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Acts Not in Hening's Statutes, 1702-1732, with a Biographical Sketch of William Waller Hening

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ACTS NOT IN HENING'S STATUTES, 1702-1732,
WITH A
BIOGRAPHICAL SKETCH OF WILLIAM WALLER HENING

A Thesis
Presented to
the Faculty of the Department of History
The College of William and Mary

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts

by
Waverly Keith Winfree
May 1959
APPROVAL SHEET

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the requirements for the degree of
Master of Arts

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May 1959
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PREFACE

For several years now, while working in the Archives Division of the Virginia State Library, my respect for William Waller Hening as editor of *The Statutes at Large*, has steadily increased due to my frequent use of his work. The choice of his life and work for my thesis topic was originally suggested by Mr. William J. Van Schroe ten, State Archivist of Virginia, also an admirer of Hening, who has unselfishly aided me in every way possible; and I express my thanks to him.

Also, I am obliged to Mr. Lester J. Cappon, Director of the Institute of Early American History and Culture, for his suggestions and assistance, and his direction of my thesis.

Lastly, I wish to thank all my teachers, associates, and friends for their assistance and encouragement.
CHAPTER I

WILLIAM WALLER HENING

William Waller Hening, the son of David and Mary (Waller) Hening, was born in Culpeper County, Virginia, in 1767. He was one of at least four children in a family of lower middle-class farmers, so the tax records indicate. Of his early life, nothing is known prior to his application to practice law before the Fredericksburg District Court in April 1789. Since there is no record of his attending the College of William and Mary, and it is unlikely that his parents' meager finances would have permitted a formal education elsewhere, he probably received his legal training as a clerk in one of the numerous law offices in the vicinity of Fredericksburg, according to the custom of the time.

As a novice, Hening appears to have been reasonably successful with his practice of law. In June 1790, he was admitted to the bar of Stafford County Court and, by 1793, he had extended his practice as far distant as Fauquier County. The degree of his success can be measured to some extent by his accumulation of property. A resident of Spotsylvania County in 1789, he was taxed for a personal estate of two slaves and two horses; the next year, he paid
the levy for six slaves and four horses. The amount of his personal property fluctuated somewhat from year to year during the earlier part of his life, but its value was on the increase. While he was a resident of Fredericksburg in 1791 and 1792, he acquired his first real estate, two adjoining tracts of land in Spotsylvania County containing more than two hundred acres, purchased in March 1792. It is possible that some of Hening's property came by his marriage to Agatha, the daughter of Girard and Frances Banks of Stafford County in 1790, for the Banks family was fairly prominent and owned considerable landed property. The Henings had two sons and five daughters.

Early in 1793, Hening moved his residence from Fredericksburg to a farm in Albemarle County south of Charlottesville and took the required oath as an attorney in the county court. Here he became sufficiently well acquainted with Thomas Jefferson to ask him the following year to revise several sheets of the manuscript of his forthcoming publication, *The New Virginia Justice.* This work, in which he must have been engaged for a considerable time, was designed as a handbook for justices of the peace in Virginia. The authority and duties of the office, deriving from both federal and state laws, were described in detail with an appendix containing most of the approved forms for legal documents. The first edition, financed
entirely by private subscriptions, was published in Richmond in 1795. It was widely accepted and distributed throughout Virginia; a reprint in 1799 was subsidized by the state government. The financial returns from the first printing seem to have been gratifying to Hening and he estimated that he would receive in the neighborhood of $3,000 from the second printing.

Within a short time, the usefulness of Hening's work was greatly impaired by numerous and significant changes in state laws, particularly in the penal code. To meet this condition he prepared a corrected and revised edition of The Virginia Justice, published in 1810. Again in 1819, when the laws of Virginia were codified, a third edition of the book became necessary and promptly appeared the following year. When this edition was depleted, the state legislature in 1825 granted Hening a contract for three thousand copies, with the intention of furnishing a copy to every justice of the peace in Virginia. Hening sold this contract to Peter Cottom, a Richmond book dealer. Upon delivery of the volumes and examination of them by a committee of the governor's council, some of the copies were found to be defective. Since a provision of the contract declared that all the volumes must be delivered at the same time, the entire lot was rejected. Hening immediately expressed his approbation of the council's decision and
requested a duplicate contract. For this action, the
governor severely reprimanded him and, of course, denied
his request. The defective volumes were subsequently re-
placed by Cottom to the satisfaction of the governor and
council.\textsuperscript{16} The House of Delegates discussed a republication
of the work in 1832, but no action was taken on the
matter.\textsuperscript{17} In 1844, someone, attempting to take advantage
of Hening's name, filed the title, \textit{The New Virginia Justice},
for copyright; however, no copy of this projected work ever
appeared.\textsuperscript{18}

In Albemarle County, Hening built up a substantial
law practice and consistently added to his personal estate.
By 1799, he owned fifteen slaves and five horses;\textsuperscript{19} But,
after six years residence in the county, he still owned no
land. This state of affairs may seem somewhat unusual for
a prominent Virginia lawyer, but in October 1798, he wrote
to his brother-in-law in Philadelphia, Henry Banks, about
"contemplating a removal to Kentucky, and I wish to have no
ties in the country to prevent it."\textsuperscript{20} The reasons for such
a removal and why it never took place are unknown, but his
plans seem to have been abandoned by 1800, when he acquired
title to a five-hundred-acre farm in Albemarle County and
a town lot in Charlottesville. About this time, he began
to deal in real estate, apparently with little success, on
several occasions slaves were used as security for invest-

ments and were subsequently lost. In 1803, Hening's land holdings in Albemarle amounted to nearly one thousand acres, while his personal property was substantially reduced; numerous mortgages and deeds of trust on his property are found in the records of the county court. Ownership of a distillery, with which his name was associated for several years, was acquired in 1805. Little is known of its operation except it had been abandoned by 1816, when the building was converted into a dwelling and occupied by a tenant.

Hening apparently became affiliated with the Masonic Order shortly after he moved to Albemarle, and rose rapidly to leadership in the local lodge. For several years he represented the Door to Virtue Lodge No. 44 at the annual conventions held in Richmond. Between 1801 and 1811, he was elected to all the state organization's major offices: senior warden, deputy grand master, grand master, and grand high priest.

Hening's legal publication, his practice of law, and other activities established him as a leading citizen of his community. This fact is evidenced by his election to represent Albemarle County in the Virginia House of Delegates in 1804. Immediately upon taking his seat as a "freshman" delegate, he became extremely active in legislative affairs. He was appointed to several standing committees and was frequently called on to assist in preparing
bills and resolutions. Most of his work of this nature was concerned with matters of the judiciary, but in some cases, it ranged from "restraining fraudulent practices of tenants" to "the navigation of the James River." On one particular occasion, he, and several other members, were appointed to a committee to consider a proposal to the governor for the establishment of a state university. Hening sought the opinions and advice of leading state officials on this question, as he did on many others, before the final recommendations were submitted to the House.

The following year, Hening's constituents re-elected him to the House of Delegates and he continued to take an unusually active part in its proceedings. During the relatively brief period of his service in that body, less than two sessions, he won the confidence and respect of his fellow legislators. On December 22, 1805, he was elected by joint ballot of both houses to serve as a member of the Council of State, an office designed as a check on the powers of the governor. A rule of the House declared that the appointment of one of its members to the executive or judicial branch of the government disqualified him from sitting or voting in the legislature. Hening continued to occupy his seat in the House, with the intention of joining the governor's council at the end of the session. When the constitutionality of the matter was questioned, he requested
a suspension of the rule; however, a majority of the House voted for its enforcement. Hening had no alternative but to submit reluctantly, on January 3, 1806, his resignation as a delegate from Albemarle County. The following day, he presented his credentials and qualified as a member of the Council of State.27

Regular attendance at the meetings of the governor's council was mandatory and, since it met frequently throughout the year, Hening was obliged to move his residence to Richmond. There is some speculation about the date of this move, but it must have been completed early in 1806,28 about the time he began collecting materials for his major work, The Statutes at Large of Virginia.

Also, about this time, Hening and William Munford announced their intention of publishing The Reports of Cases Argued and Determined in the Supreme Court of Appeals of Virginia.29 They collaborated in the publication of four volumes in this series, covering the years from 1806 to 1810. The editors, judging from previous sales of similar works, had only a limited number of copies of the first volume printed in 1806; but within less than nine months, the popularity of the work called for a second printing. An additional volume appeared each succeeding year until 1811, when Hening withdrew from the undertaking.30 For the first time in the history of legal reporting, Hening
and Munford issued advanced sheets of the decisions shortly after they were rendered by the court; however this practice lasted only one year. These two men also worked together compiling and editing the Virginia Revised Code of 1819, a complete codification of state laws, supervised by Benjamin Watkins Leigh.

Despite Hening's duties as a member of the governor's council and his work on legal publications, he found time to serve as Deputy Adjutant General of Virginia from 1808 to 1814. This office offered no particular social or political prestige and was probably desired by him to supplement his income. Most of his work in this capacity was devoted to correspondence, keeping accounts, and preparing annual reports to the governor on the condition of the militia. A pamphlet, The Militia Laws of this Commonwealth and of the United States, issued in 1808, was perhaps done in connection with that office. On one occasion, he was sent to Washington to confer with officials of the Treasury and War Departments concerning Virginia's claims against the United States for the impressment of state militia companies into federal service after the British attack on the "Chesapeake" off the Virginia coast in 1806. As the state of affairs between the United States and Great Britain became more intense and eventually culminated in the War of 1812, the work of the Adjutant General's office
was greatly increased, as evidenced by the large number of letters drafted by Hening, inquiring into the status of military organizations in Eastern Virginia and directing their conduct. For this labor he received no additional compensation. The governor and House of Delegates censured him on January 14, 1814, for exceeding his authority in this position. This embarrassing incident, as well as the increased duties of the office, led to his resignation shortly thereafter.

The last governmental position held by Hening was Clerk of the Superior Court of Chancery for the Richmond District. He was appointed by the Chancellor of the Court on August 1, 1810. Wishing to avoid a controversy similar to that which had occurred at his election to the Council of States, he promptly submitted his resignation as a member of that body. In the new position, which he held until his death approximately twenty years later, he was able to continue his activities as Virginia's most voluminous legal writer of the time. Data for the publication of *The American Pledger* and *Lawyer's Guide* had been collected by him for a number of years. This work approached the dimensions of a law text book and won widespread popularity. The first volume was issued in 1811, and the second in 1826; a third volume was planned, but never published. In addition to the previously mentioned works, Hening
edited three volumes of legal precedents and procedures. The first American edition of Richard Francis' *Maxims in Equity* appeared in 1823. The next year, Hening's editions of Thomas Branch's *Principia Legis et Aequitates* and William Noy's *Grounds and Maxims of the Laws of England* were published.

For Hening, the practice of law seems to have been his most profitable undertaking, as evidenced by his accumulation of property in Fredericksburg and Albemarle. However, it appears that he gave up this profession when he moved to Richmond in 1806, since he never applied for admittance to the bar of any court in the area. From a financial standpoint, this was clearly an unwise decision, for as time passed, the value of his personal property gradually declined, except for one instance in 1817, when slight additions were made to his estate. In Richmond, he lived in rented houses until 1818, when he purchased a four-story brick house on Grace Street. To complete this transaction, it was necessary for him to give a mortgage on the property for more than $10,000. The next year, title was acquired to an adjoining lot by giving a deed of trust on the house. Apparently, he expected to meet the financial obligations contracted for this property with the returns from his publications, but these returns were not sufficient. By 1825, he had contracted nineteen
loans for the satisfaction of his creditors; and eventually his house furnishings, library, and even the fees of his office as clerk of the court were mortgaged. In October 1825, all of his property was taken by order of the court, except a part of one of the lots on Grace Street, which he had previously deeded to one of his sons, a fairly prominent Richmond physician. His other son was an Episcopal minister.

After the loss of all of his property, Hening resided with his son, the physician. The burden of his debts may have made him disconsolate, for he died of intemperance two and a half years later, on April 1, 1828, at his son's home. He was buried in Shockoe Cemetery. His widow survived him by only nine days.
NOTES ON CHAPTER I

1. In a report to Wm. Cunningham & Co., British merchants, from Wm. W. Hening, attorney at law, 1802, the following information is given: "Nathan Turner died shortly before the peace in Culpeper a very old and very poor man. . . . He lived on the land of my father from the earliest period of my recollection 'till his death, rent free on account of his honesty and extreme poverty. From my own knowledge Nathan Turner having lived in sight of my father's house, from sometime before the war, till his death, I can speak with accuracy as to his situation." British Public Record Office, Microfilm Roll #121, p. 65, Library of Congress. The will of Jane Waller Markham, attached to Land Office Military Certificate #6503 in the Virginia State Library, mentions her sister Mary Hening. David Hening is the only man of that surname with a wife, Mary, mentioned in the Culpeper County Court Records, 1765-1798, microfilm copies in the Virginia State Library. According to the obituary in the Richmond Constitutional Whig, April 12, 1828, p. 3, William Waller Hening died in the 61st year of his age.

2. Culpeper County Personal Property and Land Books,
1782-1798, Virginia State Library, Richmond, Virginia.
(All county and city personal property and land books hereafter cited are original manuscripts in the Virginia State Library.)

(All county and city court records hereafter cited are on microfilm in the Virginia State Library.)


7. Fredericksburg City District Court Order Book A, 1789-1793, pp. 331-335.

8. Stafford County Scheme Book L & D Orders, 1790-1793, p. 85.

9. Stafford County Personal Property and Land Books, 1785-1795.

10. Albemarle County Order Book, 1791-1793, p. 343.


19. Albemarle County Personal Property Book, 1799.


27. Ibid., 60.

28. Richmond City Land Book, 1806.


30. Ibid.

31. Ibid.


33. Swem, "Virginia Bibliography, Part II," p. 117.


36. William W. Hening to James Barbour, August 1, 1810, Executive Papers, Virginia State Library.


Records of Shockoe Cemetery located at Richmond City Home,
Microfilm copy in Virginia State Library.
CHAPTER XI

THE STATUTES AT LARGE

A short while after Hening moved to Richmond in 1806, he began to make plans for his major work, The Statutes at Large; Being A Collection of All the Laws of Virginia, From the First Session of the Legislature in the Year 1619. During the period from 1806 to 1823, the preparation of these thirteen volumes must have consumed a good part of his time. Although Hening was the first person to begin the actual work, a similar publication had been suggested by the state legislature as early as 1795. "With men of liberal and enlarged minds, it had long been a subject of serious regret that no legislative means were adopted for the preservation of our ancient laws, so very essential to a correct view of our history, and on which so much property depended." It was the question of property titles that promoted the passage of an act:

That a collation be made of all and singular the laws and parts and clauses of every law, whether private or public, relative to all and singular the lands, tenements and hereditaments whatsoever, or any of them within this commonwealth, at any time heretofore passed, and enacted from the first settlement of Virginia, until the first day of October, in the year one thousand seven hundred and ninety three, . . . 2
The act limited the proposed publication to one thousand copies and also ordered a distribution to appropriate state and county officials. The remaining volumes were to be sold to reimburse the public treasury for the cost of publication.3

The legislature appointed a committee, consisting of George Wythe, John Brown, John Marshall, Bushrod Washington, and John Wickham, to put the act into effect. Since it was generally known that Thomas Jefferson owned the most complete set of Virginia laws in existence, the chairman of the committee, George Wythe, addressed a letter to him requesting the use of his collection for the publication. Jefferson immediately consented and "gave such cogent reasons for extending the publication so as to embrace all our laws, that the committee, declined entering upon the object of their appointment, till the sense of the legislature could be taken on this more enlarged plan."4 At the next session, the legislature suspended the act for one year. Then the matter seems to have been forgotten, since no further action was taken on it until 1800, when Governor James Monroe recommended a state publication of all Virginia laws. The House of Delegates passed a bill complying with the governor's recommendation, but the Senate offered an amendment to it. On the return of the amended bill to the House for approval, somehow it was
lost; thus, the important work was again delayed.

The indifferent and negligent attitude of the state legislature in regard to the publication of Virginia laws at this time offered little hope of financial assistance. Therefore, Hening began to consider undertaking the project at his private expense. For approximately twenty years, he had collected "fugitive session sheets" of the laws and now his collection was complete as far back as 1769.

Requests made to various state officials, county clerks, and private citizens for the use of materials in their custody were generously granted; and on December 26, 1806, he wrote to Jefferson:

I have it in contemplation to undertake the publication of the Statutes at Large, . . . .
But knowing that whoever undertakes a work of that kind must be, in a great measure, dependent upon you for material, I am unwilling to commit myself until I know how far I may rely on you for assistance. . . . 8

Shortly thereafter, Jefferson answered:

The only object I had in the making of my collection of the laws of Virginia, was to save all those for the public which were not already lost, in the hope that at some future day they might be republished. Whether this be by public or private enterprise my end will be equally answered. . . . Any of . . . [my volumes] which you do not possess are at your service. . . . I shall have no doubt of the exactness of your part of the work. . . . 9

With Jefferson's approbation and assurance of support, Hening became more determined to proceed with the
work. However, the major problem remained, that of financial assistance. Although he received a great number of private subscriptions, he was still somewhat apprehensive about the undertaking. The expense was more than he could bear and the risk too great to be encountered by any one individual. On December 27, 1807, Hening submitted a petition to the General Assembly requesting that it "authorize a subscription, on public account, for so many copies as will insure completion of the work, or provide in such other manner as their wisdom may direct for the attainment of the same object." Accordingly, the legislature enacted a bill, on February 4, 1808, giving its sanction to the work by empowering the governor to subscribe to one hundred and fifty copies.

Immediately after this enactment, Hening began to assemble data for his publication. The only copies in America of many of Virginia's earliest laws were in Jefferson's collection, a majority of which were manuscripts contained in several bound volumes. One of these volumes was so badly deteriorated that its owner believed it could "never be opened but once without falling into powder." At first, he was reluctant to allow his manuscripts to leave Monticello for fear of loss or damage in transit by inadequate public conveyance. Hening attempted to have the laws transcribed in Charlottesville under the super-
vision of President Jefferson, but the President's public duties would not allow such an arrangement. Therefore, on June 7, 1808, Jefferson carefully packed all of the manuscripts he considered likely to contribute to the publication and dispatched them to Richmond "by water." 13

All the documents printed in the first volume of The Statutes at Large, as well as a large part of those in the second, were copied entirely from manuscripts. Since some of the manuscript volumes covered overlapping periods of time, a great deal of collating was necessary to work the individual acts and documents into their proper sequence. In view of the disorganized state of some of the original materials, this phase of Hening's work was remarkably well done. Only in one instance has an error in the chronological arrangement of the material been discovered; and this was caught by the editor, himself, too late to make the correction; however, he pointed out the error in his preface to the first volume. 14

Hening endeavored to have each act and document printed exactly as it appeared in the original manuscript, for he believed that nothing could "be more improper," in transcribing from an original, than to vary the spelling of words to suit the fluctuations of a living language." 15 He contrasted his method of editing with that of other contemporary editors by this analogy: "It would be just as proper
for a painter in copying the picture of an ancient Turk with his mustachoes, to give him the beardless face of a modern American Indian." When the text of one of the overlapping manuscripts varied from that of another, Hening noted the different readings of the same document in footnotes, in accordance with Jefferson's suggestion. Also, act or chapter numbers were copied as they appeared in the manuscript for the early sessions of the legislature even though Hening was certain they had been assigned be a transcriber, since it was not customary to number the individual acts until a later date.

Printed codes, revisals, and session acts served as the major sources for the third through the thirteenth volumes of *The Statutes at Large*. Although Hening and Jefferson were the persons most familiar with early Virginia laws, some printed materials were not accessible and others escaped their attention altogether. They knew of a revisal of Virginia laws, made in 1662 and printed in London, but neither man had ever seen a copy, and they believed that none was extant. A similar work, *Acts of Assembly Passed in the Colony of Virginia from the Year 1662*, containing most of the public laws passed up until 1715, had been published in 1727. A second edition with only slight differences from the first appeared the following year, but Hening and Jefferson never intimated that they knew of
either edition. Beginning in 1734, session acts were
printed annually in Virginia. Hening did not have access
to these for the sessions of 1747 and 1748, although there
were several sets in existence.

The publishers of the codes and revisals, which
Hening used, omitted the texts of all the acts of a private,
local, or temporary nature. Hening followed much the same
practice by printing only the titles when the texts could
not be supplied from the session laws. While working on
the second volume, he discovered that copies of the missing
acts could be acquired in England, but the expense of such
acquisitions and the lateness of this discovery prohibited
publication in their appropriate places. From the session
of 1750 to the session of 1792, all the acts of the colonial
and the state legislatures, as well as the ordinances passed
by Virginia's Revolutionary Conventions, were printed in full.
It was the editor's intention to include the missing acts as
an appendix to his final volume, and he also planned a gene-
ral index to the entire work. In 1823, an act of the legis-
lature "so limited the number of volumes, . . . as to . . .
preclude the admission of these improvements which the editor
was sincerely desirous to introduce."21

An act of Assembly in 1808, which authorized the
publication of The Statutes at Large, also provided for a
method of authentication for Hening's work. Before the
books could be accepted on equal authority with established Virginia law, at least one copy of each volume had to be compared for accuracy with the original material from which it had been copied. The General Assembly appointed Creed Taylor, William Wirt, and William Munford, "or any two of them,"\textsuperscript{22} to perform this duty. These men, members of the governor's Council, examined the first four volumes, and possibly the fifth, according to the directions of the act. After 1819, authentication in the same manner was allowed by any two members of the Council.\textsuperscript{23}

In a work of this nature, errors inevitably crept into the text during the transcribing. Considering the scope of the work, the atrocious and varied seventeenth-century hand writings, and the changing usages of words, Hening did a meticulous job on this score. A list of "Errata," containing all the errors discovered by the examiners, was later inserted in each volume. Only in one case was any change recommended by the governor and council; and this was in regard to the preface to the eighth volume. It is not known what the governor found objectionable in the "first" preface, but Hening apparently substituted one which the governor proposed.\textsuperscript{24}

Throughout Hening's work on The Statutes at Large, financing the project was his greatest problem. Under the act of 1808, only three hundred and fifty copies of each
volume were printed: one hundred and fifty for the state and two hundred for private subscribers. The subscription price of $5 per volume scarcely paid the printer's charges, leaving Hening little remuneration for his labors. It has been assumed that the work was a state publication; however, this was not the case. Samuel Pleasants, printer for the Commonwealth, issued the first four volumes under private contract with Hening. The fifth volume was in the advanced stages when the publication was temporarily halted because of shortage in printing materials caused by the War of 1812. Before the work could be resumed, the death of the printer occasioned another delay.  

On September 15, 1816, Jefferson wrote to Hening, "anticipating the next [fifth] volume." A legislative committee, appointed in 1817 to codify Virginia laws, issued a report strongly recommending the continuance of The Statutes at Large. Hening presented these two documents to the General Assembly of 1818, asking the legislators to subscribe to a sufficient number of copies to insure the completion of the work. As an alternative, he offered to allow the public printer to finish the work, upon the state's granting him reasonable compensation for his efforts. The legislators chose the former method and, on March 10, 1819, enacted a bill empowering the governor to subscribe to eight hundred copies of each volume. A
limitation of one thousand copies was placed on the publica-
tion, the sole power of copyright being vested in the state.

The work proceeded; by the end of 1819, the fifth and sixth volumes had been completed. When financing still remained a problem, several advances from the state treasury were generously granted to Hening to facilitate his labors. The act of 1808, directed the governor and council to receive only one volume of The Statutes at Large during any one year. This legal obstacle delayed the work somewhat, for at this time, Hening estimated that he could prepare for publication at least four volumes per year. When the ninth volume was completed and delivered in March 1822, it was immediately examined and approved, but payment for it was delayed until the following January. Since Hening was not a wealthy man, he could not afford to allow his capital to lie idle in this manner.

To expedite the completion of his work, Hening made a proposal to the General Assembly on December 4, 1822. Reminding the legislators that only a limited number of copies of the first four volumes had been printed, he offered to republish them at $2.50 per copy. He suggested that six hundred and fifty copies of each be made in order to complete the sets, since the state owned a large surplus of the fifth through the ninth volumes, while its sup-
ply of the first four had been long depleted. The act of 1819, which revived the publication, directed that five hundred copies of the fifth and subsequent volumes be sold. Apparently there was little demand for the work, so Hening reasoned, "no person will buy a broken set of books at any price." As an added inducement, he offered to publish the tenth through the thirteenth volumes at $4 per copy, and later he reduced the offer to $3 per copy.

The legislature, realizing the great economy of this proposal, readily enacted it into law on January 23, 1823. By the end of the year, the tenth through the thirteenth volumes had been published, as well as the second edition of the first three. The second edition of the fourth volume bears the publication date of 1820. This inconsistency in dating can be accounted for, since all except a few copies of the first printing above the number subscribed to by the state were destroyed in a fire at the bindery in Petersburg in 1815. The second edition was made to supply Hening's private subscribers, and also sufficed to furnish the state the number provided for under the act of 1823.

