, it shall and may be lawful for the general court, or the court of the county where such buyer resides, on a motion to them made by the treasurer of this colony for the time being, to give judgment on the said bonds, and thereon to award execution, provided such buyers and his securities, his and their heirs, executors, or administrators, have ten days previous notice; which monies shall be accounted for by the said treasurer to the general assembly.

IV. And whereas there is a large sum of money levied in the book of public claims for the officers of the general assembly, executed slaves, tobacco stolen out of and damaged in the public warehouses, and for other public expences, and an act has passed for paying the burgesses wages for this present session of assembly in money; and whereas the money now in the public treasury is not sufficient to answer the several demands, and large sums are expected to be paid in by the twentieth day of June next: Be it therefore enacted, by the authority aforesaid, That the said claims against the public shall not be demanded from the treasurer until the said twentieth day of June next; nevertheless the said treasurer may discharge as many of the said claims as the money now in his hands shall amount to, or any further sum, as soon as the money, so to be paid in, shall be received by him.

CHAP. XVII.

An act to amend the several acts of assembly respecting the currency of copper money in this colony.

I. WHEREAS by an act of the general assembly, passed in the first year of the reign of his late majesty king George the second, intituled An act for the better.
regulating and ascertaining the current rates of silver coin within this dominion, and for preventing the evil practice of cutting foreign gold into pieces, it is, amongst other things, enacted, that if his majesty, his heirs, or successors, should think fit, at any time thereafter, to permit copper coin to be brought in and pass in this colony, the same should pass and be current at the like rates it doth pass in Great-Britain. And whereas by one other act of assembly, passed in the tenth year of the reign of his present majesty, intituled An act for the better support of the contingent charges of government, it is, amongst other things, enacted that if his majesty should be graciously pleased to permit copper money to be brought in and pass in this colony, the treasurer should, at the public expence, cause so much of such copper to be purchased in Great-Britain, as at the rates at which it doth pass there would amount to two thousand five hundred pounds sterling. And whereas it is represented to this general assembly, that it will be more convenient for the purposes to which copper money is usually applied, to have the same coined into halfpenny pieces, of the value of so much current money of Virginia, instead of sterling money of Great-Britain, and that the value of one thousand pounds sterling, in such currency halfpence, will be sufficient to answer the present occasions of the colony: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That so much of the last mentioned act as impowers the treasurer to import copper money, to the amount of two thousand five hundred pounds sterling, is hereby repealed.

II. And be it further enacted, by the authority aforesaid, That if his majesty should be graciously pleased to authorize the circulation of copper money in this colony, the treasurer for the time being shall, at the expence of the public, import so many halfpence of the value of the current money of Virginia as may be purchased for one thousand pounds sterling, exclusive of costs and charges, to be issued and exchanged, at the public treasury, for the purposes, and under the regulations, prescribed and directed by the said recited acts.

III. Provided always, That nothing in this act contained shall be construed to restrain his majesty from regulating the currency of the said copper money with-
in this colony, in such a manner as his majesty, by his royal proclamation, or by his royal instructions to his governor, or commander in chief of this colony, for the time being, shall, from time to time, judge proper and necessary.

CHAP: XVIII.

An act for the ease and relief of the people by paying the Burgesses wages in money for the present session of Assembly.

WHEREAS by one act of assembly, passed in the third and fourth years of the reign of his late majesty king George the second, intituled An act for the better regulating the payment of the burgesses wages, it is among other things, enacted, that when any session of assembly should be thereafter held, and upon examination of the treasurer's accounts, it should appear that there are monies sufficient in his hands to discharge all the money debts, together with the burgesses wages and salaries, and allowances to the respective officers of the general assembly, saving and reserving in the hands of the treasurer, over and above the said allowances, a balance of fifteen hundred pounds at least, that then every burgess, elected and serving for any county or corporation within this dominion, should be paid, out of the public money, the sum of ten shillings for each day he should serve in the house of burgesses, with such further allowances, and under such restrictions and regulations, as in the said act is at large directed: And whereas it appears there is not money sufficient in the treasurer's hands to pay the burgesses wages for this present session of assembly, leaving a balance of fifteen hundred pounds, according to the directions of the said act; nevertheless, as the payment of the said wages in money will be a great ease and relief to the inhabitants of this colony, by lessening the levy by the poll, Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby
enacted, by the authority of the same, That from and after the passing this act, the burgesses wages and allowances, for the present session of assembly, shall be paid by the treasurer, out of the public money in his hands, according to the directions and regulations of the said recited act.

CHAP. XIX.

An act to compel ships importing convicts, servants, or slaves infected with the gaol fever, or small pox, to perform quarantine.

I. WHEREAS by an act of assembly made in the eighth year of his majesty king George the first, intituled An act to oblige ships coming from places infected with the plague, to perform their quarantine, it is enacted, that all vessels coming from any place infected with the plague shall make their quarantine: And whereas it is represented to this present general assembly, that the gaol fever and small pox are frequently propagated among the inhabitants of this colony by the importation of convicts, indented servants, and slaves, which maladies have proved equally infectious, and very little, if any, less fatal than the plague: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this act all vessels importing convicts, indented servants, or slaves, infected with the gaol fever or small pox, shall make their quarantine, in such manner, and under the like penalties, and forfeitures, as in and by the said recited act are directed.

II. And for the more effectual discovery of such infected vessels, Be it further enacted, by the authority aforesaid, That no master of a vessel shall permit any convict, indented servant, or slave, or any passenger or mariner, to quit the vessel before entry at the naval office, as now directed by law, and the master, mate, and
office, and oath taken by master of vessel, &c.

boatswain, of every such vessel, shall, at the time of entering such vessel, in presence of the naval officer, take and subscribe the following oath: I A. B. do solemnly and sincerely swear that none of the convicts, indentured servants, or slaves, passengers, or mariners, imported into this colony, in or belonging to the ship have been infected with the gaol fever or small pox, at any time within fifty days now last past, to the best of my knowledge or belief: so help me God: Which oath the naval officer is hereby required to administer, and subscribe as a witness thereto. And if any master, mate, or boatswain, shall refuse to take such oath, or if it shall appear to such naval officer, that the said vessel ought to make quarantine, such naval officer shall, immediately, by express, give notice thereof to the governor, or commander in chief of this colony for the time being, which express shall be paid, at the rate and in the same manner, as public expresses are now paid; and if any master, mate, or boatswain, of such vessel, shall take a false oath, or any naval officer shall permit any vessel to enter, contrary to the directions of this act, every such master or naval officer shall respectively forfeit and pay the sum of fifty pounds, to be recovered by action of debt, in any court of record, within this colony; one moiety thereof to the use of the poor of any parish where any such convicts, indentured servants, or slaves, passengers or mariners, shall be landed, the other moiety to the use of the informer. And in every such action the master shall be obliged to give special bail, if the court, before whom such action shall be depending, shall see cause to rule him so to do.

III. And be it further enacted, That every master of a vessel permitting any convict, indentured servant, or slave, passenger or mariner, to quit such vessel, before entry as aforesaid, shall forfeit and pay the sum of fifty pounds for every convict, indentured servant, or slave, passenger, or mariner, so permitted, to be recovered and applied in manner as aforesaid directed.
An act for erecting a Lighthouse on Cape Henry.

I. WHEREAS the erecting and maintaining a lighthouse at Cape Henry, and fixing buoys on the shoals, in the bay of Chesapeake, will greatly conduce to the safety and preservation of ships, and other vessels, coming into, and going out of, the said bay, and the expense of such building and keeping a light therein, and fixing such buoys, may be defrayed by a small and inconsiderable duty on the tonnage of such ships, and vessels, to be paid by their owners, or masters, in consideration of the immediate benefits arising to them: And whereas the lower house of assembly, of the province of Maryland, which province will be equally benefitted thereby, hath signified the resolution of that house to concur in the expense thereof: To the end, therefore, that a work of such use may be compleated with all convenient speed, Be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the honourable William Nelson, Thomas Nelson, and William Byrd, esquires, and Severn Eyre, Joseph Hutchings, Thomas Newton, junior, James Holt, Paul Loyall, John Hutchings, Matthew Phripp, and Thomas Reynolds Walker, esquires, shall be, and are hereby appointed, directors and managers for erecting and finishing, or causing to be erected and finished, at such convenient place, on the head land of Cape Henry, as to them, in their discretion, shall appear most proper for that purpose, a good and substantial lighthouse, of such height and dimensions as they shall think best. And the said directors or managers, or any seven of them, as soon as the assembly of Maryland shall pass an act of the same import with this act, shall have power and authority, by virtue hereof, in conjunction with such person, or persons, as by the said assembly shall be appointed for the purposes aforesaid, to contract and agree with any person, or persons, for building and finishing such lighthouse, in the best and most substantial manner, upon such terms as to them shall seem reasonable; also for placing, and constantly keeping, a light therein, and furnishing the same with such
necessaries as they shall think proper, and for pur-
chasing and placing buoys on such shoals of the bay
of Chesapeake as may be necessary, which agreement,
or agreements, being by them certified to the governor,
or commander in chief of this dominion, and a warrant
thereupon obtained from him to the treasurer of this
colony for the time being, the said treasurer is hereby
authorized and required, out of the public money in
his hands, to pay the sum or sums so certified to be
due unto the person, or persons, to whom the same
shall be ordered by the said directors, not exceeding
the sum of six thousand pounds current money of Vir-
ginia; and to enable them to carry on the said building,
and to repay so much as shall be expended in erecting
the said lighthouse, and to provide a proper fund for
lighting and supporting the same, Be it further enact-
ed, by the authority aforesaid, That from and after the
first day of November next, there shall be paid, by the
masters, or owners, of all ships, and other vessels, com-
ing into, or going out of, this colony, other than from
Maryland, once in every voyage, at the time of clear-
ing out, the duty of four pence per ton of the burthen
of each ship, or vessel, until such duty shall amount to
a sum sufficient to reimburse the money hereby direct-
ed to be paid by the treasurer of this colony, and there-
after a duty of one penny halfpenny per ton, for and
wards the support of the said lighthouse, to be col-
llected by the naval officers of the several districts with-
in this colony, who are hereby directed and required
to receive the same, which duties shall be to our sove-
reign lord the king, his heirs, and successors, forever,
for the uses and purposes hereafter mentioned, and by
them to be accounted for and paid to the treasurer of
this colony, appointed by, or pursuant to, an act of as-
sembly, in the same manner, and with the like salary
for collecting, as they are by law directed, to account
for the duties upon liquors, and by the said treasurer
shall be accounted for to the general assembly, to be
by them applied and ordered for repaying so much as
shall be expended in erecting the said lighthouse, and
fixing necessary buoys on the shoals, in the bay of
Chesapeake, and to provide a proper fund for lighting
and supporting the said lighthouse, and keeping in re-
pair such buoys.

II. And be it further enacted, by the authority afores-
said, That the said directors, or any seven of them,
shall and may, and they are hereby empowered, from time to time, to appoint a keeper of such lighthouse, Keeper, and to allow him such compensation, or salary, as to the said directors shall appear reasonable, to be paid upon the governor's warrant, by the treasurer of this colony for the time being, out of the money in his hands, which shall arise from the duties aforesaid. And in case of the death, resignation, or misconduct, of the said keeper, the said directors shall have power and authority to appoint another in his room. And the said Keeper shall keep good and sufficient lights in the night time in the said lighthouse; and if he shall fail or neglect so to do, he shall forfeit and pay, for every such offence, two hundred pounds, one moiety whereof shall be to the informer, and the other to the said directors, to be applied to the purposes of this act, to be recovered by action of debt, bill, plaint, or information, in any court of record in this dominion.

III. And be it enacted, by the authority aforesaid, That all ships and vessels, liable to the payment of the duties imposed by this act, shall, by the several naval officers, be measured according to the directions of one act of assembly, made in the ninth year of the reign of her late majesty queen Anne, intituled An act for raising a public revenue for the better support of the government of her majesty's colony and dominion of Virginia.

IV. And be it further enacted, by the authority aforesaid, That every keeper of the said lighthouse, before he enters on the execution of his office, shall give bond, with sufficient security (to be approved of by the said directors) in the sum of five hundred pounds, payable to our sovereign lord the king, his heirs, and successors, for the due performance of his said office.

V. And whereas the taking away, removing, sinking, or destroying the buoys to be fixed, according to the directions of this act, may have very fatal effects: Be it therefore enacted, by the authority aforesaid, That if any person, or persons, shall take away or remove, without leave of the said directors, or shall willfully sink or destroy any of the said buoys, he or they, on being convicted thereof, shall be adjudged guilty of felony, and shall suffer death, without benefit of clergy.
CHAP. XXI.

An act to continue an act, intituled An act for establishing Pilots, and regulating their fees.

WHEREAS an act of assembly, made in the third year of his present majesty's reign, intituled An act for establishing pilots, and regulating their fees, which was continued by two other acts, made in the seventh and tenth years of his said majesty's reign, will expire on the twentieth day of April, one thousand seven hundred and seventy three, and it being found expedient that the said act of assembly, and every clause and article thereof, shall be and continue in force, from and after the said twentieth day of April, one thousand seven hundred and seventy three: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said acts, and every clause and article thereof, shall be and continue in force, from and after the said twentieth day of April, one thousand seven hundred and seventy three, for and during the term of seven years, and no longer.

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CHAP. XXII.

An act to revive and continue the acts for the more effectual keeping the Public Roads and Bridges in repair.

WHEREAS the act of the general assembly, made in the third year of his present majesty's reign, intituled An act for the more effectual keeping the public roads and bridges in repair, which was continued and amended by another act, made in the seventh year of his said majesty's reign, expired on the sixteenth day of December, in the year one thousand seven hundred and
seventy one, and it is necessary and expedient that the same should be revived: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said recited acts, of the third and seventh years of his present majesty’s reign, shall be revived, and shall continue and be in force, from and after the passing hereof, for and during the term of two years, and from thence to the end of the next session of assembly.

CHAP. XXIII.

An act for keeping in repair several roads, and for other purposes there-in mentioned.

I. WHEREAS it is represented by the merchants and other inhabitants of the county of Nansemond, that the repairing of the roads, in the counties of Brunswick, Southampton, and Isle of Wight, leading through those counties to Suffolk and Milner’s, in the said county of Nansemond, will greatly improve the trade of that county, and they have petitioned this present general assembly that the regulations, herein after mentioned, may be authorized by law: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That Josiah Granberry, Wills Copper, Joseph Scott, Gardner Fleming, Anthony Warwick, Archibald Buchanan, Charles Gilmour, and John Hamilton, gentlemen, be, and they are hereby appointed trustees for carrying this act into execution; and the said trustees, or any five of them, shall and may, and they are hereby empowered and required to contract with such person or persons as shall be willing to undertake the same, to repair the said roads; which roads, as the same now lead to Hick's ford, in the county of Brunswick, to Nottoway bridge at Southampton court house, and from thence to the bridge on Blackwater, at the old Isle of Wight court house, and leading by
the widow Scott's, and widow Norfleet's to Milner's, and the road, at the fork, leading to Suffolk, are the roads hereby intended to be repaired and established. And the said trustees, or any person or persons by them appointed, shall and may, and they are hereby empowered and required to keep the said roads of the full breadth by law already established, and to cut timber, or dig earth, adjoining the said roads, and make drains or sewers through the adjacent lands.

II. Provided always, That any timber, so cut, or earth dug or removed, shall be first valued (unless the owner or owners consent thereto) in the manner directed by an act of the general assembly, passed in the second year of the reign of his present majesty, for the more effectual keeping the public roads and bridges in repair, which valuation shall be paid, by the trustees, out of the money arising from the duties herein after imposed.

III. And be it further enacted, by the authority aforesaid, That all and every person or persons, in the said county of Nansemond, who shall receive or load a load or part of a load of any goods or commodities whatsoever, brought from, or to be carried to, the province of North-Carolina, along the roads beforementioned, and no others, by a waggon or cart, shall pay a duty of one shilling and three pence upon every such waggon, and eight pence upon every such cart.

IV. And for the better collection of the said duties, Be it further enacted, by the authority aforesaid, That the court of the said county of Nansemond shall and may, and they are hereby empowered and required, in the month of March or April, yearly, to appoint one or more of their members, in the manner they appoint them to take the list of tithables, to receive a list of all such waggons and carts as have been, by any person or persons, respectively, loaded or unloaded, as aforesaid, in which lists the names of the drivers and owners of such waggons and carts shall be respectively specified; and such person or persons shall make oath that the list produced is just and true, and that he, she, or they, have not loaded or unloaded any other waggon or cart than is therein contained, within the last year. And the sheriff of the said county of Nansemond, and the sheriff thereof, during the continuance of this act, shall, and he is hereby empowered and required, upon receipt of the said lists, or copies thereof, to collect from
the several persons the duties wherewith they are respectively chargeable by the said lists; and, upon failure of payment, to levy the same by distress and sale of the goods of the person or persons so neglecting or failing, in the same manner as goods are by law distraitable for non-payment of county and parish levies.

V. Provided always, and be it enacted, That such sheriff shall previously give bond, with security, for the faithful execution of his duty herein, and shall yearly, in the mouth of July, during the continuance hereof, account, upon oath, with the said trustees for all duties by him received; and upon failure to account and pay the same, shall, together with his securities, be liable, on the motion of the said trustees, in the manner he would by law be liable for not accounting for and paying county and parish levies.

VI. And be it further enacted, by the authority aforesaid, That the money arising from the duties hereby imposed, shall, by the said trustees, be applied towards defraying the expences of clearing and keeping in repair the roads herein before particularly mentioned and described, and one half of the expence of keeping in repair the bridge over Nottoway, at Southampton court house, and for satisfying the sheriff of the said county of Nansemond six per cent. for his trouble in collecting the said duties.

VII. Provided always, That nothing in this act contained shall be construed, deemed, or taken, to exempt the courts of the said counties of Brunswick, Southampton, and Isle of Wight, from appointing overseers for keeping the said roads in repair, as by law already directed, in case the money arising by the duties hereby imposed shall be found insufficient for that purpose: And the said trustees shall, and they are hereby directed, in the month of September, yearly, during the continuance of this act, to lay before the persons appointed by the said courts (which persons the said courts respectively are hereby authorized and required to appoint) a just and exact state and account of the disbursement and application of all the monies by them received in pursuance of this act.

VIII. And be it further enacted, by the authority aforesaid, That this act shall continue and be in force, from and after the passing thereof, for and during the term of two years, and no longer.

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An act for clearing a road from the Warm Springs in Augusta, and for other purposes therein mentioned.

I. WHEREAS it is represented to this present general assembly, by the inhabitants of the counties of Hanover, Albemarle, Augusta, and Botetourt, that the clearing a safe and good road from the Warm Springs in Augusta, to Jennings’s gap, in the said county, will be greatly beneficial to the public: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That John Wilson, Thomas Lewis, Andrew Lewis, Samuel Macdowell, Charles Lewis, William Preston, John Maclanahan, George Moffatt, and James Ewing, gentlemen, be, and they are hereby, appointed trustees for carrying into execution so much of this act as relates to the said road, and the said trustees, or the major part of them, shall and may, and they are hereby impowered and required to appoint such person as they, the said trustees, or the major part of them, shall think fit to view and lay out a road, to be cleared, from the Warm Springs to Jennings’s gap, as aforesaid, in the most direct and effectual manner, in the opinion of the said trustees; and the treasurer of this colony for the time being, is hereby authorized and required, upon the governor’s warrant, to pay to the said trustees, or the major part of them, the sum of three hundred pounds, in such proportions, and at such times, as the said trustees shall require.

II. And be it further enacted, by the authority aforesaid, That as soon as the said road shall be opened, the said trustees, or the major part of them, or such person, or persons, as they shall appoint, may set up and erect, or cause to be set up and erected, a gate, or turnpike, across the said road, where the same passes the said Warm Spring mountains, and the tolls and duties following shall be paid and received, before any of the things, on which the same are herein after imposed, shall be permitted to pass through the said gate or turnpike, that is to say, for every man a penny, and for every horse the same, for every coach or chariot, and the driver thereof, the same as for six horses, for every
waggon, or four wheel chaise, and the driver, the same as for four horses, for every two wheel chaise, cart or chair, or other carriage, the same as for two horses, for every drove of oxen, or neat cattle, one shilling per score, and for every drove of hogs, sheep, or goats, three pence per score, and so in proportion for a greater or lesser number, which said respective sum, and sums of money, shall be demanded and taken, in the name of or as a toll. And the said trustees, or the major part of them, shall and may nominate and appoint a fit person to receive the tolls or duties aforesaid, and to see that the said gate or turnpike is duly repaired and amended, and, from time to time, remove such person as they shall see occasion, and appoint another, in case of death, or such removal; and the person so appointed to receive the toll or duties aforesaid, shall account, before the said trustees, or the major part of them, in the months of April and October, yearly, or oftener, if required, upon oath, for all the monies which he shall have received by virtue of this act. And the said trustees shall and may, out of the money arising as aforesaid, make allowance unto such person, by them to be appointed as aforesaid; for his care and trouble in the execution of his office, as to them shall seem good, always taking bond, with good and sufficient security, from such person, at the time of his appointment, for the due and faithful execution of his office, and rendering such account. And in case any such collector shall refuse to account or pay the whole duties, or tolls, by him received, it shall and may be lawful for the said trustees, upon motion made to the county court, to demand judgment against such collector, for all duties or tolls wherewith he shall be chargeable by this act; and such court may give judgment, and award execution thereupon, provided such collector, and his securities, have ten days previous notice.

III. And be it further enacted, by the authority aforesaid, That it shall and may be lawful to and for the said trustees, or the major part of them, to take and receive of and from all and every person, or persons whatsoever, all such sum or sums of money, as they, or any of them, shall be willing to subscribe and pay, for the purposes aforesaid, which monies, so raised by subscription, and the aforesaid sum of three hundred pounds hereby granted, and to be paid by the treasurer of this colony, for the time being, together with the duties or
tolls herein before imposed, shall be applied, by the said trustees, towards opening, clearing, and maintaining in repair the said road, and erecting and maintaining gates or turnpikes thereon, and moreover towards building such houses for the reception of the poor sick resorting to the said springs, as they, the said trustees, or the major part of them, shall judge most convenient and necessary; and the said trustees shall account for all such monies, from time to time, with the succeeding session of general assembly. And for continuing the succession of the said trustees, Be it further enacted, by the authority aforesaid, That it shall and may be lawful to and for the said trustees, or the major part of them, from time to time, and at all times hereafter, during the continuance of this act, upon the death, resignation, or removal of any of the trustees herein before named, to elect and choose one or more person, or persons, instead of the trustee, or trustees, so dying, resigning, or removing; and the trustee, or trustees, so elected, shall have the same power and authority as if he or they had been particularly nominated and appointed by this act.

IV. And whereas it is represented by the inhabitants of the said county of Augusta, that the roads over the blue ridge of mountains, at Rockfish and Swift Run gaps, which are of great public utility, are much out of repair, and they have petitioned this assembly that the court of the said county may be impowered to levy money on the inhabitants of the said county for repairing the same: Be it therefore enacted, by the authority aforesaid, That the court of the said county of Augusta shall and may, and they are hereby authorized and impowered, to levy so much money on the tithable inhabitants of the said county, as shall be necessary for the purpose aforesaid, at the time of laying their public levy, which shall be levied and collected in the same manner as the other county levies are levied and collected, and paid to the persons intitled to the same. Provided always, such sum shall not exceed sixty pounds for the first year, and twenty pounds for any succeeding year.

V. And whereas by an act of assembly, made in the twenty-second year of the reign of his late majesty's reign, intituled An act for establishing the towns of Staunton, in the county of Augusta, and New London, in the county of Bedford, and Strasburg, in the county
of Frederick, certain trustees were appointed for designing, building, and carrying on the said town of Staunton, who are since mostly dead or removed to distant parts, and a succession of the said trustees hath not been continued, as that act requires; and it being necessary that the said town of Staunton should be supported and maintained, and the bounds and streets thereof properly ascertained: **Be it therefore enacted, by the authority aforesaid, That William Bowyer, John Frogg, Sampson Matthews, George Matthews, Robert Reid, and Alexander Maclanahan, gentlemen, be, and they are hereby, constituted and appointed trustees for building, carrying on, and maintaining the said town of Staunton, as the same was laid off; pursuant to an act, passed in the twenty-second year of the reign of his late majesty king George the second, intituled An act for establishing a town in Augusta county, and allowing fairs to be kept therein; and the said trustees, or any four of them; are hereby authorized and empowered, from time to time, and at all times hereafter, to lay out and regulate the streets of the said town, and to settle and determine all disputes concerning the bounds of the lots of the said town, and to settle and establish such rules and orders for the more regular and orderly building of all the houses in the said town, as to them shall seem best and most convenient.**

**VI. And be it further enacted, by the authority aforesaid, That in case of the death, removal, or resignation, of any one or more of the trustees of the said town of Staunton, hereby appointed, it shall and may be lawful for the remaining trustees, from time to time, to elect and choose so many other persons in the room of those dead, removed, or resigning, which trustees, so chosen, shall be, to all intents and purposes, vested with the same power as if such trustees had been particularly nominated and appointed by this act.**

**VII. And whereas the public roads leading from the north western parts of this colony to the towns of Alexandria and Colchester, in the county of Fairfax, by means of the great number of waggons which use the same, are rendered almost impassible, and the ordinary method of keeping them in repair, as at present by law established, is not only insufficient, but exceedingly burthensome to those who are employed therein: For remedy whereof:** **Be it further enacted, by the authority aforesaid, That from and after the passing of this act, it shall and may be**
lawful for the county courts of Fairfax, Loudoun, Berkeley, and Frederick, respectively, and they are hereby authorized and required to levy and assess upon the tithable inhabitants of their several counties, for three years next ensuing, the following sums annually; that is to say, on the inhabitants of Fairfax the sum of forty-five pounds, of Loudoun the sum of fifty-five pounds, of Berkeley the sum of fifty pounds, and of Frederick the sum of twenty-five pounds, which said several sums shall be collected in the same manner as the levies in those counties are collected, and by the respective sheriffs paid to Thomson Mason, Francis Peyton, John Hough, Israel Thompson, Bryan Fairfax, William Ramsay, Alexander Henderson, Edward Payne, John Vestal, and Edward Snickers, gentlemen, who are hereby appointed trustees for the carrying this act into execution. And they, the said trustees, or any five of them, shall and may, and they are hereby authorized and required, to lay out and disburse the money so levied, and paid to them annually, in such manner as they shall think best for keeping in repair the great and direct roads leading from Vestal's and Williams's gaps to the said towns of Alexandria and Colchester. Provided always, That the sheriffs of the said counties respectively shall give bond for the faithful collection of the money so levied, and for accounting and paying the same to the said trustees; and, in case of failure or neglect, shall be liable, on the motion of the said trustees, in the same manner as by law they are now liable for not accounting and paying other levies. Provided also, That nothing herein contained shall be construed, deemed, or taken, so as to restrain or exempt the courts of Fairfax and Loudoun, respectively, from allotting the hands which have usually worked on these roads, from assisting in repairing and amending the same within their proper districts, in the manner already directed by law, excepting only that they shall not appoint overseers over the several districts of the roads directed to be repaired by this act; but it shall and may be lawful for the said courts, and they are hereby required, to cause a list of all the labouring tithables within their respective counties, which are by law compellable to work on the aforesaid roads (specifying the several districts they belong to) to be delivered to the said trustees, who shall and may direct the person, or persons, by them appointed or a
ployed in the execution of this act, to summon any of the said labouring tithables, at any time they shall see cause, to work on the said roads, within the districts specified by the said lists; provided the number of days which each tithable shall work thereon does not exceed four days in the space of any one year. And if any free person, called out as aforesaid, shall wilfully, and without a sufficient excuse, neglect or refuse to appear, the person, or persons, so offending, shall be liable to the penalty of five shillings for every day he shall so refuse or neglect to appear, or to work upon the said road, when there; to be recovered, with costs, by warrant, before a single magistrate, by the person appointed by the said trustees to overlook and direct the repairs of the said roads, to which such free labouring tithable, so offending, shall belong. And that if any master, mistress, or overseer, shall, without a sufficient excuse, neglect or refuse to send the respective male tithable servants, or slaves, to him or her belonging, or under the care of such overseer within the said districts, to work upon the said roads, when required by the person, or persons, employed by the said trustees to overlook the repairs of the said roads, such master, mistress, or overseer, shall be respectively liable to the penalty of five shillings for every such male tithable servant, or slave, so neglected to be sent by such master, mistress, or overseer, which said penalty shall be paid to the trustees appointed by this act, and by them applied towards repairing the roads herein directed.

