

# ACTS

PASSED AT A

## GENERAL ASSEMBLY

OF THE

## COMMONWEALTH

OF

## VIRGINIA,

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF RICHMOND, ON  
MONDAY THE FIRST DAY OF DECEMBER, ONE THOU-  
SAND EIGHT HUNDRED AND SIX.

---

RICHMOND.

PRINTED BY SAMUEL PLEASANTS, JUNIOR, PRINTER TO THE COMMONWEALTH

clerk of the House of Delegates, one hundred and forty-five dollars per week; to the clerk of the Senate, seventy-two dollars and fifty cents per week; to the clerk of the committee for courts of justice, forty dollars per week; to the clerk of the committee of propositions and grievances, forty dollars per week; to the clerk of the committee of privileges and elections, and of claims, forty dollars per week; to the sergeants at arms of the Senate and House of Delegates, each thirty-seven dollars per week; to each of the door-keepers of the Senate and House of Delegates, twenty one dollars per week; to Thomas Ritchie for printing the Journals of the Senate, two hundred and seventy-five dollars; and to the person who cleans the capitol, twenty dollars.

Sec. 2. This act shall be in force from the passing thereof.

Commencement.

CHAPTER XXX.

An ACT concerning the Distribution of Public Arms.

[Passed January 21st, 1807.]

Section 1. BE it enacted by the General Assembly, That it shall be the duty of the Executive to distribute the public arms now on hand, in the capitol, barracks and armory, and which shall be hereafter manufactured, by forwarding them to the colonel commandant of each regiment, so as that there shall not remain at any time undistributed a greater number than three thousand muskets, one hundred and fifty rifles, one hundred and fifty pistols, and one hundred and fifty swords.

Executive to distribute public arms.

Sec. 2. The arms remaining undistributed shall be kept in the armory.

Arms to be kept in armory.

Sec. 3. It shall be the duty of the executive, after arming the militia of the towns of Richmond, Norfolk, Fredericksburg, Hampton and Petersburg, and the counties of Henrico, Chesterfield, Dinwiddie and Norfolk, according to the provisions hereafter mentioned, to distribute arms to every regiment in the commonwealth, in proportion to its strength.

Certain towns and counties to be armed.

Sec. 4. A receipt shall be taken from every colonel for the arms delivered to him, and he shall be answerable to the state for the value thereof, unless he delivers the same over to the commanding officers of battalions.

Colonels to give receipts for arms.

Sec. 5. The commanding officers of battalions shall be answerable to the state unless he delivers the same over to the commanding officers of companies.

Majors, when liable for arms.

Sec. 6. The commanding officers of companies shall be answerable to the state for the value of the arms received, unless they distribute them as hereafter is provided.

Captains, when liable.

Sec. 7. There shall be delivered to every freeholder and responsible house keeper, arms for himself, if he is on the militia roll, and for every son he may have who is on the militia roll, and a member of his family. There shall also be delivered to every militia man, who is not a freeholder or responsible house keeper, arms for himself, if a freeholder or responsible house keeper will join him in a receipt for the same.

What persons to be armed.

Sec. 8. In the future distribution of the public arms, the light companies shall be armed by entire companies, in the first place with the arms which have been or shall be manufactured for the light infantry, and the rifle companies with rifles; and the arms now in the hands of the said light companies shall, in that event, be distributed amongst the body of the militia.

Light companies, how to be armed.

Sec. 9. In case of loss of arms, satisfaction for the same, to be awarded by the courts martial, shall be made by the person or persons who shall have received the same, to the commonwealth, at the following prices; for a musket, twenty dollars; for a ramrod, one dollar; for a bayonet, two dollars; for a cartouch box, two dollars; for a pistol, five dollars; for a sword, ten dollars; for a pair of holsters, five dollars, and for a rifle, thirty dollars.

Loss of arms, how to be compensated for.

Sec. 10. If any militia man, or other person, shall sell, buy or give away, any part of the public arms, or carry the same out of the bounds of his regiment, with intent to defraud the commonwealth, he shall be considered as guilty of a misdemeanor, and being convicted thereof at any time within five years, on information or indictment, in any county or district court, shall be amerced in a sum not exceeding fifty dollars, and imprisoned for a term not exceeding twenty days, at the discretion of the jury.

Penalties on offenders.

Sec. 11. Be it enacted, That each non-commissioned officer or private, who shall have been or may be armed by the public, shall be fined fifty cents for each article of his accoutrements which shall be out of order; and it shall be the duty of the captain or commanding officer of every company armed as aforesaid, to note down at every muster, each and every breach of this law, and make report of the same to the battalion court of enquiry.

Fines for not keeping arms, &c. in order.

Sec. 12. Be it further enacted, That it shall be the duty of every captain, in the hands of whose company, there are or may be public arms, at the next April muster, and at every subsequent muster, to examine the same, and make report of such arms as are out of order, to the colonel commandant, whose duty it shall be to have the same repaired, the expense of which, shall, by order of the colonel, be paid out of the militia fines of the regiment; or any oney in the treasury proceeding from militia fines, not heretofore appropriated.

Captains to examine arms and make report.

Sec. 13. The executive shall cause such public arms in the city of Richmond, as need repair, and are worth repairing, to be immediately repaired at the armory.

Executive to have arms repaired.

Sec. 14. It shall be the duty of all militia officers, justices of the peace, sheriffs, sergeants and constables, to seize all arms, that they shall have cause to believe belong to the state, and are sold, given or carried away as aforesaid; and if any suit is brought against any such officer, for any such seizure, the onus probandi shall lie on the plaintiff, and the officer shall not pay any costs.