With the publication of his thirteenth volume late in 1823, Hening announced the termination of his "engagements with the public." Already the work had been expanded to several volumes more than he had originally intended.
Jefferson suggested his editing a supplementary work of early state papers and historical documents, but this undertaking was declined. The scarcity of the session acts of 1793 through 1806 necessitated a continuation of The Statutes at Large. This work in three volumes, edited by Samuel Shephard under basically the same legislative arrangements as Hening's work, was published in 1835 and 1836. Often they are cited as the fourteenth through the sixteenth volumes of Hening.

For approximately twenty years, Hening was actively engaged in editing The Statutes at Large. His devotion to his work and his desire to see it completed cannot be overestimated. When he began the publication, he owned a modest personal estate; yet when it was completed, he owned virtually nothing. In part, these financial reversals may be traced directly to the publication, since Hening received relatively little compensation for his labors and his fortunes generally declined during its progress. While he was sacrificing his personal wealth, he was erecting a lasting monument to himself, a work respected by contemporary lawyers as much as it has been by each succeeding generation of historians.

It is evident that Hening had the historian in mind when he compiled his work, for he pointed out some of the errors with which all of the histories of Virginia abounded. Many of these errors, as Hening believed, could be traced
to the "gross ignorance or wilful misrepresentation of English historians," while he attributed the similar deficiency of native historians to the scarcity of materials. Commenting on the affairs in Virginia during the period of the English Commonwealth, he wrote, "The whole of the period is either enveloped in total darkness, or has been most inaccurately represented by every historian who professed to depict it." Appropriately enough, on the title page of every volume appears the following adage:

The Laws of a country are necessarily connected with every thing belonging to the people of it: so that a thorough knowledge of them, and of their progress would inform us of every thing that was most useful to be known about them; and one of the greatest imperfections of historians in general, is owing to their ignorance of law.


A TABLE OF THE VOLUMES AND EDITIONS OF THE STATUTES AT LARGE

- The Statutes at Large (1619-1660) Vol. I, Richmond, 1809.
- The Statutes at Large (1660-1682) Vol. II, Richmond, 1810.
- The Statutes at Large (1682-1710) Vol. III, Richmond, 1812.
- The Statutes at Large (1711-1736) Vol. IV, Richmond, 1814.
<table>
<thead>
<tr>
<th>The Statutes at Large</th>
<th>(1738-1748) Vol. V, Richmond, 1819.</th>
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<td>The Statutes at Large</td>
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<td>(1779-1784) Vol. X, Richmond, 1822.</td>
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<td>(1782-1784) Vol. XI, Richmond, 1823.</td>
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<td>The Statutes at Large</td>
<td>(1785-1788) Vol. XII, Richmond, 1823.</td>
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NOTES ON CHAPTER II

3. Ibid.
5. Ibid.
8. Wm. W. Hening to Thomas Jefferson, December 20, 1806.
10. Legislative Petitions, Richmond City, December 27, 1807, Virginia State Library.


15. Ibid.

16. Ibid., xi.

17. Ibid., 123.


19. Ibid., 62. The Virginia State Library has copies of both editions.


21. Hening, Statutes at Large, XIII, iii.


23. Ibid., 1818, p. 15.
24. Journal of the Council of State of Virginia,
1821-1822, p. 71, Virginia State Library.


26. Ibid.; Hening, Statutes at Large, IV, iii.

27. Thomas Jefferson to William W. Hening, September 15, 1816.


30. Wm W. Hening to Thomas Jefferson, August 19, 1820.


32. Legislative Petitions, Richmond City, December 4, 1822, Virginia State Library.


34. Journal of the Council, 1822-1823, passim.

35. Hening, Statutes at Large, IV, iii.

36. Ibid., XIII, iii.


38. Hening, Statutes at Large, I, xiii.
BIBLIOGRAPHICAL ESSAY

The study of the life and work of William Waller Hening is made difficult by the scarcity of source materials concerning his activities. It seems strange that so little information has been uncovered about this man who had such an intense desire to preserve historical documents and papers. What became of his personal library is not known. Data gathered from many different sources make up the biographical part of this thesis.

The archival collections in the Virginia State Library in Richmond, Virginia are the richest sources on the life of Hening. County and city court records (on microfilm) give information on his family connections, legal practice, property holdings, and financial difficulties. Personal property and land books serve a like purpose. Executive papers and entries in the Journals of the Council of State, 1806-1826, reveal his activities as a member of that body as well as his relationship with the state regarding The Statutes at Large. Legislative petitions from the City of Richmond in 1807 and 1822 prove Hening's devotion to this work.

Miscellaneous documents and records, also located in the Virginia State Library, containing data on Hening include insurance policies with the Mutual Assurance Society
of Virginia and the Records of Shockoe Cemetery in Richmond. The Banks Collection and the Thomas Keith Execution and Receipt Book, both in the Virginia Historical Society, give helpful information. In the Jefferson Collection in the Library of Congress are forty-one letters between Jefferson and Hening (typescript copies of which are in the Virginia State Library); these deal with manuscripts borrowed by Hening for work on The Statutes at Large and also give valuable data on the progress of the work. Information in the British Public Record Office (microfilm copies in the Library of Congress) helps to establish Hening's parentage and birthplace. An obituary in the Richmond Constitutional Whig, April 14, 1828, establishes his birthdate.

One useful letter regarding Hening's activities in the House of Delegates is found in the Tucker-Coleman Papers in Colonial Williamsburg.

Printed state documents are informative on Hening's varied activities with the state government. The Journals of the House of Delegates, 1800-1832, show him as a legislator and give data on his publications. Acts of the Assembly (1808, 1819, 1823) give the state's sanction of his work, while the Calendar of Virginia State Papers (X, 4-9) includes information on him as deputy adjutant general.

The prefaces of some of Hening's publications are also helpful; the four editions of The New Virginia Justice
(1795, 1810, 1820, 1825) and The Statutes at Large (especially Volumes I, II, IV, V, XIII) are most revealing. Earl G. Swem's "Bibliography of Virginia, Part II" Bulletin of the Virginia State Library, 1917, also gives information on the various volumes and editions. The sources used by Hening in the compilation of The Statutes at Large are described in John Stewart Bryan's "Report on Library and Legal Literature," in the Eleventh Annual Report of the Virginia Bar Association, 1898. The only secondary material of any value on Hening's personal life is a brief sketch in the Dictionary of American Biography (VIII, 537-538); and his work on The Statutes at Large is covered reasonably well in William H. Martin's article, "Hening and The Statutes at Large," in the Virginia Law Register, XIII (May 1927). Hening's masonic activities are found in William Moseley Brown's Freemasonry in Virginia, 1733-1936.
ACTS NOT IN HENING'S STATUTES,
1702-1732
INTRODUCTION

For the sessions of the Virginia legislature during the first half of the eighteenth century, there were approximately one hundred and sixty acts and ordinances to which Hening did not have access; therefore, he printed only their titles. Although he knew that the texts of these documents could be acquired in England, the expense of such acquisitions prohibited their inclusion. All of the "missing acts" were of a private, local, or temporary nature. Their contents may seem relatively unimportant since they were omitted in the early codes and revisals; however, this is not the case. The desirability alone, of having complete copies of all enactments of our legislative bodies, dictates their being transcribed. And too, though they were private, local, and temporary enactments, the contents will aid any person studying economic, political, and social conditions in Virginia during the early eighteenth century. Neither divisions of counties and parishes, nor tax rates and other duties are recorded elsewhere; also, numerous bills to dock entails on property give data desired by the genealogist.
In connection with the celebration of the three hundred and fiftieth anniversary of the settlement at Jamestown in 1957, microfilm copies of the "missing acts" and a wealth of other material relating to colonial Virginia were procured from the British Public Record Office and other European depositories. Positive copies of these microfilms are now located in the Virginia State Library, Richmond, Virginia; the Alderman Library of the University of Virginia, Charlottesville, Virginia, and the library of Colonial Williamsburg, Inc., Williamsburg, Virginia.

In the Colonial Office 5(C.O. 5) series of the Public Record Office, are the original copies of Virginia laws which were sent to England at the end of each legislative session. The manuscripts are of various descriptions and in various handwritings. Usually all the acts for several sessions are assembled together under one classification number, such as "Virginia Acts, 1718-1726, C. O. 5/1397." In some cases for the earlier years, copies are only found in the governor's correspondence.

Beginning with the May session of 1702, Hening printed the first acts by title only. Between this session and the one of May 1732, there are one hundred and twenty-two documents treated in the same manner. The bulk of the present thesis is made up of transcriptions of these acts. Approximately thirty acts for the sessions of 1747 and 1748
are also printed by title only, but the Virginia State Library now has printed copies of the laws for these sessions.

Each document in this thesis has been transcribed as it appears in microfilm with a few exceptions. The original acts are almost devoid of punctuation; therefore, marks have been inserted sparingly for purposes of clarity. Varied and archaic spellings are left unchanged. Symbols, such as the per sign, that cannot be reproduced on the typewriter, have been spelled out. Generally abbreviations are left as they appear, but when their meaning may be questionable, the complete words have been inserted.

These one hundred and twenty-seven documents, most of which have never been copied before, will help to fill the gap in the early legislative enactments of Virginia. Perhaps, after more research is done, particularly for the first half of the seventeenth century, a supplementary volume to The Statutes at Large can be published to give us a complete set of all the laws ever passed in colonial Virginia.
TITLE LIST OF ACTS

1702 May

I. An Act for the Continuing, Meeting and Sitting of General Assemblies, in case of the Death or Demise of his Majesty, his Heirs and Successors.

II. An Act to prevent Masters of Ships or Vessels running away after Imbargoes laid.

AN ORDINANCE of Assembly for settling the dividing Lines between the Counties of Isle of Wight, Surry, Charles City, and Nansemond on the south side the Blackwater Swamp.

1702 August

II. An Act for Dividing Charles City County.

III. An Act Prohibiting Seamen being harboured or Entertained on Shore.

IV. An Act for Raising a publick Levy.

AN ORDINANCE for the Defence of the Country in Times of Danger.

1704 April

I. An Act to repeal the second Act of Assembly made in the year One thousand Six hundred and sixty four intituled an Act for the Frontiers to be seated with four able hands.

II. An Act to prevent Indians hunting and rangeing upon Patented Lands.

III. An Act for tareing and ascertaining the size of Tobacco Hogsheads.

IV. An Act reviving the Impositions on liquors, servants and slaves for one year and no longer.

V. An Act appointing a Treasurer.

VI. An Act for Removing Criminals from the Goals of the Counties where they shall be apprehended to the publick Goal at Williamsburgh.

VII. An Act for allowing a greater number of Publick Ordinaries.

VIII. An Act reviving the Act for the better improving the breed of horses and for restraining unruly horses.

IX. An Act for raising a publick Levy.

X. An Act for Dividing Sittenburne Parish.

XI. An Act for dividing St. Peters Parish in New Kent County.

AN ORDINANCE for defence of the Country in Times of Danger.
AN ORDINANCE empowering Mr. Henry Cary to make sale of the Country Houses in the City of Williamsburgh.

1705 April

I. An Act Permitting the Exporting and Disposing of Tobacco Packed in Old Cask.
II. An Act for Raising a Publick Levy.
III. An Act to Enable the Court of King and Queen County to Purchase Land to Build a Town.
IV. An Act for Naturalization of Claud Phillippe de Richbourg, Francis Ribot, Peter Faure, John Joanny, James Chapagne and others.
AN ORDINANCE for defence of the Country in Times of Danger.

1710 October

I. An Act for laying a Duty on Liquors and Slaves.

1711 November

IV. An Act to Enabel Francis Yeates of ye County of Richmond to Convey certain Entailed Lands to John Tayloe Gent. in Lieu of other Lands and Negros of greater value to be settled to the same uses.
V. An Act to Enable John Custis and Frances his wife to sell a Mill with certain Lands and Negros which are Entailed on the said Frances by the last Will and Testament of Daniel Parke Esqr. deced. for payment of ye Debts and Legacys of the said Daniel.

1712 October

II. An Act to continue an Act Entitled an Act for appointing Rangers and for Increasing their pay.
III. An Act for Continuing an Act Entitled an Act for Laying a Duty on Liquors and Slaves and for appropriating money Sufficient to furnish Nine hundred Yards of Duffells and one thousand Pounds for the service and Relief of North Carolina out of the said Duty and for appointing a Treasurer.
VI. An Act for raising a publick Levy.

VII. An Act to Enable William Manley Gent to sell and dispose of Certain Entailed Lands and Tenements in the County of Westmoreland On Settling other Lands and Tenements lying in the said County of which he is seized in Fee to the same uses.

1713 November

I. An Act for preventing frauds in Tobacco payments and for the better Improving the Staple of Tobacco.

II. An Act for Continuing an Act for Appointing Rangers and an Act to Continue an Act for Appointing Rangers and for Encroasing their pay and also to Impower the Lieut. Governor to Disband the Rangers and to Apply the Pay Appropriated for them to any other use which he shall think fit for the better security of the Frontiers.

V. An Act to continue an Act Entitled an Act for Supply of certain Defects found in an Act prescribing the Method for appointing Sheriffs.

IX. An Act to Impower John Holloway and John Clay-тон Gentlemen to receive of the Trustees for the City of Williamsburg And of all other persons whatsoever All Moneys by them Received for Lots of Land And otherwise for the benefit of the said City And the Sum of Two hundred and One pounds Nine shillings and Nine pence of Robert Carter Esquire and to Apply such Moneys to certain uses and Also Impowering them to keep accounts of the Governors house and Directing the Finishing of the same.

X. An Act for Raising a Publick Levy.

XI. An Act for Dividing St. Marys Parish.

XII. An Act to Enable William Smith Gentleman to Sell and dispose of Certain Entailed Lands and Tenements lying in the County of New Kent on Settling other Lands and Tenements Lying in King William County of which he is: seized in fee to the same uses.

1714 November

IV. An Act for Altering the day for Princess Ann County Court and the day for Essex County Court.

1715 August

I. An Act for the encouragement of such persons as have gone and shall go voluntarily into the Service of South Carolina.
II. An Act for Raising a Publick Levy.

III. An Act requiring the Vestry of ye Parish of Henrico to Build a Chappel in the said Parish.

1718 April

II. An Act to Impower Henry Beverley and others to build a Bridge over Dragon Swamp.

IV. An Act to enable Michael Meggison of the County of King and Queen Planter to Sell Certain Lands in the County of Gloucester entailed on him and the Heirs of his body upon his Setting other Lands of a greater Value to the same uses.

1718 November

I. An Act for Impowering the Treasurer of this Colony to put out at Interest a Sum not exceeding ten thousand pounds now in his hands.

II. An Act for raising a publick Levy.

1720 November

IX. An Act for raising a Publick Levy.

X. An Act for dividing St. Johns Parish in the County of King William.

XI. An Act for Enlarging Charles City County and for consolidating those parts of the Parishes of Westover and Weynoak on the North Side of James River and That part of Wallingford Parish on the West Side Chocohominye River.

XII. An Act to divide those parts of ye Parishes of Westopher and Weynoak which lye on the South Side of James River from those parts of the said Parishes which lye on ye North Side the said River, And for Uniting Westopher and Weynoak Parishes on the South Side of James River to Martin Brandon Parish in the County of Prince George and for Erecting a Chappel in Bristol Parish in the said County.

XIII. An Act for dividing the Parish of Henrico in the County of Henrico.

XIV. An Act for dividing Richmond County.

XV. An Act for dividing New Kent County.

XVI. An Act to Impower Henry Cary Gent. to finish the House of the Governor of the Colony and Dominion of Virginia.

XVII. An Act for altering the Day for Northampton County Court.
XVIII. An Act to Enable Abraham Cock to sell certain intailed Lands and for settling other Lands to the same uses.

1722 May

IV. An Act for the further Improving the Staple of Tobacco.
V. An Act for Amending the Act concerning Servants and Slaves and for the Better Government of Convicts Imported and for the further preventing the Clandestine Transportation of Persons out of this Colony.
X. An Act for amending the breed of Horses.
XI. An Act for raising a publick levy.
XII. An Act for the preventing of Swine going at large within the City of Williamsburgh or the Limits thereof.
XIII. An Act for the building a Church in the Parish of Accomack.
XIV. An Act for the Vesting the Fee Simple Estate of certain Lands in William Beverley of the County of King and Queen Gent. upon certain Considerations therein mentioned.
XV. An Act to Enable John Blinco to sell certain intailed Lands upon his settling other Lands to the same uses.
XVI. An Act to Enable Francis Smith to convey certain intailed Lands to John Spicer gent. in Fee Simple upon the said John Spicers conveying other Lands therein mentioned to the same uses.

1723 May.

I. An Act for laying a Duty on Liquors and Slaves.
V. An Act for the better and more effectual Improving the Staple of Tobacco.
VI. An Act for the better securing the payment of Levies and restraint of Vagrant and Idle people and for the more effectual discovery and prosecution of persons having Bastard Children.
VII. An Act for the Transportation of Dick and other Negro Slaves.
IX. An Act for raising a publick Levy.
XI. An Act for dividing St. Stephens Parish in the County of King and Queen.
XII. An Act for dissolving the parish of Wilmington in the Counties of James City and Charles City and adding the same to other parishes.
XIII. An Act for confirming the Title of John Fox Gent. to certain Lands formerly purchased of the Pamunkey Indians.

XIV. An Act for vesting the Fee Simple Estate of certain Intailed lands in William Meriwether Gent. and for vesting five Negro Slaves therein mentioned in Sarah Brechin and the heirs of her body.

XV. An Act for vesting the Fee simple Estate of certain Intailed Lands in Pierce Butler and Paulin Anderson And for vesting other Lands therein mentioned in Robert Stubblefield in Fee Tail.

1726 May

V. An Act for Reviving and Continuing Two Acts of Assembly therein mentioned.

IX. An Act for raising a Public Levy.

X. An Act to make the Secretary of the Colony of Virginia for the time being a Person capable in law to take and hold certain Lands therein mentioned and to make Leases thereof.

XI. An Act for erecting a Courthouse in Spotsylvania County.

XII. An Act for dividing the Parish of Saint Paul in Hanover County.

XIII. An Act to prevent Swine running at large within the Limits of the Town of Gloucester.

XIV. An Act to confirm the Title of Richard Randolph to certain intailed Lands and to settle other Lands of greater value and two Negro Slaves to the same uses.

1727 February

I. An Act for laying a Duty on Slaves imported And for appointing a Treasurer.

II. An Act for erecting a Light House on Cape Henry.

IV. An Act for the better and more effectual improving the Staple of Tobacco.

XV. An Act for ascertaining the Fees of Certain Officers therein mentioned.

XVI. An Act for raising a public Levy.

XVII. An Act for erecting a new County on the heads of Essex, King and Queen, and King William Counties And for calling the same Caroline County.

XVIII. An Act for dividing the County of Henrico.

XIX. AN Act for dissolving the present Vestry of the Parish of Elizabeth City and for appointing a new Election of Vestry Men for the said Parish.
XX. An Act for killing Squirrels and Crows in the Counties of Accomack and Northampton.

XXI. An Act to prevent Swine running at large within the limits of the Town of Norfolk.

XXII. An Act to Enable William Farrar and Thomas Farrar to sell and convey certain intailed Lands And for settling other Lands and Negros of greater value to the same uses.

1730 May

XX. An Act to Enable the Justices of Peace of the County of Elizabeth City and the Minister and Church Wardens of the Parish of Elizabeth City in the said County for the time being to take and hold Certain Lands Given by Thomas Eaton to Charitable uses and to Let Lease thereof.

XXI. An Act for vesting Certain Lands belonging to the Church of Westover Parish in Trustees to be sold and for Laying out the purchase money in Other Lands for A Glebe for the said Church and improving the same.

XXII. An Act to oblige the Court of Caroline County to Levy on the Tithable persons of the said County a Proportion of the Wages of the Burgesses of Essex, King and Queen, and King William Counties due for the Last Session of Assembly and also a proportion of the Last Public Levy.

XXIII. An Act to prevent Swine running at Large within the Limits of the Town of Hampton.

XXIV. An Act to Exempt Certain German Protestants in the County of Stafford from the Payment of Parish Levies.

XXV. An Act for Vesting Certain intailed lands in William Randolph an Infant which were purchased by his father Thomas Randolph Gentleman deceased of John Sutton Farrar and for settling Other Lands and Negros given in Lieu thereof of Greater Value to the same Uses.

XXVI. An Act to Confirm the title of Richard Randolph Gentleman in and to Certain Entailed Lands purchased by him of William Ligon and for settling Other Lands and two Negro Slaves of Greater Value in Lieu thereof to the same Uses.

XXVII. An Act to Enable Henry Cary to Sell Certain Entailed Lands in the County of Warwick and for settling three hundred and Six Acres of Land with Appurtenances in the County of Henrico and the Moiety of three thousand Nine hundred and forty two Acres of Land with the Appurtenances in the County of Goochland of Greater Value to the same Uses.
XXVIII. An Act for vesting four hundred and twenty
Acre of Land with the Appurtenances in the County
of Westmoreland being intailed in George Turbeville
Gentleman in fee Simple and for Confirming a Settle-
ment of One thousand Acres of Land with the Appur-
tenances in the County of Stafford of Greater Value
to the same Uses.

XXIX. An Act to Confirm the sale of Certain Entailed
Lands in the County of King William made by John Doug-
lass to John Frazer in fee Simple and for settling
Other Lands in the County of Brunswick and two Negro
Slaves of Greater Value to the same uses.

1732 May

XXI. An Act to restrain the Inhabitants of the Town
of Delaware Keeping too great a Number of Cattle and
Horses and from Keeping any Sheep or Hogs running at
Large.

XXII. An Act for pulling down Wooden Chimneys in
the Towns of Southampton and Norfolk and to prevent
the building of others for the future.

XXIII. An Act to enable Robert Carter Esqr. one of
the Executors of the last will and Testament of Mann
Page deceased to pay the Debts of the said Mann Page
and to intitle him to receive Interest for the Money
he hath advanced or shall advance for that purpose
and to charge the Estate of the said Mann Page with
the Repayment of the Principal and Interest.

XXIV. An Act for vesting certain entailed Lands
with the Appurtenances therein mentioned in Thomas
Turner in Fee Simple and for settling other Lands
and Negroes of greater Value to the same uses.

XXV. An Act to oblige the County of Caroline to
reimburse William Woodford the damages he sustained
by means of the escape of Benjamin Fletcher.

XXVI. An Act for vesting certain entailed Lands in
John Allen Gent. in fee Simple and for settling other
Lands and a Mill of Greater Value to the same uses.

XXVII. An Act to enable Charles Barham to sell cer-
tain entailed Lands therein mentioned and to purchase
other Lands therein also mentioned to be settled in
lieu thereof to the same uses.

XXVIII. An Act for vesting certain entailed Lands
with the Appurtenances in the County of Northampton
in Gertrude Harmanson in Fee Simple to and for set-
tling other Lands and Negroes of greater Value in
lieu thereof to the same Uses.
XXIX. An Act for vesting three hundred Acres of Land with the Appurtenances in the Parish of Washington in the County of Westmoreland whereof George Weedon is seised in Fee Tail in John Washington Gentleman in fee simple and for settling other Lands of Greater Value to the same Uses.

XXX. An Act to confirm and establish an Agreement between Richard Coleman, William Thornton and Francis Thornton for the Exchange of certain entailed Lands therein mentioned and for settling the same with certain Negro Slaves according to the Will of the Donors.

XXXI. An Act for vesting two hundred Acres of Land with the Appurtenances in the Parish of Sittenburn in the County of Richmond whereof William Wilson Holmes and Mary his wife in right of the said Mary are seised in Fee Tail in Richard Barnes in Fee Simple and for settling other Lands and Negroes of greater Value to the same Uses.

XXXII. An Act for confirming certain entailed Lands therein mentioned to William Kerivether in Fee Simple and for settling other Lands and Negroes in lieu thereof to the same uses.

XXXIII. An Act to Enable Thomas Bray Gent. to Sell certain entailed Lands therein mentioned and to lay-out the purchase money in Slaves to be annexed to other entailed Lands therein also mentioned.

XXXIV. An Act to confirm certain entailed Lands therein mentioned with the Appurtenances to John Tayloe Esqr. in Fee Simple for settling other Lands and Negroes therein also mentioned of greater value in lieu thereof to the same uses.

XXXV. An Act to settle certain entailed Lands with the Appurtenances in the County of Essex whereof William Lowry and Mary his Wife in right of the said Mary are seised upon the Issue of the said Mary by her Last Marriage and for settling other Lands in lieu thereof to the same Uses.
THE TEXTS
CHAPTER I

An Act for the Continuing, Meeting, and Sitting of General Assemblies, in case of the Death or Demise of his Majesty, his Heirs and Successors.