VIII. And to the end that this act may be duly enforced, It is hereby enacted, by the authority aforesaid, That every person employed by the said trustees to overlook the repairs of the above mentioned roads, who shall neglect to apply for a warrant against the several persons offending against this act, shall be liable to the penalty of five shillings for every such neglect, which said penalty shall be recovered with costs, by warrant, before a single justice, by any one of the said trustees who shall first apply for the same, and, when recovered, shall, by such trustee, be applied towards repairing the said great roads from Williams's and Vestal's gaps to Alexandria and Colchester, in manner aforesaid.
CHAP. XXV.

An act to appoint commissioners to view a place proposed for a road through the South Mountain.

WHEREAS it is represented to this present general assembly, by the inhabitants of the county of Botetourt, that a road may be made over the South mountain, from William Crow's ferry, on James river, in the said county, to Thomas Dowland's, in Bedford county, which will greatly shorten their distance to market, and which cannot be effected in the manner prescribed by the laws of this colony for clearing roads, and will be attended with a more than ordinary expense, and they have petitioned that the same may be borne by the public:

Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That Andrew Lewis, William Preston, Andrew Woods, John Mills, Thomas Rolling, James Rolling, and John Bowyer, gentlemen, shall be, and are hereby, appointed commissioners to examine the place proposed for the said road, and that the said commissioners, or any five of them, being first duly sworn, do examine the same, and that they report the conveniencies and inconveniencies thereof, under their hands and seals, to the next session of assembly.

CHAP. XXVI.

An act for building a bridge over the western branch of Nansemond river by subscription.

WHEREAS it is represented to this present general assembly, that a bridge over the north fork of the western branch of Nansemond river, from the land of Thomas Milner to the land of Jacob Darden, opposite thereto, in the county of Nansemond, would be very
convenient, and divers merchants, and others, inhabitants of the said county, have petitioned for leave to build a bridge over the said river by subscription: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That Jonathan Godwin, Thomas Jack, John Drew, John King, Willis Coffield, Jacob Darden, and Thomas Milnor, gentlemen, be, and they are hereby, nominated and appointed trustees for building a bridge over the said river, at the place aforesaid; and the said trustees, or any three or more of them, shall have power and authority to receive subscriptions from any person, or persons, and to apply the money subscribed towards building, maintaining, and keeping in repair, the said bridge, in such manner as they, the said trustees, or any three of them, shall judge necessary and convenient.

II. And be it further enacted, by the authority aforesaid, That upon the death, removal out of the county, or resignation of any of the said trustees, the other trustees, or any three or more of them, shall and may elect one or more person, or persons, of the same county, instead of the trustee or trustees, so dying, removing, or resigning; and the trustee, or trustees, so elected, shall have the same power and authority, as if he or they had been particularly nominated and appointed by this act. Provided always, That nothing in this act contained shall extend, or be construed to extend, to impower the justices of the said county of Nansemond, or their successors, to tax, levy, or assess, any money or tobacco on the inhabitants of the said county of Nansemond, for the building, maintaining, or keeping in repair, the said bridge, but that the same shall be done by subscription, as aforesaid, and by no other way or means whatever.
An act for establishing several new ferries, and for other purposes.

I. WHEREAS it is represented to the present general assembly, that public ferries, at the places hereafter mentioned, will be of great advantage to travellers and others: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That public 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 the right honourable the earl of Tankerville, in Loudoun county, in the tenure and occupation of John Farrow and Alexander Reame, over Potowmack river, to the opposite shore, in Maryland, the price for a man three pence three farthings, and for a horse the same, from the town of Cobham, on the lower side of Gray's creek, in the county of Surry, to James town, in James city county, the price for a man seven pence halfpenny, and for a horse the same, from the land of William Crow, over James river, to the land of Andrew Boyd, in the county of Botetourt, the price for a man two pence, and for a horse the same, from the land of Walter Coles, in the county of Halifax, over Staunton river, to the land of Joseph Fuqua, in the county of Charlotte, the price for a man three pence, and for a horse the same.

II. And be it further enacted, by the authority aforesaid, That from and after the passing this act, it shall and may be lawful to and for the ferry keeper, from the land of Edward Booker, deceased, in the county of Halifax, to the land of John Fuqua, deceased, in the county of Charlotte, over Staunton river, to demand and take, for the transportation of a man over the said ferry, three pence, and for a horse the same; any law, custom, or usage, to the contrary thereof, in any wise, notwithstanding. And for the transportation of wheel carriages, tobacco, cattle, and other beasts, at any of the places aforesaid, the ferrykeeper 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 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, according to the prices herein before settled at such ferries, respectively, and no more. And if any ferrykeeper shall presume to demand and receive from any person or persons whatsoever any greater rates than is hereby allowed for the carriage or ferriage of any thing whatsoever, he, or they, for every such offence, shall forfeit and pay to the party grieved the ferriages demanded and received, and ten shillings, to be recovered with costs, before any justice of the peace of the county where such offence shall be committed. And where a ferry is, by this act, appointed on one side of a river, and none on the other side, answerable thereto, it shall and may be lawful for the respective county courts to appoint an opposite ferry, and to allow the respective rates herein before directed; and such courts shall and may, and are hereby required to order and direct what boat, or boats, and what number of hands shall be kept at each ferry, respectively; and every such ferrykeeper shall enter into bond, in the manner directed by an act of assembly, made in the twenty-second year of the reign of his late majesty king George the second, for the settlement and regulation of ferries, and dispatch of public expresses, and shall be subject and liable to the penalties thereby inflicted for any neglect or omission of their duty.

III. And whereas the several ferries following, that is to say, from Crouche's creek, on the land of William Edwards, in the county of Surry, across James river to James town, in James city county, from the land of Cornelius Thomas, in the county of Amherst, over the Fluvanna river, to the land of Nicholas Davies, opposite thereto, in the county of Bedford, and from the land of the said Nicholas Davies, to the land of the said Cornelius Thomas, and from the land of William Fuqua, deceased, in the county of Charlotte, to the land of Walter Coles, in the county of Halifax, opposite thereto, have become useless and unnecessary: Be it therefore enacted, by the authority aforesaid, That so much of the several acts of assembly, made in the twenty-second year of the reign of his late majesty king George the second, and in the first and fifth years of the reiga
of his present majesty, as establishes those ferries, respectively, be, and the same is hereby repealed and made void.

IV. And be it further enacted, by the authority aforesaid, That the ferry from the town of Cobham, on the lower side of Gray's creek, to James town, herein before mentioned and established, be, and the same is hereby vested in the trustees for the said town, appointed by an act of this present session of assembly, and they, the said trustees, or any five of them, are hereby authorized and impowered to let the same to the highest bidder, for any number of years, and to make such rules, orders, and regulations therein, with respect to the number of boats and hands, landing places and wharfs, as to them shall seem expedient; and the said trustees shall, within two months from and after the passing this act, give bond in the same manner the other ferrykeepers, herein mentioned, are directed to give bond, and shall, in the like manner, be liable for any neglect or omission of duty; and the profits arising from the said ferry, shall, by the said trustees, be applied towards building and keeping in repair proper and convenient houses for the accommodation of passengers and travellers, and for erecting and maintaining wharfs, if necessary, and for such other public purposes within the said town, as to them shall seem meet and expedient.

CHAP. XXVIII.

An act for cutting a navigable canal from Archer's Hope Creek, to Queen's Creek, through or near the city of Williamsburg.

I. WHEREAS the opening a communication between James river and York river, by a canal or cut to be made from Archer's Hope creek, through or near the city of Williamsburg, into Queen's creek, for the navigation of boats and other vessels, with heavy burthens, will be of great advantage to the said city, and to the
trade carried on in the said rivers, and it is thought expedient, at this time, to give all due encouragement to an undertaking of this sort, as it may promote the improvement of the navigation in other parts, which would make a great addition to the commerce and riches of this country: And whereas many persons have subscribed large sums of money, and others will probably contribute to a design of such utility, and it is proper that they should receive reasonable tolls, or duties, to enable them to cut, support, and repair, the said canal, and erect necessary bridges over the same: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That as soon as the persons who have already subscribed, together with such as shall hereafter subscribe, or a majority of them, shall think a sufficient sum, for effecting the said intended work, may be raised, the mayor of the city of Williamsburg for the time being, shall, by an advertisement three times published in the Virginia-Gazette, appoint a time for the meeting of the said subscribers, at the courthouse in the city of Williamsburg, and such of the subscribers as shall be there present, or a majority of them, are hereby impowered to elect eleven of the subscribers to be trustees and directors for the carrying on, compleating, and repairing, the said intended canal, and erecting bridges thereon, and in counting the votes every subscriber is to be allowed one vote for every twenty-five pounds by him subscribed. And if any subscriber shall be unable to attend at the time appointed, as aforesaid, it shall be lawful for him to depuit any other subscriber to act for him at the said election by any writing under his hand and seal, whose vote shall be, to all intents and purposes, as valid as if the subscriber, giving him the deputation, was himself present. And the said trustees and directors, so elected, shall and may agree with any person, or persons, who shall be willing to undertake the same, to cut the said canal, and build such bridges as are necessary, upon such terms, and in such manner, as the said trustees and directors shall think fit; and, out of the money arising from the tolls and duties hereafter given by this act, to repair and keep in good order the said canal, and the banks, sluices, and bridges, belonging thereto, provided that the sum to be paid does not exceed the whole amount of the several sums subscribed, and that
the person, or persons, who shall undertake the same, shall give sufficient security to perform his or their agreement.

II. And be it further enacted, by the authority aforesaid, That they, the said trustees and directors, or any five or more of them, assembled together, or a majority of them, shall have full power and authority to proceed and determine on all matters relative to the trust imposed in them by this act, and shall, from time to time, as money shall be wanted, make an order, and direct what proportion the subscribers shall pay of the sums by them respectively subscribed, which order shall be signed by a president, to be chosen, as is hereafter directed. And the said trustees and directors are hereby authorized and impowered to demand and receive of the several subscribers, their heirs, executors, administrators, and assigns, from time to time, the sums of money so ordered to be advanced for carrying on the said work, until the sums, by each subscriber respectively subscribed, shall be fully paid and discharged. And where any of the subscribers, or their heirs, executors, administrators, or assigns, shall refuse or neglect to pay their proportions when demanded, agreeably to the said order, the said trustees and directors are hereby authorized, by the name of the trustees and directors, appointed for cutting a canal from James to York river, to sue for and recover the whole sum subscribed by such person so refusing or neglecting to pay, by action of debt, or upon the case, in any court of record in this colony, unless any subscriber had made it a condition in his subscription, to pay his money at different periods, or on particular terms, in which case no more shall be recovered than so much as might be called for agreeably to his terms, at the time of such recovery.

III. And in order to continue the succession of the said trustees and directors, Be it further enacted, by the authority aforesaid, That in case of the death, removal, or resignation, of any of the said trustees and directors, or in case any of the said trustees and directors shall misbehave themselves, then, on the application of twenty subscribers, the mayor of the city of Williamsburg shall, in the manner before mentioned, appoint a meeting of the subscribers, who shall, under the rules and regulations before prescribed, nominate and appoint other person, or persons, in the room of him or them.
so dying, removing, or resigning, or, if they find sufficient cause, in the room of him so misbehaving, and such trustees shall have equal powers and authorities with those originally chosen.

IV. And be it further enacted, That every year, on the first day of May, and in case of any disappointment on some other day, to be appointed by the mayor of the city of Williamsburg, in the manner before mentioned, the subscribers shall meet at the courthouse of the said city, and choose a president, to whom the said trustees and directors shall, from time to time, make report of their proceedings, and annually render an account, and the said president is hereby directed to examine such accounts, and, on finding them to be fairly and justly stated, to give the said trustees a certificate thereof, and sign all orders, made by the trustees, as aforesaid, for calling in and demanding any money from the subscribers, and execute all deeds for the conveyance of the right, or share, of any proprietor of the said canal, or of the profits arising therefrom, and such execution shall be sufficient to pass and convey any right the subscribers, collectively, their heirs, and assigns, may have, distinct from such proprietor.

V. And be it further enacted, That it shall be lawful for every subscriber, or proprietor, of the said canal, or of the tolls and duties hereby given, to sell and transfer his or her right and interest therein, or any part thereof, but such proprietor shall, when he is desirous of selling, first offer the same to the trustees, and it is hereby declared that they shall have the preference in all such sales, if they will give the same consideration for which any proprietor shall really and bona fide sell.

VI. And be it further enacted, by the authority aforesaid, That for and in consideration of the great charges and expenses the said subscribers, their heirs, or assigns, shall be at, not only in making the said canal navigable, as aforesaid, but also in repairing, cleaning, and maintaining and keeping up the same, and erecting bridges, and other necessary works, it shall and may be lawful for the said trustees and directors, from time to time, and at all times forever hereafter, to demand, receive, recover, and take, for every vessel of two tons, or upwards, which shall pass, or be navigated in, upon, to or from any part of the said canal, such rates and duties for tonnage, as the said trustees shall think fit, not exceeding two pence per ton, the
same rates or duties to be paid near to the said canal, and in such manner as the said trustees shall think proper, and, in case of neglect or refusal of payment, on demand, of such rates and duties, or any part thereof, to the said trustees, or the person, or persons, appointed receivers, they, the said trustees, shall and may sue for the same, in the name and manner above mentioned, or by petition, if the money demanded shall not exceed the sum of five pounds current money, or shall and may detain any goods or vessels wherein the said goods or other things are carried, for which the said rates and duties are to be paid, until due payment thereof, together with reasonable charges for taking and detaining such distresses; and if such distress shall not be redeemed within four days after the taking thereof, they may, with the serjeant of the said city, or any one of the constables of the counties of York or James city (who are hereby required to be aiding and assisting therein) cause the said goods or vessels, so distrained, or some part thereof, to be appraised by two sworn appraisers, to be appointed by a justice of the peace for either of the said counties, to appraise the same truly and indifferently, according to the best of their judgment, and, after such appraisement, may sell the same, or any part thereof, for satisfaction of such rate or duty, and the charges of such distress, appraisement, and sale, leaving the overplus, if any, in the hands of the trustees, for the owner's use. Provided always, That none of the rates or duties, by this act granted or given, shall be demanded or taken for any pleasure boat, or for any dung, marle, or other manure, which shall be carried on the said canal, in any boat or vessel, belonging to, or hired by, any of the subscribers, their heirs, and assigns. And the said trustees and directors shall annually render an account to the said president of all the money by them received and expended on account of the subscription, and of the tolls and duties before mentioned, and, after deducting the several sums that they shall expend in keeping the banks of the said canal in good and constant repair, removing all obstructions in the navigation thereof, so that the same may be rendered as useful as possible, and paying wages or salaries to such persons as it may be necessary to employ in the management of the same, shall pay the surplus of the money, arising from the said tolls and duties,
amongst the said several subscribers, in proportion to the sums by them paid, or to their executors, administrators, or assigns.

VII. And for preventing any rude or disorderly person, navigating boats, barges, or other vessels, in or upon the said canal, from doing any damage, or committing any disorders, and for making the masters of such vessels, in that respect more careful, Be it enacted, by the authority aforesaid, That every master of any boat, barge, or vessel, shall be, and is hereby, made answerable and responsible for any damage or mischief that shall, at any time, be done by his or their boat, barge, or vessel, or by any of the bargemen, boatmen, or crew, of and in such boat, barge, or vessel, to any of the bridges, banks, quays, or other works, to be made and erected in, upon, or near the said canal, or for any trespass or damage which shall be done to the proprietors of any buildings, lands, tenements or premises adjoining near unto the same, otherwise than is provided for by this act; and the said master, or masters, of the said boat, barge, or vessel, shall and may be sued and prosecuted for the same, in any court of record, and, if found guilty, or if a verdict pass, or judgment be given, against him, her, or them, in any such case, the plaintiff shall recover his full costs.

VIII. And be it further declared and enacted, by the authority aforesaid, That the said canal, when completed, shall, forever thereafter, be esteemed and taken to be navigable, and that all the king's liege people whatsoever, with their goods and merchandize, may have, and lawfully enjoy, their free passage in and through the said canal, with boats, barges, lighters, and other vessels, and also all necessary and convenient liberties for navigating the same, without any let, hindrance, or obstruction of or from any person, or persons, whatsoever, paying such rates and duties as are appointed by this act to be paid to the said trustees and directors. Provided always, That the said trustees shall not run or cut the said canal through the lands of any private person, without the consent of the proprietor thereof, first had and obtained.
An act to enlarge the power of the trustees appointed to carry into execution an act, passed this present session of assembly, intituled an act for cutting a navigable canal from Archer's Hope creek to Queen's creek, through or near the city of Williamsburg.

I. WHEREAS it is represented to this present general assembly, that the act, passed in this present session, for cutting a navigable canal from Archer's Hope creek to Queen's creek, through or near the city of Williamsburg, is likely to be frustrated and rendered of no effect, by the refusal of some persons, and the infancy of others, through whose lands the said canal must pass, who are not, by the said act, compellable to give up their property for the effecting so salutary and laudable an undertaking: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the trustees and directors, hereafter to be chosen, agreeably to the directions of the said recited act, or any five of them, are hereby impowered to agree with and purchase of the proprietors, or occupants thereof, or guardian of any infant proprietor of any lands adjoining to or near the said intended canal, which may be necessary for carrying on and perfecting the same, and to take and accept deeds, by the name of the trustees and directors, appointed for cutting a canal from James to York river, to the use and behoof of the subscribers to the said canal, their heirs, and assigns. And in case any difference should arise about the value of the said lands, or any part thereof, any justice of the peace of the county, where the land shall lie, to whom application shall be made, by the said trustees or directors, shall issue his warrant, to the sheriff of such county, to summon fifteen freeholders, of the said county, to view and value the said lands and improvements, who shall meet on the day appointed, and being first sworn so to do, shall view, and truly and
faithfully value the land, the bounds whereof, so far as they may be damaged by the canal, shall be first ascertained, and the damages such proprietor, or occupier, may suffer by means of cutting the said canal, or making and raising any banks or other necessary works thereof; and the said jury shall deliver their opinion thereof, signed by twelve of them at the least, to the said sheriff, who shall immediately deliver the said verdict, with a description of the bounds of the land so valued, the warrant, and all other papers made use of in the said inquiry, to the clerk of the said county, to be safely kept in his office; and upon tendering or paying the sum of money, to which the said land, and the damages, shall be estimated, the said trustees and directors shall have a right to proceed in cutting the said canal, and shall hold the same forever, whilst the said canal shall continue to be navigable, without any hindrance or molestation from such proprietor his heirs, or assigns. Provided always, That the said trustees and directors shall give ten days notice, in writing, to such proprietor or occupier, or, in case of infancy or coverture, to the guardian or husband, of the time they intend to proceed to make such valuation: Provided also, That if it should appear that the damage done to any person’s lands, through which the said canal shall be cut, was not considered in such valuation, the owner of the said lands may, by applying to any magistrate of the county where the lands shall lie, procure the same to be reviewed, and such damage to be estimated in the same manner as is herein before prescribed, and shall be intitled to receive and recover the last mentioned valuation from the said trustees, and so as often as any new damage shall arise to any proprietor, not before considered and valued, such proprietor shall have the like remedy for recovering such further damage from the said trustees.

II. Provided always, and be it enacted, by the authority aforesaid, That neither the counties of James City nor York, nor the inhabitants of the city of Williamsburg, shall, at any time hereafter, be taxed for or made chargeable with any expences that may attend the erecting or repairing any bridge, or bridges, to be built, by the said trustees, over the said canal, or that may be incurred for the cleansing or keeping the said canal in repair, but that the same shall, from time to time, be paid by the trustees and directors, appointed as aforesaid, and their successors.
An act for opening the Falls of James River by subscription, and for other purposes.

I. WHEREAS the extension of the navigation of James river will be of great public utility to the colony in general, and more especially to the numerous inhabitants above the falls of the said river, which, it is judged, will be greatly promoted by cutting a canal, through the falls, from Westham to the tide water. And whereas many persons have subscribed large sums of money, and others will probably subscribe, to so laudable and beneficial a work, and it is proper that they should be empowered to receive reasonable tolls or duties, to enable them to cut, support, and repair the said canal, necessary locks, and other works: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That as soon as the persons who have already subscribed, together with such as shall hereafter subscribe, or a majority of them, shall think a sufficient sum, for effecting the said intended work, may be raised, any ten, who have subscribed one hundred pounds, or upwards, each, shall appoint a time for a general meeting of the subscribers, at the town of Manchester, in the county of Chesterfield, or Richmond, in the county of Henrico, after giving at least one month's previous notice in the Virginia Gazette; and such of the subscribers as shall be there present, or a majority of them, are hereby impowered to elect a president, and eleven of the subscribers to be trustees and directors, for the cutting a canal, erecting locks, and other works requisite for opening the said falls, and extending the navigation of the said river, and, in counting the votes, every subscriber is to be allowed one vote for every fifty pounds by him subscribed; and if any subscriber shall be unable to attend at the time appointed, as aforesaid, it shall be lawful for him to depute any other subscriber to act for him at the said election, by any writing under his hand and seal, whose vote shall be, to all intents and purposes, as valid as if the subscriber, giving him the deputation, was himself present. And the said trustees and directors, so elect-
ed, shall and may agree with any person, or persons, who shall be willing to undertake the same, to cut the said canal, and erect such locks, or other works, as are necessary, upon such terms, and in such manner, as the said trustees and directors shall think fit, and out of the money arising from the tolls and duties, hereafter given by this act, to repair and keep in good order the said canal, locks, or other works necessary thereto: Provided that the sum to be paid does not exceed the whole amount of the several sums subscribed, and that the person, or persons, who shall undertake the same, shall first give sufficient security to perform his or their agreement.

II. And be it further enacted, by the authority aforesaid, That the said president and trustees and directors, or any five or more of them, assembled together, or a majority of them, of whom the said president to be one, shall have full power and authority to proceed and determine all matters relative to the trust reposed in them by this act, and shall, from time to time, as money shall be wanted, make an order, and direct what proportion the subscribers shall pay, of the sums by them respectively subscribed, which order shall be signed by the said president, and the said president, trustees and directors, are hereby authorized and impowered to demand and receive of the several subscribers, their heirs, executors, administrators, and assigns: from time to time, the sums of money so ordered to be advanced for carrying on the said work, until the sums by each subscriber respectively subscribed, shall be fully paid and discharged, and where any of the subscribers, or their heirs, executors, administrators, or assigns, shall refuse or neglect to pay their proportions, when demanded, agreeably to the said order, the said president, trustees and directors, are hereby authorized, by the name of the president, trustees and directors, appointed for opening the falls of James river, to sue for and recover the whole sum subscribed by such person, so refusing or neglecting to pay, by action of debt, or upon the case, in any court of record in this colony, unless any subscriber had made it a condition, in his subscription, to pay his money at different periods, or on particular terms, in which case no more shall be recovered than so much as might be called for, agreeable to his terms, at the time of such recovery. And in order to continue the succession of the said president, trustees and direc-
tors, Be it further enacted, by the authority aforesaid, That in case of the death, removal out of the colony, or resignation of the said president, or any of the said trustees and directors, or in case the said president, or any of the said trustees and directors, shall misbehave himself, or themselves, then, at the next meeting of any ten of the subscribers of one hundred pounds, and upwards, to be advertised, as aforesaid, by the president, or any five of the subscribers, as the case may be, it shall and may be lawful for the said ten subscribers, so assembled, or the majority of them, to appoint a general meeting of all the subscribers, who, or a majority of them, who shall be present, shall, under the rules and regulations, before prescribed, nominate and appoint any other person, or persons, to be president, trustees or directors, in the room of him or them so dying, removing, or resigning, or, if they find sufficient cause, in the room of him or them so misbehaving, and such new president, and trustees, shall have equal powers and authorities with those originally chosen, and the said trustees and directors shall, before the general meeting for auditing of the accounts, render an account to the said president of all the money by them received and expended, on account of the subscription, and of the tolls and duties before mentioned.

III. And be it further enacted, That on the second Monday of September in every year, and in case of any disappointment, on some other day, within one month thereafter, to be publicly advertised three times in the Virginia Gazette, by the said president, the subscribers shall and may meet at the town of Manchester or Richmond, to whom the said president, trustees and directors, shall make report, and render distinct and just accounts of all their proceedings, and, on finding them to be fairly and justly stated, the subscribers, or a majority of them, then present, shall give the said trustees a certificate thereof, and the said president shall sign all orders made by the trustees, as aforesaid, for calling in and demanding any money from the subscribers, and execute all deeds for the conveyance of the right or share of any proprietor of the said canal, or of the profits arising therefrom, and such execution shall be sufficient to pass and convey any right the subscribers collectively, their heirs and assigns, may have distinct from such proprietor.
IV. And be it further enacted, That it shall be lawful for every subscriber, or proprietor, of the said canal, or of the tolls and duties hereby given, to sell and transfer his, or her, right and interest therein, or any part thereof, but such proprietor shall, when he is desirous of selling, first offer the same to the trustees, and it is hereby declared that they shall have the preference in all such sales, if they will give the same consideration for which any proprietor shall really and bona fide sell.