Duties of officers, &c. to prevent loss of arms.

Sec. 15. If any commanding officer of the company shall observe the arms in possession of any non-commissioned officer or private thereof to be injured or kept in bad order, he shall report the same to the next battalion court of enquiry, who shall assess a fine on such non-commissioned officer or private, of not less than two, nor more than twenty dollars, and he may at his discretion seize and take away such arms.

Fine for arms being in bad order.

Sec. 16. Any freeholder or house keeper, not being a quaker, dunker or menonist, refusing to receive public arms when tendered to him, shall forfeit twenty dollars for every refusal, to be assessed by the battalion court of enquiry, and it shall be the duty of the officer to repeat the tender of such arms from time to time as shall be convenient.

Quakers, Menonists and Dunkers not compelled to receive.

- Proviso.** Sec. 17. Nothing in this act shall be construed to prevent arming the militia by entire companies.
- Commencement.** Sec. 18. This act shall be in force from the passage thereof.

CHAPTER XXXI.

*An ACT concerning the Public Guard, and for other purposes.*

[Passed January 22d, 1807.]

- Act establishing guard repealed.** Section 1. BE it enacted by the General Assembly, That the act "For continuing a guard in the city of Richmond," passed the seventeenth of January, eighteen hundred and four, shall be and the same is hereby repealed.
- Executive to appoint persons to sell provisions, &c.** Sec. 2. And be it further enacted, That the Executive be authorised to appoint some proper person to sell at auction, all the provisions, clothing and other materials on hand, purchased for the use of the said guard, who upon paying the proceeds of such sales into the treasury, shall for his trouble receive such compensation as the Executive may deem to be adequate.
- Person so appointed to give bond, &c.** Section 3. And be it further enacted, That the person so appointed to sell as aforesaid, shall give bond with approved security to the Governor and his successors, to pay the amount of the said sales, into the public treasury, within a time to be limited by the Executive, and if the person so appointed shall fail to make the payment as aforesaid, a speedy remedy shall be had, by way of motion against him and his security on the said bond, in any court of record in this commonwealth, for the recovery of the amount of the said sales, with interest thereon and costs, provided the obligor and his security, or such of them as judgment shall pass against, shall have had ten days notice of such motion.
- Governor authorised to offer barracks to trustees of female academy.** Sec. 4. And be it further enacted, That the Governor be authorised to offer to the trustees of the academy for female education in the city of Richmond, the use of the house formerly occupied by the public guard as barracks, until further provision concerning the same be made by the Legislature.
- Executive may dismiss officer for good cause.** Sec. 5. And be it further enacted, That at any time before the commencement of this act, the Governor with the advice of Council, is hereby authorised and empowered to dismiss from service any commissioned officer of the said guard, who may be deemed incompetent to the discharge of his duty, or who may be guilty of conduct unbecoming the character of an officer; and to supply any vacancy created by such removal.
- Commencement.** Sec. 6. This act shall commence and be in force from and after the first day of January next.

CHAPTER XXXII.

*An ACT granting to Alexander Burton the duplicate of a lost Certificate.*

[Passed December 17th, 1806.]

- Preamble.** WHEREAS it appears that Robert Burton, one of the executors named in the last will and testament of William Burton, deceased, died on the seventeenth day of May, one thousand seven hundred and eighty, pay into the public treasury of this state, the sum of thirty-one hundred and ninety three dollars, to be applied to his credit in account with James and Robert Donald and company, British subjects, according to the sequestration law; that the original receipt was lost; and it was after various advise by the Executive that a new one be given, which being also lost, the treasurer was not at liberty to issue a new certificate.
- Duplicate certificate granted to A. Burton.** Section 1. BE it therefore enacted by the General Assembly, That the treasurer shall be, and he is hereby authorised and required to settle and liquidate the sum so deposited by the said Robert Burton, executor as aforesaid, and to grant to Alexander Burton, executor of Jesse Burton, deceased, who was the acting executor of William Burton, deceased, a certificate therefor, in the same manner as is directed by the act, entitled "An act making provision for the repayment of monies paid into the the treasury, in pursuance of an act for sequestering British property, enabling those indebted to British subjects to pay off such debts, and directing the proceedings in suits where such subjects are parties," upon the said Alexander Burton, executor as aforesaid, giving bond and security to indemnify the commonwealth against any damage which may accrue from the issuing thereof.
- Commencement.** Sec. 2. This act shall commence from and after the passing thereof.

CHAPTER XXXIII.

*An ACT altering the Court day of Caroline County.*

[Passed December 17th, 1806.]

- Court day of Caroline changed to 2d Monday.** Section 1. BE it enacted by the General Assembly, That henceforward the court of Caroline county shall be holden on the second Monday in every month, instead of the times at which it has heretofore been holden; and that shall be the return day of all process which shall be issued from the said court.
- Commencement.** Sec. 2. This act shall commence and be in force from and after the first day of May next.

CHAPTER XXXIV.

*An ACT making an appropriation for the payment of a public debt due to the Representative of Doctor Thomas Walker, deceased.*

[Passed December 17th, 1806.]

- Sum of money paid representative Dr. T. Walker.** Section 1. BE it enacted by the General Assembly, That the sum of three thousand five hundred and twenty nine dollars and fifty-seven cents, of any money now in the public treasury, shall be and is hereby appropriated to the payment of a claim, which, by a decree pronounced by the high court of appeals on the tenth day of November last, hath been decided in favor of Hugh Nelson, executor of Francis Walker, deceased, who was executor of Thomas Walker, deceased, against the commonwealth.