Whereas, by reason of the great Distance of this Colony and Dominion of Virginia from our Mother Kingdom of England, there may happen to be considerable Space of Time between the Death or Demise of the King or Queen for the time being, and the Proclamation of his or her Successor in this Colony or Dominion, For preventing the many Mischiefs, Inconveniences, and unnecessary Charges, which may happen, or be occasioned, by reason of such Interval, Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly, or any other General Assembly, which shall hereafter be summoned and called, under the Authority of his Majesty King William III, his Heirs and Successors, by the Governor, Lieutenant Governor, or Commander in chief, by and with the Advice and Consent of the Council of State for this His Majesty's Colony and Dominion, or by the President and Council for the time being, shall not determine or be dissolved by the Death or Demise of his said Majesty, his Heirs and Successors, but that such Assembly shall, and is hereby Enacted by the Authority aforesaid, to continue, and be impowered to meet, convene, and sit, according to the Writs or Summons, whereby the said Assemblies were or shall be convened, and to act,
notwithstanding such Death or Demise, for and during the Time of Six Months, and no longer, unless the same shall, by such Governor, Lieutenant Governor, Commander in chief, President and Council, be sooner Prorogued or Dissolved; And if the said General Assembly shall be so Prorogued, then it shall meet and sit on and upon the Day unto which it shall be Prorogued, and continue for the Residue of the said Time of Six Months, unless sooner Prorogued or Dissolved as aforesaid,

And be it also Enacted by the Authority aforesaid,
That all Acts, Deeds, and Sentences of the Governor, Lieutenant Governor, Commander in chief, or President and Council in this Colony and Dominion for the time being, which he or they might lawfully do, sign, or pass, during the Life of the King or Queen for the time being, shall be valid to all Intents and Purposes in Law, although the same happen to be acted, done, or signed, after the Death of the said King or Queen, and before the said Death is by Proclamation publickly notified in this Country; as also all Acts of the Council, Judgements of all Courts, Acts of Justices of the Peace, and all other officers, Civil and Military, within this Colony and Dominion, which they might lawfully do or pass during the life of the King or Queen for the time being, be valid to all Intents and Purposes in Law, although the same happen to be acted after the Death of the said King or Queen, and before the Notification thereof by the Government of this
Colony and Dominion. And that all Treasons, Rebellions, and all other Crimes whatsoever, committed or which shall be committed, during the same time, shall be punishable to all intents, as if the King or Queen had been actually alive at the Time of the Committing thereof.

Provided always, and it is hereby Declared, That nothing in this Act contained, shall extend, or be construed to extend, to alter or abridge the Power of the Governor, Lieutenant Governor, Commander in chief, or President and Council of this Colony and Dominion for the time being here, within the said Six Months, or any other Time; or to limit the Governor, Lieutenant Governor, Commander in chief, or President and Council for the time being, in the Execution of any Instructions he or they shall receive from the succeeding King or Queen of England, relating to the Prorogation or Dissolution of Assemblies.

C. 0. 5/1380, pp. 215-216.
An Act to prevent Masters of Ships or Vessels running away after Imbargoes laid.

Forasmuch as it is often found, that several Masters of ships and Vessels in this Colony and Dominion of Virginia do, after Imbargoes are laid, and in Contempt thereof, run away out of this Country, to the great danger of the Ships and Vessels lying here, in case such Ship or vessel, so running away, should happen to be taken by an Enemy, whereby the State and Condition of this Country may be Discovered; For the Prevention of such dangerous Practices for the future, Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly, and the Authority thereof, and it is hereby Enacted, That all Masters of Ships and Vessels, when they make their Entry, shall give Bond to the Naval Officer, with whom they enter, for the Use of his Majesty, his Heirs; and Successors, viz. That all Masters of ships and Vessels under One hundred Tuns, shall give Bond for One hundred Pounds Sterling; all Masters of Ships and Vessels of One hundred Tuns, and not Two hundred Tuns, shall give Bond for Two hundred Pounds Sterling; and all Masters of Ships and Vessels of Two hundred Tuns and upward, shall give Bond for Five hundred Pounds Sterling, not to depart this Colony, when any Imbargo is laid, during the Continuance of such Imbargo; and also observe and follow such
Rules and Directions, as shall be thought Necessary to be given by the Government for the making up of Fleets.

And whereas several Ships and Vessels already entered, and now under Imbargo, have not given Bond, according to the Intent of this Act, Be it further Enacted by the Authority aforesaid, That the Masters of all such Ships and Vessels shall give Bond, at his or their Clearing; to the Naval Officer of the District where such Ships or Vessels lie, to perform the Conditions of this Act enjoined.

Provided Always; and it is the true Intent and Meaning of this Act, when any Imbargoes are laid on Ships and Vessels within this Dominion, That the Collectors or Naval Officers, upon the Receipt of the order for such Imbargo, shall forthwith give Notice to the several Masters of Ships and Vessels within their respective Districts of the said Imbargo, and the Time of the Continuance thereof; and that no Bond whatsoever, required and given by Virtue of this Act, shall be adjudged, deemed, or taken, to be forfeited, unless Notice hath been given, as aforesaid, and Breach be made the Condition of the said Bond after such Notice; any thing in this Act to the contrary, or seeming to the contrary, notwithstanding.

C. 0. 5/1380, pp. 216-217.
AN ORDINANCE

An Ordinance of Assembly for settling the dividing lines between the Counties of Isle of Wight, Surry, Charles City, and Nansemond on the south side the Blackwater Swamp.

Be it by this present General Assembly and the Authority thereof declared, instituted, and ordained and it is hereby declared, instituted, and ordained, That one ordinance of Assembly made the last Session of Assembly for settling the bounds of the Counties of Isle of Wight, Surry, and Charles City on the South side the Blackwater Swamp and every article, in the said ordinance contained be from hence forth repealed, annulled, and made void to all intents and purposes as if the said ordinance had never been made, and for the more regular Settling the Lines or bounds of the said Counties together with the bounds of Nansemond County, Be it also by this present General Assembly and the authority thereof declared, instituted, and ordained that a Perpendicular be raised to the Blackwater Swamp being reduced to a Straight Line and the --- --- parallel to that Perpendicular from the head of the bounds of each county formerly settled to the Blackwater Swamp for --- --- Lines of each County backward as far as the several Counties --- think fitt and that the said Lines or bounds be run out by the --- of the said Counties as such as the said County Courts shall ---.

An Act for Dividing Charles City County.

Whereas Sundry and diverse inconveniences attend the Inhabitants of that part of Charles City County which lyes on the South Side James River when they have any occasion to prosecute Law Suits in the said County Court or to go to any other publick meeting by reason of the Difficulty in passing James River, Be it Enacted by the Governor, Councill, and Burgesses of this present Generall Assembly And by the Authority thereof, And it is hereby Enacted that on and after the 23d day of Aprill which shall be in the year of our Lord God 1703 the said County of Charles City be divided into two distinct Counties so that James River divide ye Same, And that, that part of the said County which is and lyes on the North side of the said James river shall for ever thereafter be called and knowne by the name of Charles City County, and that, that part of the said County which is and lyes on the South side of the said river shall remaine and for ever thereafter be called and knowne by ye name of Prince George County, and for the due administration of Justice, Be it further Enacted by the Authority aforesaid, that it is hereby Enacted that after the time aforesaid a Court for the said Prince George County be constantly held by the Justices thereof upon the Second Wenesday of every month in such manner as by the Lawes of this Country is Provided, And shall be by their Comission directed and
and whereas the town Land Lying at Flowerdy hundd, was pur-
chased by the intire County of Charles City as then it was,
all charges as about the Same being equally Levied upon the
whole number of Tithables of the said County, Be it Enacted
by the Authority aforesaid and it is hereby Enacted that one
third of the Tobacco arising from the Sailes of the said
towne Land to the Severall takers up thereof be repaid to
the Inhabitants that shall be for the time being on the
North side the said James river in Charles City County upon
ye taking up of the said towne Land.

C. 0. 5/1313, f. 55.
CHAPTER III

An Act Prohibiting Seamen being harboured or Entertained on Shore.

Whereas many of her Majesty's Shipp of Warr and merchant shipp tradeing to this her Majesty's Colony and Domin-ion suffer very much by their Seamen running away and absconding from their Shipp, for prevention thereof, Be it Enacted by the Governor, Council, and Burgesses of this present Generall Assembly and by the Authority thereof, And it is hereby Enacted, that Every Seaman that shall run away or absent himself un Lawfully from the Shipp or vessel he belongs to shall be and is hereby liable to be taken up and secured by any person or persons and upon a warrantt from a Justice of Peace in the County where he is taken up Conveyed from Constable to Constable till he be put on board the Shipp or vessel he belongs to and that Constable which shall de-liver such Seaman on Board any such Shipp or vessel shall take receipt for the said Seaman of the Master, Mate or other officer to which such Seaman belongs and shall Immedi-ately carry and Deliver the same to the Navall:officer of the District where such Shipp or vessel rides before she is cleared for which Service the said Constable shall re-ceive of the Navall officer if ten miles or under five shillings and if above ten miles ten shillings which the said Navall officer shall be reimbursd by the Comander of
the Shipp or vessell, And be it further Enacted that every
Justice of Peace within this Colony before whom such runaway
Seaman shall be brought be impowered and required forth with
to send the said Seaman to the next Constable with his war-
rantt to receive him and convey him as aforesaid, And the
said Justice is hereby further impowered and required to give
the taker up of the said Seaman a Certificate under his hand
according to this Act to entitle him to the reward hereafter
given for so doing, And be it further enacted that the reward
for takeing up a runaway Seaman shall be twenty shillings if
it be done ten miles or upwards from the Shipp or vessell the
Seaman belongs to and if under ten miles ten shillings and no
more which severall Sums of money as the occasion is shall be
paid to the taker up upon Certificate as aforesaid by the
Navall officer of the District where the Shipp or vessell
rides.that the Seaman belongs to and the Captain or Master
of the said Shipp or vessell shall reimburse the same to him
before he be cleared or permitted to saile from that District,
And be it further Enacted that the Justices Certificate afore-
mentioned to be given to the taker up of a runaway Seaman
shall Expressly declare what Shipp or vessell the said Seaman
belongs to, what place the said Seaman was taken up at, and
whether it be ten miles from the said Shipp or vessell or
under or above, and that the taker up made Oath before him
to ye place of takeing up, and be it further Enacted that
if a runaway Seaman taken up by virtue of this act shall be-
long to a merchant shipp or vessell gone out of this Country
before the said Seaman is taken up or can be got on board the
said shipp or vessell in such case the said Seaman shall be
put on board any one of her Majestys shipps of Warr which
shall happen to be here, And be it further Enacted that in
all cases where a runaway Seaman belonging to any of her
Majestys shipps of Warr or to merchant shipps gone out of
the Country shall happen to be put on board any of her
Majestys shipps, the captain or Comander of such shipp shall
reimburse ye Navall officer the charge of taking up and
shall and may stop it out of the wages due on thereafter
encruing due to the said Seaman, And be it further Enacted
that the Navall officers of this Colony and Dominion may use
and take out of her Majestys revenue of two shillings per
hogshead in their hands so much money as shall be necessary
to pay off the Certificates produced to them for taking up
runaway Seamen as aforesaid till they can be reimbursed as
by this Act is before directed, Provided due care be taken
to gen in the same and for prevention of Escapes which may
happen, Be it Enacted that whatsoever Constable or other
officer to whom a runaway Seaman shall be committed according
to this Act shall wittingly, willingly, or negligently suf-
fer the said Seaman to make his Escape or in due time as
before directed to deliver the receipt aforesaid to the
Navall officer of such District as before in this Act is directed, such Constable or Officer for this said offence shall forfeit and pay to the Queen's Majesty, her heirs, and Successors five hundred pounds of Tobacco with Cask and Suit to be recovered by Action of Debt, bill, Plaint, or Information in any of her Majestys Courts of Record in this Colony and Dominion. And to prevent Entertainment, Harbouring, or concealing of runaway Seaman, Be it further Enacted that if any ordinary keeper or other person shall hereafter Entertain, harbour, or conceal any Seaman except he be able to give good account that he is about his Lawfull business such ordinary keeper or person shall forfeit and pay five hundred pounds of Tobacco to him, her, or them that will informe or sue for the same in any Court of Record in this Colony and Dominion to be recovered with Costs by Action of Debt, bill, Plaint, or Information wherein no Essoigne, protection, or wager of law shall be allowed and if it so happen that such offender shall not be able to pay the said Sum of five hundred pounds of Tobacco nor to give Security for the payment thereof at the Succeeding Crops the said offender shall then have to receive on his or her Bare back twenty Lashes well laid on for his or her offence, provided always that this act be continued in force three years and no longer.

G. O. 5/1313, ff. 56-57.
CHAPTER IV

An Act for Raising a publick Levy.

Be it Enacted by the Governor, Councill, and Burgesses of this present Generall Assembly and the Authority thereof and it is hereby Enacted that the Sum of four pounds and a quarter of Tobacco be paid by every tithable person within this her Majestys Colony and Dominion of Virginia for the Defraying and payment of the publick charge of the country being the Publick Levy from the 5th day of October 1700 to this present time and that it be paid by the Collector of the Severall Counties to the Severall persons to whom it is proportioned by this Generall 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 to have Credit for so much to the use of the County and if there shall happen to be less in any County then such County shall bear the Loss.

C. 0. 5/1313, f. 57.
AN ORDINANCE


THIS Assembly taking into Consideration the most agreeable Posture of Defence for this her Majesty's Colony and Dominion the present Circumstances will admit of, have thought fit to continue in Force a Provision formerly made for the Defence and Security of it in Times of Danger; And therefore be it Ordained by this present General Assembly, and the Authority thereof, And it is hereby Ordained, That his Excellency the Governor, or the Governor or Commander in chief of this Her Majesty's Colony and Dominion for the time being, Have full Power and Authority till the next Session of Assembly, by and with the Advice of her Majesty's Honourable Council, on any Accident, as an Alarm, Surprize, Insurrection, or Invasion, to levy suitable and competent Forces; to be paid by the Publick; and to disband the same again, as the Cause of Danger ceases, for which they were raised.

G. 0. 5/1380, pp. 219-220.
CHAPTER I

An Act to repeal the second Act of Assembly made in the year One thousand Six hundred and Sixty four intitled an Act for the Frontiers to be seated with bourn able hands.

Whereas the second act made at an Assembly held at James City September the twentieth One thousand Six hundred Sixty four Entitled an Act for Frontiers to be seated with four able hands being impracticable hath never been complyed with and in regard that if the same were now put in Execution it would tend to ruine of very great numbers of poor people without any Service to the Government, Be it therefore Enacted by the Governor, Council, and Burgesses of this present General Assembly and the Authority thereof, and It is thereby Enacted that the said Act and every clause and article therein contained be and is hereby repealed, an-mulled, and made void to all intents and purposes as fully and amply as if ye same had never been made.

G. 0. 5/1384, ff. 8-9.
CHAPTER II
An Act to prevent Indians hunting and ranging upon Patented Lands.

Forasmuch as it has been represented to this Assembly, that under pretence and colour of the Law made in the year of Our Lord One thousand Six hundred ninety One which gives a free and open trade to all persons of all places at all times with all Indians whatsoever, divers Inhabitants of Henrico and Prince George County have and commonly do harbour, entertain, and Employ Tuscarora and other Foreign Indians and furnish them with Guns, powder, and Shot to hunt, and the said Indians do hunt and range over the neighbours land adjacent or near there where persons that Employ them dwell and not only kill up the Deare (whether they are in Season or not) but also disturb and destroy many of the Englishmens Stock to their great greivance and prejudice, For remedy thereof Be it Enacted by the Govenor, Council, and Burgesses of this present General Assembly and the authority thereof, And it is hereby Enacted that if any person whatsoever shall (after the publication of this Act) entertain or imploy any Tuscarora or other Indian (not being his servant or slave) to hunt or kill Deare or furnish them with Guns, powder, or shott to hunt as aforesaid upon any Lands now pattented or that shall hereafter be pattented and belong to any of her Majestys Subjects within this her
Majestys Colony and Dominion of Virginia, he, she, or they so employing any Tuscarora or other Indian as aforesaid shall forfeit and pay to the person or persons upon whose land such Indians shall be found to hunt as aforesaid the Sum of One thousand pounds of Tobacco to be recovered with Costs by action of Debt in any Court of Record within this Colony and Dominion, any Law, Custom, or Usage to the contrary in any wise notwithstanding, and Moreover when any person shall find any such Indian shooting, ranging, or hunting upon his Land contrary to this Act it shall be Lawfull for such person to take away the Gun, powder, and shott which he shall find upon such Indian and to keep and convert the same to his own use, And upon complaint made or suit brought against any person for such taking and keeping of the Gun, powder, and shott as aforesaid it shall be Lawfull for the Defendt. to plead the Generall Issue not guilty and to give the speciall matters in Evidence, and the Defendt. shall be admitted to declare the truth upon his own Oath which shall be taken as Evidence in that Case, any Law, Usage, or Custom to the contrary there- of in any wise notwithstanding.

C. 0. 5/1384, ff. 6-7.
CHAPTER III
An Act for tareing and ascertaining the size of Tobacco Hogsheads.

Whereas the Law for ascertaining the Size of Tobacco Hogsheads and for tareing the same is Expired, and it being absolutely necessary for prevention of Frauds that the same be provided for by Law, Be it therefore Enacted by the Governor, Council, and Burgesses of this present General Assembly and the authority thereof, and It is hereby Enacted that the certaine size of every Tobacco Hogshead for the future be as follows, vizt. thirty inches over the head on the inside and no more, and that the staffe be forty eight inches long and no more, And for ascertaining the Tare of Tobacco Hogsheads, Be it Enacted by the Governor, Council, and Burgesses of this present Generall Assembly and the authority thereof, and It is hereby Enacted that all and every Cooper and Coopers or other persons intending to set up Tobacco Hogsheads, Do go before a Justice of the peace for the County where he dwells and make Oath that he shall not willingly or wittingly set up any Tobacco Hogsheads of a larger size than is herein directed and also to tare or cause to be tared with a marking Iron or branding Iron every Tobacco Hogshead that by him shall be set up with the true weight thereof on the Baulge and head of the Hogs-
head together with the first letter of his proper name and
Surname and shall take a certificate from the said Justice
of such Oath so made, and if any person or persons shall
employ any Negro, Mulatto or other Servant in making Tobac-
co Hogsheads such Impoyer shall go before a Justice of the
peace for the County where he or she dwells and make Oath
That he or she so employing the said Negro, Mulatto, or
other Servant shall not willingly or wittingly suffer or
permit any Tobacco Hogsheads to be set up for them of a lar-
ger size than is herein directed but shall use their utmost
Endeavours to prevent the same, and Also That what Hogshead,
by such Negro, Mulatto, or other Servant shall be made and
set up for him or her shall be tared and the first Letters
of his or her proper name and surname set thereon in man-
ner aforesaid, And shall also take a Certificare from the
said Justice of such Oath made, And Be it further Enacted
That if any Cooper, Cooper, or any other person or persons
set up Tobacco Cask contrary to this Act, or shall pay
away, put to sale, or put or cause to be put on board any
boat, sloop, shipp, or other vessell in order to Exportation
any tobacco whatsoever packed in Cask of a greater size than
is herein before express and set downe or that is not tared
with their just weight as before in this Act is Enjoyned or
shall presume to set the tare upon any hogshead before Oath
made and a Certificate obtained as aforesaid, such Cooper or Coopers, other person or persons, if free, and if not, the Employer shall for every Tobacco Hogshead so made, paid away, put to sale, or shipped forfeit and pay the Sume of five hundred pounds of Tobacco, One Moyety thereof to be to our Sovereign Lady the Queen her heires and Successors for and toward the better support of this Government and the contingent Charges thereof. And the other moyety for him or them that will sue or inform for ye Same, And whereas it is very doubtfull that this Act will not have a due effect unless a more spedy way of Execucion be provided for than the Ordinary way of process doth admitt of, Be it Enacted that it shall and may be Lawfull for any One or more Justice or Justices of ye peace of the County where such hogshead or hogsheads, not made according to the aforesaid size or not lawfully tared as aforesaid, shall be made, shipped off, or put to sale, out of Court time to hears Judge and determine and to award Execution upon the breath of this Act Which Justice or Justices of the Peace is, and are hereby, impowered and required forthwith upon Complaint made to him, them, or any of them, of the Breach of this Act in all or any part of it, to issue forth his or their warrant to the next Constable or in case of his absence or remote habitation, to such person as he shall think fit
to bring the party complained against before him, them, or any of them, and upon the proof by two positive Evidence of the Breach of this Act in all or any part of it to pass Judgement, and in case of non payment by the party condemned, to award Execution to the sheriff of the County or his under Officer who is hereby impowered and required forth­with to Levy the same by Distress or otherwise as in case of Judgements recovered in any of the Courts of Record, And Be it further Enacted that there shall be three daies be­tween the serving of the warrant issued by the Justice or Justices of the peace or leaving a Copy thereof at the house or place of Residence of the party complained against and the day of appearance and in case the party so summoned and shall fail to appear, the said Justice or Justices of the peace are hereby notwithstanding thereof to proceed to tryall, and upon due proofe as aforesaid pass judgement as if the party were actually present and to award such Exe­cution as is herein before Expresst unless the said Justice or Justices shall see just cause to delay the tryall at a further time any Law Custom or usage to ye contrary hereof in any wise notwithstanding, And Be it further Enacted that every Creditor, Merchant, Factor, and other person that buys or receives Tobacco, if he receives it in Cask, shall pay thirty pounds of Tobacco for every Hogshead received,
being tared according to this Act to the party of whom he receives the same. Provided alwaies that this Act nor any thing herein contained shall be construed or intended to restrain or prohibite any person or persons from freigh­ting or shipping off their own Tobacco in hogsheads of a Lawfull size, although the hogsheads be not tared, not any oath made thereto, according to this Act the Freighter or Freighters, Owner or Owners of the said Tobacco, neither directly nor indirectly Exposeing the same to sale in the Country so raised, also that Collectors of the publick County and parish Levys shall allow Eight pounds of To­bacco per Cent for Cask of all Tobacco they receive in hogsheads as have been usuall and customry in such cases, And It is hereby Enacted and declared that this Act shall continue in force for the space of seven yeares and no longer.

C. O. 5/1384, ff. 14-15
CHAPTER IV

An Act reviving the Impositions on liquors, servants and slaves, for one year, and no longer.

Whereas the Eleventh Act of Assembly made at James City the twenty seventh day of April One thousand Six hundred ninety and nine intituled an Act for lessening the Levy by the poll and laying an Imposition upon Liquors for and towards the building the Capitol and other publick uses, As also the twelfth Act of the said Assembly Entituled an Act for laying Impositions upon Servants and Slaves Imported into this Country towards building the Capitol were by the fifth Act of Assembly made at her Majesties Royall Colledge of William and Mary the ninth day August One thousand seven hundred and one continued in full force until the twenty fifth day of December One thousand seven hundred and three and no longer, And Forasmuch as money is yet wanting for the compleat finishing and furnishing the said Capitol and other publick uses, Be it therefore Enacted by the Governour, Council, and Burgesses of this present Generall Assembly and by the authority thereof, And It is hereby Enacted That the said two recited Acts of Assembly laying Impositions on liquors, Servants, and Slaves as aforesaid with every branch, Article, Clause, and proviso therein contained be and are hereby revived and con-
continued from and after the thirteenth day of June next for
the space of One year and no longer and shall continue
stand and be in full force and Strength for the said term
of one year to all intents, constructions, and purposes
Whatsoever, And whereas for the Incouragement of trade, It
is thought Suitable that in case any of the said Liquors,
Servants, or Slaves chargeable by the said Acts shall after
the said thirtieth day of June next be imported into this
her Matys. Colony and Dominion and that the Importer of
the said liquors, Servants, or Slaves shall within six
weeks after such importation desire to transport the same
out of this Dominion, That in such case the said Importer
giving particular Account of the Last mark, number and
contents of the said liquor and of the Servants and Slaves
and Subscribing the same to the Officer with whom at their
Importation they were entered, And shall declare upon his
Corporal Oath (which Oath the said Officer is hereby impow-
ered to administer) that the dutyes for the said liquor,
Servants, or Slaves according to the said Entry were duly
answered and paid according to the said recited Acts, And
that the said Liquor, Servants, or Slaves shall be directly
carried out of this Dominion and not sold delivered or put
on shore within the same And that then it shall be lawfull
for the said Officer and he is hereby required and Enjoyned
to allow to the said Importer three fourths of the duty of the said Liquor, Servants, and Slaves by him imported and paid as aforesaid any law, custom, or usage to ye contrary in any wise notwithstanding.

C. O. 5/1384, ff. 16-17
CHAPTER V

An Act appointing a Treasurer.