V. And be it further enacted, by the authority aforesaid, That for and in consideration of the great charges and expences the said subscribers, their heirs, or assigns, will be at, not only in cutting the said canal, erecting locks, and other works, for opening the said falls and extending the navigation of the said river, but in maintaining and keeping the same in repair, the said canal with all its appurtenances, shall be, and the same is hereby, vested in the said subscribers, their heirs, and assigns, forever, as tenants in common, in proportion to the sums by them respectively subscribed, and that it shall and may be lawful for the said trustees and directors, from time to time, and at all times forever, hereafter, to demand, receive, recover, and take, for every hogshead one shilling and six pence, every barrel six pence, every bushel of grain, or salt, one penny, every chaldron of coal one shilling and six pence, every hundred pipe staves one shilling, every hundred hogshead staves nine pence, and every hundred barrel staves six pence, every hundred cubic feet of plank, or timber, five shillings, and so in proportion for a greater or less quantity, and for every hundred weight of merchandize whatsoever, except as before mentioned, three pence, which shall be carried through the said canal, in any boat, or other vessel, and for every such boat, or other vessel, not laded, five shillings; the said rates, or duties, to be paid near to the said canal, and in such manner as the said trustees shall think proper, and, in case of neglect, or refusal of payment, on demand, of such rates and duties, or any part thereof, to the said trustees, or the person or persons, appointed receivers, they, the said trustees, shall and may sue for the same, in the name and manner above mentioned, or by petition, if the money demanded shall not exceed the sum of five pounds, current money, or shall and may take possession of, and retain, any goods, or vessel, wherein
the said goods or other things are carried, for which the said rates and duties are to be paid, until due payment thereof, together with reasonable charges for taking and detaining such distresses, and if such goods or vessels shall not be redeemed within four days after the taking thereof, they may, with a constable of Henrico, or Chesterfield county (who are hereby required to be aiding and assisting therein) cause the said goods or vessels, so retained, or some part thereof, to be appraised by two sworn appraisers, to be appointed by a justice of the peace of either of the said counties, to appraise the same, truly and indifferently, according to the best of their judgment, and, after such appraisement, may sell the same, or any part thereof, for payment of such rate or duty, and the charges of such seizure, appraisement, and sale, leaving the overplus, if any, in the hands of the trustees, for the owner's use; and after deducting the several sums that shall have been expended in keeping the banks of the said canal, locks, and other works, in good and constant repair, removing all obstructions in the navigation thereof, so that the same may be rendered as useful as possible, and paying wages or salaries to such persons as it may be necessary to employ in the management of the same, it shall and may be lawful for the said subscribers, or the majority of them, present, to proportion the balance remaining; and direct the payment and distribution thereof to and amongst the several subscribers, or proprietors, in proportion to the sums by them paid, or to their executors, administrators, or assigns: Provided nevertheless, That every vessel, returning up the said canal, after having delivered her load below, shall be exempt from paying any toll, except for goods or merchandizes such vessels shall then have on board. And for preventing any rude or disorderly person, navigating boats, or other vessels, in or upon the said canal, from doing any damage, or committing any disorders, and for making the persons, having the charge of such vessels, in that respect, more careful, Be it enacted, by the authority aforesaid, That every person, having charge of any boat or vessel, or the master or owner thereof, shall be, and is hereby, made responsible for any damage or mischief that shall, at any time, be done by his or their boat or vessel, or by any person belonging to, or navigating, any such boat or other vessel, to any of the locks, banks, quays, or other works,
be made and erected for opening the said canal, and extending the said navigation, or for any trespass or damage which shall be done to the proprietors of any buildings, lands, tenements, or premises adjoining near unto the same, otherwise than is provided for by this act, and the persons having charge of the said boat or other vessel, or the master, or owner thereof, shall and may be sued and prosecuted for the same, in any court of record, and if found guilty, or if a verdict pass, or judgment be given against him, her, or them, in any such case, the plaintiff shall recover his full costs.

VI. And be it further declared and enacted, by the authority aforesaid, That the said canal, when compleated, shall, forever thereafter, be esteemed and taken to be navigable, and that all the king's liege, people whatsoever, with their goods and merchandizes, may have, and lawfully enjoy, their free passage in and through the said canal, with boats and other vessels, and also all necessary and convenient liberties, for navigating the same, without any let, hindrance, or obstruction, of or from any person. or persons, whatsoever, paying such rates and duties as are appointed by this act, to be paid to the said trustees and directors: Provided always, and be it enacted, That the land and improvements, through which any such canal shall be proposed to be cut, or whereon any lock, or other work, shall be thought necessary to be erected in opening the falls, and extending the navigation of the said river, so far as they may be damaged by the canal, shall be first viewed and valued, and the bounds thereof described and ascertained by a jury, to be impannelled and sworn by order of the court of the county where such lands lie, on application of the trustees, in the same manner as is directed by law, in cases of petitions preferred for land to build a mill on, and shall be paid for by the said trustees, before such canal shall be cut, or other work erected: Provided always, That if it should appear, that the damage done to any person's land, through which the said canal shall be cut, was not considered in such valuation, the owner of such lands may, by applying to the said court, procure the same to be reviewed, and such damage to be estimated, in the same manner as is herein before prescribed, and shall be intitled to receive and recover such new valuation from the said trustees; and shall, in the same manner, have
the like further remedy, as often as any new damage shall arise, not before considered and valued.

VII. And whereas the opening a canal from the head of the southern or eastern branch of Elizabeth river, to the head of the north river, will greatly increase the commerce of this colony: Be it therefore enacted, by the authority aforesaid, That Joseph Hutchings, Thomas Newton, junior, James Webb, John Wilson, Abrahams Wormington, Edward Hack Moseley, junior, Christopher Wright, Anthony Walke, David Maclanahan, George Logan, Peter Singleton, Lemuel Riddick, Severn Eyre, and James Holt, gentlemen, or any seven of them, be, and they are hereby authorized and required to view the lands, between the heads of the said rivers, and to make, or cause to be made, an exact survey, or such parts thereof, through which the said canal may be the most conveniently cut, and shall moreover make as exact an estimate as may be of the expense of opening and rendering such canal navigable for the passage of boats, or other vessels, which estimate, together with a plan of the survey, the said trustees, or the major part of them, shall return to the next session of assembly, and it shall be lawful for the said trustees, or the major part of them, or the persons employed by them in the execution of this act, to pass through the lands of any person, or persons, whatsoever, for the purposes aforesaid.

CHAP. XXXI.

An act for opening and extending the navigation of the river Potowmack from Fort Cumberland to tide wa-

I. WHEREAS the extension of the navigation of Potowmack river from tide water to fort Cumberland will be of great public utility to the colony in general, and more especially to the numerous inhabitants above the falls of the said river. And whereas many private
persons are willing to subscribe large sums of money to effect so laudable and beneficial a work, and it is proper that they should be impowered to receive reasonable tolls, or duties, to enable them to cut, support, and repair, such canals, locks and other works, which may be found necessary in carrying into execution this undertaking. And whereas it is thought that a lottery, under proper regulations, would greatly contribute towards encouraging so laudable a subscription: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That as soon as the persons who shall subscribe to this undertaking, or a majority of them, shall think that a sufficient sum may be raised for effecting the said intended work, any ten persons who have subscribed one hundred pounds, or upwards, each, shall appoint a time for a general meeting of the subscribers, at the falls warehouse, in Fairfax county, at the town of Leesburg, in Loudoun county, or at George town, in the county of Frederick, in the province of Maryland, after giving, at least, one month's previous notice in the Virginia Gazette; and such of the subscribers as shall be present at such meeting, or a majority of them, are hereby impowered to elect a president, and eleven of the subscribers to be trustees and directors for the cutting one or more canals, erecting locks, and other works requisite for opening the said falls, and extending the navigation of the said river, and in counting the votes every subscriber is to be allowed one vote for every fifty pounds by him subscribed. And if any subscriber shall be unable to attend such meeting, it shall be lawful for him to depute any other subscriber to act for him at the said election, by any writing under his hand and seal, whose vote shall be, to all intents and purposes, as valid as if the subscriber, giving him the deputation, was himself present. And the trustees and directors, or the majority of them, so elected, shall and may agree with any person, or persons, of whom they shall approve, who shall be willing to undertake the same, to cut such canals, and erect such locks, or other works, as they shall think necessary, upon such terms, and in such manner, as a majority of the said trustees and directors shall think fit, and out of the money arising from the tolls and duties hereafter given by this act, and the money arising from the said lottery, herein after mentioned,
and subscriptions, to repair, and keep in good order, the said canals, locks, and other works necessary there-to. Provided, that the sum so agreed to be paid such undertaker, doth not exceed the whole amount of the several sums subscribed, and the profit of the lottery herein after mentioned, after deducting the prizes and expense of such lottery, and that the person, or persons, who shall undertake the same, or any part thereof, shall first give sufficient security to perform his or their agreement.

II. And be it further enacted, by the authority aforesaid, That the said president, and trustees, or directors, or any five or more of them, assembled together, or a majority of them, of whom the said president to be one, shall have full power and authority to proceed and determine all matters relative to the trust reposed in them by this act, and shall, from time to time, as money shall be wanted, make an order, and direct what proportion the subscribers shall pay of the sums by them respectively subscribed, which order shall be signed by the said president. And the said president, trustees and directors, are hereby authorized and impowered to demand and receive of the several subscribers, their heirs, executors, administrators, and assigns, from time to time, the sums of money, so ordered to be advanced, for carrying on the said work, until the sums by each subscriber respectively subscribed, shall be fully paid and discharged. And where any of the subscribers, or their heirs, executors, administrators, or assigns, shall refuse or neglect to pay their proportions, when demanded, agreeable to the said order, the said president, trustees and directors, are hereby authorized, by the name of the president, trustees and directors, appointed for opening the falls of Potowmack river, to sue for and recover the whole sum subscribed by such person so refusing or neglecting to pay, by action of debt, or upon the case, in any court of record in this colony, unless any subscriber had made it a condition, in his subscription, to pay his money at different periods, or on particular terms, in which case no more shall be recovered than so much as might be called for, agreeable to his terms, at the time of such recovery: Provided nevertheless, That all subscribers of any sum below ten pounds, shall pay down their whole subscriptions at the time of subscribing.
III. And in order to continue the succession of the said president, trustees and directors, *Be it further enacted, by the authority aforesaid*, That in case of the death, removal out of the colony, or resignation, of the said president, or any of the said trustees and directors, or in case the said president, or any of the said trustees and directors shall misbehave himself or themselves, then, at the next meeting of any ten or more of the subscribers, of one hundred pounds, and upwards, to be advertised, as aforesaid, by the president, or any five of the trustees, as the case may be, it shall and may be lawful for the said subscribers so assembled, or a majority of them, to appoint a general meeting of all the subscribers, who, or a majority of them who shall be present, shall, under the rules and regulations before prescribed, nominate and appoint any other person, or persons, to be president, trustees, or directors, in the room of him or them so dying, removing, or resigning, or, if they find sufficient cause, in the room of him or them so misbehaving, and such new president, and trustees, shall have equal powers and authorities with those originally chosen. And the said trustees and directors shall, before the general meeting for auditing of the accounts, render an account to the said president of all the money by them received and expended on account of the subscription, and of the tolls and duties before mentioned.

IV. *And be it further enacted*, That on the first day of September in every year, and in case of disappointment on some other day within one month thereafter, to be publicly advertised three times in the Virginia Gazette by the said president, the subscribers shall and may meet at the falls warehouse, in Fairfax county, at the town of Leesburg, in Loudoun county, or at George town, in Frederick county, in the province of Maryland, to whom the said president, trustees and directors shall make report and render distinct and just accounts of all their proceedings, and on finding them to be fairly and justly stated, the subscribers, or a majority of them, then present, shall give the said trustees a certificate thereof; and the said president shall sign all orders made by the trustees as aforesaid, for calling in and demanding any money from the subscribers, and execute all deeds for the conveyance of the right or share, of any proprietor of the said works, or of the profits arising therefrom, and such execution shall be
sufficient to pass and convey any right the subscribers, collectively, their heirs, and assigns, may have, distinct from such proprietor.

V. And be it further enacted, That it shall be lawful for every subscriber, or proprietor, of the said works, or of the tolls and duties hereby given, to sell and transfer his or her right and interest therein, or any part thereof, but such proprietor shall, when he is desirous of selling, first offer the same to the trustees. And it is hereby declared that they shall have the preference in all such sales, if they will give the same consideration for which any proprietor shall really and bona fide sell.

VI. And be it further enacted, by the authority aforesaid, That for and in consideration of the great charges and expences the said subscribers, their heirs, and assigns, will be at, not only in cutting the said canal, erecting locks, and other works, for opening the said falls, and extending the navigation of the said river, but in maintaining and keeping the same in repair, the said canal and works, with all their appurtenances, shall be, and the same are hereby, vested in the said subscribers, their heirs and assigns, forever, as tenants in common, in proportion to the sums by them respectively subscribed, and that it shall and may be lawful for the said trustees and directors, from time to time, and at all times forever hereafter, to demand, recover, and take eight pence for every hundred weight of all commodities, except timber, plank, or staves, exported from or imported to, any place, above the mouths of the south and north branches of the said river Potowmack, four pence for every hundred pipe, three pence for every hundred hogshead, and two pence for every hundred barrel staves, and six pence for every hundred cubic feet of plank or timber, and for every hundred weight of such commodities, exported from, or imported to, any place below the said south and north branches of the said river, and above the mouth of Shannandoah, the sum of six pence, and three pence for every hundred pipe, two pence for every hundred hogshead, and one penny for every hundred barrel staves, and four pence for every hundred cubic feet of plank or timber; and for every hundred weight of such commodities, exported from, or imported to, any place below the mouth of Shannandoah river, the sum of three pence, and two pence for every hundred pipe, three half pence for every hundred hogshead, and one
penny for every hundred barrel staves, and three pence for every hundred cubic feet of plank and timber, and so in proportion for a greater or lesser quantity; the said rates or duties, to be paid at such places, and in such manner, as the said trustees shall think proper, from time to time, to direct; and in case of refusal, or neglect of payment on demand, of such rates and duties, or any part thereof, to the said trustees, or the person, or persons, appointed receivers, they, the said trustees, shall and may sue for the same, in the name and manner above mentioned, or by petition, if the money demanded shall not exceed the sum of five pounds current money, or shall and may take possession of, and retain any goods or vessels, wherein the said goods or other things are carried, for which the said rates and duties are to be paid, until such payment thereof, together with reasonable charges for taking and detaining such distresses. And if such goods, or vessels, shall not be redeemed within four days after the taking thereof, they may, with a constable of any county adjoining the place where such refusal shall be made, who are hereby required to be aiding and assisting therein, cause the said goods or vessels, so retained, or some part thereof, to be appraised by two sworn appraisers, to be appointed by a justice of the peace of either of the said counties, to appraise the same truly and indifferently, according to the best of their judgments; and, after such appraisement, may sell the same, or any part thereof, for payment of such rate or duty, and the charges of such seizure, appraisement, and sale, leaving the overplus, if any, in the hands of the trustees, for the owner's use, and after deducting the several sums that shall have been expended in keeping the said canal, locks, and other works, in good and constant repair, removing all obstructions in the navigation thereof, so that the same may be rendered as useful as possible, and paying wages, or salaries, to such persons as it may be necessary to employ in the management of the same, it shall and may be lawful for the said subscribers, or the majority of them present, to proportion the balance remaining, and direct the payment and distribution thereof to and amongst the several subscribers, or proprietors, in proportion to the sums by them paid, or to their executors, administrators, or assigns.

VII. And for preventing any rude and disorderly person, navigating boats, or other vessels, in or upon the
same river, above tide water, from doing any damage, or committing any disorders, and for making the persons, having charge of such vessels, in that respect more careful, Be it enacted, by the authority aforesaid, That every person having charge of any boat, or vessel, shall be, and is hereby, made answerable and responsible for any damage or mischief that shall at any time, be done by his or their boat, or vessel, or by any persons belonging to or navigating any such boat, or other vessel, to any of the locks, banks, quays, or other works, to be made and erected for opening the said falls, and extending the said navigation, or for any trespass or damage which shall be done to the proprietors of any buildings, lands, tenements or premises adjoining near unto the same, otherwise than is provided for by this act. And the persons having charge of the said boat, or other vessel, shall and may be sued and prosecuted for the same, in any court of record within this colony, and, if found guilty, or if a verdict pass, or judgment be given, against him, her, or them, in any such case, the plaintiff shall recover his full costs.

VIII. And be it further declared and enacted, by the authority aforesaid, That the said works, when completed, shall, forever thereafter, be esteemed and taken to be navigable, and that all the king's liege people whatsoever, with their goods and merchandizes, may have, and lawfully enjoy, their free passage in and through the said works, with boats, and other vessels, and also all necessary and convenient liberties for navigating the same, without any let, hindrance, or obstruction, of or from any person, or persons whatsoever, paying such rates and duties as are appointed by this act, to be paid to the said trustees and directors.

IX. Provided always, and be it enacted, That the lands and improvements through which any such canal shall be proposed to be cut, or whereon any lock, or other work, shall be thought necessary to be erected, in opening the falls, and extending the navigation of the said river, shall be first viewed and valued by a jury, to be impannelled and sworn by order of the court of the county where such lands and improvements lie, on application of the trustees, in the same manner as is directed by law, in cases of petitions preferred for land to build a mill on, and shall be paid for by the said trustees, before such canal shall be cut, or other work erected, and that it shall be lawful for the said trustees:
after paying to the owner, or, in case of the coverture or infancy of the owner, to the husband or guardian of the owner of such lands and improvements, the full amount of the valuation so made, as aforesaid, to cut through the lands and improvements, so valued, without the let, hindrance, or molestation of any person whatsoever, and the lands and improvements, so valued, shall be vested in the said trustees, and their successors, for the use of the said subscribers, and their heirs, forever. Provided nevertheless, That if any farther damage should arise to any proprietor of land, in consequence of the opening of such canal, than had been before considered and valued, it shall be lawful for such proprietor, as often as any such new damage shall happen, by application to the court of the county where the land shall lie, to have such farther damages valued by a jury, in like manner, and to receive and recover the same of the said trustees; and upon every such valuation the jury is hereby directed to describe and ascertain the bounds of the land so valued.

X. And to the end that the said trustees may be the better enabled to carry this act into execution, Be it further enacted, by the authority aforesaid, That it shall be lawful for the said trustees to set on foot a public lottery, to consist of twenty thousand tickets, to be rated and sold at five pounds, current money, each, of which said tickets eight thousand three hundred and eight shall be prizes, and eleven thousand six hundred and ninety two shall be blanks, which said prizes shall be estimated and proportioned as follows, viz. one prize of five thousand pounds, one prize of four thousand pounds, one prize of three thousand pounds, one prize of two thousand pounds, two prizes of one thousand pounds each, one of which said one thousand pounds prizes shall be paid to the owner or owners of the last ticket which shall be drawn in the said lottery, two prizes of five hundred pounds, each, and eight thousand three hundred prizes of ten pounds, each, which said prizes amount, in the whole, to the sum of one hundred thousand pounds; and that the said trustees shall deduct, and retain in their hands, to be applied towards extending the navigation of the said river Potowmack, ten per cent. from the value of such prizes, and that it shall be lawful for the said trustees to sell and dispose of such tickets, to any person, or persons, who shall give bond, and good security, for the amount of such tickets.
so by him, her, or them, purchased, to be paid within ten days after finishing the drawing of the said lottery, and if such bonds shall not be then discharged, they shall bear interest from that time, and the said president, and a majority of the trustees, shall assign so many of such bonds to each of the fortunate adventurers as shall discharge the prize or prizes, by them respectively drawn, after deducting ten per cent. from such prizes, for the purposes aforesaid.

XI. And for the greater encouragement of those who shall subscribe liberally to this great, patriotic, and beneficial undertaking: Be it further enacted, by the authority aforesaid, That every person who shall subscribe one hundred pounds, or upwards, shall have a right to demand and receive of the said trustees, and the said trustees are hereby empowered and required to deliver, to every person subscribing one hundred pounds, or upwards, who shall demand the same, ten tickets for every hundred pounds, he, or she, shall subscribe, provided such person shall, upon the receipt of such tickets, give his, or her, bond, with security, to be approved of by the majority of the trustees, for the full value of the tickets so by him, or her, received, to be paid within ten days after finishing the drawing of the said lottery, which said bonds, when paid, shall be looked upon, deemed, and taken, as a satisfaction of so much of the said subscription money, as the value of the tickets so received shall amount to.

XII. And for the better preventing any frauds in the drawing of the said lottery, It is hereby further enacted, That the honourable William Nelson, Thomas Nelson, William Byrd, John Page, Peyton Randolph, Robert Carter Nicholas, Richard Bland, Benjamin Harrison, of Berkeley, Benjamin Waller, Charter Carter, of Shirley, Archibald Cary, George Wythe, John Blair, and Patrick Henry, esquires, are appointed managers of the said lottery, to inspect the putting the numbers, blanks, and prizes, into the respective wheels, and to see that the said lottery is fairly conducted and drawn, provided that the said managers shall first give bond for the due discharge of the trust reposed in them.

XIII. And be it further enacted, by the authority aforesaid, That as soon as the tickets are all disposed of, a majority of the trustees, for extending the navigation of the said river Potowmack, shall give notice thereof to the managers of the said lottery, who shall advertise;
for six weeks, in the Virginia Gazette, the time of drawing the same, in some part of the capitol in the city of Williamsburg: Provided nevertheless, That if the said lottery shall not be drawn on or before the last day of November, in the year of our Lord one thousand seven hundred and seventy three, that then the said trustees shall deliver up, to be cancelled, all such bonds as have been by them taken, for the sale of the tickets, on the purchasers returning the tickets for which such bonds shall have been given, and the trustees may, in that case, proceed to set on foot any other scheme of a lottery, which they shall think most likely to be carried into execution. Provided that the sum to be raised by such lottery, for the purposes aforesaid, shall not exceed the sum of ten thousand pounds. Provided also, That each trustee, to be elected under this act, shall, before he enters upon the execution of the said trust, give bond to our sovereign lord the king, in the penalty of ten thousand pounds, for the due execution of his office: Provided also, That in case the lottery, set forth in this act, shall not be drawn on or before the said last day of November, which shall be in the year one thousand seven hundred and seventy three, it shall be then lawful for any person, who hath subscribed one hundred pounds or upwards, to reduce his or her subscription to one moiety of what such subscriber had subscribed in contemplation of such lottery, provided such subscriber shall give notice, in writing, to the president and trustees, of his intention of reducing his said subscription, on or before the first day of June, which shall be in the year of our lord one thousand seven hundred and seventy four.

CHAP. XXXII.

An act to amend an act, intituled an for clearing Mattapony river.

I. WHEREAS by an act passed in the twenty-seventh year of the reign of his late majesty king George the second, intituled An act for clearing Mattapony river, certain trustees were named and appointed to receive and lay out subscriptions for clearing the said river, most of whom are either dead, removed, or become
so infirm as to be incapable of acting, so that a sufficient number cannot be convened to do business, or fill up the vacancies, as they are empowered to do by the said act: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the honourable Richard Corbin, and John Page, esquires, and Edmund Pendleton, Walker Taliaferro, George Brooke, William Aylett, Anthony Thornton, John Armistead, William Nelson, junior, John Baylor, junior, and John Jones, gentlemen, be, and they are hereby constituted and appointed trustees for the purposes of the said recited act; and that they, or any five of them, shall have the same power and authority to receive and lay out the money, to be subscribed in clearing and keeping open the navigation of the said river to the falls thereof, as by the said act is given to the trustees to clear the said river to Burk's bridge, as also to do, or direct to be done, any other matter or thing which the former trustees were impowered to do by the said act.

II. And be it further enacted, That upon the death, removal, or refusal or disability to act, of any one or more of the trustees above mentioned, the surviving trustees, or the major part of them, shall elect one or more fit person or persons, in the room of him or them so dead, removed, refusing, or disabled; and the person or persons, so chosen, shall have the same power and authority as if they had been named in this act.

III. And whereas, by a clause in the said recited act, it is declared, that the charge of taking up and destroying any hedges and stone stops, or any part of them, that should be standing or remaining in the said river Mattapony, on the last day of July then next, or at any time thereafter, should be repaid to the said trustees by the person, or persons, to whose lands the said hedges or stops should be adjacent, or nearest, and the said person, or persons, were moreover made liable to the penalties imposed by the act of general assembly, made in the twenty second year of the reign of his said majesty, intituled An act for clearing rivers and creeks, which was adjudged necessary for the more effectual prevention of such obstructions to the navigation of the said river, but it would be highly reasonable to give the proprietor of the land a remedy for what he may suffer by the putting down such hedges or stops against
persons who do the same, without the consent of such proprietor: Be it therefore further enacted, by the authority aforesaid, That where the charges of removing, or the penalty, shall be levied upon any proprietor of adjacent lands, according to the said recited act, for any hedge or stop put into the said river by any other person, or persons, without the consent in writing of such proprietor, it shall be lawful for such proprietor, by action on the case, to be commenced against such other person, or persons, in any court of record, to recover all the money or tobacco so paid for such penalty, or expense of removal, and all costs of suits; and if any defendant, or defendants, in such suit, upon recovery, shall not pay down the amount of the judgment, or give security for the payment thereof, with interest, at the end of three months, every such defendant shall receive, on his bare back, so many lashes as the court shall think proper to order, not exceeding thirty nine; and upon any such bond, the obligee, his executors, or administrators, shall be intitled to the same remedy on failure of payment as is provided in the case of bonds given to replevy estates, taken by execution.

CHAP. XXXIII.

An act to explain and amend an act, intituled An act to oblige the owner's of mills, hedges, or stops, on the rivers therein mentioned, to make openings or slopes therein for the passage of fish.

I. WHEREAS by one act of assembly, passed in the tenth year of the reign of his present majesty, intituled An act to oblige the owners of mills on the Rivanna and Hedgeman rivers to make slopes, for passage of fish, among other things, it is enacted, that the owner or proprietor of all and every mill dam, already erected on either of the rivers Rivanna or Hedgeman, should, before the first day of
March, which should be in the year one thousand seven hundred and seventy-one, make a gate or slope, in or to their respective mill dams. And whereas doubts have arisen whether or not that part of the said recited act, which respects the Hedgeman river, does extend to such persons as have erected mill dams on the north fork of Rappahannock river, below the month of the said Hedgeman: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this act, the said recited act shall be construed, and is hereby declared, to extend to all owners or proprietors of mill dams, hedges, or stops, on the said north fork, and on the river Rappahannock, above the flowing of the tide of the said river, and below the mouth of the Hedgeman river aforesaid.

II. And whereas the slopes which have already been made, in the manner prescribed by the said recited act, have been found insufficient for the passage of fish: Be it enacted, by the authority aforesaid, That every slope to be hereafter made, on any of the rivers aforesaid, shall be ten feet wide, tightly built, and planked up the sides, so as to confine the water from spreading off the said slope, two feet in depth at least, and the length of every such slope shall be four times its perpendicular height, with basons therein, at eight feet distance from each other, sufficient to afford resting places for fish, in their passage up the said slope, and shall be fixed in the dam eighteen inches below the common height of the water, and contiguous to the deepest part of the river; and if, after such slope shall be built, any person shall presume to fish therein, or disturb or obstruct the fish in their passage up the same, such offender shall, for every offence, forfeit and pay the sum of twenty shillings, current money, to be recovered with cost, before any justice of the peace within this colony, where such offender shall be found, one moiety to the use of the parish, wherein such justice resides, and the other moiety to the informer, and where such offender shall fail to pay down the whole penalty aforesaid, with the cost, or give security for so doing at the laying of the next parish levy, such offender, so failing, shall, by order of the said justice, receive on his or her bare back any number of lashes, not exceeding thirty-nine, which the said justice shall think proper to inflict. Provided
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always, That the several owners or proprietors of mill dams, already erected on the said north fork, and river Rappahannock, shall and are hereby declared to be free and exempt from all penalties and forfeitures for failing or neglecting to build such gates or slopes, which offenders, of the like nature, are, by the said recited act, subjected to, till from and after the first day of March, which shall be in the year of our Lord one thousand seven hundred and seventy-three.

CHAP. XXXIV.

An act to amend an act, intituled An act to amend an act, intituled An act to oblige the owners of mills, hedges, or stone stops, on sundry rivers therein mentioned, to make openings or slopes therein for the passage of fish, and for other purposes therein mentioned.