Be it Enacted by the Governor, Council, and Burgesses of this present generall assembly and by the authority there- of, and it is hereby Enacted, That all and every Sume and Sumes of money to be raised by virtue of the two Severall Acts of Assembly revived this Session for laying Impositions upon Liquor, Servants, and Slaves be constantly accounted for and paid by the Collector or Receiver thereof to the Treasurer of this her Majestys Colony and Dominion for the time being, And Be it further Enacted by the authority aforesaid and It is hereby enacted that Major Peter Beverley shall be and is hereby nominated, constituted, and appointed Treasurer of the Revenues arising by the before specified Acts, And the said Treasurer is hereby authorized, impowered and required to demand, receive, and take off and from every Collector and Collectors all and every Sume and Sumes of money arising by force of the two before recited Acts of Assembly, And the said Major Peter Beverley is authorized and required to keep and retain all such money in his own Custody and possession until he shall be ordered and required to dispose of the same in such manner and by such warrant and for such uses, intents, and purposes and no other as are limited, appointed, and directed in the said Acts and the two other Acts of Assembly, the One directing ye building
of the Capitol, the other giving further directions in
building the Capitol and for building a Publick prison, And
Be it further Enacted by the authority aforesaid and it is
hereby Enacted, That the Sallary of four per Cent shall be
allowed and paid to the said Treasurer out of all and every
Sums and Sumes of money by him received and accounted for
the General Assembly according to the directions of the said
Acts, And Be it further Enacted that the said Major Peter
Beverley before his Entry and admission into the said Office
of Treasurer and before his taking upon him to Execute and
manage the same shall give bond in the Secretarys Office
with good and sufficient Security in the Sume of Five Thou-
sand pounds Sterling payable to her Majesty, her heires, and
Successors for the true and just performance and discharge
of the aforesaid Office and place of Treasurer according to
the true intent and meaning of the aforesaid four recited
Acts of Assembly, Provided alwais that in case of death,
departure out of the country, or other Legall Dissability
of the Treasurer hereby appointed, that then it shall and
may be lawfull to and for his Excellency the Governor, and
Governor and Commander in chief for the time being with the
advice of her Majestys Council to appoint and constitute
such person as he shall think fit to Execute the said Office
of Treasurer according to the Severall rules and directions
in this Act expressed, who shall hold, have, and Enjoy the
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said Office of Treasurer with all and Singular its rights and profits until the next Session of Assembly, giving such bond and Security as herein is before directed, Any thing in this or any other Act to ye Contrary in any wise notwithstanding.

C. 0. 5/1384, ff. 20-21.
CHAPTER VI

An Act for removing Criminals from the Goals of the Countys where they shall be apprehended to the publick Goal at Williamsburgh.

Be it Enacted by the Governr., Council, and Burges-ses of this present generall assembly and the authority thereof and It is hereby Enacted that when any person shall at any time hereafter by precept from any Justice of the peace within this Dominion be committed to the Goal of the County for any such Criminal Offence as shall appear to such Justice to be tryable in the Generall Court only in such Case it shall be lawfull for the same Justice to issue his warrant to the sherriff of the County requiring him to sumons the Justices of ye same County to meet at a certaine time to be appointed in the said warrant not less than five daies nor above ten daies after the date there-of and hold a Court for Examining the prisoner and all witnesses and Circumstances relating to the matters whereof he or she shall be accused and to consider whether as the case shall appear to them he or she may be tryed in the Court or must be removed from thence to be tryed at the Generall Court which warrant the said Sherriff is hereby required to obey and Execute, And by virtue thereof the said Justices may lawfully meet and hold Court for the in-
tents herein mentioned, And if upon Examination before the said Court they are of Opinion that the prisoner ought to be tryed for the Fact whereof he or she is accused before the Generall Court they shall signifie the same by entering such their Opinion upon Record in the said Court and shall remove the said prisoner to the County Goal and thereupon it shall be Lawfull for any two Justices of the said Court (whereof One shall be of the Quorum) by precept under their hands and seales signifying the trew cause of Committment directed to the Keeper of the publick goal at the City of Williamsburgh to remove the said prisoner and committ him or her to the said publick goal there to remain until he or she thence delivered by due course of Law by virtue whereof the sheriff of the said County shall as soon as he can conveniently remove the Prisoner to the said Publick Goal, And shall deliver him or her together with the said precept to the Keeper thereof who is hereby required to give due obedience thereunto and to receive and in his custody safely to hold such prisoner so delivered unto him by virtue thereof, And for the better Enabling the said Sherriff to perform his duty herein, It shall be lawfull for ye said two Justices as aforesaid by warrant under their hands and seales to impower the said sherriff as well within his County as in all other Countys thro' which he shall have
occasion to pass with the said prisoner to impress such and so many men, horses, sloops, or Boats as shall be necessary for the safe conveying of the said prisoner to the publick goal aforesaid which warrant the said sherriff is hereby authorized and Impowered to put in Execution, And all other persons are required to give due obedience thereunto so as the said sheriff shall proceed therein in manner as is directed by law upon such impressing in other cases, Provided nevertheless that when any Prisoner shall by the Court be remanded to the County Goal as aforesaid if the offence be of such a nature as the Prisoner may be admitted to Bayl then and in such case he or she shall not be removed out of the County to the said publick goal in less than twenty daies after such remanding to the end that in that time Bayl may be procured and given in the County, Provided alwaies that nothing herein contained shall be construed so as to exclude or hinder any person from being admitted to Bail after his or her Removall into the said Publick Goal in such case as by law he or she may be baylable, And be it further Enacted that if upon the first committment of any prisoner to the County Goal he or she shall desire any witness on his or her behalf to be Examined at the said County Court then the sherriff upon his or her request is hereby required to summons such witnesses to appeare at the said
Court accordingly, And if after being remanded to Goal as aforesaid the prisoner shall desire any witnesses to appear at the tryall in the Generall Court then the Clark of the said Generall Court at his or her request or at the request of any other person in his or her behalf shall Issue Subpenas for the Summoning such person in his or her behalf shall take out of the Secretaries Office a writt of venire facias for the Summoning of Six Freeholders to be of the Jury for the tryall as the Law in such Cases directs of which every One shall be possessed of a visible Estate of the value of One hundred and Fifty pounds Sterling at the least of which writt the said sherriff is hereby required to make timely and lawfull Execution and Return, And be it further Enacted that in the time of the Generall Court It shall be lawfull for the Keeper of the publick goal being thereto impowered by order of the said Court to impress such and so many persons as shall be necessary for the guarding and safe keeping of all such prisoners as shall be and remaine committed to his custody, And be it further Enacted that the Fees due to the sherriff for such Removall of any prisoner as aforesaid from the County Goal to the publick Goal shall be after the rate of One hundred pounds of Tobacco for every twenty miles distance and the Fees to the said sherriff and Keeper of the publick Goal for
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keeping of any prisoner in their Goal shall be five pounds of Tobacco for each day and no more.

C. 0. 5/1384, ff. 10-12
CHAPTER VII
An Act for allowing a greater number of Publick Ordinaries.

Whereas the laws now in force relating to Ordinaries do restrain County Courts that they may not allow any more than two ordinaries in any One County, and whereas it often happens that at some places in this Dominion where their necessary affairs do occasion a great concourse of people that they are exposed to great Inconvenience and Hardships for want of Publick Houses of Entertainment for their reception and accomodation, Therefore Be it Enacted by the Governor, Council, and Burgesses of this present Generall Assembly and the authority thereof, And It is hereby Enacted that from and after the publication of this Act, It may and shall be lawfull for the said County Courts within the several Countys respectively at such places as by them shall be thought most convenient to allow and licence such and so many Publick Ordinaries above the said number of two in every County as to them shall seem necessary under such restrictions and conditions as by the former laws now in force relating to Ordinaries are enjoyned and Laws or Customs or Usage to the contrary in any wise notwithstanding.

C. 0. 5/1384, ff. 18-19.
CHAPTER VIII

An Act reviving the Act for the better improving the breed of horses and for restraining unruly horses.

Whereas the continuance of the Act for the better improving the Breed of Horses made at an Assembly begun at James City the first day of October One thousand Six hundred and Eighty five and thence by several prorogations continued and held at James City the twentieth day of October One thousand six hundred and eighty six is found necessary and convenient; Be it therefore Enacted by the Governor, Council, and Burgesses of this present general assembly and the authority thereof, And it is hereby Enacted, That the said Act with every branch, article, clause, and Proviso therein contained be and is hereby continued and revived and from and after the first day of October next for the space of ten years then next coming and no longer shall continue, stand, and endure in force and Strength to all intents, constructions, and purposes and shall be observed and kept in all things according to the tenor and true meaning of the same, And whereas the law made at an Assembly held at James City the third day of October One thousand Six hundred seventy entituled an Act concerning Fences doth not so effectually provide for restraining unruly horses as is required, the Owners of them being thereby only Enjoined to take a course for restraining them from trespassing on their Neighbours,
April 1704

from the twentieth of July to the last of October by means whereof in the other part of the year great damage hath, is, and may be done, sustained, and suffered by unruly and mischievous horses running at large, For prevention whereof for the future, Be it Enacted by the Governor, Council, and Burgesses of this present Generall Assembly and the authority thereof and It is hereby Enacted, that the Owner or Owners of any unruly or mischievous Horse or Horses, Mare or Mares shall from time to time and at all times hereafter take some effectual care whereby to restrain, prevent, and hinder such unruly Horse or Horses, Mare or Mares trespassing and doing damage to the Cornfields or other enclosed grounds of any person or persons whatsoever, And if any Horse or Horses, Mare or Mares shall at any time break or gett into any Cornfield or other grounds enclosed with a good fence of Tayles four foot and a half high or with a hedge two foot high upon a ditch of three foot wide and two foot deep or instead of such hedge a Fence of three rails high or with a ditch only five foot wide and three foot and a half deep kept well scoured or with a Creek of five foot deep at the least or a steep bank at the least six foot high, the Owner of such Horse or Horses, Mare or Mares upon proof made by one positive Evidence before one Justice of the Peace for the County where such trespass shall be committed, who is hereby required to award Judgement and Execution, shall forfeit and pay for
the first Offence Fifty pounds of Tobacco to the party
greived and for the Second Offence One hundred pounds of
Tobacco and for the Third Offence two hundred pounds of
Tobacco and so for every Offence thereafter the like sume
of two hundred pounds of Tobacco.

CHAPTER IX

An Act for raising a Publick Levy.

Be it Enacted by the Governor, Council, and Burgesses of this present Generall Assembly and the authority thereof and It is hereby Enacted that the Sume of Eight pounds and a half of Tobacco be paid by every tythable person within this her Majestys Colony and Dominion of Virginia for the Defraying and payment of the Publick Charge of the Country being the Publick Levy from the fourteenth day of August 1702 to this present time, And that it be paid by the Collectors of the Several Countys to the Several persons to whom it is proportioned by this Generall Assembly, And if it shall happen that there shall be more tythables in any County than the present levy is laid on then such County to have Credit for so much to the use of the County, And if there shall happen to be less tythables in any County then such County shall bear the Loss.

C. O. 5/1384, f. 22.
CHAPTER X

An Act for Dividing Sittenburne Parish.

Whereas sundry and Divers inconveniences attend the Inhabitants of Sittenburne Parish by reason of its lying on both sides of Rappahanock River in the Countys of Richmond and Essex, Be it therefore Enacted that on and after the First day of June next the said Parish of Sittenburne be divided into two distinct parishes so that Rappahanock River divide the same, And that part of the said parish which is and lyes on the North-side of the said Rappahanock River shall remaine and hereafter be called and known by the name of Sittenburne Parish, and the other part of the said parish which is and lyes on the Southside the said river shall hereafter be called and known by the name of St. Anns Parish, And be it further Enacted that the present Vestry for the said parish of Sittenburne be dissolved and that the Freeholders and Housekeepers of Sittenburne parish as it will be after the said Division do meet at the Church on the first Thursday in June next and there choose twelve of the most able and discreet persons of their parish to be Vestrymen for their said parish, And that the Freeholders and Housekeepers of the said parish of St. Anns meet at the Church of the said parish on the Second Thursday in June next and there choose twelve of the most able and discreet persons of their parish to be Vestrymen for their said
parish, which Vestrys so chosen as aforesaid for the said two parishes of Sittenburne and St. Anns having taken the oaths appointed 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 Vestrys of the said Parishes. And if by badness of weather it shall so happen that the Freeholders and Housekeepers of the said parishes or either of them cannot meet and elect Vestrymen in pursuance of this Act upon the daies herein appointed, then and in Such Case the Freeholders and Housekeepers of such parish so failing to meet and Elect shall have power to performe the same the next fair day after such failure respectively.

C. 0. 5/1384, ff. 2-3.
An Act for dividing St. Peters parish in New Kent County.

Whereas sundry and divers Inconveniences attend the Inhabitants of St. Peters Parish in New Kent County by reason of the largeness of the Extent of the said parish, Be it therefore Enacted by the Governor, Council, and Burgesses of this present General Assembly and the authority thereof, And it is hereby Enacted that on and after the first day of June next the said Parish of St. Peters be divided into two distinct parishes and that the Division of the said two parishes be from the mouth of Maccadeum creek, So up the said creek to Mr. John Lewis, his mill, thence down the Queens high road to the Towling road that goeth from Edward Moors to George Turners, so along the said road to the Plantation of John Baughan Senior who is to be in the upper parish, thence upon a line between the plantations of Nicholas Lawson and John Sandidge, the said Lawson to be in the Lower parish and Sandidge in the upper, and so upon a straight line to Chickahominy Swamp including Edward Clarks in the upper parish, and that the lower part of the parish shall remain and hereafter be called and knowne by the name of St. Peters parish, and that the upper part of the said parish shall hereafter be called and known by the name of St. Pauls parish, And be it further Enacted that the present Vestry for the said parish of St. Peters parish
be dissolved and that the Freeholders and Housekeepers of St. Peters parish as it will be after the said Division meet at the Brick Church of the said Parish of St. Peters on the first Thursday in June next and there choose twelve of the most able and discreet persons of their parish to be vestrymen for their said parish, And that the Freeholders and Housekeepers of the Parish of St. Pauls meet at the Church of the said parish on the second Thursday in June next and there choose twelve of the most able and discreet persons of their parish to be vestrymen for their said parish, which Vestry so chosen as aforesaid for the said two parishes of St. Peters and St. Pauls having taken the oaths appointed 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 vestry of the said parishes, And if by badness of weather it shall so happen that the Freeholders and Housekeepers of the said parishes or either of them cannot meet and Elect vestrymen in pursuance of this Act upon the daies herein appointed then and in that case the Freeholders and Housekeepers of such parish so failing to meet and elect shall have power to performe the same the next fair day after such failure respectively.

C. O. 5/1384, ff. 4-5.
AN ORDINANCE

An Ordinance for defence of the Country in times of danger.

This Assembly taking into consideration the most agreeable posture of defence for this her Majestys Colony and Dominion the present Circumstances will admitt of have thought fitt to continue in force a provision formerly made for the defence and Security of it in times of danger, And therefore Be it Ordained by this present Generall Assembly and the authority thereof, And it is hereby Ordained, That his Excellency the Governor or the Governor or Commander in chief of this her Majestys Colony and Dominion for the time being have full power and authority til the next Session of Assembly by and with the advice of her Majestys Honorable Council, on any accident as an Alarm, Suprize, insurrection, or Invasion to levy a suitable and competent Force to be paid by the Publick and to disband the same againe as the cause of danger ceases for which they were raised.

C. 0. 5/1384, f. 24.
AN ORDINANCE

An Ordinance empowering Mr. Henry Cary to make sale of the Country Houses in the City of Williamsburgh.

For as much as there is two houses built at the charge of the country which are situated and standing in the City of Williamsburgh near the Capitol and an other house adjacent thereunto, built as aforesaid for the Workmen to make up their Lines, and which said houses when the said Capitol and all other matters incident thereunto are compleated and finished will not be usefull to the Country, This Assembly hath thought fit to ordain and Be it Ordained by this General Assembly and the Authority thereof, and It is hereby Ordained that after the said Capitol and all other matters incident thereunto are compleated and finished (and not before) have full power and authority and he the said Henry Cary is hereby fully authorized and impowered to take and receive of his Excellency Francis Nicholson Esqr. her Majestys Leuit. and Governor Generall of Virginia One hundred and twenty five pounds Sterling for and to the only use of that country and upon the precept thereof to give unto his said Excellency Francis Nicholson Esqr. and to his heires and assignees for ever such full and authentick Deed or Deeds of Sale in the Law as may make over and confirm unto him the said Francis Nicholson Esqr. and his heires and assignees forever a good, firm, and absolute title in Fee simple in and to the afore-
said three houses together with the lands and all other appurtenances whatsoever to the same belonging or appurtening and to give Livery and Seizin and Act and do which other Act or Act, thing or things as may be necessary for assuring and confirming the said house and premises unto his Excellency Francis Nicholson Esqr. and to his heirs forever, And whatsoever the said Henry Cary shall lawfully do in the premises shall and is hereby Rattified, allowed, and confirmed, Provided that nothing is this Ordinance contained shall be construed to extend or give liberty to the said Henry Cary to dispose or make Sale of the land or any part of it on which the house built for the workmen to make their Lines up and standeth but the said house before the Sale thereof shall be removed from off the land now belonging to the Capitol at the charge of the Purchaser, anything in this Ordinance to the contrary notwithstanding.

C. 0. 5/1384, ff. 26-27.
CHAPTER I

An Act Permitting the Exporting and Disposing of Tobacco Packed in Old Cask.

Whereas By an Act made the last Session of this Generall Assembly Entituled An Act for Tareing and Ascertaining the size of Tobacco hhd., It is not Allowable for any person or persons to pay away, put to Sale, or put or cause to be put on board any Boat, Sloop, Ship, or Other Vessell in Order to Export any Tobacco Whatsoever Packed in Cask of a greater size then the said Act is Express and Sett down or that is not Tared with their Just Weight, And it having been represented to this Assembly by Several Merchants, Planters, and Other Persons who have Tobaccos Packed in Cask made before the date of the said Act not of the Exact Size nor Tared According to the same that they are much Agrieved, And it being thought Reasonable that the Owners of Such Tobaccos Packed in Cask made before the date of the said Act, Should have Liberty to Sell, Shipp, or Dispose of the Same,

Be it therefore enacted by the Governor, Council, and Burgesses of this present General Assembly and the Authority thereof and it is hereby Enacted, That all Tobaccos Packed in Cask before the date of the Afforesaid Act though Such Cask are not of the Exact Size or Tared According to the Directions thereof may be sold, Shipped
off, or Disposed of by the Owner or Owners thereof without their being Liable to the Penalty of the said Act Prescribed,

Provided the same be done within twelve months after the end of this Session of Assembly, anything in the said Act Contained or any other Law, Custom, or Usage to the Contrary in any wise Notwithstanding.

C. O. 5/1384, ff. 32-33.
An Act for Raising a Publick Levy.

Be it Enacted by the Governor, Council, and Burgesses of this present Generall Assembly and the Authority thereof, And it is hereby Enacted that the Sume of Seaven Pounds and a quater of Tobacco be paid by every Tythable person within this her Maties. Colony and Dominion of Virginia for the defraying and Payment of the Publick Charge being the Publick Levy from the 20th. day of April 1705 to this present time, and that it be paid by the Collectors of the several Countyes to the Several persons to whom it is proportioned by this Generall Assembly, And if it shall happen that there shall be more Tythables in any County than the present Levy is laid on then Such County to have Credit for so much to the use of the County, and if there shall happen to be less in any County, then Such County shall bear the loss.

C. O. 5/1384, f. 38.
CHAPTER III

An Act to Enable the Court of King and Queen County to Purchase Land to Build a Town.

Whereas By the Division of the County of King William From that of King and Queen it hath so happened that the Land Appropriated for a Town in that County hath fallen within the said County of King William, And Whereas several of the Principal Inhabitants of the said County of King and Queen have desired that a Parcel of Land may be Purchased for the building of a Town in that County,

Therefore Be it Enacted by the Governor, Council, and Burgesses of this Generall Assembly and it is hereby Enacted, That the Court of the said County of King and Queen shall be and is hereby Authorized and Impowered to Purchase of any person that is willing to make Sale thereof Fifty Acres of Land Lying at some Convenient Place within the same County and to pay for the said Land and other Lawfull and Necessary Charges relating thereto by a County Levy in the usual manner, And to Appoint Feoffees and Trustees from time to time as occasion shall require to take and grant Conveyance and Assurance for the said Land and every part thereof in the same manner as already directed by Law for the Town Lands lying in Other Countys within this Dominion, Provided always that the Tobacco Arising by the Sale of the said Land to Such Persons as
shall be desireous to Build thereupon shall be repaid to the County in manner as is directed upon the Sale of the Other Town Lands,

And be it further Enacted That the Right titles and Possession of the said Land and every part thereof shall be and is hereby vested in and Assured unto the said Feoffees and Trustees to be appointed as aforesaid and to the Several Purchasers thereof and to their heires and Assignes for ever in as full and ample manner to all Intents and Purposes as the Other Town Lands within this Dominion are by Law vested in and assured unto the Several Feoffees, Trustees, and Purchasers thereof and their heirs and Assignes respectively.

Provided always that the Purchasers of the Lotts for Building on the said Land, their heires, and Assignes shall be lyable to the same Conditions and Forfeitures upon their Failure to Build or Otherwise as by the Laws now in Force are Limited and directed for the Other Towns within this Dominion.

C. 0. 5/1384, ff. 30-31;
CHAPTER IV

An Act for Naturalization of Claud Phillippe de Richbourg, Francis Ribot, Peter Faure, John Joanny, James Champagne, and others.

Whereas Claud Phillippe de Richbourg, Francis Ribot, Peter Faure, John Joanny, James Champagne, and others Born in France and Other Foreign Countries have made humble Suit to this General Assembly for Naturalization and they having in Order thereto received the Oaths by Law Enjoyned;

Be it therefore Enacted by the Governor, Council, and Burgesses of this present General Assembly and the Authority thereof, And it is hereby Enacted, That Claud Phillippe de Richbourg, Francis Ribot, Peter Faure, John Joanny, James Champagne, and others, (To Witt) Stephen Wallet, John Say, Abraham Moulins, John Farey, Stephen Chastain, Peter du Foy, Abraham Minot, James Ribbeau, Isaac Parentos, Peter Fellon, Peter Gori, John Guerin, John Fane-tier, John Gori, Francis Sassin, Anthony Rapins, Gadcon Chambon, Anthony Matton, John Guerant, James Brousse, Isaac La Fite, Joshua Petit, Adam Vignes, Andrew Aubry, Paul de Vesaz, John Soville, John Hazeres, Lewis de Fertre, John Lucadon, Abraham Soblet, Timothy Morell, Peter Bocard, Michel Cantepeie, John Fonvielle, David Meneties, Peter Mecant, Timothy Roux, John Robert Le Febure, Peter Sabba-tier, Jacob Amonet, Francis Clapier, John Bossard, Peter
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Blower, Jean Pasteur, Francois Flournoy, Jacques Flournoy, John Delony, Jacob Delony, Daniel Duchemin;

And every of them, be and are by vertue hereof Capable of: Free Traffick and Tradeing, of Takeing up and Purchasing, Convoying, Devising and Inheriting of Lands and Tenements, And from henceforth be Declared, Deemed and holden, And in all Construction of Law Stated, Vested, and Indulged with all Priviledges, Liberties, and Immunityes Whatsoever relating to this Colony that any Natural Born Englishman is Capable of.

Provided always that this Act nor anything herein Contained shall be Construed to Enable any of the persons aforesamed to hold, Execute, or Enjoy any Place, Office, Calling, or Employment prohibited by an Act of Parliament made in the 7th and 8th Years of the Reign of his late Matic. King William ye third Entituled An Act for preventing frauds and regulating Abuses in the Plantation Trade, or by any other Statute of England.

C. O. 5/1384, ff. 28-29.
AN ORDINANCE

An Ordinance for defence of the Country in Times of Danger.

This Assembly taking into Consideration the most Agreeable posture of Defence for this her Maties. Colony and Dominion the present Circumstances will Admitt of, have thought fitt to Continue in Force a Provision formerly made for the defence and Security of it in times of Danger, And therefore it is hereby Ordained that his Excellency the Governor or the Governor or the Commander in Chief of this her Maties. Colony and Dominion for the time being have full power and authority till the next Session of Assembly and with the Advice of her Maties. Honble. Council on any accident as an Alarrum, Suprise, Insurrection, or Invasion to Levy Suitable and Competent Forces to be paid by the Publick and to disband the same Again as the Cause of Danger Ceases for which they were Raised.

G. O. 5/1384, f. 34.
An Act for laying a Duty on Liquors and Slaves.

Forasmuch as the late Impositions upon liquors and slaves imported into this Colony and Dominion have proved very useful and advantageous and that no better Expedient can be found to lessen the Levy by the Poll or defray the Charge of any Publick Design than Impositions of that nature, Be it therefore Enacted by the Lieut. Governor, Council, and Burgesses of this present General Assembly and It is hereby Enacted by the authority of the same, That for every Gallon of Rum, Brandy, or other distilled Spiritts which after the tenth day of December in the year of Lord God One Thousand seven hundred and Ten shall be Imported or brought into this Colony and Dominion from any port or place whatsoever, the Duty or Custome of four pence shall be paid by the Owner or Importer of the same, And Be it further Enacted, That for every Gallon of Wine of any Sort whatsoever which after the said Tenth day of December shall be imported or brought into this Colony and Dominion from any port or place whatsoever the duty or Custome of four pence shall be paid by the Owner or Importer of the same, And Be it further Enacted That for every Gallon of Cyder, Beer, or Ale which after the said Tenth day of December shall be imported or brought into this Colony and Dominion from any port or place whatsoever the Duty or Custome of One penny shall be paid by the Owner or
Importers of the same, Provided nevertheless And it is hereby Enacted and declared That no Duty or Custom whatsoever shall be required or paid for any of the Liquors before Enumerated which shall come directly from Great Brittain but that all such Liquors shall remain and continue Exempt and free from every Imposition, duty or Custom Levyed or raised by this Act as if this Act had never been made, Provided also And it is hereby further Enacted and declared that no greater duty or Custom shall be required or paid for any Rum Imported in any Shipp or other vessel wholly and Solely belonging to the Inhabitants of this Country than a duty or Custom of two pence per gallon in case the said Rum do properly belong to an owner of the said Shipp or vessel and such Owner shall upon his Corporal Oath declare that the said Rum and every part thereof was Imported and came upon his proper Account and his ———— anything in this Act before contained to the contrary thereof in anywise notwithstanding, And Be it further Enacted That no Liquors whatsoever lyable to a duty or Custom by virtue of this Act shall be landed, put on shore, or any other way delivered out of the Shipp or vessel Importing the same before due Entry be made thereof with the Collector of the Dutys in the Fort or place where the same shall be Imported or before the duty due and payable for the same by Virtue of this Act shall be fully Satisfied and a Warrant had under the hand of the said Collector for lading or delivery
thereof, And that all liquors landed, put on shore, or de-
livered contrary to the Directions and true Intent and
meaning of this Act as aforesaid the value thereof shall
be forfeited and lost and shall or may be recovered of the
Importers or Owners of ye same, And Be it further Enacted
That no person or persons whatsoever bringing liquors lyable
to a duty or Custome by virtue of this Act into any port or
place within this Colony and Dominion or having such Liquors
Consined shall land or Cause the same to be landed or put
on shore without making or causing due Entry to be made
thereof with the Collector of the dutys upon Liquors in
such port or place and giving to him a true account of gal-
lons every Cask did containe upon Oath upon paine of for-
feiting double the value of the liquors so landed or put on
shore, And Be it further Enacted That the master or Purser
of every Shipp, Barque, or other vessell importing liquors
lyable to a duty or Custome by virtue of this Act to any
port or place within this Colony and Dominion shall make a
true and just Entry upon oath with the Collector of the
dutys upon liquors in the said Port or place of ye Burthen,
Contents, and Lading of such shipp, Barque, or Vessell with
the particular marks and Numbers of every Cask therein laden
with liquors to the best of his knowledge and also where
and in what port she took in her lading upon penalty of
forfeiting One hundred pounds Sterling, Provided alwaies
and it is hereby Enacted and declared That no person or persons whatsoever shall be required to give an account upon oath of the true Contents of any pipe or other Cask of wine imported directly from the Islands where the same way made but that upon every such Importation of wine the Owners or Importers thereof shall have liberty to enter a Pipe at one hundred and ten gallons and all lesser Casks after the same proportion, anything in this Act contained to the contrary notwithstanding, And for the better encouragement of all persons whatsoever to make due entry and payment of the several impositions, Dutys, or Customs laid upon Liquors by Virtue of this Act, Be it further Enacted, That in consideration of filling and Leakage, Every Collector of the said Impositions, Dutys, or Customs shall be and hereby is authorized and required to abate and allow to such person or persons as shall enter liquors and pay the Dutys for the same Twenty gallons on every hundred, And if any person or persons whatsoever shall wittingly or willingly make a false Entry and be convicted for the same, such person or persons shall forfeit and pay one hundred pounds Sterling; And Be it further Enacted That the Collector of ye Dutys or Customs upon Liquors and their Deputies be authorized and Impowered and they and every of them are hereby authorized and Impowered to go and Enter on board any shipp or other Vessell and from thence to bring on shore any Liquor lyable to a
duty or Custom by virtue of this Act, if the duty or Custom be not paid or compounded for within Ten days after the first Entry of the said Shipp or Vessell and likewise to stay and remain on board the said shipp or vessell until all such Liquors be discharged and delivered out of the same, And Be it further Enacted That if any Collector or Collectors of the Dutys upon liquors or any other person or persons deputed and appointed by or under them or any of them or any other authority whatsoever shall directly or indirectly take or receive any Bribe, Recompence or Reward in any kind whatsoever or shall connive at any false Entry of any liquors lyable to a duty or Custom by virtue of this Act by measures whereof the Dutys or Customs shall be defrauded, the person or persons therein offending shall forfeit and pay the sume of One hundred pounds Sterling and be forever afterwards disabled in his said Office and rendered uncapable of holding any Office or Employment relating to the Customs in this Colony and Dominion and the person or persons giving or paying such Bribe, Reward or Recompence shall forfeit and pay the sume of One hundred pounds Sterling, And Be it further Enacted That the sume of Five hundred pounds shall be paid for Every Negro or other slave which after the said Tenth day of December shall be Imported or brought into this Colony and Dominion from any port or place whatsoever by ye Importer or Importers of the same, And Be it further Enacted
That no Negro or other slaves which shall be imported into this Colony and Dominion after the publication of this Act shall be landed or put on shore out of any shipp or vessell Importing the same before due Entry be made with the Collector of ye dutys upon Slaves in the Fort or place where the said Negroes or slaves shall be Imported or before the Master of ye said Shipp or vessell hath made Oath of the Number of slaves Imported in such shipp or vessell or before ye duty due and payable for ye said Negroes or slaves shall be fully satisfied and paid and a warrant had for ye landing of ye same under the hand of the said Collector, And that all Negroes or other slaves which shall be landed or put on shore contrary to this Act or the value thereof shall be forfeited and lost and shall be recovered of the Importers or Proprietors of ye same, **Provided** alwaies and It is hereby Enacted That if the Importer of any Liquors or Slaves for which the Dutys and Customs according to this Act shall be paid, shall within Six weeks after the Importation thereof into this Colony and Dominion be desirous to Export the same or part thereof, in such case the said Importer shall give a particular account of the Contents, Cask Marks and numbers, of the Liquors and a particular all of the Slaves he intends to Export to the Collectors with whom at their Importation they were entered and shall subscribe the same and declare upon oath the duty or Custome for the Liquors and slaves
he desires to Export were at ye Entry duly answered and paid according to this Act, And that the said liquors and slaves shall be directly carried out of this Dominion and not sold, delivered or put on shore within the same, And then it shall be lawfull for the said Collector: and he is hereby required and enjoined to allow to the said Importer Three fourths of ye duty or Custome paid for ye said liquors and slaves so to be Exported, anything in this Act contained to the contrary in any wise notwithstanding, Provided always And it is hereby Enacted That nothing in this Act before contained shall Extend or be construed to compell any Importer or Owner of any Slave or Slaves into this Colony at any time during the continuance of this Act to pay the Duty by this Act imposed upon Slaves for any Negro or other Slave Male or female Child which is not or shall not be at the time of importation able to go alone but that it shall and may be lawfull for all such Children to be Imported and sold here without paying the duty by this Act imposed and any part thereof, anything in this Act before contained to the contrary notwithstanding, Provided also That if by virtue of this Act a Duty be payd by the Importer for any Negro or other slave and such Negro or slave should happen to dye within forty days next after the day of his or her arrivall into any port of this Colony and be not actually sold, It shall and may be lawfull in such a Case to and for the Collector to whom the said duty shall be paid
and Such Collector is hereby required and enjoyned to allow and pay back to the said Importer the duty paid for such Negro or slave in case the Importer make in demands of such Drawback make Oath before the said Collector that the said slave did dye within the said froty days and was not sold before his or her death, but not unless such Oath be made, anything to the contrary or seeming to the contrary, notwithstanding, And Be it further Enacted That if the Master of any Ship or vessel importing slaves after ye publication of this Act shall wittingly or willingly make a false Entry of any of the Slaves so imported and be thereof convicted, he shall forfeit and pay for every such offence the sume of Five hundred pounds Sterling, And if any Collector of the Dutys upon Slaves shall directly or indirectly take or receive any Bribe, Recompence or Reward to connive at any false Entry or any Negros or Slaves imported as aforesaid he shall forfeit and pay the sume of One hundred pounds sterling and be forever afterwards disabled in his said Office or Employment relating to the Customs in this Colony and Dominion and the person or persons giving or paying such Bribe or Reward shall forfeit and pay the sume of One hundred pounds Sterling, And Be it further Enacted That the sume of Twenty shillings shall be paid for every Indian slave which after the said Tenth day of December shall be brought by land into this Colony and Dominion from any place whatsoever by the person or persons so bringing in such Indian slave.
And Be it further Enacted That the person or persons so bringing in such Indian slave or slaves after the said Tenth day of December shall and is hereby required within Ten days next after the bringing in the same to give account upon the oath to the next Collector of the Dutys upon such Slaves of ye Number of Indian slaves so by him or them brought in and shall then pay to such Collector the dutys laid on such slaves and that all and every Indian Slaves which shall be brought into this Colony contrary to this Act or the value thereof shall be forfeited and lost and shall be recovered of the person or persons so bringing in the same, And Be it further Enacted That if the person or persons so bringing in such Indian slave or slaves by land after the said Tenth day of December shall wittingly or willingly give a false account upon oath of the Number of such slaves so brought in and be thereof convicted he and they shall forfeit and pay for every such offence One hundred pounds sterling, And if any Collector of the dutys upon such slaves shall directly or indirectly take or receive any Bribe, Recompence or Reward to Connive at any false account of the Number of the Slaves so brought in by land as aforesaid he shall forfeit and pay one hundred pounds Sterling and be forever after disabled in his Office and rendered Incapable of holding any Office or Employment relating to the Customes in this Colony and Dominion, And the person or persons giving or paying such
Bribe or Reward shall forfeit and pay One hundred pounds Sterling, And for an Encouragement to Import money into this Colony and Dominion, Be it further Enacted, That whatsoever person or persons shall pay any of the Impositions, Dutys, or Customes accruing due by virtue of this Act in good and lawful money of his or their own Importation into this Colony and Dominion to be proved by the Oath of the party paying the same, Such person or persons shall have an abatement and allowance of ten per Cent in all Dutys so paid and satisfied and every Collector of the Dutys so paid is hereby authorized and required to make allowance accordingly, And Be it further Enacted that upon any Entry account of Indian slaves brought in by land payment or Drawback where an Oath is directed and enjoined by this Act the Collector of the Dutys where such Entry or payment shall be made or Drawback allowed be Impowered and required to administer the Oath, And Be it further Enacted That the severall Impositions, Dutys, or Customes by this Act laid upon liquors and slaves be from time to time paid and satisfied to Our Soveraigne Lady the Queen, her heires and Successors to and for the uses, Intents and purposes hereafter mentioned and to and for no other use, intent or purpose whatsoever, And be it further Enacted That the severall forfeitures and penaltys which shall or may arise by virtue of this Act shall be divided into three equal parts, One third part whereof shall be to our Soveraign Lady the Queen, her heires and Successors for and towards the bet-
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This Act provides for the support of the government and the contingent charges thereof. One third part for the Governor of this Colony and Dominion for the time being to and for his own proper use and behoof and the other third part to him or them that will Inform or Sue for the same to be recovered with Costs by Action of Debt, Bill, Plaint, or Information in any Court of Record within this Colony and Dominion wherein no Essoyn, protection or Wager of Law shall be allowed, And Be it further Enacted that the Governor or Commander in Chief of this Colony for the time being with the advice of the Council shall be and is hereby empowered from time to time and at all times hereafter to nominate, constitute, and appoint such and so many Collectors of the Dutys laid by this Act upon liquors and slaves as also such Sallery not exceeding Six in the hundred for Collecting the said Dutys as to him shall seem best, and all and every sum and sums of money raised or to be raised by virtue of this Act shall be constantly accounted for by the Collector or Collectors thereof to the Treasurer of Virginia for the time being upon Oath and by him to the Governor, Council and Burgesses of the Generall Assembly upon Oath also and converted to such use or uses as from time to time they shall think fit to direct for Lessening the Levy by the Poll and defraying any publick charge whatsoever according to the true Intent and meaning of this Act and to
and for no other use, Intent, or purpose whatsoever, And
Be it further Enacted That this Act shall continue in force
for three years from the said Tenth day of December and no
longer.

C. 0. 5/1385, ff. 177-181.
CHAPTER VII


Whereas an Act of Assembly made at a General Assembly begun at the Capitol the Twenty Third day of October in the fourth year of ye Reign of our Sovereign Lady Anne of Great Brittain, France, and Ireland, Queen; and In the year of our Lord One thousand Seven hundred and five Intituled an Act for Security and defence of the Country in times of danger hath been by Experience found very usefull and necessary,

And Whereas the said Act was to continue in force till the thirtieth day of June in the year One Thousand Seven hundred and Eight and is now determined and expired, Be it therefore Enacted by the Lieut. Governor, Council, and Burgesses of this General Assembly and by the authority of the same that the said Act for Security and defence of the Country in times of danger with all the Clauses, powers, matters, and things therein contained shall be and is hereby revived and continued in full force and virtue to all intents, Constructions, and purposes whatsoever till the tenth day of December, which shall be in the year of our Lord One Thousand Seven hundred and Twelve and no longer.

C. 0. 5/1385, f. 193.
November 1711

CHAPTER IV

An Act to Enable Francis Yeates of ye County of Richmond to Convey certain Entailed Lands to John Tayloe Gent. in lieu of other Lands and Negros of greater value to be settled to the same uses.

Whereas Francis Yeates of the County of Richmond hath alleged that he now stands Seized in Fee tayl of and in a certain Tract or parcell of Land containing Three hundred Acres lying on the Southside of Rappahanock Creek in the said County of Richmond which said Land was formerly by the last will and testament of One Thomas Hudson Grandfather of the said Francis Yeates given and bequeathed to Mary Yeates the mother of the said Francis and to the heirs of her body forever, Which said Mary being left widow with a great many children was obliged for their sufferance to Contract many Debts and dyed Leaving a small personal Estate and the said Debts unpaid, Of which Estate the said Francis took out Letters of Administration who by reason of his poverty and great Charge of Children is not able to Discharge the said Debts and praying that he may be vested in Fee simple of and in the said Three hundred Acres of Land to the intent that he may be thereby Enabled to make good Sale of the said Land unto John Tayloe of the said County of Richmond who in consideration thereof will by Deeds or Conveyances make over and Convey a certain Tract
or parcell of Land known by the name of Fork Quarter containing One hundred Acres and also Two young Negro men Tony and Tom and Two young Negro women Flora and Kate unto such persons and for such uses as the said Three Hundred Acres of Land were given by the will of the said Thomas Hudson, All which said Allegations being sufficiently proved to be true to the satisfaction of this House of Burgesses, And also that the Two Hundred Acres of Land the four Negros are of much greater value than the said Three Hundred Acres, Be it therefore Enacted by the Lieut. Governor, Council, and Burgesses of this present Generall Assembly and it is hereby Enacted by the Authority of the same, That all that said Tract or parcell of Land containing Three hundred Acres lying and being on the South East side of Rappahanock Creek in the said County of Richmond and now is in the possession of the said Francis Yeates, Together with all and singular the Edifyses, Buildings, and houses to the said Tract or parcell of Land belonging with the appurtenances be and are hereby vested and setled in the said Francis Yeates his heirs and Assignes forever in fee simple to the uses and purposes hereafter mentioned (that is to say) That the said Francis Yeates shall and may sell and dispose of all and singular the said Tract or parcell of Land containing Three hundred Acres and premisses hereby vested in him unto the said John Tayloe and to his heirs and assignes forever
upon the consideration hereafter mentioned (that is to say) That the said John Tayloe shall and will make over and convey a certain Tract or parcell of Land known by the name of Fork Quarter lying and being in the said County of Richmond containing Two hundred Acres Bounded as followeth (to wit) Beginning at a corner Hickory thence South west One hundred ninety Two poles, Thence South Thirty Two degrees west thirty poles to a Corner Hickory thence north forty Eight Degrees, East One hundred forty four poles to a stake in an Old field thence south Sixty degrees, East to the Beginning with all and singular the Edifyces, Buildings, and houses to the said Tract or parcell of land belonging with the appurtenances, And also the four young Negro Slaves before named to wit. Tony, Tom, Flora, and Kate, To the only use and behoof of him the said Francis Yeates and the heirs of his body lawfully begotten forever, And after the Decease of the said Francis and the heirs of his Body to the use of such other person as the same Three hundred Acres of Land should have descended if this Act had not been made and to no other use, intent, or purpose or for no other consideration whatsoever,

And Be it further Enacted that the said John Tayloe his heirs and assigns after his Executing such deed or Deeds of Conveyance of the Two hundred Acres of Land and the four Negros hereby Appointed to be by him conveyed and transferred
to the uses above said shall quietly and peaceably have, hold, and enjoy the said Three hundred Acres of Land in as full and ample manner as if the same and every part thereof had been conveyed to him by any person who had an Estate therein in Fee simple.

Provided always and it is the true intent and meaning of this Act, That this Act or anything herein contained shall not be taken or construed to extend to vest an Estate in Fee simple, Either in the said Francis Yeates or the said John Tayloe of and in the said Three hundred Acres of Land or any part thereof until such time as the said John Tayloe shall by sufficient Deed or Deeds Executed have conveyed and settled the Two hundred Acres of Land and the four Negros above mentioned to the Uses by this Act before appointed to be conveyed and settled anything herein contained to the contrary in any wise notwithstanding.

C. O. 5/1386, ff. 1719.
CHAPTER V

An Act to Enable John Custis and Frances his wife to sell a Mill with certain Lands and Negros which are Entailed on the said Frances by the last Will and Testament of Daniel Parke Esqr. deceased, for payment of ye Debts and Legacys of the said Daniel.

Whereas John Custis and Frances his wife Eldest Daughter of Daniel Parke late of the Leward Caribbee Islands in America Esqr. deceased have Alleged the said Frances Together with the said John in her right stand seized in Fee tail by the De devise of the said Daniel Parke in Divers Mills, Lends, and Tenements scituate, lying, and being in the Countys of York, James City, New Kent, and King William in this Dominion of Virginia as also of Diverse Negro Slaves to the said Lands appertaining.

That the said Daniel Parke dyed seized of a very considerable Estate lying and being in the said Leward Caribbee Islands the right of which by his devise is vested in certaine persons there residing by means whereof and by the Directions of the last Will and Testament of the said Daniel Parke the said John and Frances are obliged to pay all his debts and Legacys out of the Estate of the said Daniel Parke bequeathed to them which Debts and Legacys are of much greater value than the personall Estate so to them bequeathed, And that by meanes thereof part of the said Estate Tayle will be
very much wasted by process at Law which will be obtained against the same for recovery of the said Debts and Legacies unless so much thereof be sold as will satisfy such Debts and Legacies,

And the said John Custis and Frances his wife praying to be vested in the Fee simple of One of the said Mills and of certain of the said Lands and Negroes to the intent that they may be thereby Enabled to make good sale of the same for payment of the Debts and Legacies aforesaid, All which allegations being sufficiently proved to be true to the satisfaction of this House of Burgesses, And also that the said Estate devised to the said Frances in manner aforesaid consists of Two Mills and of about seventeen Thousand Acres of Land and of One hundred and Twenty Slaves and that William Byrd Esqr. and Lucy his wife only sister to the said Frances and next heir to the said Estate upon failure of an heir of the Body of the said Frances are freely consenting to the passing this Act.

Be it therefore Enacted by the Lieutenant Governor, Council, and Burgesses of this present Generall Assembly and it is hereby Enacted by the authority of the same, That the Mill with the Land thercunto belonging commonly called and known by the name of Skimino Mill being in the County of York, That all that Plantation or Tract of Land formerly that of John Chiles Scituate, lying, and being in the County
of New Kent containing by Estimation Nine hundred Acres more or less, That all that the Plantation seat or Tract of Land formerly the Land of Matthew Hubbard scituate, lying, and being in the County of New Kent containing by Estimation nine hundred Acres more or less, That all that the Plantation seat or Tract of Land formerly the Land of George Marr scituate, lying, and being in the County of New Kent containing by Estimation One Thousand Eight hundred seventy five Acres more or less, That all that the Plantation seat or Tract of Land commonly called and known by the name of Mount Holly and Eashanash formerly the Land of Bryan Smith scituate, lying, and being in the said County of New Kent containing by Estimation Two Thousand Acres more or less, That all that the Plantation seat or Tract of Land formerly the Land of One Gawin scituate, lying and being on Skimino Creek in the County of York containing by Estimation Thirty Acres more or less, That all that the Plantation seat or Tract of Land formerly the land of Bryan Smith scituate, lying, and being in the County of James City containing by Estimation Two hundred Acres more or less, And that all that the Plantation seat or Tract of Land formerly the Land of Col. Edward Hill scituate, lying, and being in the County of King William containing by Estimation Three Thousand Eight hundred and five acres more or less, Together with all and singular the appurtenances to the said Mill belonging,
And all ye Edifaces, Buildings and houses to the said Plantations and seats of Land belonging with the Appurtenances, And also Fifty Negro Slaves named as followeth: Will, Twine, Squire, Lucy, Amy, Kate, Queens Creek; Sarah, Isabella, Thomsaine, Little Molly, Dinah, Daniel, Harry, Mill Quarter; Betty, Mill Quarter; Sue, Queens Creek; Beck, Pegge, Nanny, Philip, Bachus, Little ———, Argulus, Daniel, Atse, Chichahominy; Abbathe, Young Judity, Betty, Lew, Fay, Fortune, Cesar, Abbathe, Great Evelin, Little Evelin, Dinah, at Mount Pleasant; Pegg, Jenny, at Mount Pleasant; Hercules, Silvia, Mary, Dorcus, Jenny, Beck, Finger, Wynny; Great Sarah, Abigail, Nel, Dol, Jenny, Black Creek; Beck, Black Creek; Sue and Thompson, to the said Plantations or Tracts of Land, or to some or One of them belonging and appertaining, be and are hereby vested and settled in the said John Custis and Frances his wife and their heires as fully and absolutely to all intents and purposes whatsoever as the said Mill, Lands, and Negro Slaves were vested in the said Daniel Parke at the time of his death to the uses and Purposes hereafter mentioned (that is to say) That the said John Custis and Frances his wife shall and may as soon as conveniently may sell and dispose of the said Mill and all and singular the Lands, Plantations, Slaves, and premises hereby vested in them to the best Purchaser and for the best Price that may be gott for the same and that the moneys arising by the
sale thereof shall be the said John Custis and Frances his wife be first applied to the paying and satisfying such Debts which the said Daniel Parke justly Owed at the time of his death to Micajah Perry and Company of London, Merchants; Secondly to the paying and satisfying all other Debts which the said Daniel Parke owed at the time of his death, And Lastly to the paying the Bequests and Legacys of the said Daniel Parke according to his last will and Testament and to and for no other use or purpose whatsoever, And that the surplus of the money arising by such Sale after the Debts and Legacys aforesaid shall be truly paid shall during the life of the said John and Frances remain and be in their possession, And after their deaths shall forever be answered and paid to such person or persons as the said Mill, Land, and Negros should have descended to if this Act had not been made, And for the better security and satisfaction of ye Purchasers of the said Mill and all or any of the said Lands or Slaves,

Be it Enacted by the authority aforesaid, That all and every person or persons their heires and assignes who shall become purchaser or Purchasers of any of the said Lands or Slaves mentioned or intended to be vested in or Conveyed by these presents to the said John Custis and Frances his wife shall quietly hold and Enjoy the same according to their respective Purchases in as full, ample,
and Beneficinl manner as the said Daniel Parke deceased could by any Conveyance, Deed, or writing Executed in his life time have Conveyed the same,

Provided alwaies and It is the true Intent and meaning of these presents that if sale shall not be made of the said Mill and the severall Lands and Slaves hereby vested in the said John Custis and Frances his wife then the said Mill and such Land and Slaves so not sold shall Descend in such manner as the same would have done if this Act had not been made.

CHAPTER I


Whereas at a General Assembly Begun at the Capitol the Twenty Third day of October in the Fourth Year of the Reign of Our Sovereign Lady Queen Anne, an Act was made Entitled an Act for Security and Defence of the Country in Times of Danger, which Act being Expired and by another Act, made at a General Assembly begun at the said Capitol the Twenty Fifth Day of October in the Ninth Year of the Reign of Our said Lady Queen Anne, Entitled an Act for Reviving and Continuing an Act for Security and Defence of the Country in Times of Danger, Revived and Continued till the Tenth Day of December which should be in the year of Our Lord One Thousand Seven Hundred and Twelve and whereas the said Act made in the Fourth Year of the Reign of our said Lady the Queen hath been found by Experience very useful and necessary and is now near Expiring, Be it therefore Enacted by the Lieut. Governor, Council, and Burgesses of this present General Assembly and it is hereby Enacted by the Authority of the same that the said Act made in the Fourth Year of the Reign of Our said Lady Queen Anne Entitled an Act for Security and Defence of the Country in Times of Danger and all and every matter, clause therein contained and all and every the Powers and Authoritys
thereby given be and Continue and are hereby Continued in full force and Virtue to all intents and purposes from and after the said Tenth day of December untill the Tenth Day of December which shall be in the year of our Lord One Thousand Seven Hundred and Fourteen and no longer.

C. 0. 5/1386, ff. 22-23.
CHAPTER II

An Act to continue an Act Entitled an Act for appointing Rangers and for Increasing their pay.