1. WHEREAS by an act of assembly, made in the first year of his majesty’s reign, intituled An act to oblige the owners of mills, hedges, or stone stops, on sundry rivers therein mentioned, to make openings or slopes therein for the passage of fish, which was amended by one other act, passed for that purpose, in the third year of his said majesty’s reign, hath been found defective, and not to answer the end for which it was intended: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That all and every owner, or proprietor, of any mill, already built, or hereafter to be built, on Meherrin river, below the fork, shall, within nine months, from and after the passing hereof, build and erect, or cause to be built and erected, a good and sufficient slope in his, her, or their mill dam, in the manner and form following, that is to say, that a gap be cut in the top of of slopes.
the dam, contiguous to the deepest part of the water below the said dam, in which shall be set a slope, ten feet wide, and so deep that the water may run through it eighteen inches before it will through the waste, or over the dam; that the direction of the said slope be so, as with a perpendicular, to be dropped from the top of the dam, will form an angle of at least seventy-five degrees, and to continue in that direction to the bottom of the river, below the dam, to be planked up the sides two feet high; that there be pits, or basons, built in the bottom, at eight feet distance, the width of the said slope, and to be twelve inches deep, and that the whole be tight and strong, which said slope shall be kept open from the tenth day of February to the first day of May, annually; and if any owner, or proprietor, shall neglect or refuse so to do, within the times aforesaid, every such owner, or proprietor, shall forfeit and pay the sum of five pounds for every twenty-four hours, he, or they, shall so neglect or refuse, one moiety to our sovereign lord the king, his heirs, and successors, for the use of the poor of the parish, or parishes, where the offence shall be committed, and the other moiety to the informer, to be recovered by action of debt or information, in any court of record within this colony.

II. And whereas it hath been further represented, that divers unfair practices have prevailed of erecting fish dams, hedges, and other stops in the said river, and also in the river Nonomo, and extending and fixing seines, and drags, across the same: Be it therefore enacted, by the authority aforesaid, That every owner, or proprietor, of lands, on the said rivers, shall, before the first day of February next, abate and throw down such fish dams, hedges, and other stops, as may have been heretofore erected, adjacent to their respective lands, and that it shall not, hereafter, be lawful for any person to erect, or cause to be erected, on the said rivers, or either of them, any fish dam, hedge, or other stop, or fix any seine, or drag, across the same; and if any owner, or proprietor, of lands, or any other person, shall fail to abate and throw down any such fish dam, hedge, or stop, already erected in the said rivers, adjacent to their lands, as aforesaid, or shall hereafter erect, or cause to be erected, any fish dam, hedge, or other stop, therein, or shall fix any seine, or drag, across the same, every such person, so offending, shall forfeit and pay, for every such offence, the sum of five pounds,
to be recovered and appropriated as is above directed; and if, after any recovery of the penalty last mentioned, such offender shall fail forthwith to abate and throw down such fish dam, hedge or other stop, erected, or to be erected, in either of the said rivers, that then, and so, from time to time, till the same shall be abated and thrown down, he shall be and continue subject to the like penalties and forfeitures, to be recovered and appropriated in the same manner.

III. And be it further enacted, by the authority aforesaid, That all and every other act, and acts, clause and clauses, heretofore made, for or concerning any matter, or thing, within the purview of this act, shall be and are hereby repealed.

CHAP. XXXV.

An act for appointing trustees to regulate the making of slopes for the passage of fish in the mill dams within the county of Bedford.

WHEREAS it is represented by the inhabitants of the county of Bedford, that the passage of fish is greatly obstructed by means of several mills erected within the said county, and on Black Water, the boundary line thereof, without proper openings, or slopes, in the dams, and the said inhabitants have petitioned this general assembly, that trustees may be appointed for regulating such slopes: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That John Talbot, Charles Lynch, James Calloway, John Quarles, Guy Smith, Gross Scruggs, William Trigg, Isham Talbot, and John Anthony, gentlemen, be, and they are hereby appointed trustees for carrying this act into execution. And they, the said trustees, or any five of them, from and after the passing hereof, shall and may, and they are hereby authorized and required, to direct in what manner, and within what
time, the slope, or opening, left for the passage of fish, in any mill dam already erected within the said county, or on Black Water, and for what part of the year, the same shall be kept open, which direction the said trustees shall deliver, or cause to be delivered, in writing, to the owner or proprietor of such mill, within ten days from the time they shall adjudge such slope, or opening, necessary. And where any mill, or mills, shall hereafter be built within the said county, or on Black Water aforesaid, the said trustees shall likewise direct in what manner, the slopes, or opening, for the passage of fish shall be made, and for what time of the year kept open. Provided nevertheless, The said trustees shall not, and are hereby declared not to have power or authority to cut, or direct to be cut, in any mill dam herefore built, or hereafter to be built, any slope, or opening, more than ten feet wide, nor more than eighteen inches deep in the top of any such mill dam, and shall give such notice and directions, in writing, to the owner or proprietor, as aforesaid. And if any such owner, or proprietor, of such mill, or mills, shall neglect or refuse to comply with such directions, within three months after receiving the same, the person, or persons so offending, shall forfeit and pay the sum of five pounds, for every day he, she, or they, shall so neglect or refuse; one moiety of which shall be to the use of the parish within the said county, and to be applied towards lessening the levy of the same; the other moiety to the informer, to be recovered with cost, by action of debt, in any court of record within this colony. Provided always, That if any person shall conceive him or herself to be injured by the order and directions of the trustees as aforesaid, it shall and may be lawful for the person so injured, to appeal to the next court to be held for the county of Bedford, which court shall and may, and is hereby required, to affirm or reverse such order, or to make such other order thereupon as to them shall seem just.
An act to revive the act, intituled An act for giving a salary to the Speaker of the House of Burgesses.

I. WHEREAS the act of assembly, made in the tenth year of his present majesty's reign, intituled An act for giving a salary to the speaker of the house of burgesses, expired on the tenth day of February, one thousand seven hundred and seventy two, and it is necessary, in order to support the dignity of the said office, that the said act should be revived, and to enable the speaker to employ his time in the service of his country, that a proper allowance should be made him: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the treasurer of this colony, out of the public money in his hands, do pay to Peyton Randolph, esq: speaker of the house of burgesses, or the speaker for the time being, the sum of six hundred and twenty five pounds current money of Virginia, to be paid at four equal payments; that is to say, the sum of one hundred and fifty-six pounds and five shillings on the sixth day of May next, and the like sum of one hundred and fifty-six pounds and five shillings on the sixth day of August next, and the like sum of one hundred and fifty-six pounds and five shillings on the sixth day of November next, and the like sum of one hundred and fifty-six pounds and five shillings on the sixth day of February next, respectively, and so annually during the continuation of this present general assembly, and, in case of a dissolution thereof, until the meeting of the succeeding assembly.

II. And be it further enacted, by the authority aforesaid, That the governor or commander in chief, for the time being, is hereby impowered and desired to issue his warrant, directed to the treasurer for the time being, for payment of the several sums aforesaid, as they shall become respectively due.
An act for further continuing the act, intituled *An act for appointing a Treasurer*.

WHEREAS the act of assembly, made in the seventh year of his present majesty's reign, intituled *An act for appointing a treasurer*, and which was continued by another act, made in the tenth year of his said majesty's reign, will expire at the end of this session of assembly, and it being expedient and necessary that the said act should be further continued: *Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said act of assembly shall continue, and be in force, from and after the expiration thereof, for and during the continuance of this present general assembly, and, after the dissolution thereof, to the end of the next session of assembly, and no longer.*

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**CHAP. XXXVIII.**

*An act to enable the Nottoway Indians to lease certain lands, and for other purposes therein mentioned.*

I. WHEREAS by several acts of the general assembly, passed in the first, eighth, twenty-fifth, and twenty-ninth years of the reign of his late majesty King George the second, the Nottoway Indians have been impowered, with the consent and approbation of the trustees, in the said acts respectively mentioned, to sell their lands on the north side of Nottoway river, in the county of Southampton, but from the manner of surveying and laying off the said lands, small parcels, unoccupied by the said Indians, still remain unsold, and the said Indians, by their petition, have represented to this present general assembly, that it will be greatly bene-
ficial to them, not only to sell those small parcels, on
the north side as aforesaid, but to lease out a part of
their lands, not exceeding one half, on the south side
of the said river Nottoway, which is also unoccupied
by them: Be it therefore enacted, by the Governor, Coun-
cil, and Burgesses, of this present General Assembly,
and it is hereby enacted, by the authority of the same,
That the chief men of the said Nottoway Indians be,
and they are hereby impowered to make sale of all or
any of the parcels of land aforesaid, on the north side
of the said river Nottoway, by and with the consent of
Henry Taylor, Edwin Gray, Thomas Blunt, Charles
Taylor, and John Blow, gentlemen, who are hereby
appointed trustees for the faithful execution of this act.
And after any agreement made for the sale of any of
the said parcels of land, it shall and may be lawful for
the said chief men, together with the trustees aforesaid,
or any two of them, to seal and deliver a feoffment, and
to make livery of seisin, upon the land, to be endorsed
upon such feoffment, to the purchaser, who, immedi-
ately after the execution thereof, shall pay down to the
said chief men the purchase money, for which a receipt
shall be likewise endorsed on the said deed; and any
feoffment, so executed and perfected, and afterwards
acknowledged, or proved by the oath of three witnesses,
and recorded in the said court of Southampton, where
the lands lie, shall be sufficient in law to pass the fee
simple estate of such lands, and the purchaser or pur-
chasers thereof, his or their heirs or assigns, shall fore-
ever hold and enjoy the same, freed and discharged
from all claims of the said Nottoway Indians, and their
posterity; any thing in the said recited acts, to the con-
trary hereof, in any wise, notwithstanding.
II. And be it further enacted, by the authority afores-
said, That a part of the lands, not exceeding one half,
and not in the actual occupation of the said Indians,
on the south side of the said river Nottoway, be, and
the same is hereby vested in the said trustees, upon
trust, nevertheless, that the said trustees, or any two of
them, shall and may, and they are hereby impowered,
by good and sufficient deed, or deeds, duly proved and
recorded, to demise or lease the said lands for twenty
one years, so that the quantity leased shall not exceed
three hundred acres, in any one lease, to such person,
or persons, and for such rent, or rents, as they, the said
trustees, or any two of them, shall judge reasonable,
Provided always, That a fishing place be reserved and set apart for the said Indians, as they, the said trustees, shall think proper. And the lessees, of such lands respectively, their respective heirs and assigns, shall, within five years from the date of their leases, build and compleatly finish a dwelling house twelve by sixteen feet, the frame to be sawed, covered with featheredge plank and shingled with good pine or cypress shingles, and shall moreover plant, inclose with good fences, and cultivate fifty apple trees on the lands so respectively leased to them. And such lessees, their heirs or assigns, shall not, during the continuance of their respective terms in the said lands, cut down more than one half of the timber thereon. And the said trustees shall cause a clause, or clauses, to be inserted in the respective deeds of lease, to enforce such building and improvements, and to restrain the tenants from cutting timber as aforesaid. And the said trustees, or any two of them, shall and may, and they are hereby authorized and required to commence and prosecute any action, or actions, against any person, or persons, trespassing on, or doing damage to, any lands belonging to the said Indians, that they could or might commence or prosecute if they were seized thereof in fee simple. Provided always, That the damages recovered in any such action, or actions, be applied to the use of the said Indians.

III. And be it further enacted, by the authority aforesaid, That the said trustees shall, annually, in the month of January, account with the court of the said county of Southampton for the rents by them received, and failing so to do, shall be subjected in like manner as the collectors of levies are by the laws of this colony made subject, and liable. And such court, together with the said trustees, or any two of them, shall, from time to time, direct the application of the monies arising from the sales and leases of the said lands as aforesaid, in such manner as they, or the major part of them, shall think most advantageous to the said Indians. Provided also, That the said trustees shall cause public notice to be given, at least thirty days before the sale and leasing, by fixing up advertisements of the time and place of such sale and leasing, at the door of the courthouse of the said county, on a court day, at every church and chapel in the parishes of Nottoway and Saint Luke's, in the said county of Southampton.
and in the Virginia Gazette, which sale and leasing shall be made by public auction; and if any purchase or lease shall be made by any person, or persons, contrary to this act, the same shall be void to all intents and purposes.

IV. And be it further enacted, by the authority aforesaid, That the said trustees, and the survivors or survivor of them, are hereby impowered and required to examine and settle the accounts and claims exhibited against the said Nottoway nation, or any of the said Indians, and the same being duly proved, to pay and satisfy, out of the money arising by sale or leasing, the part or share of the money due to the Indian, or Indians, against whom such account or claim shall be exhibited and allowed respectively. Provided that no part of such account or claim for spirituous liquors shall be allowed. And when the said accounts shall be fully satisfied and paid, according to the true intent and meaning of this act, the said trustees, or the survivors or survivor of them, shall retain the money, over and above, in their own hands, which shall be by them applied towards furnishing the said Indians with the common necessaries of life, and enabling them to pay their annual tribute, and to no other use or purpose whatsoever. And the said trustees shall be allowed in their accounts five per centum upon the whole money arising from the sale and leasing, for their trouble and expence in the execution of this act.

CHAP. XXXIX.

An act to amend an act, intituled An act for the better preservation of the breed of Deer, and preventing unlawful hunting.

I. WHEREAS the act, passed in the twelfth year of his late majesty king George the second, intituled An act for the better preservation of the breed of deer, and preventing unlawful hunting, and one other act, passed in the first year of his present majesty, for amending the

Additional penalties for killing deer at unseasonable periods.
said act, have been found insufficient to prevent the mis-
chiefs thereby intended to be remedied, many idle peo-
ple making a practice, in severe frozen weather, and
depth snows, to destroy deer, in great numbers, with
doogs, so that the whole breed is likely to be destroyed,
in the inhabited parts of the colony: For remedy of
which, Be it enacted, by the Governor, Council, and
Burgesses, of this present General Assembly, and it is
hereby enacted, by the authority of the same, That from
and after the passing of this act, every person who shall
kill any deer, contrary to the tenor of the said acts, shall
forfeit and pay the sum of fifty shillings, for every deer
so killed; to be recovered, with costs, by petition, where
the penalty complained for, at one time, does not ex-
ceed five pounds, and by action of debt, or information,
where the same shall exceed five pounds, brought in
the court of the county where the offence was commit-
ted, by any person suing for the same.

II. And for the more effectual discovery of persons
offending against this and the before recited acts, Be it
further enacted, by the authority aforesaid, That the pre-
siding justice of every court in this colony, at the time
the grand jury, for his county, shall be sworn, shall
give it in charge to the said grand jury to make en-
quiry and presentment of all such offenders, and, on
conviction, the penalty shall go to the use of the poor
of the parish where the offence was committed, towards
lessening the said parish levy.

III. And be it further enacted, That every grand
jury shall take an oath, at the time they are impanel-
led, to make due presentment of all and every person
within their county, whom they shall know to have
been guilty of a breach of this act.

IV. And whereas numbers of disorderly persons, not
regarding the laws, now in force, for the preservation
of the breed of deer, have, during the late great snows,
in many parts of this colony, almost destroyed the breed,
by which the inhabitants will not only be deprived of
that wholesome and agreeable food, but the trade, in
the article of skins, will be greatly diminished, as well
as the revenue of the college, unless, for a time, all per-
sons be prohibited from killing of deer, Therefore, be
it further enacted, by the authority aforesaid, That from
and after the passing of this act, no person shall hunt,
shoot, or kill, in any manner, any wild deer, until the
first day of August, which shall be in the year of
Lord Christ one thousand seven hundred and seventy-six, and every person, so offending, shall be liable to the same penalty, and to be recovered and applied in the same manner as the penalty before inflicted by this act for killing deer out of season.

V. And whereas doubts have arisen whether an action will lie against any person who shall kill a tame deer, the property of another, that shall be found ranging on any uncultivated lands, other than those of the owner of the deer, which prevents many persons from attempting to raise tame deer: For settling such doubts, **Be it enacted, by the authority aforesaid, That if any person shall shoot, or otherwise kill, any tame deer, having a bell or collar on its neck, every person, so offending, shall be liable to an action of trespass, to the person whose property the same shall be, to be prosecuted in the court of the county where the offence shall be committed. Provided nevertheless, That nothing in this act shall be construed to prevent any persons, residing in the frontier counties of this colony, from killing deer for food for themselves and families, as is allowed by the before recited acts of assembly, nor any other persons, from killing deer in their own inclosed lands, at such time and times as deer are allowed to be killed by the said first recited act.

VI. And be it further enacted, by the authority aforesaid, That if any person, or persons, not being a freeholder, shall, on conviction, fail to make present payment of the penalties and forfeitures, by this act inflicted, to the person, or persons, intituled to receive the same, or give security to pay the same, within six months after such conviction, or where the penalty shall be to the parish, at the laying of the next parish levy, where such offence shall be committed, then, or in either case, he or they, so offending, shall, by order of such justice, or the court before whom the conviction shall be made, receive, for every such offence, twenty lashes, on his or their bare back, well laid on; and if any such offenders shall refuse to pay the money on the bonds aforesaid, when the same shall become due, it shall and may be lawful for such justice, or the court of the county where such offender, or offenders, reside, on a motion to them made by the informer, or the churchwardens, as the case may be, to give judgment on the said bonds, and thereon to award execution; provided such offender or...
offenders, and his or their securities, his and their heirs, executors, or administrators, have ten days previous notice, in writing.

VII. And be it further enacted, by the authority aforesaid, That so much of the said recited acts, as is within the purview of this act, be, and the same is hereby repealed, and made void.

CHAP. XL.

An act for making further provision for the support and maintenance of idiots, lunatics, and other persons of unsound minds.

WHEREAS by an act of the general assembly, passed in the tenth year of his present majesty's reign, the treasurer of this colony was impowered, on the governor's warrant, to pay a sum of money not exceeding twelve hundred pounds, to be applied by the court of directors, in the said act appointed, towards building a hospital for the reception of idiots, and lunatics, and defraying the incidental charges thereof, which sum hath been found insufficient for those purposes: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the treasurer of this colony for the time being, shall and may, and he is hereby impowered and required, upon the governor's warrant, to pay to the said court of directors a farther sum, not exceeding eight hundred pounds, to be by them applied towards finishing the said hospital, making inclosures for the patients to walk and take the air in, after their reception, and defraying the other incidental charges.
An act for further continuing and amending the act, intitled, An act for encreasing the reward for killing Wolves within certain counties, to be paid by the respective counties wherein the services shall be performed.

WHEREAS the act of the general assembly, made in the fifth year of his majesty's reign, intitled An act for encreasing the reward for killing wolves within certain counties, to be paid by the respective counties wherein the services shall be performed, which was continued by another act, made in the seventh year of his said majesty's reign (except as to the counties of Buckingham, Fauquier, and Loudoun) and which was continued and amended by another act, made in the tenth year of his said majesty's reign, will expire on the first day of June, one thousand seven hundred and seventy-three, and it is necessary that the said acts should be further continued, except as to the county of Botetourt, the additional reward of fifty pounds of nett tobacco for every young wolf not exceeding the age of four months, and for every wolf above that age one hundred pounds of nett tobacco, to be levied and paid in the said county of Botetourt, being found burthensome to the inhabitants of the said county: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said recited acts, as to so much thereof as relates to the said county of Botetourt, be and the same are hereby repealed, and that the said acts, as to the other counties therein mentioned, shall continue, and be in force, from and after the said first day of June, one thousand seven hundred and seventy-three, for and during the term of three years, and from thence to the end of the next session of assembly.

II. And whereas many disorderly persons make a practice of killing deer for the benefit of the skins, leaving the carcasses in the woods, which greatly contributes
to encrease the number of wolves: For remedy whereof, Be it enacted, by the authority aforesaid, That from and after the passing of this act, whenever any person, claiming the reward for killing wolves in any county, shall produce the certificate, by law directed, to the court, at the time of laying the county levy, the said court shall and may, and they are hereby directed to enquire and to take such proof and testimony as to them shall seem best, whether the person named in such certificate, and claiming the said reward, hath been guilty of the practice of killing deer, and leaving the carcase as aforesaid; and if it shall so appear to the said court, the claim of every person, so offending, shall be disallowed.

CHAP. XLII.

An act for continuing and amending the act, intituled An act for destroying crows and squirrels in certain counties therein mentioned.

I. WHEREAS the act of assembly, made in the tenth year of his present majesty's reign, intituled An act for destroying crows and squirrels in certain counties therein mentioned, will expire on the twenty-first day of December next, and the inhabitants of the counties of Albemarle, Amherst, Bedford, Buckingham, Culpeper, Fauquier, Loudoun, Northumberland, Orange, Pittsylvania, and Prince Edward, in the said act mentioned, are desirous that the said act, as to them, should be repealed, and it being necessary and useful to the other counties, therein also mentioned, that the said act should be continued, and the inhabitants of the counties of Botetourt and Princess Anne, being desirous that they may be included in the said act: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said recited act, as to the said counties of Albemarle, Am-
herst, Bedford, Buckingham, Culpeper, Fauquier, Loudoun, Northumberland, Orange, Pittsylvania, and Prince Edward, be and the same is hereby repealed, and that the said act, as to the counties of Augusta, Frederick, and Hampshire, therein also mentioned, shall continue, and be in force, from and after the expiration thereof, for and during the term of three years, and from thence to the end of the next session of assembly.

II. And be it further enacted, by the authority aforesaid, That from and after the passing of this act, and during the continuance thereof, the said recited act shall extend to and oblige the inhabitants of the counties of Botetourt and Princess Anne to produce the number of crows heads, or squirrels scalps, in the same manner, and under the like penalties, as if the said counties of Botetourt and Princess Anne had been expressly mentioned in the said recited act.

CHAP. XLIII.

An act for dividing the county of Frederick into three distinct counties.

I. WHEREAS many inconveniencies attend the inhabitants of the county of Frederick; by reason of the great extent thereof, and the said inhabitants have petitioned this present general assembly that the said county may be divided into three distinct counties: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the 15th day of May next, the said county of Frederick shall be divided into three distinct counties, in the following manner; that is to say, on the north by a line beginning in the line that divides the counties of Frederick and Loudoun, one mile and an half northward of the corner in Williams’s gap, that at present divides the parishes of Frederick and Norborne, thence
westward, with a line exactly parallel to the line that now divides the said parishes of Frederick and Norborne, till it intersects the line of Hampshire county; thence with the Hampshire line, to the corner dividing the parishes of Frederick and Beckford; thence with the lines dividing the said parishes of Frederick and Beckford, east south east, to the south eastwardly bank of Cedar creek; thence binding on the same to its confluence with the river Shannandoah; thence across the said river east, to the easterly bank of the same; thence down the said river, and binding on the same, to the mouth of Passage creek; and thence with a right line to the line of Culpeper, at the intersection of the road leading through Chester’s gap; thence with the Culpeper, Fauquier, and Loudoun lines, to the beginning; and all that part of the county, within the said boundaries, shall be one distinct county, and retain the name of Frederick; and all that part of the county which lies between the first mentioned line, running from the said beginning, in the line of Loudoun county, and Potowmack river, shall be one other distinct county, and be known by the name of Berkeley; and all the remainder of the said county shall be one other distinct county, and be known by the name of Dunmore.*

II. And for the due administration of justice in the said counties of Berkeley and Dunmore, after the same shall take place. Be it further enacted, by the authority aforesaid, That after the said fifteenth day of May next, a court for the said county of Berkeley shall be constantly held by the justices thereof, on the third Tuesday in every month; and for the said county of Dunmore on the fourth Tuesday in every month, in such manner as by the laws of this colony is provided, and shall be by their commissions directed. Provided always, That nothing herein contained shall be construed to hinder the sheriff or collector of the county of Frederick, as the same now stands intire and undivided, from collecting and making distress for any public dues, or officers fees, which shall remain unpaid by the inhabitants of the said counties of Berkeley and Dunmore, at the time of their taking place, but such sheriff or collector shall have the same power to collect and distress for the said dues and fees, and shall be answerable for them in the same manner as if this act had never been

*By act of October 1777, chap. 18, the name of Dunmore was changed to Shannando.
made; any law, usage, or custom, to the contrary there-
of, in any wise, notwithstanding.

III. And be it further enacted, by the authority afore-
said, That the court of the said county of Frederick
shall have jurisdiction of all actions and suits, both in
law and equity, which shall be depending before them
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, against the
body or estate of the defendant, or defendants, in any
such action or suit, in the same manner as if this act
had never been made; any law, custom, or usage, to
the contrary thereof, in any wise, notwithstanding.

IV. And whereas by an act of the general assembly,
made in the first year of his present majesty's reign,
intituled An act to continue and amend an act for the
better regulating and collecting certain officers fees,
and for other purposes therein mentioned, the inhabi-
tants of the said county of Frederick, as the same stands
intire and undivided, are allowed to discharge all sec-
retary's, clerks, and other officers fees, in the said
county, at the rate of eight shillings and four pence for
every hundred weight of gross tobacco, and it is rea-
sonable that the same liberty should be granted to the
inhabitants of the said counties of Berkeley and Dun-
more: Be it therefore enacted, by the authority afore-
said, That from and after the said fifteenth day of May
next, the inhabitants of the said counties of Berkeley
and Dunmore, respectively, shall discharge all fees due
from them to the secretary, clerks, and other officers,
in the said counties, at the rate of eight shillings and
four pence for every hundred weight of gross tobacco.

V. And be it further enacted, by the authority afore-
said, That the several parishes of Frederick, Norborne,
and Beckford, shall be and they are hereby bounded
by the lines dividing the aforesaid counties of Frederick,
Berkeley, and Dunmore. And if the alteration of
the lines of the said parishes, hereby occasioned, shall
exclude any vestryman of the parish of which he is now
a member, it shall and may be lawful for the remaining
vestrymen of such parish, or a majority of them, with-
in one month after the passing thereof, to elect a new
member in the room of the member so excluded, who
shall, to all intents and purposes, be reputed and held
a member of the said vestry.
An act for dividing the county of Botetourt into two distinct counties.

I. WHEREAS it is represented to this present general assembly, by the inhabitants and settlers on the waters of Holston and New River, in the county of Botetourt, that they labour under great inconveniences, by reason of the extent of the said county, and their remote situation from the courthouse: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the first day of December next, the said county of Botetourt shall be divided into two distinct counties, that is to say, all that part of the said county, within a line, to run up the east side of New River to the mouth of Culberson's creek, thence a direct line to the Catawba road, where it crosses the dividing ridge, between the north fork of Roanoke and the waters of New River, thence with the top of the ridge to the bent where it turns eastwardly, thence a south course, crossing Little River, to the top of the Blue Ridge of mountains, shall be established as one distinct county, and called and known by the name of Fincastle;* and all that other part thereof, which lies to the east and north east of the said line, shall be one other distinct county, and retain the name of Botetourt.

II. And for the due administration of justice in the said county of Fincastle, after the same shall take place, Be it further enacted, by the authority aforesaid, That, after the said first day of December, a court, for the said county of Fincastle, shall be constantly held by the justices thereof upon the first Tuesday in every month, in such manner as is by the laws of this colony provided, and shall be by their commissions directed. Provided always, That nothing herein contained shall be construed to hinder the sheriff or collector of the said county of Botetourt, as the same now stands en-

* By act of October, 1776, chap. 44, the county of Fincastle was divided into Kentucky, Washington, and Montgomery and the name of Fincastle became extinct.
tire and undivided, from collecting and making distress for any public dues or officers fees which shall remain unpaid by the inhabitants of the said county of Fincastle at the time of its taking place; but such sheriff, or collector, shall have the same power to collect or distrain for the said dues and fees, and shall be answerable for them in the same manner as if this act had never been made; any law, custom, or usage, to the contrary thereof, notwithstanding.

III. And be it further enacted, by the authority aforesaid, That the court of the said county of Botetourt shall have jurisdiction of all actions and suits, both in law and equity, which shall be depending before them 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, against the body and estate of the defendant, or defendants, in any such action or suit, in the same manner as if this act had never been made; any law, usage, or custom, to the contrary thereof, notwithstanding.

CHAP. XLV.

An act to appoint commissioners to strike a dividing line between the counties of Stafford and King George.

WHEREAS the present situation of the counties of King George and Stafford is found to be very inconvenient to the inhabitants of those counties, in respect to their necessary attendance at their respective county courts, and general musters, and they have petitioned this present general assembly that persons may be appointed to lay off a more convenient boundary line between them: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That Fielding Lewis, George Taylor, William Woodford, John Buckner, Richard Brooke, James Taylor, junior, and Seth Thornton, gentlemen, shall and may,
and they are hereby authorized and required to enquire into the inconveniences and disadvantages of the boundaries of the said counties, as the same are now by law established; and, as soon as the same can be conveniently done, shall mark out a line from Rappahannock to Potomack river, as a dividing line between the said counties, and settle the limits of those counties in such manner as shall appear to them, or the major part of them, to be most convenient to the respective inhabitants. And after the said trustees, or the major part of them, have settled the said boundaries as aforesaid, they are hereby directed and required to make a report of their proceedings to the next session of assembly.

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CHAP. XLVI.

An act for adding part of the county of Nansemond to the county of Isle of Wight.

WHEREAS all that part of the parish of Suffolk, and county of Nansemond, called Rascow's neck, is very inconvenient for the inhabitants thereof to get to the public places in the said parish of Suffolk, and county of Nansemond, and would be more convenient to the parish of Newport, and county of Isle of Wight: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing this act, all that part of the said parish of Suffolk, and county of Nansemond, from the line dividing the said county of Nansemond from the county of Isle of Wight, on Chuckatuck bay, and down the said bay to the mouth of Chuckatuck creek, up the said creek to the mouth of Brewer's creek, up the last mentioned creek to the county line, and along the county line to Chuckatuck bay, shall be added to the parish of Newport, and county of Isle of Wight: Provided always, That nothing herein contained shall be construed to hinder the sheriff, or collector, of the said parish of Suffolk, and county of Nansemond, from collecting or making distress for the parish, county, and public le-
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vies, which remain due and unpaid by the inhabitants of that part of the said parish of Suffolk, and county of Nansemond called Rascow's neck, but such sheriff, or collector, shall have the same power to collect and distrain for the said levies, and shall be answerable for them, in the same manner as if this act had never been made; any law, custom, or usage, to the contrary there-ot, in any wise, notwithstanding.

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CHAP. XLVII.

An act for dividing the parishes of Southam, in the county of Cumberland, and Dale, in the county of Chesterfield.

I. WHEREAS the parish of Southam, in the county of Cumberland, by reason of the great extent thereof, is very inconvenient to the inhabitants, who have petitioned this present general assembly that the same may be divided: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the first day of June next, the said parish of Southam shall be divided into two distinct parishes.

II. But inasmuch as a proper dividing line cannot be now ascertained, Be it further enacted, by the authority aforesaid, That George Carrington, Thomas Turpin, Alexander Trent, and William Fleming, gentlemen, be and they are hereby appointed commissioners to run the dividing line between the said parishes; and that they, or any three of them, do, before the said first day of June, run the same, beginning at the mouth of Muddy creek, on James river, and running from thence a straight line to Appamattox river, so as to include an equal number of tithables, as near as may be, in each parish; and that all that part of the present parish of Southam, which lies above the said boundary, shall be one distinct parish, and be known by the name of Lit-
tleton, and all the remainders of the present parish of Southam, shall be one other distinct parish, and retain the name of Southam.

III. And whereas the parish of Dale, in the county of Chesterfield, by reason of its large extent, is inconvenient to the inhabitants thereof, who have petitioned this present general assembly that the same may be divided: Be it therefore enacted, by the authority aforesaid, That from and after the first day of June next, the said parish of Dale shall be divided into two distinct parishes, in the following manner, that is to say, from the mouth of Falling creek up the said creek to the bridge by col. Archibald Cary's, thence along the road, over Swift creek bridge, by Chesterfield courthouse, to the fork of the road which leads from Bevil's bridge to Pokohontas, and from the said fork of the road a straight course to the mouth of Winterpock creek, at its confluence with Appamattox river; and all that part of the present parish of Dale, which lies above the said boundary, shall be one distinct parish, and be known by the name of Manchester, and all the remainder of the present parish of Dale shall be one other distinct parish, and retain the name of Dale.

IV. And be it further enacted, by the authority aforesaid, That the present vestries of the said parishes of Dale and Southam be and the same are hereby dissolved, and that the freeholders and housekeepers of the said parishes of Southam and Littleton, Dale and Manchester, respectively, shall meet at some convenient time and place, to be appointed and publicly advertised by the sheriffs of the said counties of Cumberland and Chesterfield, respectively, at least one month before the first day of July next following, and then and there elect twelve of the most able and discreet persons, being freeholders, and resident in their respective parishes, to be vestrymen thereof, who, having in the courts of the said counties of Cumberland and Chesterfield, respectively, taken and subscribed the oaths appointed by law, and taken and subscribed the oath of abjuration, and repeated and subscribed the test, and also 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 vestrymen of the said parishes, respectively.

V. And be it further enacted, by the authority aforesaid, That no person, or persons, who shall offer him-
self as a candidate to serve as a vestrymen for either of the said parishes, shall by himself, or themselves, or by any other ways or means, on his or their behalf, or at his or their charge, before his or their election to serve as a vestryman for the said parishes, directly, or indirectly, give, present, or allow to any person, or persons, having a voice or vote in such election, any money, meat, drink, entertainment, or provision, or make any present, gift, reward, or entertainment, or shall make any promise, agreement, obligation, or engagement, to give or allow any money, meat, drink provision, present reward, or entertainment, except in his own house, in the ordinary course of hospitality, to or for any such person, or persons in particular, or to the said parishes in general, or to or for the use, advantage, benefit, emolument, profit, or preferment of any such person, or persons, or parishes, in order to be elected, or for being elected to serve as a vestryman for the said parishes; and if any person, or persons, shall transgress, in either of the instances before mentioned, upon conviction thereof, by bill, plaint, or information, by any person whatever, before any court of record, he or they shall be, and are hereby declared to be, disabled and incapacitated, to all intents and purposes, upon such election, to serve as a vestryman, or vestrymen, for the said parishes, and shall moreover forfeit and pay, for every such offence, the sum of fifty pounds, which penalty shall be to our sovereign lord the king, his heirs, and successors, to and for the use of the parish wherein the offence shall be committed, and the other half to him that will inform and sue for the same, to be recovered with costs, by action of debt, or information, in any court of record; and it shall and may be lawful to and for the remaining vestrymen, and they are hereby required and impowered, to make choice of another able and discreet person, residing in the parish where such incapacity shall happen, to supply his room, who shall, in like manner, take the oaths herein before mentioned, repeat and subscribe the test, and subscribe to be conformable to the doctrine and discipline of the church of England. Provided always, That nothing herein contained shall be construed to hinder the collector, or collectors, of the said parishes of Southam and Dale, respectively, as the same now stands entire and undivided, from collecting and making distress for any parish levies, which shall remain unpaid by the
inhabitants of the said parishes of Southam and Dale, at the time the division shall take place, but such collector, or collectors, respectively, shall have the same power to collect and restrain for the said levies, and shall be answerable for them in the same manner as if this act had never been made; any law, usage, or custom, to the contrary thereof, in any wise, notwithstanding.

VI. And whereas by the division of the present parishes of Southam and Dale, the glebes will lie in those parts of the said parishes which retain the names of Southam and Dale, and are conveniently situated for each, and it is reasonable and just that the other parishes should receive their proportion of the value of the said glebes: Be it therefore enacted, by the authority aforesaid, That Thomas Randolph, Samuel Flourney, William Harris, Anthony Martin, and Richard James, gentlemen, be, and they are hereby, appointed commissioners to value the said glebe of the parish of Southam, and the improvements thereon, and that they, or any three of them, being first duly sworn, shall, on or before the first day of October next, value the same, in current money, and return an account thereof, under their hands and seals, to the vestry of the said parish of Southam; and that Richard Bland, Peter Poythress, John Banister, Robert Bolling, and John Tabb, gentlemen, be, and they are hereby, appointed commissioners to value the said glebe of the parish of Dale, and the improvements thereon, and that they, or any three of them, being first duly sworn, shall, on or before the said first day of October next, value the same, in current money, and return an account thereof to the vestry of the said parish of Dale, in the same manner as before is directed.

VII. And the said vestries of Southam and Dale are hereby directed and required to levy on the tithable persons, in their respective parishes, a proportion of such valuations, according to the number of tithables in the said parishes of Southam and Littleton, and of Dale and Manchester, respectively, at the time the said divisions shall take place, and pay the same to the vestries of the said parishes of Littleton and Manchester, when received, to be by them applied towards purchasing glebes, and erecting buildings thereon, for the use of the ministers of the said parishes of Littleton and Manchester forever: Provided nevertheless, That the
said vestries of Southam and Dale shall be at liberty to levy the said valuations, one moiety the year the said parishes of Littleton and Manchester shall take place, and the other moiety thereof the next succeeding year, to be collected and accounted for in the like manner, and under the like regulations, as other parish levies are collected and accounted for.

CHAP. XLVIII.

An act for dissolving the vestries of the parishes of Saint Martin, in the counties of Hanover and Louisa, and of Saint John, in the county of King William.

I. WHEREAS it is represented to this present general assembly, that the other inhabitants, as well as the vestrymen of Saint Martin's parish, in the counties of Hanover and Louisa, desire a dissolution of their vestry, and that divisions, injurious to the interests of the inhabitants, have prevailed among some of the vestrymen of Saint John's parish, in the county of King William: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the vestries of the said parishes, of Saint Martin and Saint John shall be, and the same are hereby, respectively dissolved.

II. And be it further enacted, by the authority aforesaid, That the freeholders and housekeepers of the said parishes of Saint Martin and Saint John, respectively, shall meet at some convenient time and place, to be appointed, and publicly advertised by the sheriffs of the said counties of Hanover and King William, respectively, at least one month before the tenth day of August next, and then and there elect twelve of the most able and discreet persons, being freeholders, and resident in their respective parishes, for vestrymen, in each of the said parishes, which vestrymen, so elected,
having in the courts of the said counties of Hanover, Louisa, and King William, respectively, taken and subscribed the oaths prescribed by law, taken and subscribed the oath of abjuration, repeated and subscribed the test, and also 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 vestries of the said parishes of Saint Martin and Saint John respectively. Provided, That notwithstanding any thing in this act contained, any suit or suits brought by or against the vestry or churchwardens of either of the said parishes, and now depending, may be prosecuted in the same manner as if this act had not been made.

Iii. And be it further enacted, by the authority aforesaid, That no person, or persons, who shall offer himself as a candidate to serve as a vestryman for either of the said parishes, shall by himself, or themselves, or by any other ways or means on his or their behalf, or at his or their charge, before his or their election, to serve as a vestryman for the said parishes, directly or indirectly, give, present, or allow, to any person, or persons, having a voice or vote in such election, any money, meat, drink, entertainment, or provision, or make any present, gift, reward, or entertainment, or shall, at any time hereafter, make any promise, agreement, obligation, or engagement, to give or allow any money, meat, drink, provision, present, reward, or entertainment, except in his own house, in the ordinary course of hospitality, to or for any such person, or persons, in particular, or to the said parishes in general, or to or for the use, advantage, benefit, emolument, profit, or preferment, of any such person, or persons, or parishes, in order to be elected, or for being elected, to serve as a vestryman for the said parishes. And if any person, or persons, shall transgress this act, in either of the instances before mentioned, upon conviction thereof, by bill, plaint, or information, by any person whatever, before any court of record, he or they shall be, and are hereby, declared to be disabled and incapacitated, to all intents and purposes, upon such election, to serve as a vestryman, or vestrymen, for the said parishes, and shall moreover forfeit and pay, for every such offence, the sum of fifty pounds, which penalty shall be one half to our sovereign lord the king, his heirs and successors, to and for the use of the parish wherein the offence shall
be committed, and the other half to him or them that will inform and sue for the same, to be recovered with costs, by action of debt, or information, in any court of record. And it shall and may be lawful to and for the remaining vestrymen, and they are hereby required and impowered, to make choice of another able and discreet person residing in the parish where such incapacity shall happen, to supply his room, who shall, in like manner, take the oaths herein before mentioned, repeat and subscribe the test, and subscribe to be conformable to the doctrine and discipline of the church of England.

IV. And be it further enacted, That no person taking upon himself the office of inspector of tobacco, or being under sheriff, shall, during his continuance in that office, or within one year next after the expiration thereof, be capable of being elected a member of the said vestries, or presume to intermeddle or concern himself in the said elections of vestrymen, otherwise than by giving his vote, or shall endeavour to influence any person, or persons, to give his or their vote, under the penalty of twenty pounds for every offence, to be recovered as before directed.

CHAP. XLIX.

In act to impower the vestry of the parish of Saint George, in Spotsylvania, to sell part of the Churchyard.

I. WHEREAS it is represented to this present general assembly, by the vestry of the parish of Saint George, in the county of Spotsylvania, that the churchyard in the town of Fredericksburg, in the said county, is inconveniently situated, lying on the side of a hill, and moreover so broken that there is no part thereof proper to erect a new church on, which is become necessary, or room left for burying ground, except on the main street of the said town: Be it therefore enacted,
LAWS OF VIRGINIA,

By the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That so much of the said churchyard as has not been heretofore appropriated or used for a burying ground, be, and the same is hereby, vested in the present vestry of the said parish of Saint George, and in the vestry of the said parish for the time being, In Trust, nevertheless, that the said vestry, or the greater part of them, shall, by deed of bargain and sale, sell and convey such part of the said churchyard as aforesaid, for the best price that can be got for the same, to any person, or persons, who shall be willing to purchase the same, to hold to such purchaser, or purchasers, his or their heirs and assigns, forever.

II. And be it further enacted, by the authority aforesaid, That the money arising by such sale shall be, by the said vestry, laid out and applied towards purchasing a more convenient piece of ground, in the said town of Fredericksburg, for the purposes aforesaid.

CHAP. II.

An act to allow the minister of the parish of Antrim, in the county of Halifax, the same salary as other ministers are intituled to receive.

WHEREAS by an act of assembly, passed in the twenty-seventh year of his late majesty's reign, intituled An act for allowing the inhabitants of the counties of Halifax, Hampshire, and Bedford, to discharge their public dues, and officers fees, in money, instead of tobacco, the inhabitants of the parish of Antrim, in the county of Halifax aforesaid, were allowed to discharge their parish levies, and minister's salary, at twelve shillings and six pence per hundred on the nett tobacco. And whereas it is represented to this present general assembly, by the reverend Alexander Gordon, rector of the said parish, that the said salary, as it is now paid, is not adequate to his expence and trouble: Be it therefore enacted, by the Governor, Council, and Burgesses,
of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the first day of October next, the incumbent of the said parish, for the time being, shall have and receive, and the vestry of the said parish are directed and required, to levy for the ministers of the said parish, from the day aforesaid, the like salary as other ministers in this colony are intitled to receive, under an act of assembly passed in the twenty-second year of his late majesty's reign, intitled An act for the support of the clergy, and for the regular collecting and paying the parish levies; any thing in the said first recited act to the contrary thereof, in any wise, notwithstanding.

CHAP. LI.

An act to impower the corporation of the borough of Norfolk to assess a tax on the inhabitants thereof, for the purposes therein mentioned.

I. WHEREAS it is represented to this present general assembly, by the mayor, alderman and common council, of the borough of Norfolk, that large quantities of gunpowder are frequently stored in different parts of the said borough, which, in case of fire, would prove destructive to the lives and properties of the inhabitants of the said borough, and the chamber thereof being deficient, and the said corporation having no power, by their charter, to assess a tax on the inhabitants, for the purpose of building a magazine: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing this act, the mayor, recorder, aldermen; and common council, of the said borough, or the major part of them, in common hall assembled, shall have full power and authority to levy and assess, on the freeholders and inhabitants thereof, a tax sufficient to purchase a lot of ground, within the said borough, and for erecting thereon a magazine, for the reception
and storage of all such gunpowder as shall be landed or brought to the said borough, and shall and may appoint one or more collector, or collectors, of the said tax. And if any person, or persons, 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 and may 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 and prescribed by law for the non-payment of public and county levies.

II. And be it further enacted, by the authority aforesaid, That the common hall of the said borough shall and may, and they are hereby impowered, from time to time, to appoint a keeper of such magazine, and to allow and pay him such compensation and salary as to the said hall shall appear reasonable, out of the money which shall arise from the storage of gunpowder, deposited in the said magazine, and that such keeper shall attend two days in every week, from nine o'clock in the morning till twelve o'clock, and from three o'clock in the afternoon till five o'clock, in order to receive into the said magazine all such gunpowder as shall be brought to be stored therein, and to deliver out the same again when thought necessary by the owners thereof. And such keeper shall moreover, upon notice given him for that purpose, by the owner, or proprietor, of any gunpowder, attend at the said magazine on any other day, except Sunday, to receive into, or deliver back, the same, provided such owner, or proprietor, shall pay or tender to the said keeper the sum of three shillings for such attendance.

III. And be it further enacted, by the authority aforesaid, That as soon as the said magazine shall be built, all gunpowder, landed at or brought to the said borough, shall be carried to the said magazine, and there stored and kept so long as the same shall remain in the said borough, and if any person, or persons, shall land or store, or cause, or procure, to be landed or stored, in any other place, within the said borough, than the said magazine, any gunpowder, such person, or persons, shall forfeit and pay the sum of twenty shillings, current money, for each barrel of gunpowder so landed and stored, one moiety whereof shall be to his majesty, his heirs, and successors, for the better defraying the contingent charges of the said borough, and the other moiety to the informer. And if the penalties, inflicted
by this act, shall exceed five pounds, the same shall be recovered by action of debt, in any court, having cognizance thereof, and if the same shall be under that sum, and above twenty-five shillings, to be recovered by petition and summons, and if the same shall not exceed twenty-five shillings, then to be recovered before a justice of the peace. Provided always, That nothing in this act shall extend, or be construed to extend, to restrain any person, within the said borough, from keeping in his or her dwelling house, or storehouse, any gunpowder, not exceeding the quantity of ten pounds.

IV. And be it further enacted, by the authority aforesaid, That the keeper of the said magazine shall be empowered, and is hereby directed to demand and receive, for every barrel of gunpowder, deposited in the said magazine, from the owner and proprietor of such powder; one shilling and three pence per barrel, at the time the same shall be delivered out. And such keeper, before he enters into office, shall give bond, with security, in a reasonable penalty, payable to the mayor, aldermen, and common council of the said borough, for the faithful discharge of his duty, and shall, annually, account upon oath, with the common hall of the said borough, for all monies by him received, as keeper of the said magazine, and in case of failure so to do, shall be liable in the same manner as the collectors of the county and parish levies are by law made liable. And the collector of the tax, to be assessed on the inhabitants of the said borough, as aforesaid, before he undertakes the same, shall give bond, with security, as aforesaid, for the due collection and payment of the said taxes.

CHAP. LII.

An act to encourage the further settlement of the town of Alexandria, in the county of Fairfax

I. WHEREAS by an act of assembly, passed in the twenty-second year of the reign of his late majesty king George the second, for erecting a town at Hunting for improve-
ing the town of Alexandria, creek warehouse, in the county of Fairfax, which was established by the name of Alexandria, the proprietors of the lots in the said town were enjoined to improve the same in the manner, and within the time, thereby directed and limited.

II. And whereas by another act, passed in the third year of his present majesty’s reign, for enlarging the town of Alexandria, a parcel of land and marsh adjoining was added to and made part of the said town, and the proprietors and purchasers of such marsh lots, were exempted from the forfeiture prescribed by the said first recited act, for not building thereon within the time limited thereby, but directed to drain the same, in such manner as the trustees of the said town should appoint, under penalty of forfeiting such lots.

III. And whereas by another act, passed in the fourth year of his present majesty’s reign, for encouraging the towns of Alexandria and Falmouth, and for other purposes therein mentioned, so much of the two first recited acts, as related to the improvement of the lots in the said town of Alexandria, within a limited time, were repealed, and the purchasers set at liberty to build thereon, when they should think fit, by means whereof the said marsh lots still remain undrained and unimproved, to the great prejudice of the health of the present inhabitants, and delay of the further settlement and growth of the said town: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the owners and proprietors of the said marsh lots shall, at their own proper expence, drain the same, in such manner as the trustees of the said town shall direct, within two years from and after the passing of this act. And if any such owners or proprietors shall neglect or refuse so to do, he, she, or they, shall forfeit their lots, and the same shall be vested in the said trustees, and shall and may be sold and conveyed, by them, to any other person, or persons, whatsoever; and the money arising from the sale of such lots shall be, by the said trustees, from time to time, applied to such use, for the common benefit of the inhabitants of the said town, as to them shall seem proper: Provided nevertheless, That no forfeiture of any such marsh lots as belong to infants, or persons out of the country, shall be incurred for want of such draining; but the trustees shall be at liberty to do the same,
and the guardian of such infants, or the attorney of such persons not resident in the country, shall be obliged to repay to the trustees the expense thereof, if so much they shall or may have in their hands of the estate and effects of such proprietors of the said lots.

IV. And be it further enacted, by the authority aforesaid, That so much of the said recited act, of the fourth year of his present majesty’s reign, as is contrary here-to, be and the same is hereby repealed.

V. And whereas it is represented, by the said trustees, that the wharf at Point West, in the said town, originally built by the public, was afterwards rebuilt by them, at a considerable expense, and that the same is now in a ruinous condition, occasioned chiefly by ships, and other vessels heaving down by and mooring at the said wharf; and the said trustees have petitioned that such a wharfage may be imposed upon such vessels as will enable them to repair and extend the same: Be it therefore enacted, by the authority aforesaid, That from and after the passing of this act, the said wharf shall be, and the same is hereby vested in the said trustees, and their successors, forever, and that they, or the major part of them, shall, from time to time, have power to lay and assess such wharfage on all ships, and other vessels, heaving down by and mooring at the same, under such regulations, and to be collected in such manner, as they, or the major part of them, shall think proper, to be by them applied to and for the uses and purposes of repairing and extending the said wharf: Provided always, That the said wharfage shall not extend to any country craft, or vessel bringing tobacco to, or taking it from, the public warehouses in the said town, but that such craft shall, at all times, have free access to the said wharf, clear of any expense whatever, and moreover shall have the preference in loading and unloading at the same: Provided also, The public shall hereafter be exempted and discharged from any future expense or cost in rebuilding, repairing, or enlarging the said wharf; any law, usage, or custom, to the contrary thereof, in any wise, notwithstanding.
An act for establishing the town of Fincastle, in the county of Botetourt.

I. WHEREAS the erecting towns on the frontiers of this colony may be of great benefit to the inhabitants by encouraging many of them to settle together, which will enable them the better to defend their lives and properties on any sudden incursion of an enemy, and it hath been represented to this general assembly, that Israel Christian, of the county of Botetourt, hath given and presented to the justices of the said county court forty acres of land for the use of the county, which the said justices have caused to be laid out into lots, on part of which they have erected the courthouse and prison, and have contracted for the sale of some of the other lots, and are desirous to sell the remainder, in order to defray the expense of the said public buildings, which would be greatly facilitated if the same was by law erected into a town: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said forty acres of land, so laid out, shall be, and the same is hereby established, a town by the name of Fincastle, and that the freeholders and inhabitants of the said town, as soon as their respective lots shall be built on, shall have the same rights, privileges, and immunities, that the freeholders and inhabitants of other towns in this colony, not incorporated by charter, enjoy.

II. And be it further enacted, by the authority aforesaid, That the justices of the said county court of Botetourt, and their successors, or any four of them, shall have power to convey the said several lots to the purchasers thereof in fee simple, and shall apply the money arising from the sales, after paying the expenses in the first place, for and towards defraying the expense of erecting the said public buildings, and afterwards, if there be any surplus, towards lessening the levy of the said county by the poll, and shall also have power, from time to time, to settle and determine all disputes concerning the bounds of the lots in the said:
town, and to settle and establish such rules and orders for the regular and orderly building of the houses therein, as to them shall seem best and most convenient.

CHAP. LIV.

An act for appointing trustees for the town of Cobham, and for other purposes therein mentioned.

I. WHEREAS by an act of assembly, passed in the third year of the reign of their late majesties William and Mary, intitled An act for Ports, fifty acres of land on the lower side of Gray's creek, in the county of Surry, were, pursuant to the said act, laid off for a town, and vested, in trustees, to be appointed by the court of the said county of Surry, and by one other act, passed in the fourth year of the reign of her late majesty queen Anne, intitled An act for confirming the titles to town lands, the purchasers of any lots in the said town, agreeable to the said act for Ports, were confirmed in their titles, but many persons having since purchased lots in the said town, and made considerable improvements, without being able to procure proper conveyances, by means of disputes which have arisen upon the legality of the appointment of trustees for the said town, from time to time, by the said court of Surry: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said fifty acres of land, so laid off into lots, pursuant to the said recited acts, on the lower side of Gray's creek, in the county of Surry aforesaid, shall be constituted and established into a town, and shall be called and known by the name of Cobham, and that the freeholders of the said town shall forever hereafter enjoy the same rights and privileges which the freeholders of other towns, established by act of assembly, in this colony, have and enjoy.
H. And be it further enacted, by the authority aforesaid, That the aforesaid fifty acres of land (except what has been already legally disposed of to purchasers by any of the former trustees) be, and the same is hereby, vested in Hartwell Cocke, Allen Cocke, William Brown, Nicholas Faulcon, junior, John Hay, John Watkins, William Hay, Jacob Faulcon, and Etheldred Gray, gentlemen, trustees of the said town, which said trustees shall have, hold, and enjoy, a good and absolute estate in fee, of, in, and to, the aforesaid fifty acres of land (except as is herein before excepted) in trust and confidence, and for the uses herein after mentioned; that is to say, to the uses, intents, and purposes, that the said trustees, or any five of them, shall convey and assure in fee, unto any person requesting the same, and paying the said trustees the rateable value for the same, according to the original price of the said fifty acres, one or more half acres of the said land undisposed of, as aforesaid, by such sufficient deed and assurance in the law, unto such person, or persons, their heirs and assigns forever, as by such person shall be required. Provided always, That if such grantee, his heirs or assigns, shall not, within the space of two years next ensuing the date of such grant, build on each lot so granted, one good house, to contain four hundred feet of square flooring, then such grant shall be void in law, and the lands therein granted, liable to the choice and purchase of any other person, and shall be immediately reinvested in the said trustees, to the uses aforesaid, in as full and ample a manner as if the same had never been disposed of.

III. And be it further enacted, by the authority aforesaid, That the aforesaid trustees, or any five of them, shall and may, and they are hereby authorized and empowered to make, from time to time, such orders, rules and directions, for the regular and orderly placing and building of the houses, and erecting and keeping in repair wharfs and streets in the said town, as to them shall seem expedient. And that in case of death, removal out of the colony, refusal to act, or other legal disability, of any one or more of the said trustees before named, it shall and may be lawful for the remaining trustees, or any five of them, to elect so many other persons in the room of those so dead, removed, disabled, or who may refuse to act, as shall make up the number of nine, which trustees, so chosen, shall, to all
intents and purposes, be vested with the same power and authority as any other in this act particularly nominated and appointed.