Whereas an Act made at a General Assembly begun at the Capitol the Twenty Fifth day of October in the Ninth year of the Reign of our Sovereign Lady Queen Ann Entitled an Act for appointing Rangers is found by Experience to be an usefull and Beneficill Law, which Act will Expire on the One and Thirtieth day of January next, therefore for Continuing the said Act, Be it Enacted by the Lieut. 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 every Article Clause matter and thing therein contained Shall be and is hereby Continued and in force for One yeare from and after the said One and Thirtieth day of January and no longer, And be it further Enacted by the Authority aforesaid, That from and after the said One and Thirtieth day of January there shall be Levyed and paid to Each Lieut. or Commander of such Rangers for his service for one Year and above, the pay allowed to such Lieut. by the said Act, the further Quantity of Eight hundred pounds of Tobacco with Cask, and in proportion to the said Eight hundred pounds of Tobacco for a lesser time than a year, And to every man Listed under such Lieut. for his service for one Year over and above the pay allowed to such man by the
said Act, the further quantity of six hundred with Cask and in proportion to the said six hundred pounds of Tobacco for a Lesser time than a Year out of the Public Levy, which said Severall Quantities of Tobacco shall be raised, levyyed, and paid in such manner as the Tobacco Allowed to such Lieut. and such man by the said Act is appointed and Directed to be Levyyed and Raised.

C. 0. 5/1386, ff. 23-24.
CHAPTER III

An Act for Continuing an Act Entitled an Act for Laying a Duty on Liquors and Slaves and for appropriating money Sufficient to furnish Nine hundred Yards of Duffells and one thousand Pounds for the service and Reliefs of North Carolina out of the said Duty and for appointing a Treasurer.

Whereas at a Generall Assembly begun at the Capitol the Twenty Fifth Day of October in the Ninth Year of the Reign of Our Sovereign Lady Queen Anne, an Act was made Entitled an Act for laying a Duty on Liquors and Slaves which said Act is to Continue and be in force till the Tenth Day of December in the Year of our Lord One Thousand Seven Hundred and Thirteen and no longer, And there being no better Expedient found to Lessen the Levy by the Poll or to defray any publick Charge than Impositions of that Nature, Be it therefore Enacted by the Lieut. Governor, Council, and Burgesses of this present Generall Assembly and it is hereby Enacted by the Authority of the same that the said Act and all Articles, Clauses, Provisions, powers, and Penaltyys therein Contained shall Continue in full force and Effect for three years from and after the Expiration of the said Act and for no longer time as fully to all Intents and purposes as if all and every the Clauses, Matters, and things in the said Act Contained had been again Repeated in this Act and particularly Enacted, And Whereas the Miserable
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Condition of her Majesties Subjects of the Province of North Carolina hath been Earnestly Recommended to the Council and Burgesses of this Generall Assembly by the Honbl. the Lieut. Governor for Reliefe, Wee her Majesties most Dutyfull and Loyal Subjects the Burgesses now Assembled having seriously Considered the Deplorable Circumstances of the People of that Province and being Desirous to Afford them what Succor we can give, Have Cheerfully and unanimously Resolved to Raise so much Money as will be sufficient to buy and furnish Nine hundred yards of Duffells for the Reliefe and Succor of her Majesties Subjects of the said Province According to their Desire, To be disposed of in such manner as they shall Direct, And have cheerfully and unanimously given and granted to her Most Gracious Majesty the Sum of One Thousand Pounds to be Expended, Employed, and made use of for the Reliefe and Succor of her Majesties said Subjects of the said Province in Such manner as in this Act is hereafter Directed, And do humbly pray your Honor it may be Enacted, And be it Enacted by the Authority aforesaid that there shall be levyed and Raised out of the Dutys and Impositions given and Arising by the said Act after the moneys already appropriated out of the said Dutys are fully Levyed and paid so much Money as will be sufficient to furnish Nine hundred yards of Duffells, And Also the sume of One Thousand Pounds which the said sume of One Thousand Pounds shall be Expended, Laid out, and
Dispos'd of for the use, Relief, and Benefit of the Inhabitants of the said Province of North Carolina and for no other use or purpose whatsoever, And be it further enacted by the Authority aforesaid that the Honbl. the Lieut. Governor or the Governor or Commander in Chief of this Colony and Dominion for the time being is desired and empowered to Issue his Warrant or Warrants in the Treasurer of this Dominion for the time being for so much Money as the said Buffells shall cost and also for any other sum or Sums of Money which may be wanting for the use or Relief of the Inhabitants of the said Province out of the Moneys to be Raised for the said use not Exceeding One Thousand Pounds over and above what the said Quantity of Buffells shall cost, And shall and may Disburse, Distribute, and Dispose of the said One Thousand Pounds and any part thereof in such manner as he shall judge most proper and advantageous for the Relief, Support, and Service of the Inhabitants of the said Province, And it is hereby further enacted by the Authority aforesaid that it shall and may be Lawfull to and for any person or persons whatsoever to Advance and lend to her Majesty at the Office of the Treasurer of this Dominion upon the Credit of the Duty and Imposition by this Act Granted for the use and service of the inhabitants of North Carolina as aforesaid any Sume or Sumes of Money which shall not Exceed in the whole the Sum of Eleven hundred and Eighty Pounds and to
have and Receive for the forbearance thereof Interest after
the Rate of Eight Pounds for One hundred Pounds for a Year,
And Such person or persons who shall lend and Advance any
Money as aforesaid and shall pay the same into the said Office of the said Treasurer shall Immediately have an Order
from the said Treasurer for his, her, or their repayment
with Interest for the forbearance thereof at the Rate aforesaid at the time of payment of the principal for which Order or Orders no Fee shall be Demanded or paid, And all such Orders shall be Entered in a Book according to the Dates Respectively and every person shall be paid in Course accordingly as their name shall stand Entered without any undue preference of one before another, And the money which shall be Levyed and paid for the Duty and Imposition given by this Act after the Moneys already appropriated out of the said Duty and Impositions shall be fully satisfied and paid shall be in like order lyable to the satisfaction of the moneys to be lent and the interest thereon due to the Respective parties, their Exrs. Admirs. or Assignees Respectively, And shall not be Diverted or Divertable to any other use, Intent or purpose whatsoever, And be it further Enacted by the Authority aforesaid that all and every sume and sumes of Money to be raised by this act shall be Constantly Accounted for and paid by the Collectors or Receivers thereof to the Treasurer of this her Majestys Colony and Dominion for the
time being, And be it further Enacted by the Authority aforesaid and it is hereby Enacted, That Peter Beverley, Esqr. shall be and is hereby Nominated, Constituted, and Appointed Treasurer of the Revenues Arising by this Act and the Said Treasurer is hereby Authorized, Impowered, and Required to Demand, Receive, and take of and from every Collector and Collectors all and every Sume and Sumes of money Arising by force of this Act of Assembly, And the said Peter Beverley is authorized and required to keep and retain all such money in his own Custody and possession until he shall be ordered and required to dispose of the same in such manner and by such Warrant and for such uses, Intents, and purposes and no other as are Limited, appointed, and Directed in this Act, And be it further Enacted by the Authority Aforesaid and it is hereby Enacted That the Sallary of Four per Cent shall be allowed and paid to the said Treasurer out of all and every Sume and Sumes of money by him Received and Accounted for to the General Assembly according to the directions of this Act, And be it further Enacted that the said Peter Beverley before his Entry and Admission to the said Office of Treasurer and before his taking upon him to Execute and manage the same shall give Bond in the Secretaries Office with good and sufficient Security in the Sume of Five Thousand Pounds Sterling payable to her Majesty, her heirs and Successors for the True
and Just performance and Discharge of the aforesaid Office and place of Treasurer according to the True intent and meaning of the Act, Provided always that in Case of the Death, Departure out of the Country, or other Legal Disability of the Treasurer hereby appointed, That then it shall and may be Lawfull to and for his Honor the Lieut. Governor and the Governor and Commander in Chief for the time being with the Advice of her Majesties Council to appoint and Constitute such other person as he shall think fitt to Execute the said Office of Treasurer According to the Several Rules and Directions in this Act Expressed who shall hold and Enjoy the said Office of Treasurer with all and Singular its Rights and Profits untill the next Session of Assembly giving such Bond and Security as herein is before Directed, any thing in this or any other Act to the Contrary in any wise notwithstanding.

CHAPTER VI

An Act for raising a publick Levy.

Be it Enacted by the Lieut. Governor, Council, and Burgesses of this present General Assembly, and it is hereby Enacted by the Authority of the same that the Sums of Five and Twenty pounds of Tobacco be paid by every Tythable person within this her Majesties Colony and Dominion of Virginia for the defraying and payment of the Publick Charge of the Country being the Publick Levy from the Twenty Fifth Day of October One Thousand seven Hundred and ten to the Two and Twentieth Day of October One Thousand Seven Hundred and Twelve, And that it be paid by the Collectors of the Countys to the Several Persons to whom it is proportioned by this General Assembly, And if it shall happen that there shall be more Tythables in Any County than the present Levy is laid on, Then Such County to have Credit for so much to the use of the County, And if there shall happen to be less Tythables in any County, Then Such County to bear the Loss.

C. O. 5/1386, f. 34.
CHAPTER VII

An Act to Enable William Manley Gent. to Sell and dispose of Certain Entailed Lands and Tenements in the County of Westmoreland On Settling other Lands and Tenements lying in the said County of which he is seized in Fee to the same uses.

Whereas William Manley of the County of Westmoreland Gent. hath by his petition sett forth, That he is seized in Fee Tail of and in Certain Lands and Tenements Containing Two Thousand Two hundred Acres or thereabouts scituate, lying and being in the said County of Westmoreland formerly granted to John Whitstone by Patent bearing Date the Twenty Forth day of September in the year One Thousand Six hundred Sixty and Seven which said Lands the said John Whitstone did by his Last Will and Testament in Writing bearing Date the last day of September in the Year One Thousand Six hundred Sixty and Nine, Devised to John Whitstone his Sone, And if the said John Whitstone the Devisee should Die without Heires or before the Age of One and Twenty Years, Then the said Land should redound to Restitute Whitstone and in Case the said Restitute Whitstone should Die without Heires, Then the said Land should redound to the Exors. of the said Will and their Heires, And that the said John Whitstone the Devisee died in his Minority and that the said William Manley is the Surviving Issue of the said Restitute Whitstone and Heir at Law to Ann Whitstone Surviving Executrix
of the said Will and that the said William Manley having no personal Estate wherewith to support himselfe and his Family or to purchase Slaves to Occupy and work his Lands hath been Necessitated to Contract great Debts for those purposes and hath not wherewithall to satisfye the said Debts nor will be able to Extritate himselfe from So great a Mischief without the Assistance of an Act of Assembly to Enable him to sell the said Lands so Devised and Settled by the Will, And hath made humble suit that he may be Enabled to sell the said Lands on Settling Sixteen Hundred Acres of other Lands Lying in the said County of better value than the said Intailed Lands of which he the said William Manley is Seized in Fee Simple to the same uses as the said Intailed Lands are settled and Devised by the said Will of the said John Whitstone the Elder, All which matters and allegations are sufficiently proved to be to the satisfaction of this House of Burgesses, Therefore the humble Suit of the said William Manley, Be it Enacted by the Lieut. Governor, Council, and Burgesses of this present Generall Assembly and it is hereby Enacted by the Authority of the same, That the said Two Thousand Acres of Land lying and being in the said County of Westmoreland According to the severall and respective Limitts and Bounds thereof sett forth and Expressed in the said Pattent Granted to the said John Whitstone the Elder bearing the Date of the Twenty Forth day of September in the Year One Thousand Six
Hundred Sixty and Seven aforesaid with their and every of their Rights, members, and appurtenances, Together with all Houses, Buildings, Profits, Hereditaments, and appurtenances whatsoever to the premisses or any part thereof belonging or appertaining or Attempted, reputed, Taken, Used, or Employed or part, parcel, or Member thereof shall from and after the First day of February next be Actually Vested and Settled in the said William Manley, His Heires, and Assignes and that from and after the said First day of February he the said William Manley shall be adjudged and taken to be seized thereof and of every part and parcel thereof to him and his Heires to the only use of him the said William Manley, his Heires and Assignes for ever, And May hold and Enjoy the same Free and Clear and Freely and Clearly discharged of and from any Estates, Uses, Limitations, Remainders, Provisoes, or Conditions had and made Limited or Expresses in or by the said Last Will and Testament of the said John Whitstone the Elder, Provided always and it is the Intent and meaning of this Act, That the said William Manley shall and do before the first day of February next aforesaid by good and sufficient Conveyance in Law assure, Convey, and Settle the said Sixteen Hundred Acres of Land Lying in the County aforesaid According to the Several and Respective Bounds and Limitts thereof sett forth and Expressed in a pattent bearing date the Thirtieth Day of January in the year sixteen hundred
and Fifty by which the said Sixteen Hundred Acres are Granted to One John Hallows and his heires for ever with their and every of their Rights, Members, and Appurtenances together with all Houses, Edifices, Buildings, Profitts, Hereditaments, and appurtenances whatsoever to the said Sixteen Hundred Acres or any part thereof belonging or appertaining or Accepted, Reputed, Taken, Used, Occupied, or Enjoyed as aprt, parcell, or member thereof to such use and uses and with such Limitations and Remainders as the said Lands Devised and mentioned in and by the said Last Will and Testament of the said John Whitstone the Elder are and stand Limited and Devised, And for and to no other use or Limitation whatsoever, That is to say to the use of the said William Manley for and during his Naturall Life and from and after his Decease to the Heires of the Body of the said William Manley begotten and to be begotten for ever, And for want of such Issue to the right Heires of the said William Manley forever or otherwise this Act or any thing therein Contained be of no force, Provided also that this act nor anything therein contained shall be Construed, Deemed, or taken to alter, Limmitt, or Defeat any Right, Title, or Interest of her Majesty, her Heires, or Successors or of any Bodys pollitick or Corporate or of any other person or persons Claiming under the above named John Hallows in and to the aforesaid Sixteen Hundred Acres of Land or any part or parcell thereof hereby Intended to be
Conveyed as aforesaid, but that all and every the Rights, Titles, and Claims aforesaid are and are hereby declared to be reserved and Excepted as if this Act had never been made.

C. 0. 5/1386, ff. 32-34.
CHAPTER I

An Act for preventing frauds in Tobacco payments And for the better Improving the Staple of Tobacco.

Whereas the many frauds and Abuses committed in making and packing Tobacco paid away for Discharging Publick Dues and Levys as well as private Debts and Contracts, As also for Exportation are found to have Lessened the Publick Credit of the Government and Occasioned a General Decay of the Trade of this Colony, For Remedy whereof and for the more Effectual Advancement of the Staple of this Country,