IV. And be it further enacted, by the authority aforesaid, That it shall not be lawful for any person whatever to erect, or cause to be erected, in the said town, any wooden chimney, and the proprietors of all such wooden chimneys, now erected in the said town, shall, within six months after the passing of this act, pull down the same, otherwise it shall be lawful for the sheriff of the said county of Surry, and he is hereby authorized and required, to cause all such wooden chimneys to be pulled down, and, in like manner, it shall be lawful for the said sheriff, and he is hereby required, to cause to be pulled down all other wooden chimneys which shall be erected in the said town, in breach of this act.

V. And be it further enacted, by the authority aforesaid, That every such person, who hath purchased one or more lots of any former trustees, and hath built thereon, according to the direction of the act for Ports, is hereby declared to be vested with, and to have a good, absolute, and indefeasible estate, in fee to such lot or lots, and the same is hereby confirmed in fee, to such person, and to his heirs forever. And the aforesaid trustees are hereby authorized and required to grant unto every such person who hath entered with any of the former trustees, for one or more lots, and built upon the same, agreeable to the directions of the said recited act for Ports, a good and sufficient conveyance in law, unto such person, his heirs and assigns forever, they paying the said trustees the rateable value for the same. Provided nevertheless, That nothing herein contained shall be construed, in any wise, to extend to or affect any cause now depending in the general court, or court of Surry, touching the right or title of any lot or lots in the said town, but the same shall be adjudged and determined in the same manner as if this act had never been made.
An act to prevent Hogs and Goats going at large in the town of Suffolk.

WHEREAS it is represented to this general assembly, that a great number of hogs and goats are raised, and suffered to go at large, in the town of Suffolk, in the county of Nansemond, to the great prejudice of the inhabitants thereof: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the last day of May next, it shall not be lawful for any person or persons, inhabitants of the said town of Suffolk, owners of any swine or goats, to suffer the same to go at large in the limits of the said town; and if any swine or goat, belonging to any of the inhabitants of the said town, shall be found running or going at large within the said limits, it shall be lawful for any person whatsoever, to kill and destroy every such swine or goat, so running at large: Provided always, That such person shall not convert any such swine or goat 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 thereof, who may order the same to the use of any poor person, or persons, he shall think fit: Provided also, That nothing herein contained shall be deemed or taken to forbid or hinder any person, or persons, from driving any swine or goats to or through the said town, or limits thereof, in order to sell the same, or in their removal from one plantation to another.
An act to establish a town on the land of John Rictor, in the county of Fauquier, and for other purposes.

I. WHEREAS it has been represented to this present general assembly, that the land whereon John Rictor now lives, in the county of Fauquier, is conveniently situated for an inland town: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That it shall and may be lawful to and for the said John Rictor, proprietor of the said land, to lay off fifty acres thereof into lots and streets for a town, to be called and known by the name of Maidstone.

II. And be it further enacted, by the authority aforesaid, That the purchasers of the said lots, so soon as they shall have built upon and saved the same, according to the conditions of their deeds of conveyance, shall then be intitled to, and have and enjoy, all the rights, privileges, and immunities, which the freeholders and inhabitants of other towns, erected by act of assembly, in this colony, do enjoy.

III. And whereas it is represented to this present general assembly, that a great number of hogs are raised and suffered to go at large in the town of Leesburg, in the county of Loudon, to the great prejudice of the inhabitants thereof: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the last day of May next, it shall not be lawful for any person, or persons, inhabitants of the said town of Leesburg, owners of any swine, to suffer the same to go at large within the limits thereof. And if any swine, belonging to the inhabitants of the said town, shall be found running or going at large within the said limits, it shall be lawful for any person whatsoever to kill and destroy every such swine so running at large. Provided always. That such person shall not convert such swine, so killed or destroyed, 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 to the next justice of peace for the said county, who shall order the same to be sold, and shall also cause a description of the said hog, to be affixed at the door of the courthouse of the said county, at the succeeding court. And if after notice, published as aforesaid, the owner shall not within ten days appear, and prove his property thereto, it shall and may be lawful for such justice to order the money, arising from such sale, to the churchwardens, for the use of the parish. Provided always, That nothing herein contained shall be deemed or taken to prohibit 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.

IV. And whereas the honourable Philip Ludwell Lee, esquire, hath laid off one hundred acres of land, adjoining to the warehouses at the falls of Potowmack, in the county of Fairfax, into lots and streets for a town, which is called by the name of Philee: Be it further enacted, by the authority aforesaid, That the purchasers of the said lots, so soon as they shall have built upon and saved the same, according to the conditions of their deeds of conveyance, shall then be entitled to, and have and enjoy, all the rights, privileges, and immunities, which the freeholders and inhabitants of other towns, erected by act of assembly, in this colony, do enjoy.
CHAP. LVII.

An act for continuing the act, intituled An act for reimbursing the inhabitants of King William and Hanover counties the expense of clearing Pamunkey river.

WHEREAS the act of assembly, made in the tenth year of his present majesty's reign, intituled An act for reimbursing the inhabitants of King William and Hanover counties the expense of clearing Pamunkey river, which was amended by another act made in the same year, will expire on the twenty-first day of December, one thousand seven hundred and seventy three, and it being necessary and expedient that the said acts should be continued: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said recited acts of assembly shall continue and be in force from and after the expiration thereof, for and during the term of two years, and from thence to the end of the next session of Assembly.

CHAP. LVIII.

An act for appointing Commissioners to ascertain the value of certain churches and chapels, in the parishes of Frederick, Norborne, and Beckford; and for other purposes therein mentioned.

I. WHEREAS by one act of the General Assembly, Commissioners passed in the tenth year of his present majesty's reign, intituled An act for dividing the parishes of Frederick, in the county of Frederick, and Cameron, in the county of
ty of Loudoun, and for other purposes therein mention-
ed, the said parish of Frederick was divided into three
distinct parishes, called by the names of Frederick, Nor-
borne, and Beckford, and by the said act it is, among
other things, enacted, that the vestries of the parishes of
Frederick and Norborne, when elected, should respec-
tively account for and pay unto the said vestry of the
parish of Beckford, a proportionable part of the first
cost of two churches, in the said parishes of Frederick
and Norborne, according to the number of tithables in
the said parishes, at the time the same should take
place.

II. And whereas it is represented to this present gen-
eral assembly that the church in the said parish of Fre-
derick was built several years ago, and the workman-
ship thereof so insufficiently executed, that the same is
likely soon to become ruinous, and that the church in
the said parish of Norborne is but little superior in va-

value to two chapels, lately built in the said parish of
Beckford: Be it enacted, by the Governor, Council, and
Burgesses, of this present General Assembly, and it is
hereby enacted, by the authority of the same, That John
Aris, Simon Taylor, Jacob Hite, Isaac Hite, John
Hite, Marquis Calmes, Samuel Washington, Warner
Washington, Burr Harrison, and Taveruer Beale, gen-
demen, be, and they are hereby appointed commis-
sioners for ascertaining the present value of the said two
churches, and the several chapels, in the said parishes
of Frederick, Norborne, and Beckford, and that the
said commissioners, or any five of them, being first du-
ly sworn, do, on or before the first day of October next,
ascertain the value of the said churches and chapels,
and, having certified the same under their hands and
seals to the vestries of the said parishes of Frederick
and Norborne, the said vestries, respectively, are here-
by directed to account for and pay to the vestry of the
said parish of Beckford, the sums which the said
churches, and the several chapels, in the said parishes
of Frederick and Norborne, shall exceed the two cha-
pels in value, to and for the use of the said parish of
Beckford, in proportion to their number of tithables, at
the time when the said parishes took place; any thing in
the said recited act to the contrary thereof, in any wise,
notwithstanding.

III. And whereas by one other act of assembly, pass-
ed in the tenth year of his present majesty reign, inste-
led An act to divide the parish of Hamilton, in the counties of Fauquier and Prince William, the said parish of Hamilton, was divided into two distinct parishes, called by the names of Hamilton and Leeds: And whereas it has been represented to this present general assembly, that at the time the said division was made, there was in the said parish a large brick church, known by the name of Elk Run church, built at the common expense of the said parish, before the same was divided, which church, by the said division, has fallen into that part of the said parish, retaining the name of Hamilton, and as it is just that the parish of Leeds should receive a proportionable part of the present value of the said church from the parish of Hamilton: Be it further enacted, by the authority aforesaid, That Elias Edmonds, James Bell, William Waite, Charles Chilton, Charles Morehead, William Jones, Linaugh Helm, and William Alexander, gentlemen, be, and they are hereby, appointed commissioners, to ascertain the present value of the said church, and that the said commissioners, or any five of them, being first duly sworn, shall, on or before the first day of October next, proceed to value the same in nett tobacco, and certify the said valuation, under their hands and seals to the vestries of each of the said parishes of Hamilton and Leeds respectively, and that the said vestry of Hamilton parish shall, at the laying of their next parish levy, levy one half of the said valuation on the tithables of the said parish, which tobacco, so levied, shall, when collected, be by them paid to the vestry of the parish of Leeds, to and for the use of the said parish.
An act for appointing commissioners for selling the tobacco damaged in the public warehouse for inspection of tobacco at Morton's, and for other purposes therein mentioned.

I. WHEREAS a certain quantity of tobacco in one of the public warehouses at Morton's in the county of King George, has lately been damaged by means of an excessive rain, and the waters flowing into the said warehouse, fourteen hogsheads of which said tobacco the public is become chargeable with, the marks and numbers whereof are as follow, to wit, DC, number 159, SS, number 66, GC, number 94, WS, number 50, W, Crow's Foot, R, number 228, W, Crow's Foot, R, number 289, WS, number 111, WS, number 323, RS, number 128, IP, number 97, W, Crow's Foot, R, number 124, TC, number 62, W, Crow's Foot, C, number 174, IK, number 197, and it being necessary that the same should be sold for the benefit of the public: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That Horatia Dade, John Skinker, John Taliaferro, William Champe, and John Taliaferro, junior, gentlemen, shall be, and they are hereby constituted and appointed commissioners for selling the said fourteen hogsheads of tobacco.

II. And be it further enacted, by the authority aforesaid, That they the said commissioners, or any three or more of them, shall, on or before the fourth day of June next, after giving notice in the Virginia Gazette, sell the same for the use of the public, to the highest bidder, at the said warehouse, on credit till the twenty-fifth day of October following, and shall take bond, with sufficient security, payable to the treasurer of this colony for the time being, and shall transmit the same to the said treasurer, within one month after such sale. And if any such buyer shall neglect or refuse to pay the money, on the bonds aforesaid, when the same shall become due, it shall and may be lawful for the general court, or the court of the county where such buyer re-
sides, on a motion to them made by the treasurer of this colony for the time being, to give judgment on the said bonds, and thereon to award execution, provided such buyer, and his securities, his and their heirs, executors, or administrators, have ten days previous notice, which monies shall be accounted for by the said treasurer to the general assembly.

III. And whereas a quantity of tobacco, at the public warehouse at Aquia, in the county of Stafford, has lately been damaged, and it is found necessary that an enquiry should be made by what means such damage happened, in order to grant such relief, to the inspectors at the said warehouse as shall appear reasonable: Be it further enacted, by the authority aforesaid, That Thomas Ludwell Lee, Thomas Blackburne, Henry Lee, John Fitzhugh, Samuel Selden, and William Alexander, gentlemen, shall be, and they are hereby constituted and appointed commissioners to put this act in execution, and that the said commissioners, or any five or more of them, shall, on or before the first day of September next, meet at the said warehouse, and, having first taken an oath faithfully to execute this act, enquire into the quantity of tobacco damaged in the said warehouse, and state an account thereof; and also enquire by what means such damage happened, and report their proceedings therein to the next session of assembly.

CHAP. LX.

An act to enable Henrietta Marmillod to sell and dispose of the estate devised to her by her brother Nathaniel Walthoe, esquire, deceased, notwithstanding her coverture.

WHEREAS Nathaniel Walthoe, late of the city of Williamsburg, esquire, deceased, being, in his lifetime, seised in fee simple of and in divers houses, tenements, and lots, or parcels of land, with the appurtenances, in
this colony, by his last will and testament, in writing, among other things, did devise all his estate in Virginia, of what nature soever, to his sister Henrietta, and his nieces Mary and Martha Hart (all of the kingdom of Great-Britain) to be equally divided between them, but chargeable with the payment of all his legal debts in Virginia, and with several legacies, therein particularly mentioned, as in the said will, proved and recorded in the general court of this colony, more fully is contained, and soon after departed this life, seised as aforesaid. And whereas the said Henrietta, Mary, and Martha, by their letter of attorney, dated the twenty-third day of August last past, have ordained, constituted, and appointed Benjamin Waller, of the said city, the only acting executor of the will aforesaid, their attorney, to contract and agree for, sell and dispose of, all the estate and effects whatsoever in this colony, late belonging to the said Nathaniel, to which they are intitled under his will, both real and personal, and to sign, seal, execute, and deliver, all and every such deeds, writings, conveyances, and assurances in the law, as shall be requisite and necessary for selling, conveying, and assuring the same, or such part thereof as he shall dispose of, and to receive the consideration money, and to give receipts and discharges for the same, and to do, perform, and execute, all other acts and deeds necessary for that purpose, and to collect the debts and effects of the said Nathaniel, and out of the produce thereof, to pay and discharge all the debts and legacies in Virginia, wherewith the said estate is charged and chargeable, and to remit the surplus thereof to them in England. And whereas it is represented to this general assembly, that the said Benjamin hath collected great part of the said effects, and thereon paid and satisfied the said debts and legacies, and hath contracted for the sale of some of the said tenements, but that some time in the year one thousand seven hundred and forty-nine, the said Henrietta intermarried with one Marmillod, an alien, and after cohabiting with him a short time in France, returned to her relations in Great-Britain, with whom she hath lived ever since, and that her said husband hath continued abroad in foreign parts, and is, or lately was, an inhabitant of Denmark, but had appointed his said wife his attorney, to transact all affairs for him in Great-Britain, and that the said Henrietta is infirm, and in want of the money arising from
the estate so devised to her by her said brother, but that it is doubted whether any sale, conveyance, and assurance of such estate, made and executed by her, or by her attorney, for her, may be adjudged good and effectual in law, to pass the said estate to the purchasers thereof, and to bar her heirs. May it therefore please your most excellent majesty, that it may be enacted, **And be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said Henrietta Marmillod shall and may, and she is hereby enabled, notwithstanding her said husband shall happen to be living, to grant, convey, sell, and dispose of, by deed, executed in her lifetime, by herself, or by her attorney appointed for that purpose, or by her last will and testament, in writing, to any person or persons, whatsoever, and for such estate as she shall think fit, all or any part of the said houses, tenements, and lots or parcels of land, with the appurtenances, in this colony, and other estate, given and devised to her, as aforesaid, by the said last will and testament of the said Nathaniel Walthoe, deceased, and to give sufficient receipts and discharges for the consideration money, in the same manner as she might or could dispose of the same if her said husband was naturally dead, and as if the said Henrietta was actually and really a feme sole, Saving to the king's most excellent majesty, his heirs, and successors, and to all and every other person, and persons, bodies politic and corporate, their respective heirs, and successors, other than the said Marmillod, the husband, and the person, or persons, hereafter to claim as heir, or heirs at law, of the said Henrietta, after her decease, all such right, title, estate, interest, claim, and demand, as they, every, or any of them, should or might have had or claimed, if this act had never been made: Provided always, That the execution of this act shall be suspended until his majesty's approbation thereof shall be obtained.
An act to vest certain intailed lands, whereof Philip Ludwell Grymes, gentleman, is seised, in William Roane, gentleman, in fee simple.

WHEREAS Augustine Warner, of the county of Gloucester, deceased, was, in his lifetime, seised in fee simple, of a certain tract or parcel of land, lying and being then in the county of New Kent, now in the county of King and Queen, containing by estimation about fourteen hundred acres, and being so seised, in and by his last will and testament, bearing date the seventeenth day of May, one thousand six hundred and seventy-nine, did, among other things, give and devise the said land to his niece Alice Townley, daughter of Lawrence and Sarah Townley, deceased, to her, and the male heirs of her body, lawfully begotten forever, and for want of such heirs male, unto his next right heirs forever, as by the said will, remaining of record in the court of the said county of Gloucester, more fully may appear, and soon after died so seised, which said Alice Townley intermarried with John Grymes, of the county of Middlesex, and by him had issue a son named John, who had issue a son named Philip, to whom the said land descended in tail, and who died seised thereof, and being so seised, not knowing the same was intailed, did, by his last will and testament, bearing date the eighteenth day of December, one thousand seven hundred and fifty-six, recorded in the court of Middlesex county, devise the said land to his second son John Randolph Grymes, and his heirs forever, having by his said will made very ample provision for his eldest son, Philip Ludwell Grymes, who is very willing and desirous to comply with the will and intention of his said father, in the devise of the land aforesaid to his brother the said John Randolph Grymes. And whereas the said John Randolph Grymes, with the consent and approbation of the said Philip Ludwell Grymes, hath agreed to sell the said land to William Roane, gentleman, for the sum of seven hundred and fifty pounds current money, and it is represented to this general assembly, that it would be very advantageous to the said
John Randolph Grymes to confirm the said agreement, by vesting the said lands in the said William Roane, in fee simple. And forasmuch as notice hath been published three Sundays successively in the parish of Saint Stephen, in the said county of King and Queen, that application would be made to this present general assembly, to dock the intail of the said fourteen hundred acres of land, pursuant to your majesty's instruction: May it therefore please your most excellent majesty, at the humble suit of the said Philip Ludwell Grymes, John Randolph Grymes, and William Roane, that it may be enacted, And be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said fourteen hundred acres of land, be the same more or less, so as aforesaid agreed to be sold to the said William Roane, upon his paying to the said John Randolph Grymes the said sum of seven hundred and fifty pounds current money, be, and the same is hereby vested in the said William Roane, to the only use and behoof of the said William Roane, his heirs and assigns forever. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person, and persons, bodies politic and corporate, their respective heirs and successors, others than the persons claiming under the last will and testament of the said Augustine Warner, deceased, all such right, title, claim, interest and demand, as they, every, or any of them, should or might claim if this act had never been made. Provided always, That the execution of this act shall be, and is hereby suspended until his majesty's approbation thereof shall be obtained.

CHAP. LXII.

An act to dock the intail of certain lands whereof William Todd, gentleman, is seised, and for other purposes therein mentioned.

I. WHEREAS Thomas Todd, formerly of the county of Gloucester, gentleman, was, in his lifetime, seised Intail of certain lands
of a considerable estate in lands, and among others, of
a large and valuable tract, lying on Mattaponi river,
in the county of King and Queen, and of another tract,
containing about one thousand acres, lying on the Dra-
gon swamp, in the parish of Saint Stephen, in the said
county of King and Queen, and being so seised, he, the
said Thomas Todd, in and by his certain deed poll,
bearing date the sixteenth day of March, one thousand
seven hundred and nine, for the considerations therein
mentioned, did give and grant to his son William Todd,
and the heirs of his body, begotten of Martha Vicaris,
his intended wife, five hundred acres of land, part of his
said tract on Mattaponi river, to be laid out conve-
nient to the said William's plantation, as by the said
deed, acknowledged by the donor, and recorded in the
county court of Gloucester, may more fully appear;
and the said Thomas Todd, in and by his last will and
testament, in writing, bearing date the fourth day of
March, one thousand seven hundred and twenty three,
did give and devise the said tract of land, on Mattap-
oni river, to his two sons, the said William and Philip
Todd, as tenants in common in tail male, with cross
remainders between them, and divers other remainders,
and did, in and by the same will, among other things,
give and devise the said tract of land, on the Dragon
swamp, unto his son Richard, and the heirs male of his
body, and for default of such issue male, to his said son
William Todd, and the heirs male of his body, with
divers other remainders, as in and by the said will, du-
ly proved, and recorded in the said county court of
Gloucester, may more fully appear, and soon afterwards
the said testator died, so seised of all the said two tracts
of land, except the five hundred acres so conveyed to
the son William Todd. And whereas by the deaths of
the said Philip and Richard Todd, the sons, without
issue male, the whole of the said two tracts of land so
vested in the said William Todd, and is now descended
and come to William Todd, of the county of King and
Queen, gentleman, as grandson and heir male of the
body of the said William Todd, the elder, by the said
Martha Vicaris, named in the said deed poll, with whom
he intermarried, but for want of slaves sufficient to cul-
tivate the said lands, the same yield but very little pro-
fit. And it is represented to this general assembly, that
it will be greatly to the advantage of the said William
Todd, the grandson, and those claiming in remainder
or reversion, to sell the said tract of land, on the Dragon swamp, and lay out the money in the purchase of slaves, to be annexed to, and worked upon the other lands, and forasmuch as notice hath been published three Sundays successively in the several churches of the said parish of St. Stephen, that application would be made to this present general assembly to dock the intail of the said tract of land, on the Dragon swamp, and settle slaves, to be purchased with the money arising from the sale thereof, to the same uses, pursuant to your majesty's instructions, to which Harry Todd, the next brother, and presumptive heir male of the said William Todd, is consenting: May it therefore please your most excellent majesty, at the humble suit of the said William Todd, that it may be enacted, And be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and by the authority of the same, That the said tract of land, lying on the Dragon swamp, whereof the said William Todd is seised, be, and the same is hereby vested in George Brooke, Gregory Baylor, William Lyne, John Taylor Corbin, and Richard Tunstal, junior, gentlemen, or any three of them, the survivors, or survivor of them, and the heirs, executors, or administrators of such survivor, in trust, that they, or the major part of them, or their survivors, or survivor, shall fairly sell and dispose of the said land, for the best price that can be had for the same, and convey such land to the purchaser, or purchasers, in fee simple, who shall forever hold and enjoy the same, freed and discharged of the limitations in the will of the said Thomas Todd, the elder.

II. And be it further enacted, by the authority aforesaid, That the said trustees, or the major part of them, as aforesaid, shall fairly lay out the money, arising from such sale, after defraying the expenses of passing this act, and the sale, in the purchase of slaves, of which one half to be females, and shall cause the names of such slaves, when purchased, together with an account of the cost thereof, of the sales of the land, and expenses, as aforesaid, to be recorded in the county court of King and Queen, and from thenceforth the said slaves, and their future increase, shall be vested in the said William Todd, and the heirs male of his body forever, and, for want of such male issue, shall descend, pass, and go with the other lands, whereof the said William
Todd is seised as tenant in tail male, to such person, or persons, for the like estate or interest therein, to whom the said land, on the Dragon swamp, would have descended and gone by virtue of the limitations of the will of the said Thomas Todd, deceased, if this act had never been made.

III. And whereas the bounds of the five hundred acres of land, conveyed by the deed poll from Thomas Todd to William Todd, herein before mentioned, have never been ascertained, which might occasion future disputes in the family, in case the said William Todd should die without issue male, as is probable, he having at present only daughters, who, in case of his death, will succeed to the inheritance of the said five hundred acres, and to none other part of the said intailed lands; to prevent which disputes it hath been agreed, between the said William Todd and the above named Harry Todd, the next remainder man, to settle the bounds of the said five hundred acres of land, as followeth, to wit, beginning at a corner of the land of Mr. Robinson Daingerfield, upon Mattapony run, and running thence down the said run to a corner red oak and ivy, standing on the east side of the forge pond, thence south twenty one degrees forty-five minutes east, one hundred and eighty-six poles to a cedar tree, standing on the west side of the road from the chapel bridge to Todd's warehouse, thence down the said road to a marked corner, near its intersection with the road from the forge, thence south thirty-seven and an half degrees east, thirty-five poles, to a wild cherry tree and gum, on the west side of the stop branch, thence up the said branch to the head thereof, and thence north four degrees fifty minutes west, four hundred and thirty-four poles, to the beginning: Be it therefore further enacted, by the authority aforesaid, That the bounds of the said five hundred acres of land, so conveyed by the said deed poll, from the said Thomas Todd to the said William Todd, the elder, shall, forever hereafter, be held, deemed, and taken to be as the same are, so as aforesaid, particularly described: Saving to the king's most excellent majesty, his heirs, and successors, and to all and every other person, and persons, bodies politic and corporate, their respective heirs, and successors, other than the persons claiming under the will or deed poll of the said Thomas Todd, all such right, title, or interest, as they, every, or any of them, could or might have claimed,
if this act had never been made: Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

CHAP. LXIII.

An act to dock the intail of certain lands whereof John Hancock is seised, and for settling other lands and slaves in lieu thereof.

WHEREAS Anne Scarlett, formerly of the county of Stafford, was seised in fee simple of and in a tract of land, containing seven hundred and forty acres, situate then in the said county of Stafford, but now in the parish of Dettingen, in the county of Prince William, and being so seised, she, the said Anne Scarlett, by her deed poll, bearing date the twelfth day of October, one thousand six hundred and ninety-six, did give and grant the said tract of land to her son Joshua Green, and the heirs of his body lawfully begotten, and for default of such heirs, to his two sisters Anne and Lettice Green, and the heirs of their bodies lawfully begotten, with other remainders over, as in and by the said deed, recorded in the said county court of Stafford, may more fully appear, by virtue of which deed the said Joshua Green entered into the said lands and premises, and died seised thereof without issue, whereupon the said Anne Green, and Lettice Green, entered into the same lands and premises, and made partition thereof between them, and three hundred and seventy acres, called Deep Hole tract, being thereby allotted to and for the party of the said Lettice Green, is descended and come to John Hancock, as great grandson, and heir of the body of the said Lettice. And whereas the said John Hancock, and Margaret his wife, in her right, are seised in fee simple of and in a tract of land, containing four hundred and fifty acres, lying in the county of Amherst, formerly Albemarle, which was purchased by the said Margaret when sole, by the name of Margaret Muschett,
of Robert Rose, clerk, and conveyed by deeds of lease and release, bearing date the sixth and seventh days of February, one thousand seven hundred and forty-four, duly recorded in the said county court of Albemarle. And it is represented to this general assembly, that it will be for the advantage of the said John Hancock, and those claiming in remainder or reversion, to sell the said tract of land, in the county of Prince William, and to settle the said land in the county of Amherst, together with several slaves to be annexed thereto, to the same uses, to which the said Margaret Hancock hath freely and voluntarily consented. And forasmuch as notice hath been published three Sundays successively in the several churches of the said parish of Dettingen, that application would be made to this present general assembly for an act to dock the intail of the said lands in the county of Prince William, and to settle other lands and slaves to the same uses, pursuant to your majesty's instructions: May it therefore please your most excellent majesty, at the humble suit of the said John Hancock, and Margaret his wife, that it may be enacted, And be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and by the authority of the same, That the said tract of land, called Deep Hole, in the county of Prince William, whereof the said John Hancock is seised in fee tail, be, and the same is hereby vested in the said John Hancock, his heirs and assigns forever, to his and their own proper use, and that the said tract of land, in the county of Amherst, so purchased by the said Margaret Hancock, of Robert Rose, together with twelve negro slaves, whereof the said John Hancock is possessed, called and known by the names of Nero, Jacob, Great Peter, Little Peter, Lewis, Daniel, Winny, Rose, Judah, Nan, Chloe, and Maria, with the future increase of the females, be, and the same are hereby vested in the said John Hancock, and the heirs of his body, and in default thereof, shall descend, pass, and go, to such person, or persons, and for such estate and interest therein, as the said lands, in the county of Prince William, would have remained, descended, and gone, by virtue of the limitations in the said deed poll of the said Anne Scarlett, if this act had never been made. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person, or persons, bodies politic and corporate, their respective heirs and
successors, other than the persons claiming under the deed poll of the said Anne Scarlett, all such estate, right, title, and interest, as they, every, or any of them, could or might have claimed if this act had never been made. *Provided always,* That the execution of this act shall be, and the same is hereby suspended until his majesty's approbation thereof shall be obtained.

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**CHAP. LXIV.**

*An act to dock the intail of certain lands whereof Ralph Wormeley, esquire, is seized.*

**WHEREAS** by an act of assembly, passed in the seventh year of your majesty's reign, intituled *An act to vest certain intailed lands in Ralph Wormeley, esquire, in fee simple, and for settling other lands in lieu thereof, four thousand acres of land, part of a tract containing eight thousand and seven acres, lying in the county of Frederick, purchased by the said Ralph Wormeley, of Mann Page, esquire, were vested in the said Ralph Wormeley, and the heirs male of his body, to descend, pass, and go, in lieu of a tract of land, in the county of York, and to the same uses, and under the like limitations, to which the said lands in York were subject, by the will of John Wormeley, esquire, father of the said Ralph. And whereas the said Ralph Wormeley hath not only paid and satisfied large debts and legacies, due from his said father's estate, and thereby preserved the slaves chargeable therewith, but hath also purchased sundry other slaves, great part of which are now working on the intailed lands, and he intends to devise them to his eldest son and heir apparent, in order to cultivate those lands, but cannot do the same, consistent with justice to his younger sons, without he is allowed to make provision for them out of the said four thousand acres of land, in the county of Frederick, intailed by the said act of assembly. And it is represented to this general assembly, by the said Ralph Wormeley, and the honourable Ralph Worme-
ley, esquire, the younger, his eldest son, and apparent heir male, that it will be for the common benefit of the family if the said four thousand acres of land were vested in the said Ralph Wormeley, the elder, in fee simple, to enable him to make provision thereby, for his younger sons, and to give to his said heir sufficient slaves to work the intailed lands: May it therefore please your most excellent majesty, at the humble suit of the said Ralph Wormeley, the elder, with the consent of the said Ralph Wormeley, the younger, that it may be enacted, And be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and by the authority of the same, That the said four thousand acres of land, in the county of Frederick, which, by the said recited act, is vested in the said Ralph Wormeley, the elder, and the heirs male of his body, shall be, and the same is hereby vested in the said Ralph Wormeley, his heirs and assigns, forever, to his and their own proper use, and that so much of the said recited act, as is contrary hereto, be, and the same is hereby repealed. Saving to the king’s most excellent majesty, his heirs and successors, and to all and every other person, and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the said recited act, all such right, title, and interest, as they, every, or any of them, could or might have if this act had never been made. Provided always, That the execution of this act shall be, and the same is hereby suspended until his majesty’s approbation thereof shall be obtained.

CHAP. LXV.

An act to dock the intail of certain land whereof Nathaniel West Danridge is seised.

WHEREAS by an act of the general assembly, passed in the seventh year of his present majesty’s reign, intituled An act to vest certain intailed lands in Na-
thaniel West Dandridge, esquire, in fee simple, and for settling slaves in lieu thereof, it was enacted, that fourteen hundred and sixty-six and an half acres of land in Hanover county, whereof the said Nathaniel West Dandridge was seised, as tenant in tail, should be vested in him in fee simple, and that sundry negro slaves should be annexed to the residue of the intailed lands of which the said Nathaniel was seised, to descend and pass therewith, in lieu of the said fourteen hundred and sixty-six and an half acres. And whereas the particular bounds, mentioned and described in the said act, have been found to contain only one thousand one hundred and seventy-seven acres, on a just and accurate resurvey thereof, whereby two hundred and eighty-nine acres appear wanting, to make up the quantity for which the said slaves were deemed an equivalent, and it is just that such deficiency be made good: May it therefore please your most excellent majesty, at the humble suit of the said Nathaniel West Dandridge, that it may be enacted, And be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and by the authority of the same, That two hundred and eighty-nine acres of land, of which the said Nathaniel West Dandridge is seised, as tenant in fee tail, adjacent to the lines mentioned in the said recited act, beginning at a corner hickory, on Cat Tail swamp, running down the same as it meanders to a corner white oak, and running thence a straight course to the dividing line already made, so as to include two hundred and eighty-nine acres, be, and the same is hereby, vested in the said Nathaniel West Dandridge, his heirs and assigns, in fee simple. Saving to the king's most excellent majesty, his heirs and successors, and to all persons, bodies politic and corporate, other than those claiming under the last will of Unity Dandridge, deceased, all such right, title, and interest, in and to the said two hundred and eighty-nine acres of land, as they, or any of them, should or might have had if this act had never been made. Provided always, That the execution of this act shall be suspended, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.
An act for vesting in trustees certain lands whereof William Booth, gentleman, and Elizabeth his wife, are seised in fee tail, to be sold, and for laying out the money arising from the sale, in purchasing other lands, to be settled to the same uses.

WHEREAS William Booth, of the parish of Cople, in the county of Westmoreland, gentleman, and Elizabeth his wife, are seised in her right, by virtue of the will of her grandfather Henry Ashton, deceased, as tenants in fee tail, of and in a certain tract or parcel of land, containing by estimation five hundred acres, lying at the mouth of Nonomoy river, in the parish and county aforesaid. And whereas the said William Booth is possessed of a larger number of slaves than can be advantageously employed on the said land, and it will be for the benefit of the said William Booth, and Elizabeth his wife, and their posterity, if the intail of the said five hundred acres of land be docked, inasmuch as the said William Booth will thereby be enabled to make a better provision, not only for his younger children by his said wife, but for the heir in tail. And forasmuch as notice hath been published three Sundays successively in the several churches of the said parish of Cople, pursuant to your majesty's instructions, that application would be made to this present general assembly for an act to dock the intail of the said five hundred acres of land: May it therefore please your most excellent majesty, at the humble suit of the said William Booth, and Elizabeth his wife, that it may be enacted, and be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is enacted, by the authority of the same, That the said tract or parcel of land, containing five hundred acres, be the same more or less, be, and the same is hereby vested in Richard Henry Lee, Richard Lee, George Washington, and John Augustine Washington, esquires, and their heirs, in trust, that they the said Richard Henry Lee, Richard Lee, George Washington, and John
Augustine Washington, or any three of them, shall sell and dispose of the said tract of land to any person, or persons, for the best price that can be had, and convey the same to the purchaser, or purchasers, and to his or their heirs, who shall forever thereafter hold the said land, discharged of the limitations in the will of the said Henry Ashton, or in any conveyance or settlement executed by him, and with the money arising by such sale the said trustees, or any three of them, shall faithfully purchase other lands, which they shall cause to be conveyed to the said William Booth, and Elizabeth his wife, and to the heirs of the body of the said Elizabeth, and in default of such heirs, to such person, or persons, as the said land, in the parish of Cople, in the county of Westmoreland, would have descended and come if this act had not been made. Saving to the king's most excellent majesty, and his heirs and successors, and to all other persons and bodies politic and corporate, other than the persons claiming under the said Henry Ashton, all such right, title, estate, and demand, as they, or any of them, could or might have if this act had not been made. Provided that the execution of this act be, and is hereby suspended until his majesty's approbation thereof shall be obtained.

CHAP. LXVII.

An act to dock the intail of certain lands whereof James Blackwell, the younger, is seised, and for other purposes therein mentioned.

WHEREAS James Blackwell, the elder, formerly of the county of New Kent, deceased, was in his lifetime, and at the time of his death, seised in fee simple, of and in one certain tract or parcel of land, situate in Blackwell's neck, in the county of Hanover, containing by estimation about five hundred acres, more or less, and being so seised, did, by his last will and testament in writing, bearing date the sixth day of May, one thousand seven hundred and seventeen, devise the same
these words, to wit, "I give and bequeath to my son John Blackwell my plantation where I now live, with all the lands and plantations on the said land, that doth belong to me, to him and his heirs lawfully begotten of his own body," and soon after making the said will, the said James Blackwell, the elder, died so seised, and the said John Blackwell, the son, entered into the said lands, and became thereof seised in fee tail, and being so seised, departed this life, leaving issue Josiah, his eldest son and heir, who likewise entered into the said lands, and died seised thereof, leaving issue James Blackwell, his eldest son and heir, who also entered into the said lands. And whereas it is represented to this present general assembly, that the said James Blackwell, being seised of the said lands in fee tail, and not having any slaves to work the said lands, hath been obliged to sell and dispose of the same for the term of his own life, and hath come to an agreement to exchange the reversion of the said intailed lands with Carter Braxton, esquire, for another tract of land in King William county, containing two hundred and sixty acres, lying on Jack's creek, and known by the name of Foster's, together with the following slaves, viz. Sam, Wapping, Boatswain, Sam, a boy, Sarah, Selena, Venus, Bridget, and Peg, to be annexed thereto. And forasmuch as notice hath been published three Sundays successively in the several churches of St. Paul's parish, in the county of Hanover, that application would be made by the said James Blackwell to this present general assembly to dock the intail of the said first mentioned tract of five hundred acres of land in Hanover, pursuant to your majesty's instructions: May it therefore please your most excellent majesty, at the humble suit of the said James Blackwell, and Carter Braxton, that it may be enacted, And be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the reversion of the said five hundred acres of land, including the sunken grounds belonging thereto, in the county of Hanover, so as aforesaid agreed to be exchanged with the said Carter Braxton, be, and the same are hereby vested in the said Carter Braxton, his heirs and assigns, to the only use and behoof of the said Carter Braxton, his heirs and assigns forever; and that the said two hundred and sixty acres of land in King William, called Foster's, and
the negro slaves aforesaid, with their future increase, be, and the same are hereby, vested in the said James Blackwell, and the heirs of his body, and that the same shall pass in descent, remainder, or reversion, as the said five hundred acres of land would have passed and descended, according to the directions and limitations contained in the will aforesaid of the said James Blackwell, the elder, if this act had never been made. Saving to the king's most excellent majesty, his heirs and successors, and to all and every person, and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the last will and testament of the said James Blackwell, the elder, deceased, all such right, title, interest, claim, and demand, as they, every, or any of them, should or might claim if this act had never been made. Provided always, That the execution of this act shall be, and is hereby, suspended until his majesty's approbation there- of shall be obtained.

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CHAP. LXVIII.

An act to vest certain lands whereof Colwell Pettypool, and Mary his wife, are seised in fee tail, in Joseph Mayo, and for settling other land and slaves, to be purchased, in lieu thereof.

I. WHEREAS Gillee Gromarrin, formerly of the parish and county of Henrico, was, in his lifetime, and at the time of his death, seised in fee simple of and in sundry tracts of land, and amongst others, in one tract containing five hundred and eighty acres, more or less, within the said parish and county, and being so seised made his last will and testament in writing, bearing date the sixteenth day of October, one thousand seven hundred and sixteen, and therein, amongst other things, did give and bequeath to his son Wiltshire Gromarrin...
all his tract of land and plantation whereon he then lived, containing five hundred and eighty acres, more or less, to him the said Wiltshire, and the heirs of his body lawfully begotten, and if no such issue, then to his son Francis Gromarrin, and the heirs of his body lawfully begotten, and if none such, to his son Gillee Gromarrin, and the heirs of his body lawfully begotten, with several remainders over, in case of failure of issue of the said Gillee Gromarrin, as in and by the said last will and testament, of record in the court of the said county of Henrico, may more fully appear, and after the death of the said Gillee Gromarrin, the elder, the said Wiltshire and Francis died without issue, and the son Gillee Gromarrin entered into the said tract of land, as tenant in fee tail, and died thereof seised, leaving issue Wiltshire his son, and two daughters, Mary the now wife of Colwell Pettypool, and Susannah the wife of Charles Lewis, and the said Wiltshire having died without issue, the said Mary entered into a moiety of the said land, as tenant in fee tail, which moiety, upon a survey and division of the said tract, appears to be three hundred and twenty acres, but the said Colwell Pettypool, and Mary his wife, having no slaves to work the said land, and living in a remote part of the country, far distant therefrom, the same is at present rather a burthen than a benefit to the said tenant in tail, and it hath been represented to this general assembly, that it will be of great benefit to the said Mary, and to the heir in tail for the time being, to sell and dispose of the said three hundred and twenty acres of land, and to apply the money arising from the said sale towards the purchase of other lands, with slaves, more convenient, to be settled to the same uses, and the said Colwell Pettypool, and Mary his wife, having contracted with the late Philip Mayo, gentleman, for the sale of the said land, for the sum of one thousand pounds current money, much more than the real value thereof: And forasmuch as notice hath been published three Sundays successively in the several churches of the said parish of Henrico, that application would be made to this present general assembly for an act to dock the in-tail of the said land, pursuant to your majesty's instructions: And whereas the said Philip Mayo, by his last will and testament in writing, duly proved and recorded in the court of the said county of Henrico, did devise his whole estate to his son Joseph Mayo, subject to
certain limitations and remainders therein expressed, and having made provision for payment of the said consideration money: May it therefore please your most excellent majesty, at the humble suit of the said Colwell Pettypool and Mary his wife, that it may be enacted, And be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said tract of three hundred and twenty acres, within the following bounds and land marks, to wit, beginning at an elm tree on James river, at Roper's fishing place, thence north eighty-five and an half degrees east three hundred and twenty poles to Pointer's, thence south nineteen and an half degrees east sixteen poles to a red oak, thence south seven and an half degrees east fifty-six poles to Fox's branch, thence south seven degrees west seventy-six poles to Pointer's, in the said Philip Mayo's line, thence on his line south fifty-three and three quarter degrees west three hundred and twenty-six poles to the aforesaid river, thence up the river as it meanders to the first station, whereof the said Colwell and Mary are seised as aforesaid, be, and the same is hereby vested in the said Joseph Mayo, and that he the said Joseph Mayo hold and enjoy the same land, with such estate therein, as is directed and devised in and by the will of the said Philip Mayo.

II. Provided always, and be it further enacted, That the executors of the said Philip Mayo, shall pay the said sum of one thousand pounds to Richard Claiborne, Lyddal Bacon, Thomas Winn, Thomas Tabb, and Lodowick Farmer, gentlemen, in trust, that they, or any three of them, shall fairly lay out the said sum, one half in the purchase of lands more convenient, and the other half in slaves, one half thereof to be females, to be conveyed by deed or deeds duly proved and recorded, wherein the names of such slaves shall be expressed; and from thenceforth the said lands and slaves, so purchased, shall be vested in the said Mary, and the heirs of her body lawfully begotten, and in case of default of such heir, the same shall remain and descend to such person, and persons, to whom the said three hundred and twenty acres would have remained and descended, by virtue of the will of the said Gillee Gro-marrin, the elder, if this act had never been made. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person, and
persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the will of the said Gillee Gromarrin, the elder, all such right, title, and interest, as they, every, or any of them, should or might have or claim if this act had never been made. *Provided always,* That the execution of this act be, and the same is hereby suspended until his majesty's approbation thereof shall be obtained.
ANNO REGNI

GEORGII III.
Regis Magnæ, Britanniae, Franciæ, et
Hiberniæ, tertio.

At a General Assembly, begun and held at the Capitol, in the City of Williamsburg, on Monday, the tenth day of February, in the twelfth year of the reign of our sovereign lord George the third, by the grace of God, of Great-Britain, France, and Ireland, king, defender of the faith, &c. Annoque Domini one thousand seven hundred and seventy two, and from thence continued by several prorogations, and convened by proclamation the fourth day of March, in the year of our Lord one thousand seven hundred and seventy-three, being the second session of this present General Assembly.

CHAP. I.

An act for the better securing the public credit of this colony.

I. WHEREAS pursuant to an act of assembly, made in the tenth year of the reign of his present majesty, intitled An act for the better support of the contingent charges of government, treasury notes were emitted to the amount of ten thousand pounds, and pursuant to one other act, passed in the eleventh year of his majesty's reign, intitled An act for the relief of the sufferers by the loss of tobacco damaged or burnt in several warehouses, the further sum of thirty thousand pounds
was emitted in other treasury notes, the greater part whereof yet remain in circulation, all which notes, at the times of their respective emissions, were thought to be effectually guarded against forgeries; but it hath been lately discovered that some ill disposed persons have counterfeited many of the said notes in so ingenious and dangerous a manner that it is difficult to distinguish the forged from the good bills, whereby the credit of both emissions is greatly diminished, and the inhabitants of this colony, as well as others trading with them, are likely to be imposed upon, unless all the said notes are speedily called in and destroyed. And whereas, from the want of gold and silver in the public treasury, there are no means left to remedy the great and manifest mischiefs which are to be apprehended, but either by borrowing a sufficient sum in specie, or emitting other treasury notes better guarded against forgeries, which, from certain samples of paper produced to this general assembly, it is judged may be effected: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That Robert Carter Nicholas, esquire, treasurer of this colony, or the treasurer for the time being, appointed by or pursuant to act of assembly, shall be and is hereby impowered and required to borrow of such person or persons as may be willing to lend the same any sum or sums of money not exceeding thirty six thousand eight hundred and thirty four pounds, at the interest of five per centum per annum, to be by him applied in the first place, for and towards the redemption of all such treasury notes of the emission, pursuant to the first mentioned act, as shall be produced to him, and when that shall be done, then for and towards the redemption of all such treasury notes, emitted under the second act, as shall be produced to him. And if the said treasurer shall not be able to borrow the whole or any part of the said thirty six thousand eight hundred and thirty four pounds within one month after passing this act, the said treasurer, or the treasurer for the time being, shall and he is hereby impowered and required to issue promissory notes in his own name, but as treasurer of this colony, for any sum or sums that may be requisite to make up the deficiency of such sums as he shall not be able to borrow, to be by him exchanged for notes of the emission, pursuant to the said second act, which
notes, so to be issued, shall be written on the paper, of
which a sample is now produced, signed by the said
treasurer, countersigned by Peyton Randolph and John
Blair, esquires, and numbered by James Hubard and
Peter Pelham, gentlemen, and shall be made payable
on or before the tenth day of December, one thousand
seven hundred and seventy five. And the said treasu-
rer shall moreover cause such device or devices to be
impressed upon the backs of the said notes as he shall
judge most likely to secure the same against counter-
feits and forgeries.

II. And be it further enacted, by the authority afore-
said, That the said promissory notes, so to be issued,
shall pass current throughout this colony, in all pay-
ments, to such persons as may be willing to receive the
same, and shall be redeemed by the treasurer, or the
treasurer for the time being, appointed as aforesaid, on
the first day of June, one thousand seven hundred and
seventy four, in the first place, by applying so much of
the money as shall then have come to his hands from
the duties and taxes imposed by the said recited acts;
and if the said duties and taxes, to be received before
the said day, shall not be sufficient for that purpose,
the said treasurer shall and he is hereby empowered and
required either to borrow so much money in specie at
the annual interest before mentioned as will make up
the deficiency, or, in case he should not be able to bor-
row the whole or any part of the sum necessary for that
purpose by the time appointed, the said treasurer shall
and he is hereby empowered to issue other treasury
notes, to redeem such of the notes, to be issued by vir-
tue of this act, as then remain in circulation, which last
notes, to be issued as the case may require, shall be
imprinted on the most proper paper that can in the
mean time be procured by him from Great Britain, in
such manner as he shall judge most likely to secure the
said notes from counterfeits and forgeries, and the same
shall be signed by Peyton Randolph and John Blair,
esquires, numbered by James Hubard and Peter Pel-
ham, gentlemen, and endorsed by the treasurer for the
time being to such person or persons as shall be willing
to receive the same in lieu of the other notes, for which
they are intended to be exchanged, and the said last
mentioned notes, when issued, shall be current in like
manner as the notes first directed to be issued.
III. And be it further enacted, by the authority aforesaid, That all the duties and taxes imposed by virtue of the said two recited acts for the redemption of the treasury notes, issued in pursuance thereof, except such as have been already applied to that purpose, shall be and the same are hereby appropriated and made subject, in the first place, to the payment of the principal and interest of such sum or sums as may be borrowed, and then to the redemption of all such treasury notes, as may be issued pursuant to this act, and to no other use or purpose whatsoever; and, if the said taxes should prove deficient, that the same shall be made good by the public.

IV. And be it further enacted, by the authority aforesaid, That if any person or persons whatever, shall forge or counterfeit, alter or erase, any note to be issued pursuant to this act, or tender such in payment, or demand a redemption thereof at the treasury, knowing the same to be forged or counterfeited, altered or erased, every such person, being thereof lawfully convicted, shall be adjudged a felon, and suffer death without benefit of clergy.

V. And whereas pasting paper on the back of such treasury notes, or clipping the same, may be a means of preventing the detection of forgeries: Be it further enacted, That no person shall be intitled to a redemption of any note, on the back of which any paper or other thing shall be so pasted, or which shall be so clipped; but if any treasury note shall be accidentally torn, or otherwise defaced, the proprietor shall be intitled to receive the amount thereof from the treasurer, upon returning such note to him.

VI. And be it further enacted, That in case of the death of either of the persons hereby appointed to countersign or number the said notes before the same shall all be signed and numbered, it shall and may be lawful for the said treasurer to appoint some other person to sign or number the notes, as the case may require, in the room of him so dying, of which public notice shall be given in the Virginia Gazette for three weeks after the same shall take place; and the signing or numbering of the notes by such person so appointed shall be as effectual, to all intents and purposes, as if it had been done by the persons herein named.

VII. And be it further enacted, by the authority aforesaid, That the treasurer shall be allowed one per cen-
MARCH 1773—13th GEORGE III.

An act to prevent counterfeiting the paper money of other colonies.

I. WHEREAS the want of a sufficient quantity of circulating specie, to answer the purposes of commerce, or the exigencies of government, hath induced this, and most others of the British colonies in America, to circulate certain paper notes, as the representative of specie, to pass in payments for limited periods, when their redemption is provided for, the counterfeiting of which is usually made felony in the respective governments where they are emitted; but it is supposed that sundry evil minded persons have lately established presses in our colony for preparing counterfeits of the paper of others, and by that means such forged paper is thrown into circulation with greater facility and security to the authors thereof; and it being judged reasonable that neighbouring countries, having intercourse in trade, should provide as far as in them lies against the debasing of their medium of commerce: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That if any person or persons shall within this colony prepare, engrave, stamp, or print, or cause or procure to be prepared, engraved, stamped, or printed, the counterfeit resemblance of any paper money which now is, or hereafter may be, circulated in payments by legislative authority, in any British co-

Allowance to treasurer, &c. for countersigning and numbering.

Felony to counterfeit the paper money of other British colonies, or tender it known to be counterfeit.
I. WHEREAS by an act of assembly, made in the twelfth year of his present majesty’s reign, intituled An act for erecting a Lighthouse on Cape Henry, it is enacted, that the directors or managers therein named, or any seven of them, as soon as the assembly of the province of Maryland shall pass an act of the same import with the above recited act, shall have power and authority, in conjunction with such person or persons as by the said assembly of Maryland shall be appointed for the purpose aforesaid, to contract and agree with any person or persons for building and finishing such lighthouse: And whereas it will greatly expedite the building and finishing the said lighthouse if the said directors or managers are impowered to purchase materials for that purpose, Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the directors or managers in the said recited act named, or any seven of them, shall have power, and they are hereby required as soon as conveniently may be to purchase such materials as they shall think necessary for building the said lighthouse, and to
cause such materials to be conveyed to the place where
the said lighthouse is intended to be erected, the costs
and expenses of which being certified by the said di-
rectors or managers to the governor or commander in
chief of this dominion, and a warrant thereupon ob-
tained from him to the treasurer of this colony for the
time being, the said treasurer is hereby authorized and
required, out of the public money in his hands, to pay
the sum or sums so certified to the person or persons to
whom the same shall be due, not exceeding the sum of
four thousand pounds current money of Virginia.

II. And be it further enacted, by the authority afore-
said, That the said directors or managers shall, with-
out delay, purchase and cause to be placed buoys on
such shoals of the bay of Chesapeake as may be neces-
sary, the expenses whereof to be paid by warrant from
the governor or commander in chief as aforesaid.

III. And be it further enacted, That as soon as this
colony shall be reimbursed the sum of six thousand
pounds, directed to be paid for building the said light-
house and fixing buoys, the treasurer shall give notice
thereof to the several naval officers in this colony, and
the duty of four pence on ships and vessels coming into
this colony shall thereafter cease.

IV. And be it further enacted, That as soon as the
said lighthouse shall be erected, and the keeper thereof
shall have made sufficient lights, according to the di-
rections of the said recited act, the directors or mana-
gers shall give notice to the several naval officers in
this colony, who shall then begin to collect and receive
the duty of one penny half penny per ton, by the said
act imposed, for the support of the said lighthouse.

V. And whereas some of the directors or managers
appointed by the said act are dead, Be it further enact-
ed, That the surviving persons in the said act named,
together with the honourable John Page, esquire, Wil-
son Miles Cary, Henry King, Worlich Westwood, and
Anthony Lawson, esquires, shall be and they are here-
by appointed directors or managers for the carrying
into execution the said recited act, and they, or any
seven of them, shall have the same power and authority
as if they had been therein particularly named.
An act for establishing a warehouse for the inspection of tobacco in the town of Manchester.

I. WHEREAS it is represented to this present general assembly that a new inspection of tobacco should be established in the town of Manchester, in the county of Chesterfield; Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the first day of October next a new inspection shall be established on the lots of Archibald Cary, esquire, in the town of Manchester aforesaid; and it shall and may be lawful for the court of the county of Chesterfield to order and direct the said Archibald Cary to erect, build, and compleatly finish, on or before the said first day of October, such strong, close, and substantial houses as shall be sufficient to contain at least twelve hundred hogsheads of tobacco, and to secure the same in such manner as, by the laws now in force, other public inspections are directed to be secured; and the said court shall take bond, payable to his majesty, his heirs and successors, for the faithful building such houses; and that the salaries of the inspectors at the said warehouse shall be sixty pounds each.

II. And be it further enacted, by the authority aforesaid, That the receipts of the inspectors, at the said warehouse of Manchester, shall pass in payments of quitrents, levies, and officers fees, in those counties where the notes of the Rocky Ridge warehouse now pass.
CHAP. V.

An act for altering the bounds between the parishes of Dale and Manchester, in Chesterfield county.

WHEREAS by an act of assembly, made in the twelfth year of his present majesty's reign, for dividing the parish of Dale, in the county of Chesterfield, into two distinct parishes, the division between the said parish of Dale and the new parish, known by the name of Manchester, is very unequal, and greatly to the prejudice of the inhabitants of the said parish of Dale: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this act the division aforesaid between the said parishes of Dale and Manchester be altered, and shall be as follows: Beginning at the ferry at Warwick, on James river, thence up the road to Newby's bridge, on Swift creek, and running thence a straight line to Winterpock creek, on Appamattox river.

CHAP. VI.

An act to establish and enlarge the power of the trustees of the town of Richmond, in the county of Henrico, and for other purposes.

I. WHEREAS it hath been represented to this present general assembly, by the inhabitants of the town of Richmond, in the county of Henrico, that only three of the trustees appointed by act of assembly for the said town are now living, that the legality of the election of the other trustees hath been questioned, and that it is necessary to establish and enlarge the power of the trustees of the said town: Be it enacted, by the Gover-
nor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this act, the honourable William Byrd, esquire, Richard Randolph, Samuel Du Val, Richard Adams, Robert Brown, George Donald, Turner Southall, Patrick Coutts, Archibald Bryce, William Randolph, and James Buchanan, gentlemen, be and they and every of them are hereby constituted directors and trustees for building, carrying on, and maintaining said town; and they, or any six of them, shall have power to meet as often as they shall think necessary for appointing a public quay, and such places upon the river for public landings as they shall think most convenient, and if the same shall be necessary, shall direct the making of wharfs and cranes at such public landings for the public use.