Be it Enacted by the Lieut. Governor, Council and Burgesses of this General Assembly and it is hereby Enacted by the Authority of the Same, That from and after the Tenth day of November which shall be in the year of our Lord Christ One thousand Seven hundred and fourteen, All Tobacco whatsoever which shall be due and payable for any Publick, County or Parish Levys or any other Publick Dues whatsoever or for Secretaries, Sheriffs, Clerks, or other Officers Fees, Or for any private Debt, Contract, Sale, or Traffique shall be paid by the person and persons by whom such Dues and Debts shall be owing at some or One of the Publick Storehouses hereafter mentioned within the County or Parish wherein the Debtor shall Reside or the Debt become due, And be it further Enacted by the Authority aforesaid That it shall and may be lawful for the Lieut. Governor or the Governor
and Commander in Chief of this Dominion for the time being by commission under his hand and the Seal of the Colony to constitute and appoint fit and proper persons to View, Examine and Receive at the Storehouses hereafter mentioned All such Tobacco as shall be brought to the Same by the Direction of this Act which persons so to be appointed shall be called Agents and before they take upon themselves the Execution of the said Office shall respectively make Oath before the Court of the County wherein they shall be appointed carefully and diligently to View and Examine all Tobacco brought to them by the Direction of this Act and to the best of their Skill and Knowledge not to receive any but what shall be good, sound, well conditioned, clear from all manner of Trash, and to be tyed up with the same tobacco and also that they shall faithfully discharge the Duty of their office according to the Direction of this Act without favor Affection, partiality or other by respects, And shall also before the said Court enter into Bond with good Security in the penalty of Two thousand pounds of lawfull money payable to the Governor and Commander in Chief of this Dominion for the time being and his Successors with condition for the true and faithful performance of the said Office and Trust according to the direction of this Act, And for the placing the said Storehouses for the greater convenience and ease of the People in bringing their tobacco to the Same, Be it
Enacted by the authority aforesaid that it shall and may be lawfull for her Majestys Lieut. Governor or the Governor or Commander in Chief of this Dominion for the time being to constitute and appoint commissioners for the several Countys in this Colony not exceeding two for each county and the several commissioners to be appointed on the South Side of James River and Two Justices for every County there to be nominated by the court of which they are Justices. And the several commissioners to be appointed in the several Necks of Land between James, York, Rappahannock, and Potomack Rivers and two Justices of every County in the said Several Necks to be nominated as aforesaid. And the Several commissioners to be appointed in the countys on the Eastern Shoar and two Justices for each County of that Shoar to be nominated as aforesaid shall as soon as conveniently may be meet at some place to be appointed by the Lieut. Governor or the Governor or Commander in Chief of this Dominion for the time being in the said Necks and Countys respectively for which they are to be appointed commissioners and such of the said commissioners and Justices as do meet shall in the most convenient manner for the Ease of the Inhabitants without regard to the bounds of the Countys Set out and appoint proper and convenient places in the said Countys for Erecting publick Storehouses on near to some good landing upon a Navigable River or Creek and also shall Direct and appoint what kind
of building shall be erected at each of the said places.
And if such commissioners and Justices cannot agree upon the
place or places for Erecting such Storehouses, That then and
in such case it shall be lawfull for the Lieut. Governor or
the Governor and Commander in Chief of this Dominion for the
time being and he is hereby impowered and desired to appoint
the same, And be it further Enacted that the said commis-
sioners shall immediately after appointing the places for
erecting Storehouses deliver a List thereof to the Sheriff
of each respective county who is hereby required to summon
the Proprietor of the Land whereon a publick Storehouse is
appointed to be built or if such Proprietor be under age,
Feme Covert, or out of the Country the Guardian, Husband, or
known Attorney as the case is to appear at the next court to
be held for the said County and declare whether he will erect
or build such Storehouse as is directed by the said Commis-
sioners and Justices together with a good Wharf at the Landing
adjoining thereto of which Summons the Sheriff shall make due
return to the court together with the List delivered him by
the commissioners and Justices aforesaid, And the said court
are hereby required upon such Return and before the Proprietor
of the Land be called to Settle such, a reasonable yearly rent
to be paid by the Agent for each Storehouse in their county
according to the Dimensions thereof Directed by the Commiss-
sioners and Justices aforesaid as to them shall seem meett,
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And if at the said court the Proprietor or the Guardian, husband, or known attorney as the case is shall appear and undertake the building such Storehouse or Storehouses and Wharf, The court of the said county is hereby required to take Bond with good security payable to the Governor or Commander in Chief of this Colony for the time being for the due performance of the said Undertaking and shall also make return of all Bonds by them taken to the Secretaries Office before the Tenth day of Next Aprill Generall Court, And be it further Enacted by the Authority aforesaid that if the Proprietors of any Land whereof a Public Storehouse shall be appointed to be kept shall refuse to Erect and build a good Substantial Storehouse or Storehouses according to the Direction of the said commissioners and Justices together with a good Wharf at the Landing adjoining thereto, And to let the same to the Agent at a reasonable yearly rent to be Adjudged of as aforesaid by the court of the County where the Land shall Lye, That then it shall be lawfull for such County Court and they are hereby required to Order one Acre of such Land to be Valued by two good and lawfull freeholders upon Oath and if the said Agent or any other person shall pay or tender the proprietor of the said Land the Value thereof according to such Valuation and will erect thereon a Storehouse or Storehouses and Wharf in manner above directed Such Agent or other person paying the
the Value of the said Land and building thereon as aforesaid shall be from thence forth possessed of the said Land to him and his Successors or Assignees During the time such place shall be made use of for the publick Storehouse, And in case the Proprietor of the said Land or any other person will not build such Storehouse or Storehouses and Wharf on the said land and let the same to the Agent, That then it shall and may be lawfull for Such County Court and they are hereby required to pay tender to the Proprietor of the said Land the Value thereof according to such Valuation and to cause to be built thereon such Storehouse or Storehouses and Wharf and to Levy the charge thereof upon the Inhabitants of their County, And shall take and Receive the yearly rent Established for such Storehouse which shall be paid by the Agent thereof for Reimbursing the County the charge of purchasing the said Land and building thereon, And from thence forth the Justices of the said Court shall be possessed of the said Land and Tenements to them and their Successors To the use of the said County during the time Such place shall be made use of for a publick Storehouse, And if it shall happen that the place so appointed for a publick Storehouse shall not be made use of for that purpose, That then the said Land and buildings shall be valued by three Freeholders upon Oath and the Proprietor of such Land paying the Value according to such Valuation to the person or persons who shall be possessed thereof as afore-
said shall be seized thereof as of his former Estate, And
the same method shall be observed in case the Agents shall
at any time thereafter during the continuance of this Act
find it necessary to have more Storehouses erected at any
of ye places appointed for the uses above mentioned, Provided
always that nothing herein contained shall be construed to
give any power to the said commissioners or Justices or to
any County Court to take away ye houses, Orchards, or other
immediate Conveniencys of any Proprietor of Land for the uses
or purposes aforesaid nor to the said Agents to keep any
horses, cattle or hoggs at any of the said Publick Store-
houses but what shall be constantly inclosed and kept upon
the Acre of Land appointed for such Storehouse, And Be it
further Enacted by the Authority aforesaid that all and every
the Agents so appointed shall constantly attend at some or
one of the Storehouses under their charge for the Receiving
all tobacco to be brought thereto from the Tenth day of
November until the last day of March in every year, Sundays,
Holidays, the time of holding the General Assembly, and the
Court days of the respective Countys wherein such Agent
shall execute his Office Excepted, And if there be more
Storehouses than one under the charge of one Agent, Such
Agent shall give publick and convenient Notice of the time
he will attend at each Storehouse respectively, Provided
nevertheless that if any of the Agents so appointed shall
happen to be sick or shall be necessarily absent on the service of the General Assembly of this Colony it shall and may be lawfull for such Agent to nominate and appoint a sufficient Deputy for whom he will be answerable to Execute his Office during such Sickness or Absence which Deputy having taken the Oath of An Agent which Oath any Justice of the Peace of the County wherein he Officiates is hereby empowered and required to Administer may execute the said Office during such Sickness or absence in as ample manner as the said Agent might have done himself except as to the Signing of Notes for Debt Tobacco which shall only be signed by the Agents themselves and by no other person, And be it Further Enacted by the Authority aforesaid That when any Tobacco shall be brought to any of the said Storehouses for the discharge of any publick or private Debt whatsoever the Agent there attending after he hath viewed and Examined and weighed the said Tobacco on Scales with weights of the lawfull Standard which Scales and weights the said Agent is hereby required to provide and keep at each Storehouse shall be obliged to deliver to the person bringing the same as many Notes as shall be required for the full quantity of Tobacco Received by him in which Notes it shall be expressed whether the Tobacco be Sweet Scented or Oronoko which Notes which Notes being numbered and stamped with the Mark of the County where the said Tobacco was Received shall be and are
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hereby Declared to be Current and passable in all Tobacco payments whatsoever according to the Species expressed in the Note within the County where such Agent shall Officiate or in any other County next adjoining thereto not Separated therefrom by any of the Great Rivers or Bay hereafter mentioned, that is to Say: James River, below the mouth of Appomattox; York River below West point; Rappahanock River below Taliaferro's Mount, or by the Great Bay of Chesapeak, and shall be transferrable from one person to another in all such payments and shall also be paid and satisfied by the Agent who Signed the same upon Demand, And be it further Enacted by the Authority aforesaid that all and every Cask of Tobacco which shall be paid away by the said Agent shall be stamped with the name of the County and Storehouse where it was paid which Stamp the said Agent is hereby Directed and required to provide and if any Cask or hogshead of Tobacco so Stamped shall be found to contain any bad or unsound Tobacco or any Trash or not well packed, every Agent paying or tendering the same in payment shall for every hogshead so paid away or tendered forfeit and pay five pounds of lawfull money, And if he shall be found Guilty of paying or tendering such bad or unsound tobacco or trash a second time he shall forfeit and pay for every hogshead so paid away or tendered Ten pounds of like money And if the said Agent shall be found Guilty of paying away or tendering such bad or unsound Tobacco or trash a Third
time he shall be turned out of his Office and be incapable of holding any place of Trust or profit within this Colony for the Space of Seven years, And for the better Detecting Frauds of the Agents and recovering the penalty before mentioned, Be it Enacted by the Authority aforesaid that if any person to whom any hogshead of Tobacco shall be paid or tendered to be paid by the said Agent shall discover any bad or unsound tobacco or trash therein it shall and may be lawfull for such person to apply himself to a Justice of the peace of the County where such payment or tender shall be made which Justice is hereby Impowered and required to order three or more good and lawfull Freeholders of the said County reputed to be skillfull in tobacco each of which shall have a Visible Estate real or personal of the Value of One hundred pounds of lawfull money to be summoned to View the said Tobacco and to make Report upon Oath how they find the same for which View and Report each Freeholder shall be paid Twenty pounds of tobacco for every day he shall attend thereupon by the person at whose request he shall be summoned, And the Report of such Freeholders or of the greater number of them shall be admitted as good Evidence at the Triall on a Suit brought for Recovery of any of the said penalty which suit the person to whom such bad or unsound tobacco or trash shall be paid or tendered is hereby impowered to bring against such Agent by Action of Debt or
Information in any Court of Record in this Dominion wherein no Essoyn, Protection or Wager of Law shall be allowed, And therein shall Recover the penalty aforesaid according to the Offence of the said Agent with full costs of suit to his own use, Provided always that no Tobacco which hath been received and Stamped by the Agent shall thereafter be delivered out of his custody but directly for Exportation, And that if the Suit be brought for the paying of bad or unsound tobacco or trash which hath been out of the custody or possession of the Agent since the payment thereof the person bring such Suit shall make legal proff that the said Tobacco hath not been mixed or changed or received any Damage since the time it was paid away by the said Agent, And that it is the same tobacco which was paid away by the said Agent, and be it further Enacted by the authority aforesaid that if any person whatsoever shall counterfeit or forge the Note or Stamp of any Agent or tender in payment any such forged or counterfeited Note or any hogshead of tobacco stamped with a counterfeited or forged Stamp or demand tobacco of any Agent upon such forged or counterfeited Note knowing the Note so tendered or whereupon the tobacco shall be demanded or the Stamp upon such hogshead to be actually forged or counterfeited or shall put or pack into any hogshead, chest or case stamped by any Agent any tobacco whatsoever after such hogshead, chest or case hath been removed from the publick storehouse of such Agent, every such
so Offending being convicted by due course of Law shall be adjudged a Felon and shall suffer as in cases of Felony, And for the greater ease of the people in Discharging their pubick, county and parish Levys and Other Dues and Fees by the Notes of the Agents, It is enacted that the Courts of the respective Countys and the Vestrys of each parish shall divide their said Countys and parishes into particular precincts and shall appoint such Days as they shall think fit for the Sheriffs and Church Wardens respectively to attend for accounting with and receiving from the Inhabitants all their Levys, pubick dues and Officers Fees which said dues and Fees shall be discharged by the Notes of the Agents according to the Species of tobacco wherewith each person is chargeable after discounting each particular Debtor all the credit he ought to have in the Publick, County or parish Levy. And that for each days attendance of the said Sheriff and of the said Church Wardens they shall be paid Two hundred pounds pounds of Tobacco to be levyed for them on the Tythable persons within such Countys and Parishes respectively and moreover there shall be paid to the said Sheriffs by every public or County Creditor and by the Secretary, County Court clerk, and other Officers who shall intrust them with receiving their Fees and by all parish Creditors to the Church Wardens the quantity of Two pounds of tobacco for every hundred pounds of tobacco by such Sheriffs and
Church Wardens to the said Creditors by the Agents Notes as aforesaid and proportionably for a less quantity, Provided always that all Publick, County and Parish Levys and all Secretaries, Clerks, and other Officers Fees due and payable for the year One thousand Seven hundred and Fourteen on that shall remain unpaid for any preceding year shall be put into the said Sheriffs and Churchwardens hands before the tenth day of December in the Year One thousand Seven hundred and Fourteen aforesaid and so thereafter during the continuance of this Act before the tenth day of December yearly and that the said Churchwardens shall give Security to the Vestrys, And the said Sheriffs to the respective County Courts for the due payment of all Notes which shall be delivered them respectively in Discharge of all and every the Levys, Dues and Fees aforesaid, And if any Publick or County Creditor or Officer who shall not the Sheriff with the Collection of his Fees shall have cause to suspect that such Sheriff hath delayed or postponed his payment after having Received sufficient Notes to discharge the same and a demand thereof made such Sheriff shall on the motion of such Creditors or Officers be obliged to produce his Accounts before the Court of the County, And if thereupon it shall appear that he hath unjustly delayed the said payment he shall forfeit and pay to the party aggrieved double the Sum so detained and Judgement shall be granted for the same accordingly, And be it also Enacted by the authority aforesaid
that if any person or persons lyable to the payment of public, county or parish levys or other publick dues whatsoever or of Secretarys, Clerks, Sheriffs or other Officers Fees payable in tobacco shall neglect to deliver or cause to be delivered to the sheriff of the County or Churchwardens of the parish where such dues or Fees are payable sufficient Notes for all such quantities of tobacco wherewith such Debtor or Debtors are chargeable before the last day of March in every year during the continuance of this Act, every such person so neglection to deliver his or her Notes shall be lyable to pay Ten pounds of Tobacco for every hundred pounds of tobacco over and above his or her debt, And it shall and may be lawfull for the Sheriff of each County and he is hereby required to make distress in his County for all such Publick, county and parish Levys and other publick dues and for all such Secretarys, Clerks, and other Officers Fees payable in tobacco as shall be due and unpaid the last day of March yearly and for the penalty of ten per cent as aforesaid which penalty of Ten percent is hereby allowed to the Sheriff besides his lawfull Fees for making Distress, And the Sherif is to be answerable to the creditor for the matter distrained, And to the End the Inhabitants of this Colony may be recompenced for the trouble of Carrying their tobacco to ye publick Storehouses of the Agents, Be it Enacted by the Authority aforesaid
that during the continuance of this Act no tobacco shall be
Levyed for the Collecting of any publick, county or parish.
Levys and That for all Officers Fees payable in tobacco and
discharged by the Notes of the Agents in manner aforesaid
the person paying the same shall and may retain in his own
hands ten pounds of tobacco for every hundred pounds of
tobacco so discharged and proportionally for a greater or
less quantity, And for the Encouragement of the Agents in
performing the duty of their Office and the trust reposed
in them, Be it Enacted by the authority aforesaid that for
every hogshead of tobacco which shall be paid for the dis-
charge of any publick or private Debt and shall afterwards
be delivered out of the public Storehouses well Lined and
nailed for shiping there shall be paid to the Agent thereof
by the person claiming and receiving such hogshead the sum
five shillings or Eight pounds of tobacco for every hundred
pounds of tobacco which such hogshead shall contain and
proportionably for a greater or lesser quantity at the
choice of the person claiming such hogshead and thirty
pounds of tobacco for each hogshead, Provided that no hogs-
head of Sweet Scented tobacco so paid away shall contain less
than seven hundred pounds of tobacco unless the creditor or
person receiving the same shall desire hogsheads of a less
weight, And for preventing the unnecessary trouble which may
be given to the Agents by persons delivering tobacco and
Demanding Notes for the Same to be paid away in Discharge
of their Debts there shall be paid to the said Agent for every Note so delivered by him to any one person exceeding two, the quantity of two pounds of tobacco and for every hogshead of tobacco which shall be left in such Storehouse after the last day of May in every year there shall be paid to the Agent by the person claiming the Same One shilling for the first three months after that time and Six pence for every month after the said three months and proportionably for a lesser quantity than a hogshead, And for every hundred pounds of tobacco paid away by the Agent in hogsheads, Barrels, Chests, or Cases there shall be allowed to him two pounds of tobacco by the person taking the same away for shrinking and wasting and proportionably for a lesser quantity, And be it further Enacted by the Authority aforesaid that when any person shall deliver to the Agents any tobacco in cask for the discharge of any publick or private Debts whatsoever every Agent to whom such cask shall be delivered shall be and is hereby obliged to pay or allow thirty pounds of tobacco for every hogshead so delivered if such hogshead be good and fit for the packing tobacco therein and not otherwise; And forasmuch as the careless and deceitful practices of Overseers of Plantations and others in making and packing tobacco to be shipped off on the Account of the Owners of such tobacco cannot be fully detected nor the Staple Commodity of this Country sufficiently improved without a General Inspection of all
tobacco exported from this Colony, Be it therefore Enacted by the authority aforesaid and it is hereby Enacted that all Tobacco to be exported on the Account and for the use of the Owners thereof from and after the said Tenth day of November in the year One thousand Seven hundred and Fourteen aforesaid shall be first brought by such owner to a publick Storehouse, And there carefully Viewed and Examined by the Agent thereof, And if he find the same to be good, sound, well conditioned, free from all manner of trash, and be tyed up with the same tobacco he shall Naile up the said hogshead securely and Stamp the Same with his sir name and the name of his Office which Stamp the said Agent is hereby required to provide, And if the said Agent shall refuse to Stamp any hogshead of tobacco brought to him by such owner by reason the Tobacco therein contained shall by him be Esteemed to be bad, unsound, not in good condition, or not to be free from trash, or not to be tyed up with the same Tobacco, That then and in such case it shall and may be lawfull for the owner of such Tobacco to have the same Viewed in the same manner as is before in this Act appointed for Viewing tobacco paid away or tendered by the Agent and if such Viewers or the greater number of them shall adjudge the tobacco so by them Viewed to be good according to the Directions in this Act the said Agent shall them be Obliged and he is hereby required to well pack and securely Line and
nail up such hogshead and to Stamp the same and for every hogshead of tobacco which shall be so Stamped the said Agent shall and he is hereby required to give a Note to the Owner thereof in which shall be expressed the quantity of tobacco contained in each hogshead and shall thereby oblige himself to deliver the same to such Owner or his Order on Demand. And all and every hogshead of tobacco so stamped shall Lye and remaine at such Storehouse untill the shall be from thence carried away to be put on board some ship or Vessell directly for Exportation. And if any Agent shall take upon him or presume to Stamp any hogshead of tobacco so brought to him to be examined and Viewed in order to be Exported on the account of the Owner thereof in which there shall be bad or unsound tobacco or trash every Agent so Offending shall be lyable to the like penaltys and Forfeitures as are herein before Inflicted and laid on Agents paying away or tendering tobacco which shall be bad or unsound or not clear of trash. And be it further Enacted that if any tobacco packed in cask by an Overseer or the hands under his care shall be refused by the Agent by reason of its being bad, unsound, not in good condition, not clear from trash, or not tyed up according to the Directions in this Act, The Overseer who had the care of making and packing the same shall be obliged to take the tobacco so refused and to make satisfaction for the same out of his share of the
Crop, And for a further prevention of Abuses and Frauds in tobacco, Be it also Enacted that no cut tobacco nor any Stemmed tobacco except it be bound up in bundles and laid Strait in the hogshead shall be accounted lawfull tobacco but the Agent is hereby required to refuse as unlawfull tobacco all manner of cut tobacco and all Stemmed tobacco not bound up in Bundles and laid Straight in the hogshead as aforesaid, And for a compensation to the Agents for his care and trouble in Viewing, examining and Stamping such tobacco and taking care thereto, Be it Enacted by the Authority aforesaid That for every hogshead of tobacco which shall be Viewed, Examined, and Stamped by the Agent with his sir name and the name of his Office there shall be satisfied and paid to him by the Owner thereof five shillings or eight pounds of tobacco for every hundred pounds of tobacco which shall be in such hogshead and proportionably for a lesser quantity at the choice of the person paying the same, And for every such hogshead of tobacco which shall be left in such Publick Storehouse after the last day of May yearly there shall be paid to the said Agent One shilling for the first three months after that time and Six pence for every month after the said three months by the Owners of such tobacco, And for preventing the Exportation of tobacco which shall not have passed the View and Examination of the Agents, Be it Enacted by the Authority aforesaid that every
Master, Mate or Boatswain of any ship or Vessell which shall arrive in this Colony in Order to trade tobacco during the continuance of this Act shall before the said ship or Vessell be permitted to take on board any tobacco whatsoever. They shall make Oath before the Naval Officer of the District wherein such ship or Vessell shall arrive (which Oath the said Naval Officer is hereby empowered and required to administer) that they will not wittingly or willingly suffer or permit any hogshead, Cask, Chest, or Case of tobacco to be taken on board such ship or Vessell which shall not be stamped by some agent within this Colony, And that if any Master or Commander of any ship or Vessell shall take on board or suffer to be taken on board his Ship or Vessell any hogshead, Cask, Chest, or Case of tobacco which shall not be stamped with the stamp of some Agent or shall suffer to be brought on board any tobacco whatsoever except in hogsheads, Casks, Chests, or Cases stamped as aforesaid every such Master and Commander shall forfeit and pay Twenty pounds of lawfull money for every hogshead, Cask, Chest, or Case of tobacco which shall not be so stamped and every such hogshead, Cask, Chest or other package or parcel of tobacco which shall be taken on board any ship or Vessell contrary to the Directions of this Act shall be forfeited, And to the End the Office of the Agent and the trust and confidence reposed in him by this Act may be executed and performed by
persons Experienced in tobacco and the Trade and Commerce of this Colony, Be it Enacted by the Authority aforesaid that no person whatsoever who hath not been actually Resident in this Colony the full term of Seven years shall be an Agent or shall Execute the Office of an Agent or take or Enjoy any of the profits or perquisites to the said Office belonging. And if any person who hath not been actually Resident in this Colony the full term of Seven years shall take upon himself or presume to be an Agent or to Execute the Office of an Agent or to take any of the profits or perquisites thereto belonging notwithstanding he be thereunto commissioned or appointed every such person shall forfeit and pay Five hundred pounds of lawfull money, And twenty pounds of like money for every month he shall continue to act in or Exercise the said Office after a Recovery of the said Five hundred pounds until he shall have been seven years in this colony according to the intent of this Act, And be it further Enacted that if any Agent whatsoever shall stamp any hogshead of tobacco of his own without viewing and Examining the same in the manner herein before directed or wherein there shall be contained any bad, unsound, or trash tobacco or not tied up with the same tobacco, every such Agent shall be lyable to the same penaltys and forfeitures as are herein inflicted for agents paying or tendering bad tobacco, And if any Agent so appointed shall take any Fee, Bribe, or reward for favoring
any person whatsoever in viewing and Examining his Tobacco or in the payment of any Debt to be discharged in the Storehouse under his care so as any other Creditor be prejudiced thereby, such Agent being thereof lawfully convicted shall forfeit the sum of One hundred pounds lawful money and from thenceforth be disabled to execute the Office of an agent within this Colony, And to the End no person having tobacco in the publick Storehouse may be delayed in the shipping thereof, Be it Enacted that the said Agents shall be obliged upon two days Notice given them to Attend at any of the Storehouses under their charge for Receiving and Examining any Crop tobacco that shall be brought thither and also for delivering any tobacco Lodged therein for exportation at any time between the last day of March and the tenth day of November yearly (Sundays, Holidays, the time of holding the General Courts and Assemblies and the court days of the respective Countys where they Officiate excepted) Provided always that if Notice be given to the said Agent to Attend at two different Storehouses on one day it shall be in his choice at which of them he will attend, And for the more Just and Equall payment of all creditors having Agents Notes Be it Enacted that when any Creditor shall come to the Publick Storehouse or any Agent to Demand his Debt the Agent shall be and is hereby obliged to show such Creditor all the hogsheads of tobacco he hath, And the Creditor shall have leave to choose which of the said casks he thinks fit for the
satisfaction of his debt without opening the same, And if there shall be more Creditors than one Demanding their debts at one time such Creditors shall take the hogsheads of tobacco there showed them by Lott, And be it also Enacted by the Authority aforesaid that no person who shall be appointed by the Commission aforesaid to be an Agent shall be put out of his said Office without the advice and Consent of her Majesty's Council of this Colony, or without being lawfully convicted of some Misdemeanour in the said Office, And be it further Enacted by the Authority aforesaid that all and every the forfeitures and penalties before in this Act Inflicted and given and not herein particularly disposed of shall go and be One Moyoty to our Sovereign Lady the Queen, her heirs and Successors for the better support of this government and the contingent charges thereof, the other Moyoty to him or them who will inform or sue for the same in any Court of Record within this Dominion by Action of Debt, Bill, Plaint, or Information wherein no Essoyn, Protection, Privilege or Wager of law shall be allowed, And be it further Enacted by the Authority aforesaid that this Act and every Matter, Clause and thing therein contained shall be and continue in force for the term of Three years from the said Tenth day of November in the year One thousand seven hundred and Fourteen and for no longer time.

C. 0. 5/1386, ff. 49-56.
CHAPTER II

An Act for continuing an Act for Appointing Rangers and an Act to Continue an Act for Appointing Rangers and for Encreasing their Pay and also to Empower the Lieut Governor to Disband the Rangers and to Apply the Pay Appropriated for them to any other use which he shall think fit for the better security of the Frontiers.

Whereas an Act was made at a General Assembly begun at the Capitol the Twenty Fifth day of October in the Ninth year of the Reign of our Sovereign Lady Queen Anne Entituled an Act for Appointing Rangers to continue and be in force untill the Thirty first day of January in the Year of our Lord One thousand seven hundred and twelve and no longer, which Act by an Act made in the last Session of this General Assembly Entituled an Act to Continue an Act Entitled an Act for appointing Rangers and Encreasing their Pay was declared and Enacted to be and continue in force for One year from and after the said Thirty first day of January and no Longer, And Whereas it is judged conveynt by her Majestys Lieut. Governor and this present General Assembly that during this time of the Invasions of the Indians on the Outward inhabitants of this Colony a competent force should be kept on Foot for Guarding the Frontiers until other Methods can be taken for the better security of this Country from the Indian Enemy, Be it therefore Enacted by the Lieut. Governor, Council,
and Burgesses of this present General Assembly, and it is hereby Enacted by the Authority of the same that the said Act made by a General Assembly begun at the Capitol the said Twenty fifth day of October in the Ninth year of the Reign of our Sovereign Lady Queen Anne Entituled an Act for appointing Rangers and for Encreasing their Pay, And all and every the Clauses, Articles, Matters, and things therein contained shall be and continue and are hereby declared and Enacted to be and continue in full force and Virtue to all intents, constructions, and purposes from and after the Thirty first day of January which shall be in the year of our Lord One thousand seven hundred and thirteen untilt the thirty first day of January which shall be in the year of our Lord One thousand seven hundred and Fourteen and no longer, Provided allwaies and be it Enacted by the Authority aforesaid that it shall and may be lawfull to and for the lieut. Governor or the Governor and Commander in chief of this Dominion for the time being at any time or times during the continuance of this Act to Disband and Discharge all and every the Lieutenant and Lieutenants and other person and persons which are now or at any time hereafter during the continuance of this Act shall be Employed or Listed as Rangers from the Service of Ranging or such and so many of them as he shall think proper and the said Rangers to be Disbanded to be employed in the said service of Ranging, And be it
Further enacted by the Authority aforesaid that it shall and may be lawfull to and for the Lieut. Governor or the Governor and Commander in chief of this Dominion for the time being and he is hereby impowered after he shall have disbanded or discharged all or any of the Lieutents or men employed in the said service of Ranging as aforesaid to dispose, apply and make use of all and every such sum or sums of tobacco, profits, prequisites, and Advantages which would be due to the person and persons so disbanded or discharged for his or their pay and regard for the servecle of Ranging until the said Thirty first day of January in the Year One thousand seven hundred and Fourteen, To such uses, intents and purposes as the said Lieut. Governor or the said Governor or Commander in chief shall deem proper and conveyent for the better and more effectually Guarding and Securing the Frontiers of this Colony and to and for no other purpose whatsoever.

C. O. 5/1386, ff. 41-42.
CHAPTER V

An Act to continue an Act Entitled an Act for Supply of certain Defects found in an Act prescribing the Method for appointing Sheriffs.

Whereas at a General Assembly begun at the Capitol the Twenty Fifth day of October in the Ninth year of the Reign of our Sovereign Lady Queen Ann an Act was made Entitled an Act for Supply of Certain Defects found in an Act prescribing the method for appointing sheriffs, And Whereas the said Act is near Expiring Be it therefore Enacted by the Lieut. 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 with all the Clauses and Provisions therein Contained shall continue and be in force for the space of three years from the Twenty fifth day of December next and from then to the End of the next Session of Assembly and no longer.

C. 0. 5/1386, f. 46.
CHAPTER IX

An Act to Impower John Holloway and John Clayton Gentlemem to receive of the Trustees for the City of Williamsburg And of all other persons whatsoever All Moneys by them Received for Lotts of Land And other wise for the benefit of the said City And the Sum of Two hundred and One Pounds Nine shillings and Nine pence of Robert Carter Esquire and to Apply such Moneys to certain uses and Also Impowering them to keep accounts of the Governors house and Directing the Finishing of the same.

Whereas Divers considerable sums of money have some years past been Laid out and expanded at the Publick charge of the Colony for purchasing a certain Quantity of Land in the Countys of James City and York for a Place whereon to build the City of Williamsburgh and Ports and Landings to the said City belonging which said Land was vested in Certain Turstees to be by them Conveyed to such person and persons as would purchase the same and to Account for such moneys as should be received for such Purchases to the General Assembly some of which Trustees are since dead without Rendering any Account of the Moneys so by them Received, Others have not Accounted and paid such Moneys,

And Whereas there remains now in the hands of Robert Carter of the County of Lancaster Esquire Two hundred and One Pounds Nine shillings and Nine pence for ye Trustees of
the said City to the End the said moneys and all other Moneys which have been given and paid for the improvement benefit and Advantage of the said City may be speedily Recovered in Order to be applyed to the uses and Purposes herein after mentioned and appointed,

Be it Enacted by the Lieut. Governor, Council, and Burgesses of this General Assembly and it is hereby Enacted by the Authority of the same that it shall and may be lawfull for John Holloway and John Clayton of the said City of Williamsburgh Gentlemen and the Survivor of them and they are hereby authorized and impowered to Account with and Receive from all and every the Trustee and Trustees who now are or at any time hereafter shall be appointed of ye said Land their Executors and Administrators, And to Account with and Receive from all and every the Executors and Administrators of such Trustee and Trustees as are now deceased, And from the said Robert Carter, And all and every other person and persons their Executors and Administrators who now have or at any time hereafter shall have any Donation or Gift or Money or other thing in their hands given or bestowed for the Advantage use or benefit of the said City, And all such Moneys as have been or at any time or times hereafter shall be by such Trustee or Trustees Received for any Lot or Lots of the said Land and the said Two hundred and One pounds Nine shillings and Nine pence in the hands of the said
Robert Carter, And all such moneys or other thing as shall be Received by any person or persons whatsoever for the use and benefit of the said City and to use all lawfull ways and methods for obtaining and Recovery of all such Moneys and things and after payment and satisfaction thereof made and Received to give Receipts and Discharges for the same, Which Receipts and Discharges by the said John Holloway and John Clayton so given shall be and are hereby declared to be good and Available in Law to the person and persons to whom the same shall be given against all person and persons whatsoever, And be it further Enacted by the Authority aforesaid that out of such Moneys as shall be Received by the said John Holloway or the said John Clayton from the said Trustee or Trustees their Executors and Administrators for any Lot or Lots of Land belonging to the said City by such Trustees sold there shall be allowed paid and satisfied by the said John Holloway and John Clayton or by the Survivor of them so much Money for Defraying the Charges of Resurveying and marking out anew the bounds and streets of the said City, And of the said Ports and Landings as to them the said John Holloway and John Clayton or the Survivor of them shall seem proper and necessary in the first place, And out of the Residue of such Moneys after the charges of Resurveying and Marking our anew the said bounds and Streets shall be fully satisfied and paid, There shall be Laid out and
expended so much money for the repairing and amending the
capitol and the publick goal of this colony as by them the
said john holloway and john clayton or the survivor of them
shall be thought proper, necessary and convenient, and after
the said charges of resurveying and marking our anew the said
bounds and streets, and the charges of repairing and amending
the capitol and the publick goal shall be fully satisfied and
paid as aforesaid the overplus and residue of the said moneys
so received from the said trustees their executors and adminis-
trators by the said john holloway and john clayton (if any
such overplus there be) shall by them the said john holloway
and john clayton respectively their executors and administra-
tors be accounted for and paid to the general assembly and
all such moneys or other things which shall be received by
the said john holloway or john clayton from any person what-
soever for the donation benefaction, given or made for the
use and benefit of the said city shall remain and be in the
hands and possession of them the said john holloway and john
clayton or the survivor of them to be by them respectively
by their executors and administrators accounted for paid and
delivered to and for the uses and purposes for which the same
were given and appointed by the donors thereof, and out of
the said two hundred and one pounds nine shillings and nine
pence to be received of the said robert carter there shall
satisfied and paid by the said john holloway and john clayton
or by the Survivor of them so much Money as shall be lawfully due and claimed by any person for any part of the said quantity of Land purchased for a place whereon to build the said City and the said Ports and Landings to the person making such Claim, And to whom the same shall shall be lawfully due and until such Claim and payment thereof be made, It shall and may be lawfull to and for the said John Holloway and John Clayton or the Survivor of them and they are hereby Impowered to make use of lay out and expend the said Two hundred and One pounds Nine shillings and Nine pence or so much thereof as shall remain and be in their possession after such Claim paid for and towards the defraying the charges of Repairing and Amending the Capitol and Publick Goal in manner aforesaid, And if after the payment of the Moneys claimed by any person for any part of the said quantity of Land, And of the Moneys which shall be expended for Repairs and Amendments to the Capitol and Publick Goal there shall be any part of the said Two hundred and One pounds Nine shillings and Nine pence remaining in the hands of the said John Holloway and John Clayton or either of them such remaining part shall by the said John Holloway and John Clayton respectively their Executors and Administrators be Accounted for and paid to the General Assembly, And for the more speedy and after all performance of the work to be done in Repairing and Amending the Capitol and Publick Goal, Be it
also Enacted by the Authority aforesaid that the said John Holloway and John Clayton and the Surviver of them shall and may and they are hereby impowered to agree with, hire, and employ such and so many workmen and labourers and to provide furnish and buy such Materialls as they or the Survivers of them shall think conveyent and proper to be employed and made use of in and about the said Reparations and Amendments of the Capitol and Publick Goal over and above and beyond what shall be by them Received for that use as aforesaid that then so much Money shall by them or either of them advanced and paid in manner aforesaid shall be reimbursed, satisfied and paid to him and them advancing and paying the same his and their Executors and Administrators together with lawfull interest for the forbearance thereof from the time of Advancing and paying such sum untill the Repayment of the principall summ so advanced and paid out of the Moneys arising by the Duty on Liquors and Slaves next after the Money already appropriated and ordered to be paid out of the said Duty are fully satisfied and paid, And Whereas the House directed to be built for the Residence of the Governor of this Colony and Dominion isnot yet compleatly Finished and the money appropriated for that purpose not fully raised To the End the said Work may be carried on and perfected with and little expence as possibly may be carried on and the future charge thereof lessened, Be it Enacted by the Autho-
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rity aforesaid that John Tyler Gent. &c the present over-
seer of the said work be Discharged from his Office of In-
specting and taking care of the said Building and ye Hon.
the Lieut. Governor is hereby impowersd and Desired to take
upon himself the trouble to Employ such and so many Workmen
and Labourers and to provide and furnish such materaills and
other things as he shall judge necessary and conveyent for
the compleating and finishing the said building and work and
whatever sum or sums of money shall be hereafter Liad out
and expended by the Order and Direction of the said Lieut.
Governor for the uses and purposes aforesaid shall be and
are hereby Ordered and appointed to be satisfied and paid
out of the Moneys arising by the duty on Liquors and Slaves
next after the Money already appropriated out of the said
Duty are fully satisfied and paid, And the said John Holloway
and John Clayton or the Survivor of them are hereby Author-
rized and impowersd to take and keep the Accounts of all
the Moneys which shall be laid out and expended for and
towards the finishing the said House and works as before
Directed which said Accounts they the said John Holloway
and John Clayton or the Survivor of them are hereby re-
quired to lay before the General Assembly from time to time
as they shall be thereupon required.

c. o. 5/1386, ff. 43-46.
CHAPTER X

An Act for Raising a Publick Levy.