II. And be it further enacted, by the authority aforesaid, That the said directors shall have full power and authority to establish such rules and orders for the more regular placing the said houses as to them shall seem fit from time to time; and if the inhabitants of the said town shall fail to obey and pursue the rules and orders of the said directors in repairing and amending the streets, landings, and wharfs, they shall be liable to the same penalties as are inflicted for not repairing the highways in this colony.

III. And for continuing the succession of the said trustees and directors, Be it further enacted, by the authority aforesaid, That in case of the death of any of the said directors, or their removal, or refusal to act, the surviving or other directors, or the major part of them, shall assemble, and are hereby empowered, from time to time, by instrument in writing, under their respective hands and seals, to nominate some other person or persons, being a freeholder of the said town, in the place of him or them so dying, removing, or refusing, which new director or directors, so nominated and appointed, shall, from thenceforth, have the like power and authority in all things relating to the matters hereinafter contained, as if he or they had been expressly named and appointed in and by this act; and every such instrument and nomination shall, from time to time, be entered and registered in the books of the said directors.

IV. And be it further enacted, by the authority aforesaid, That it shall not be lawful for any person what-

May establish quays, public landings, wharves, &c.

May establish rules for placing houses.

Succession of trustees, how perpetuated.

Wooden chimneys not to be built in Richmond
And Whereas it is represented to this assembly that great numbers of hogs and goats are raised and suffered to go at large in the said town of Richmond, to the great prejudice of the inhabitants thereof: Be it further enacted, by the authority aforesaid, That from and after the twentieth day of January next, it shall not be lawful for any person or persons, inhabiting within the said town, to raise or keep any swine or goats within the limits thereof, and suffer the same to go at large therein; and if any swine or goats so raised or kept shall be found going or running at large within the said town, it shall and may be lawful for any person to kill and destroy the same. Provided always, that such person shall not convert any such swine or goat to his or her own use, but shall leave the same in the place where it shall be 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 thereof, who may order the same to the use of any poor person or persons, he shall think fit.

VI. And whereas so much of the act of assembly, made in the fifteenth year of the reign of his late majesty king George the second, intituled An act for establishing the town of Richmond, in the county of Henrico, and allowing fairs to be kept therein, as relates to holding fairs, is long since expired, and the same, if revived, may be a means of increasing the trade of the said town: Be it therefore further enacted, by the authority aforesaid, That so much of the said recited act as relates to the holding fairs in the said town of Richmond, shall be and is hereby revived, and shall continue and be in force, from and after the passing of this act, for and during the term of seven years, and from thence to the end of the next session of assembly.
LAWS OF VIRGINIA.

CHAP. VII.

An act for altering the court day of the county of Loudoun.

WHEREAS it hath been represented to this present general assembly, that the day appointed for holding court in the county of Loudoun is inconvenient to the justices and others who are obliged to attend the said court: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That, from and after the last day of April next, the court of the said county of Loudoun shall be held upon the second Monday in every month; any law, custom, or usage, to the contrary, in any wise, notwithstanding.

CHAP. VIII.

An act for appointing two new ferries, and discontinuing a former ferry.

I. WHEREAS it is represented to this present general assembly, that public ferries at the places herein after mentioned will be very convenient: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That a public ferry be constantly kept across the western branch of Corotoman river, in the county of Lancaster, from the land of Gawin Lawry to the land of John Davis; and that the rates for passing the same shall be as followeth, that is to say, for a man four pence, and for a horse the same; and that a public ferry be also kept across Dan river, in the county of Halifax, from the land of James Irvin to the land of Thomas Davenport; the rates for passing which shall be as followeth, that is to say, for a man three pence, and for a horse the same; and for the transportation of wheel carriages, tobacco, cattle, and other beasts, at the ferries aforesaid, the ferrykeepers may de-
mand 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 the same as for four horses, for every two wheeled chaise or chair the same as for two horses, for every hogshead of tobacco the same 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, according to the prices herein before settled at such ferry respectively, and no more. And if the ferrykeeper 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 whatsoever, he or she, for such offence, shall forfeit and pay to the party grieved the ferriage so demanded or received, and ten shillings, to be recovered with costs before any justice of the peace within the county.

II. And be it further enacted, by the authority aforesaid, That the county courts of Lancaster and Halifax, shall, and they are hereby required and impowered to order and direct what boat or boats, and what number of hands shall be kept at the said ferries respectively, and the ferrykeepers thereof shall enter into bond in the manner directed by one act of assembly made in the twenty second year of his late majesty's reign, intituled An act for the settlement and regulation of ferries, and for the despatch of public express, and shall be liable to the penalties thereby inflicted for any neglect or omission of his or her duty.

III. And be it enacted, by the authority aforesaid, That so much of an act of assembly, passed in the twenty second year of the reign of his late majesty, as establishes a ferry from the lower side of Parrot's creek, on Rappahanock river, to Teague's creek, on the land of Baldwin Matthews Smith, and from that creek to the lower side of Parrot's creek, be repealed, and the same is hereby accordingly repealed.
Bridge over Nottoway river, by subscription, from the land of Samuel Brown, in Southampton.

I. WHEREAS it is represented to this present general assembly, by sundry inhabitants of the counties of Nansemond, Southampton, and Isle of Wight, that it would be a great ease and convenience, as well to themselves as to the persons trading from the province of North Carolina to this colony, if a bridge were erected from the land of Samuel Brown, of the county of Southampton, gentleman, over Nottoway river, and that such a bridge might be built by subscription, if proper persons were appointed and legally authorized and impowered to carry the same into execution: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That Henry Taylor, Lemuel Riddick, Benjamin Baker, Albridgeton Jones, Samuel Brown, Nicholas Maget, John Everitt, and Abraham Mitchell, gentlemen, shall be and they are hereby constituted and appointed trustees and directors for putting this act in execution; and it shall and may be lawful to and for the said trustees, or the major part of them, to take and receive of and from all and every person and persons whatsoever all such sums of money as they or any of them shall be willing to subscribe and pay towards building the said bridge, on receipt whereof the said trustees and directors shall, and they are hereby impowered and required to lay out and apply the same in and towards building a bridge over the said river, from the land of the said Samuel Brown to the opposite shore, in such manner as the said trustees and directors, or the major part of them, shall think proper and most convenient, and to design, direct, and agree with workmen for building the said bridge, so that the same be not less than twelve feet in breadth, and railed on each side three feet high, with one arch at least twenty feet wide, sufficiently high for the passage of boats and flats. And for the continuing the succession of the said trustees and directors, Be it further enacted, by the authority aforesaid, That it shall and may be
lawful to and for the said trustees and directors, or the major part of them, from time to time, and at all times hereafter, during the continuance of the said bridge, upon the death, resignation, or removal of any of the trustees and directors herein before named, to elect and chuse such and so many other person or persons as they shall think fit, not exceeding eight, which person and persons, so elected and chosen as aforesaid, shall be deemed and taken to be trustees for the bridge aforesaid, as fully and amply as if appointed by this act.

II. Provided always, That nothing in this act contained shall extend, or be construed to extend, to empower the justices of the said county of Southampton, or their successors, the justices of the said county for the time being, to tax, levy, or assess any money or tobacco on the inhabitants of the said county of Southampton for the building the said bridge; but that the same shall be built by subscription as aforesaid, and by no other ways or means whatsoever.

CHAP. X.

An act for appointing trustees for the Gingaskin Indians.

WHEREAS a parcel of land, in the county of Northampton, hath been long appropriated to and for the use of certain Indians of the Gingaskin tribe; but it is represented to this general assembly, that for want of trustees to take care of and protect the interest of the said Indians, divers encroachments have lately been made on their said lands: Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That Griffin Stith, Michael Christian, Thomas Underhill, Thomas Widgeon, and Peter Warren, gentlemen, or the survivors of them, be and they are hereby constituted trustees for taking care of the interest of the said Indians in their said lands. And the said trustees, or any three of them, shall have full power and authority to commence and maintain any
action or suit which they shall judge necessary, as well
for settling the bounds of the said lands as to obtain re-
paration for any trespass committed, or to be commit-
ted thereon, in the same manner only as if they had the
Indian title in themselves. And all damages to be re-
covered in such suit or suits shall be, by the said trust-
ees, distributed amongst and paid to the said Indians
in a fair and equal manner.

CHAP. XI.

An act for making an addition to the
house appropriated to the use of the
public gaoler.

I. WHEREAS it is represented to this present ge-
eral assembly, that the house appropriated to the use
of the keeper of the public gaol of this colony is too
small and inconvenient, and that an additional building
ought to be made to the said house: Be it enacted, by
the Governor, Council, and Burgesses, of this present
General Assembly, and it is hereby enacted, by the au-
thority of the same, That an additional building be made
to the said house, to consist of brick walls, and a shing-
gled roof, not exceeding thirty one feet in length, and
of the height and width of the old house, to be laid off
and erected in such manner as to the commissioners
herein after mentioned, or any two or more of them,
shall appear most convenient.

II. And be it further enacted, by the authority afore-
said, That Robert Carter Nicholas, John Blair, and
John Tazewell, esquires, shall be, and they are hereby
authorized and impowered to agree for and contract
with such person or persons as may be willing to un-
dertake and complete the same.

III. And be it further enacted, by the authority afore-
said, That the treasurer for the time being shall, upon
a warrant from the governor or commander in chief of
this colony, pay to the person or persons who shall
build the said addition, such sum or sums of money as
shall be agreed or contracted for by the said commis-
ioners.
An act to dock the intail of certain lands whereof Lewis Burwell, esquire, is seised, and for settling other lands to the same uses.

I. WHEREAS John Smith, formerly of the county of Gloucester, gentleman, was, in his lifetime, and at the time of his death, seised in fee simple of and in certain lands, situate in the parish of Petsworth, in the said county, commonly called Purton, and containing about two thousand acres, and being so seised, he the said John Smith, in and by his last will and testament in writing, bearing date the tenth day of May, one thousand seven hundred and thirty five, did, among other things, give and devise as followeth: I give and bequeath unto Mary Willis, daughter of colonel Francis Willis, twenty slaves, named Tom, Fabius, Hannibal, Sam, Dick, Joe, Beck, Jack, Kate, Groves, Pompey, Scipio, Jack, James, Alexander, Cato, Cesar, Christian, Diana, and Sarah, and certain tracts of land commonly called or known by the names of Old and New Purtions, the warehouse land and my mill nigh or adjoining thereunto, with all the stocks and corn on the said lands, to her and her heirs forever; but if she dies without heirs, then my will and desire is that the said lands, negroes, &c. to return to my brother Henry Willis, and his heirs or assigns forever, as by the said will remaining of record in the county court of Gloucester may more fully appear, and soon after the said testator died so seised of the said lands: And whereas after his death the aforesaid Mary Willis entered into the said lands and slaves, and was thereof seised, and intermarried with the honourable Lewis Burwell, esquire, since deceased, and died, leaving issue Lewis Burwell, esquire, her eldest son and heir, who is now seised of the said lands and slaves as tenant in fee tail, the aforesaid Henry Willis, to whom the said lands and slaves are limited in remainder, being the cousin of the whole blood to the said Mary the devisee: And whereas the said Lewis Burwell, the younger, is seised in fee simple of and in a tract of land containing about five thousand acres, situate on Bull run, in the county of Prince Wil-
liam, which was granted by the proprietor of the northern neck of Virginia to the said Lewis Burwell, the elder. And whereas the said Lewis Burwell, the father, in and by his last will and testament in writing, did devise considerable fortunes to his daughters, to be paid in money, and finally chargeable on his said lands in Prince William, great part of which yet remain to be paid by the said Lewis Burwell, the son, for the payment whereof it is necessary he should sell some part of his estate; and although the said intailed lands, from their convenient situation, will at present yield a better price than the other lands before mentioned, yet having been long in cultivation they will not produce such profitable crops, the said lands in the county of Prince William being fresh and rich: And it hath been represented to this general assembly, that it will be of advantage to the said Lewis Burwell and his family, if he is allowed to sell and dispose of the said intailed lands to enable him to pay his sisters fortunes, and to settle part of the fee simple lands, of equal value, in lieu thereof: And forasmuch as notice hath been published three Sundays successively in the several churches of the said parish of Petsworth, that application would be made to this present general assembly for an act to dock the intail of the said lands in the county of Gloucester, and for settling other lands to the same uses, pursuant to your majesty's instructions: May it therefore please your most excellent majesty, at the humble suit of the said Lewis Burwell, the younger, that it may be enacted, And be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and by the authority of the same, That the said tract of land, in the county of Gloucester, called Old and New Purtont, be and the same is hereby vested in the said Lewis Burwell, his heirs and assigns forever, to his and their own use, and that three thousand acres of land, part of the said tract in the county of Prince William, to be laid off by Robert Burwell, esquire, Henry Lee, Francis Peyton, Landon Carter, junior, and Matthew Whiting, esquires, or any three of them, in such manner as to them shall seem convenient and proper, and plainly marked and bounded, together with the said twenty negro slaves and their increase, or such of them as shall be now living, with their future increase annexed thereto, shall be and the same are hereby vested in the said Lewis Burwell, and the heirs of his body; and for want
of such issue the same shall descend, pass, and go to such person or persons to whom the said lands, in the county of Gloucester, would have descended and come by virtue of the limitations in the will of the said John Smith, if this act had never been made. And the said trustees shall cause their survey of the said lands, hereby settled, to be recorded in the said county court of Prince William, the better to ascertain the bounds thereof. Saving to the king's most excellent majesty, his heirs and successors, and to all and every person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the will of the said John Smith, all such right, title, and interest; as they, every, or any of them, could or might claim if this act had never been made.

II. Provided always, That the execution of this act be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

CHAP. XIII.

An act to dock the intail of part of a tract of land, whereof John Tazewell is seised, and for settling slaves, of greater value, to the same uses.

I. WHEREAS William Tazewell, late of the county of Northampton, gentleman, deceased, was, in his lifetime, seised in fee simple of and in five hundred acres of land in the parish of Hungars and county of Northampton, and being so seised, did, by his last will and testament, bearing date the twenty ninth day of October, in the year of our Lord one thousand seven hundred and fifty one, devised the said land to his son John Tazewell, and the heirs of his body, lawfully begotten; and Sophia Tazewell, widow and relict of the said William Tazewell, having a right under the will of her mother Gertrude Harmanson, deceased, to dispose of other five hundred acres of land adjoining the first mentioned tract, did, by her last will and testament, bearing date the twenty seventh day of October, one thou-
sand seven hundred and fifty three, devise the same to
the said John Tazewell, and the heirs of his body, law-
fully begotten; as by the said wills remaining of record
in the county court of Northampton may more fully
appear: And whereas the said John Tazewell, after the
death of the said William Tazewell, and Sophia his
wife; entered into the tracts of land aforesaid, contain-
ing in the whole one thousand acres, and being thereof
seised, hath represented to this present general assem-
by, that it will be of considerable advantage to him,
his heir and family, and to the inhabitants and trade of
the said county, if a few acres, part of the tract afores-
said, whereon the courthouse of the said county of
Northampton now stands, and near the same, were
vested in the said John Tazewell in fee simple, in order
that the same may be laid off in lots towards the esta-
blishment of a town, and slaves, equal in value thereto,
annexed to the remainder of the said tract, to descend,
pass, and go in the same manner as the land, hereby
intended to be docked, would have descended, passed,
and gone: May it please your most excellent majesty,
at the humble suit of the said John Tazewell, that it
may be enacted, And be it enacted, by the Governor,
Counsel, and Burgesses, of this present General Assem-
by, and by the authority of the same, That twenty acres
of the aforesaid tract or parcel of land, adjoining to
and including the courthouse of the said county of
Northampton, be laid off by the surveyor of the said
county, in lots of half an acre each, which said twenty
acres, so to be surveyed and laid off, shall be and are
hereby declared to be vested in the said John Tazewell,
his heirs and assigns forever; and that the following
slaves, to wit, Jacob, Tom, Young Phillis, and Betty,
with the future increase of the females, shall be annex-
ed to, descend, pass and go with the residue of the tract
of land aforesaid, agreeable to the wills of the said Wil-
liam Tazewell and Sophia his wife. Saving to the
king's most excellent majesty, his heirs and successors,
and to all and every other person and persons, bodies
politic and corporate, their respective heirs and suc-
cessors, other than the persons claiming under the wills
aforesaid, all such right, title, and interest, as they or
any of them, could or might claim if this act had never
been made.
II. Provided always, That the execution of this act be, and the same is hereby suspended, until his majesty's approbation thereof shall be obtained.

CHAP. XIV.

An act to vest certain intailed lands, whereof Bowles Armistead, gentleman, is seised, in trustees, to be sold for payment of the debts due from the estate of his late father William Armistead, esquire.

1. WHEREAS William Armistead, formerly of the county of Gloucester, esquire, was, in his lifetime, and at the time of his death, seised in fee simple of and in a very valuable estate in lands, lying in the county of Gloucester, and of two thousand seven hundred and forty acres, lying in the parish of Christ church, in the county of Middlesex, and was also seised of a tract of land containing about six thousand acres, lying in the parish of Hamilton, in the county of Prince William, and of a tract of land containing about five thousand acres, lying in the parish of Saint Mark, in the county of Culpeper, by him purchased of John Spotswood, esquire; and being so seised, he the said William Armistead in and by his last will and testament in writing, bearing date the thirtieth day of December, in the year of our lord one thousand seven hundred and fifty five, did, among other things, give and devise as follows: Item, I give and bequeath unto my well beloved son William Armistead, all my lands in Gloucester and Middlesex counties, with seventy choice slaves, including my house servants, and likewise the stocks of all sorts, with all the household furniture in and upon the said estate, to him and the heirs of his body, lawfully begotten, forever. Item, I give and bequeath unto my well beloved son John Armistead, all that tract of land purchased from the trustees of Mr. George Carter, in the county of Prince William, with all the stocks and
slaves thereupon, and likewise all the slaves and stocks in and upon my lands in the counties of Culpeper and Caroline, to him and the heirs of his body, lawfully begotten, forever. Item, I give and bequeath unto my well beloved son Bowles Armistead all that tract or parcel of land in Culpeper county, purchased of Mr. John Spotswood, with all the slaves that remain upon my Gloucester and Middlesex lands, after my son William's part is taken out, which is seventy, to him and the heirs of his body, lawfully begotten, forever; and after other devises to his son Henry Armistead, since deceased, did direct as follows: My will and desire is that my said sons shall not come to the possession of their estates till they have severally arrived at the age of twenty one years, that is to say, when my son William arrives to the age of twenty one years he shall be intitled to his estate, and in like manner shall all my other sons be intitled to their estates respectively; as by the said will, recorded in the general court, may more fully appear; and soon afterwars the said testator died so seised, considerably indebted to sundry persons in Great Britain and this colony, so that when the said sons, William and John, severally arrived to the age of twenty one years, they could not obtain the possession of their estates so devised to them, until they engaged to pay their respective proportions of the said debts then remaining due, which they severally undertook to pay, amounting to about the sum of one thousand seven hundred pounds sterling each, but had no means of discharging the same, by reason of their limited interest in the estates to them respectively devised, restrictive of such sale. And whereas by an act of assembly, passed in the tenth year of the reign of his present majesty, intitled An act to vest certain intailed lands, whereof William and John Armistead, gentlemen, are seised, in trustees, to be sold for payment of the debts due from the estate of their father, certain portions of the lands so as aforesaid devised to the said sons William and John respectively, were vested in trustees to be sold towards reimbursing them the money so by them engaged to be paid; and it being equally reasonable and necessary that the said Bowles Armistead, the son, who hath arrived to the age of twenty one years, since the passing of the said act, should be allowed to sell part of his said intailed lands for raising his proportion of the debts aforesaid, and thereby save his slaves to work the resi-
due of his lands; and notice having been three Sundays successively published in the several churches of the said parish of Saint Mark, in the county of Culpeper, that application would be made to this assembly for an act to be passed to sell two thousand acres, part of the said lands, for the purposes aforesaid, pursuant to your majesty’s instructions: May it therefore please your most excellent majesty, at the humble suit of the said Bowles Armistead, that it may be enacted, And be it enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and by the authority of the same, That the said tract of land in the county of Culpeper, so purchased by the said William Armistead, the elder, of John Spotswood, esquire, be and the same is hereby vested in Joseph Jones, Walker Taliaferro, Henry Pendleton, Henry Field, and Mann Page, junior, gentlemen, or the survivors of them, in trust that they, or any three of them, shall sell and dispose of so much thereof, not exceeding two thousand acres, to be laid off in such manner as to them shall seem most convenient and proper, as will be sufficient to raise the sum of one thousand seven hundred pounds sterling, besides the expences of sale, for the best price that can be had, and convey the land so sold to the purchaser or purchasers in fee simple, who shall, forever thereafter, hold and enjoy the same, freed and discharged of the limitations in the will of the said William Armistead, the elder, and the trustees shall pay the money so to be raised, after deducting the expences of sale and of this act, in discharge of the said Bowles Armistead’s proportion of the debts due from his said father, and what shall remain of the said tract of land after such sales, shall be to the use of the said Bowles Armistead and the heirs of his body, and in default of such to the right heirs of the said William Armistead, the father, forever. Saving to the king’s most excellent majesty, his heirs and successors, and to all and every other other person and persons, bodies politic and corporate, other than the persons claiming under the said William Armistead, the elder, all such right, title, interest, and estate, claim and demand, as they, every, or any of them, could or might have, if this act had never been made.

II. Provided always, That the execution of this act shall be, and the same is hereby suspended, until his majesty’s approbation thereof be obtained.
CHAP. XV.

An act for appointing commissioners for selling the tobacco damaged in the public warehouse for the inspection of tobacco at Aquia, and for other purposes therein mentioned.

I. WHEREAS a certain quantity of tobacco in the public warehouse at Aquia, in the county of Stafford, has been lately damaged by means of an excessive rain, and the waters flowing into the said warehouse, twenty-three hogsheads of which said tobacco the public is become chargeable with, the marks and numbers whereof are as follows, to wit, FG number 1099, IH number 1238, TH number 1911, RF number 1638, IPW number 352, WW number 1821, HC number 1669, EK number 1581, IF number 1073, IB number 442, IH number 1391; RF number 1633, IW number 1269, EH number 1968, IW number 1268, RF number 1637, PR number 1016, IF number 1969, SF number 1869, IH number 1708, RF number 188, IC number 106, EW number 1030, and it being necessary that the same should be sold for the benefit of the public, Be it therefore enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That Thomas Ludwell Lee, John Alexander, Bailey Washington, and William Brent, esquires, shall be and they are hereby constituted and appointed commissioners for selling the said twenty-three hogsheads of tobacco.

II. And be it further enacted, by the authority aforesaid, That they the said commissioners, or any two or more of them, shall, on or before the fifteenth day of June next, after giving notice in the Virginia Gazette, sell the same for the use of the public to the highest bidder, at the said warehouse, on credit till the fifteenth day of December following, and shall take bond, with sufficient security, payable to the treasurer of this colony for the time being, and shall transmit the same to the said treasurer within one month after such sale. And if any such buyer shall neglect or refuse to pay the money on the bonds aforesaid, when the same shall become due, it shall and may be lawful for the general
court or court of the county where such buyer resides, on a motion to them made by the treasurer of this colony for the time being, to give judgment on the said bonds, and thereon to award execution, provided such buyer and his securities, his and their heirs, executors, or administrators, have ten days previous notice, which monies shall be accounted for by the said treasurer to the general assembly.

III. And be it further enacted, That the treasurer of this colony, out of the public money in his hands, shall pay for the said twenty three hogsheads of tobacco, to the respective proprietors thereof, at the rate of eighteen shillings per hundred weight.

IV. And whereas tobacco in sundry other hogsheads hath been damaged in the said warehouse, and cut off, amounting in the whole to eighteen thousand two hundred and eighty two pounds, after which the proprietors have shipped the said hogsheads of tobacco, and demand payment from the inspectors for the damaged tobacco only, Be it therefore further enacted, by the authority aforesaid, That the said treasurer, out of the public money in his hands, shall pay to the said inspectors the amount of the said eighteen thousand two hundred and eighty two pounds of tobacco, at the rate of eighteen shillings per hundred weight, to enable them to pay the said damage to the respective proprietors.

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CHAP. XVI.

An act for the ease and relief of the people by paying the Burgesses in money for this present session of Assembly.

WHEREAS by one act of assembly, passed in the third and fourth years of the reign of his majesty king George the second, intituled An act for the better regulating the payment of the burgesses wages, it is, among other things, enacted, that when any session of assembly should be thereafter held, and upon examination of the treasurer's accounts it should appear that
there are monies sufficient in his hands to discharge all
the money debts, together with the burgesses wages
and the salaries and allowances to the respective officers
of the general assembly, saving and reserving in the
hands of the treasurer, over and above the said allow-
ances, a balance of fifteen hundred pounds at least, that
then every burgess elected and serving for any county
or corporation within this dominion, should be paid out
of the public money the sum of ten shillings for each
day he should serve in the house of burgesses, with
such further allowances and under such restrictions and
regulations as in the said act is at large declared. And
whereas it appears there is not money sufficient in the
treasurer's hands to pay the burgesses wages for this
present session of assembly, leaving a balance of fifteen
hundred pounds, according to the direction of the said
act: Nevertheless, as the payment of the said wages in
money will be a great ease and relief to the inhabitants
of this colony, by lessening the levy by poll: Be it
therefore enacted, by the Governor, Council, and Bur-
gesses, of this present General Assembly, and it is here-
by enacted, by the authority of the same, That the bur-
gesses wages and allowances for the present session of
assembly shall be paid by the treasurer, out of the pub-
lic money, so soon as there shall be sufficient in his
hands for that purpose, according to the directions and
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In Volume Eighth of Statutes at Large.

Page 56 line 25 from top, for "lands" read "land."
59 18 from top, for "never" read "not."
63 9 from bottom, for "person" read "persons."
144 22 from bottom, for "pich" read "pitch."
161 Bottom line, for "is" read "are."
170 3 from top, insert "said" between "the" and "county."
180 17 from top, for "securities" read "sureties."
235 top line, strike out "three" before "after."
237 3 from bottom, insert "time" between "same" and "that."
239 11 from top, for "Loundon" read "Loudoun."
284 7 from top, strike out "majes."
308 11 from bottom, insert "county" between "any" and "court."
312 top line, for "a list" read "the list."
325 10 from top, read "further" between "therefore" and "enacted."
334 5 from bottom, insert "not" between "is" and "contrary."
336 3 from top, for "taking" read "taken."
376 20 from top, for "payments" read "payment."
380 11 Strike out "such."
474 15 from top, for "remainders" read "reminders."
503 12 from bottom, for "continued" read "continued."
523 10 from top, insert "not" between "are" and "compellable."
534 2 from bottom, for "having" read "have."
534 12 from top, for "buyers" read "buyer."
543 4 from bottom, for "to" read "from."
578 13 from bottom, for "Charler" read "Charles."
579 .7 from bottom, insert "acir" before "for."
586 4 from bottom, insert "said" between "the" and "county."
599 4 from bottom, for "thearof" read "hereof."
604 top line, for "remainders" read "remainder."
607 14 from top, for "proportion" read "proportions."
626 20 from bottom, for "Horatae" read "Horatio."
632 11 from bottom, strike out "so" at the end.
651 8 from top, insert "the" between "same" and "sum."
658 20 from bottom, for "now" read "new" in title.
669 9 from top, strike out one of the words "other."