Be it Enacted by the Lieut. Governor, Council, and
Burgesses of this present General Assembly and it is hereby
Enacted by the Authority of the same, That the Sum of Twenty
pounds of Tobacco be paid by every Tythable person within
this her Majestys Colony and Dominion of Virginia for the
Defraying and Payment of the Publick Charge of the Country
being ye Publick Levy from the Two and Twentyeth day of
October One thousand seven hundred and Twelve to the fifth
day of November One thousand seven hundred and Thirteen,
And that it be paid by the collectors of the Several Countys
to the Several Persons to whom it is Proportioned by this
General Assembly, And if it shall happen that there shall
be more Tythables in any County than the present Levy is
Layd on, Then such County to have Credit for so much to the
use of the County, And if there shall happen to be less
Tythables in any County then such County shall bear the Loss.

C. O. 5/1386, f. 37.
CHAPTER XI

An Act for Dividing St. Marys Parish.

Whereas the Parishioners of St. Marys Parish have Represented to her Majesty's Lieut. Governor that sundry and Divers Inconveniences attend the Inhabitants of the said Parish by reason of its Lying on both sides of Rappahannock River in the Countys of Richmond and Essex, And have humbly prayed that Leave may be given for Dividing the said Parish,

Be it therefore Enacted by her Majesty's Lieut. Governor by and with the Advice and Consent of the Council and Burgesses of this Present General Assembly that on and after the First day of January next the said Parish of St. Marys be divided into two distinct Parishes so that Rappahannock River Divide the same, And that that part of the said Parish which is and Lyes on the South side of the said River shall Remain and hereafter be called and known by the name of St. Marys Parish, And that other part of the said Parish which is and Lyes on the North side of the said River shall hereafter be called and known by the name of Hanover Parish.

And Be it further Enacted that the present Vestry for the said Parish of St. Marys be dissolved, And that the Freeholders and housekeepers of St. Marys Parish as it will be after the said Division Do meet at the Church on the
Twelfth day of January next and there choose Twelve of the most able and Discreet persons of their Parish to be Vestrymen for their said Parish, And that the Freeholders and housekeepers of the Parish of Hanover meet at the Lower Church of the said Parish on the Twelfth day of January next and there choose twelve of the most able and Discreet persons of their Parish to be Vestrymen for their said Parish, Which Vestrys so chosen as aforesaid for the said two Parishes of St. Marys and Hanover haven taken the Oaths appointed 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 Vestrys of the said Parishes, And if by badness of Weather it shall so happen that the Freeholders and Housekeepers of the said Parishes or other of them cannot meet and Elect Vestrymen in pursuance of this Act upon the dayes appointed then and in such case the Freeholders and Housekeepers of such Parish so failing to meet and elect shall have power to performe the same the next fair day after such failure respectively.

C. 0. 5/1386, ff. 38-39.
CHAPTER XII

An Act to Enable William Smith Gentleman to Sell and dispose of Certain Entailed Lands and Tenements lying in the County of New Kent on Settling other Lands and Tenements Lying in King William County of which he is seized in fee to the same uses.

Whereas William Smith of the County of King William Gentleman hath by his petition set forth, That being seized as he supposed in Fee Simple of and in a Certain Tract of Land Situate, Lying, and being on Pamunkey River in the County of New Kent called and known by the Name of Little Island Containing by Estimation about Sixty Acres of Land Together with some Marsh and Sunken Grounds thereunto belonging, Given and Devised unto him the said William Smith by the last Will and Testament of his Father Thomas Smith deceased as by the Tenth Clause of the said Will bearing Date the ninth day of September One thousand Seven hundred and Two may appear, Did by a certain deed of Release under the hand and seal of him the said William Smith bearing date the second day of March last past and duly examined and acknowledged in New Kent County Court absolutely bargained and sold unto John Graves Junior of the said County of King William the before mentioned Lands with the appurtenances unto him the said John Graves Junior and to his heirs and Assignes for ever in Fee simple, The said John Graves
Junior hath brought suit against him for three hundred pounds Sterling Damage for breach of the Covenants of the before recited Deed for avoiding the Charge and Damage of the said suit which without the Assistance of an Act of Assembly to make the Said Title good must inevitably fall upon him, the said William Smith hath made humble suit that he must be Enabled to Sell the said Land on settling One hundred and Ninety Acres of other Lands lying in the said County of King William of better Value than the said Intailed Lands of which he the said William Smith is seized in Fee simple to the same uses as the said Intailed Lands are Devised and settled by the said Will of the said Thomas Smith, All which Matters and allegations are sufficiently proved to be true to the satisfaction of the House of Burgesses, therefore, Be it Enacted by the Lieut. Governor, Council, and Burgesses of this present General Assembly and it is hereby Enacted by Ye Authority of the Same, That the said Sixty Acres of Land together with the Marsh and Sunken Ground therunto belonging Lying and being in the said County of New Kent according to the several and respective Limits and bounds thereof with their and every of their rights, members, and appurtenances, Together with all houses, buildings, profits, hereditaments, and appurtenances whatsoever to the premises or any part thereof belonging or in any wise appertaining or Accepted, reputed, taken, used, or Enjoyned on part, parcell, or member thereof shall
from and after the Last day of February next be Actually vested and Settled in the said William Smith, his heirs and Assignes, And that from and after the said last day of February the said William Smith shall be Adjudged and taken to be seized thereof and every part and parcel thereof to him and his heirs and Assignes forever, And may hold and Enjoy the same Free and Clear and Freely and Clearly discharged of and from any Estates, uses, Limitations, Remainders, Privisos, or Conditions had and made Limited or expressed in or by the said Last will and Testament of the said Thomas Smith, Provided Allwayes and it is the Intent and meaning of this Act, That the said William Smith shall and do before the Last day of February next aforesaid by good and sufficient Conveyance in Law assure, Convey, and Settle the said One hundred and Ninety Acres of Land Lying in the said County of King William according to the Several and respective bounds and Limits thereof set forth and expressed in a certain Deed of Sale thereof made by Henry Winfree unto the said William Smith and his heirs forever with their and every of their rights, members and appurtenances together with all Houses, Edifices, buildings, profits, hereditaments, and Appurtenances whatsoever to the said One hundred and Ninety Acres of Land or any part thereof belonging or appertaining or accepted, reputed, taken, used, occupied, or Enjoyed as part, parcel, or member thereof to such use and uses and with such Limitations and Remainders as the said Lands Devised and mentioned
in and by the said Last Will and Testament of the said Thomas Smith are and stand Limited and Devised and to and for no other uses or Limitations whatsoever that is to say to be to and for the only use of the said William Smith and the heirs of his body lawfully begotten forever or otherwise this Act or any thing contained therein to be of no force, Provided also that this Act nor any thing therein contained shall be construed, Deemed, or taken to alter, Limit, or defeat any right, title, or interest of her Majesty, her heirs, or Successors or of any body Politick or Corporate or interest of any other person or persons whatsoever Other than the heirs of the said Thomas and William Smith in and to the aforesaid Lands or any part or parcell thereof hereby intended to be Conveyed and settled as aforesaid but that all and every the rights, titles, and claims aforesaid are and are hereby declared to be reserved and excepted as if this Act had never been made.

C. 0. 5/1386, ff. 35-36.
CHAPTER IV

An Act for Altering the day for Princess Ann County Court and the day for Essex County Court.

Whereas it is by Experience found that the day appointed for holding Princess Ann County Court and the day appointed for holding Essex County Court According to an Act Entitled an Act for Establishing County Courts and for Regulating and Settling the proceedings therein are very inconvenient,

Be it further Enacted by the Lieut. Governor by and with the advice and consent of the Council and Burgesses of this present General Assembly, And it is hereby Enacted by the Authority of the same, That every Clause, Article, and thing contained in the said Act which related to the appointment of the day for holding in the said County of Princess Ann or to the Appointment of the day for holding Court in the said County of Essex be and is hereby Repealed and made void, And be it further Enacted that from and after the publication of this Act at the Courthouse in the said County of Princess Ann the Court for the said County of Princess Ann be constantly held by the Justices thereof on the first Wednesday of every Month and that from and after the publication of this Act at the Courthouse of the said County of Essex the Court for the said County of Essex be constantly held by the Justices thereof on the Third
Tuesday of every Month, anything in the aforesaid Act to the contrary notwithstanding, Provided always that nothing herein contained shall be construed, Deemed, or taken to be or Derogate from the Royal Rorroation of his Majesty, his Heirs, and Successors of Appointing the other times and places for holding the said County Courts or any other his Majestys Courts within this Colony as his Majesty, His Heirs, or Successors by Instructions to the Governor or Commander in chief of this Dominions for the time being shall think fitt to direct but that the said Rights and Perogative may be Executed by the Governor or this Dominion for the time being, And the times and places of holding such Courts Altered upon application of the Justices or Inhabitants of the several Countys respectively, anything in this Act to the Contrary thereof in any wise Notwithstanding.

C. 0. 5/1386, f. 77.
CHAPTER I
An Act for the encouragement of such persons as have gone
and shall go voluntarily into the Service of South Carolina.

Whereas divers persons Inhabitants of this Colony
have Listed themselves to go Volunteers against the Indians
now warring against the People of South Carolina for the
further Encouragement of Such Persons and as a regard for
their Readiness in Engageing in the Said Service, 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 already Listed and gone in the said service and who
as shall at any time or times before the Tenth day of Octo-
ber next go Voluntarily into the said service shall be and
are hereby Exempted and Free from paying all manner of Pub-
lack County and Parish Levys for one year to be computed
next after the time for such Listing, And be it further
Enacted by the Authority as aforesaid that at the time of
Laying the Levys for each County and Parish out of which
any of the said Volunteers shall have gone or shall here-
after go the Court for such County and Vestry for such
Parish shall Levy so much Tobacco as the Levy and Levys
of such Volunteers shall amount to on the remaining Tithable
persons in such County and Parish, And that such County and
Parish upon Application for that purpose to be made to the
next General Assembly after such Levy Laid shall be reim-
bursed the Same out of the Publick Levy of this Colony, And
Whereas by the Treaty concluded and made between the Honour-
rable Alexander Spotswood Lieut. Governor of Virginia and
Arthur Middleton of South Carolina Esqr. it is stipulated
and agreed that for every person Engageing in the Service
aforesaid there shall be one Slave imported into this Colony
for the benefit and advantage of such Volunteers, Be it En-
acted by the Authority aforesaid that the Importer and
Importers of all and every such Slave or Slaves which shall
hereafter be Imported into this Colony in Pursuance of the
said Treaty shall not be Lyable to the payment of the Duty
of Five pounds lain on Slaves by one Act of Assembly Enfi-
tuled an Act for Laying a Duty on Liquors and Slaves but
that the Importer and Importers of all and every such Slave
and Slaves shall be and are hereby Discharged from the pay-
ment of ye said Duty until such time as such Slave shall be
sold or Disposed of, anything in the said Act to the contrary
or seeming to the contrary thereof in any wise notwithstanding,
And be it also Enacted that all and every Ship or Vessel that
shall hereafter bring in or import any such Slave or Slaves,
such Ship or Vessel shall be and is hereby Discharged and
Acquitted from the payment of all Fees, Dutys, and Charges
whatsoever Due and Payable to the officers of his Majesties
Customs or the Naval Officer of the Port or District where
such Vessels shall arrive, Provided always that nothing herein contained shall be construed, deemed, or taken to exempt any Liquors imported for Sale in such Ship or Vessel from the payment of the Duty Chargable on such Liquors nor Exempt such Ship or Vessel from paying the port Duties and other Dues and Fees if the Value of the Goods or Merchandises Imported for Sale in the same Ship or Vessel shall Exceed one hundred pounds Current money.

C. O. 5/1386, ff. 82-83.
An Act for Raising a Publick Levy.

Be it Enacted by the Lieut.-Governor, Council, and Burgesses of this present General Assembly and it is hereby Enacted by the Authority of the same that the sum of Two pounds and a quarter of a pound of Tobacco be paid by every Tithable person within this his Majesty's Colony and Dominion of Virginia for the Defraying and Payment of the Publick Charge of the Country being ye Publick Levy from the Sixteenth day of November One thousand seven hundred and Fifteen, And that it be paid by the Collectors of the Severall Countys to the Severall Persons 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 to have Credit for so much to the use of the County, And if there shall happen to be less Tithables in any County then Such County shall bear the Loss.

C. 0. 5/1386, f. 83.
CHAPTER III

An Act requiring the Vestry of ye Parish of Henrico to Build a Chappel in the said Parish.

Whereas great numbers of the Inhabitants of the Parish of Henrico live so remote from the Church of the said Parish that they cannot without great trouble and Difficulty Attend the Devine Service, And the Vestry of the said Parish having hitherto Delayed the building a Chappel for the Convenience of ye said Inhabitants,

Be it therefore Enacted by the Lt. Governor, Council, and Burgesses of this present General Assembly and it is hereby Enacted by the Authority of the same that the Vestry of the said Parish of Henrico at the Charge of the Inhabitants of the said Parish shall before the Last day of March which shall be in the year of our Lord One thousand Seven hundred and Seventeen cause a Chappel to be Erected in the said Parish on the North Side of James River at or near a place called and known by the name of Stoopin Hickory about a Mile below the Lower Westham at which Chappel so soon as the same shall be finished the Minister of the said Parish is hereby Enjoyned to Preach every fourth Sunday and the said Vestry are required to provide for the said Chappel a Reader as is usual for other Chappels within this Dominion,

And be it also Enacted that if any of the Vestry of the said Parish shall refuse to cause the Chappel to be
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Erected according to the Directions of this Act every person so refusing shall forfeit and pay one thousand pounds of tobacco to be recovered with Costs by any Inhabitant of the said Parish who Will Inform or Sue for the same by Bill, Plaint, or Indormation in any Court of Record within this Colony,

And be it further Enacted that if the Proprietor of the Land on which the said Vestry shall Direct the Building the Chappel aforesaid sahill refuse to Convey half an Acre of Land for that use then it shall be lawfull for the said Vestry and they are hereby required to Order two good and Lawfull Freeholders upon Oath to layout and Value the said half Acre of Land in Tobacco which Tobacco the Vestry shall at the laying the next Parish Levy after such Valuation, Levy for the person owning the said Land, And then the right of the said half Acre of Land shall be Vested in the Vestry of the said Parish forever for ye use aforesaid and for no other use whatsoever, Provided always that nothing herein contained shall be construed to give any power to the said Vestry to take away the Houses, Orchards, or other immediate conveniences of any Proprietor of Land for the use aforesaid.

C. 0. 5/1386, ff. 84-85.
CHAPTER II

An Act to Impower Henry Beverley and others to build a Bridge over Dragon Swamp.

Whereas the distance between the Dragon Bridge and the best land bridge over the Dragon Swamp is at least thirty Miles which is found by experience to be very prejudicial and inconvenient to all persons that have business from the Northward to the General Courts and Assemblies of this Dominion and for those that have business in the County Courts of King and Queen and Middlesex and other Courts to the Northward is also to all Travellers, And Whereas Mr. Henry Beverley together with Severall Well disposed persons are Willing for the Publick good to erect and build a bridge over the said Dragon Swamp at a place called the Mussell Shell at their own Charge,

Be it therefore Enacted by the Lieut. Governor, Council, and Burgessses of this present Generall 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 lawfull to and for the said Henry Beverley, Edwin Tucker, Robert Beverley, and Richard Hickman Gent, or anyone or more of them and they are hereby impowered to Erect and build a Bridge and make a Causway of the breadth the Law of this Colony in such Cases directs and requires over the said Dragon Swamp at the Place commonly called and known
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by the name of Mussell Shell, And be it further Enacted by
the Authority aforesaid that when ever the said Bridge shall
be built in such Substantiall manner as that by the Judgement of Viewers appointed by the Courts of the Countys of
King and Queen and Middlesex respectively it shall be deemed
Sufficient to Continue for the Space of five years at least
without becoming chargeable to the said Countys — — — The
said Courts of King and Queen and Middlesex do lay out or
Cause to be laid out and cleared such good and sufficient
Roads as the Law of this Country requires from each end of
the said Bridge to the Main Roads of the said Countys of
King and Queen and Middlesex.

C. O. 5/1386, ff. 11-12.
CHAPTER IV

An Act to enable Michael Meggison of the County of King and Queen Planter to Sell Certain Lands in the County of Gloucester entailed on him and the Heirs of his body upon his Settling other Lands of a greater Value to the same uses.

Whereas Michael Meggison of the County of King and Queen Planter hath alleged that John Meggison Father of the said Michael Meggison hath devised to the said Michael Meggison and to his Heirs lawfully begotten forever a Tract of Land lying in the Parish of Abingdon in the County of Gloucester containing one hundred and thirty Acres or thereabouts and that the said Michael Meggison is seised in Fee or a Tract of Land lying in the Parish of Saint John in the County of King William containing five hundred Acres being of a greater value than the said Entailed Lands to the same uses and under the same limitations as the said Entailed Lands are now Settled by the said Devise which Allegations being sufficiently proved to be true to the satisfaction of this House of Burgesses,

Be it therefore enacted by the Leiut. Governor, Council, and Burgesses of this General Assembly and it is hereby enacted by the Authority of the same that two hundred and fifty Acres of Land in the said Parish of Saint John in the County of King William aforesaid Situate, lying and being on Boot Swamp and bounded on the Land now in the possession
of Edmund Jennings and Edmund Berkeley Esqrs. being part of a Tract of five hundred Acres of Land Granted to the said Michael Meggison otherwise called Michael Mixen by Letters Pattents bearing date the sixteenth day of August in the year One thousand Seven hundred and fifteen and to his Heirs and Assigns forever shall be and are hereby vested and settled on the said Michael Meggison for and during the term of his naturall life and from and after his decease on the Heirs of the body of the said Michael Meggison Lawfully begotten and to be begotten forever.

And be it further enacted by the Authority aforesaid that all that tract or parcell of Land in the Parish of Abingdon in the aforesaid County of Gloucester Devised by the last Will and Testament of John Meggison Father of the said Michael Meggison to the said Michael Meggison and to his Heirs lawfully begotten forever containing One hundred and thirty Acres or thereabouts shall be and is hereby settled and vested in ye said Michael Meggison, his Heirs and Assigns forever as fully and absolutely to all intents and purposes as the said one hundred and thirty Acres of Land were vested in the said John Meggison at the time of his death,

And for the security and satisfaction of the purchaser and purchasers of all or any part of the said One hundred and thirty Acres, Be it enacted by the authority aforesaid that
all and every person and persons their heirs and assigns who shall become purchaser or purchasers of the said one hundred and thirty Acres lying in the said Parish of Abingdon in the aforesaid County of Gloucester or of any part thereof shall and may quietly and peaceably have, hold, possess and Enjoy the same According to their Several and respective purchases in as full, ample and beneficial manner as the said John Meggison by any Conveyance, Deed, or Writing Executed in his lifetime could have liened, Sold or Conveyed the same,

Provided always that this act nor anything therein contained shall be construed, Deemed, or taken to alter, limit, or Defeat any right, title or Interest of his Majesty, his heirs and Successors or any bodys Politick or Corporate or of any other Person or Persons whatsoever other than heirs of the said Michael Meggison in and to the said Lands or any part or parcell thereof hereby intended to be conveyed and settled as aforesaid but that all and every the rights, Claims and titles aforesaid are and are hereby declared to be reserved and Excepted as if this act had never been made.

C. 0. 5/1387, ff. 13-14.
CHAPTER I

An Act for Impowering the Treasurer of this Colony to put out at Interest a Sum not Exceeding ten thousand pounds now in his hands.

Whereas at present Considerable Sums of money are in the Publick Treasury of this Colony more than Sufficient to pay and Defray all Publick Engagements, the Circulation of which may prove of very great advantage as will trade and Commerce as otherwise for which reasons and that the said money may be improved for such Occasions as may happen hereafter and for the more speedy Circulation thereof, Be it Enacted by the Lieut. Governor, Council, and Burgesses of this present General Assembly and it is hereby Enacted by the Authority of the Same, That a Sum not Exceeding the Sum of ten thousand pounds now in the hands of Peter Beverley Esqr. Treasurer of this Colony may be put out or placed at interest and the said Peter Beverley is hereby impowered to put out or place at Interest the said Sume of ten thousand pounds or any part thereof to such person or persons as he shall think fit after the rate of four pounds for every hundred per annum on good and Sufficient Security or Securities for any term not exceeding two years from the date of such Security and that the said Peter Beverley shall Account for one half of the Interest of all such money as shall be put out by virtue of this Act to the
General Assembly and that he is hereby permitted and allowed to retain and keep in his hands to his proper use the other half of all such Interest for his Care and trouble in putting or placing thereof, Provided always and it is the true intent and meaning of this Act that if all or any Part of the Principal money so to be put out and placed as aforesaid shall be lent to any insufficient Person or Persons who shall become insolvent or incapable to pay the Same, in such Case the money so put out, placed, or lent as aforesaid shall be made good, satisfied, and paid out of the proper Estate of the said Peter Beverley or the Estate or Estates of his Securitys required to be given by this Act in such manner and from as is herein after directed and appointed, but that neither the said Peter Beverley or any of his Securitys or his or their Heirs, Executors, or Administrators shall be in any wise obliged or compelled to pay any Interest for such or so much of the money which may happen to be put out and placed on insufficient Security as aforesaid. And be it further Enacted that the said Peter Beverley shall forthwith give bond in the Secretarys Office of this Colony with good and Sufficient Security in the Sum of Fifteen thousand pounds payable to his Majesty, his Heirs and Successors, Conditioned for the true payment of all such moneys as is now in his hands as also all such moneys as shall hereafter come to his hands by virtue or means of his being Treasurer of this
Country over and Above the Security already by him given, Provided always and it is the true intent and meaning of this Act that all and every person and persons who shall borrow any money by virtue of or in Pursuance of this Act shall have Six months notice given for repayment thereof before he or they shall be obliged to pay the Same unless the Treasurer shall have reason to Suspect the Credit of any such person, anything herein Contained to the Contrary thereof in any wise notwithstanding.

C. 0. 5/1387, ff. 17-18.
CHAPTER II

An Act for raising a publick Levy.

Be it enacted by the Lieut. Govr. Council, and Burgesses of this present General Assembly, and it is hereby enacted by the Authority of the same that the Sum of Seven pounds and one quarter of a pound of Tobacco be paid by every tithable Person within this his Majestys Colony and Dominion of Virginia for the Defraying and payment of the publick Charge of the Country being the publick Levy from the Seventh day of September One thousand Seven hundred and fifteen to the thirtieth day of May One thousand Seven hundred and Eighteen and that it be paid by the Collectors of the Several Counties to the Several Persons 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 to have Credit for so much to the use of the County and if there shall happen to be less Tithables in any County then such County shall bear the Loss.

C. 0. 5/1387, f. 15.
CHAPTER IX

An Act for raising a Publick Levy.

Be it Enacted by the Lieut. Governor, Council, and Burgesses of this present General Assembly, And it is hereby Enacted by the Authority of the same, That the Sume of Five pounds of Tobacco be paid by every Tithable person within this his Majestys Colony and Dominion of Virginia for the defraying and payment of the Publick Charge of the Country being the Publick Levy from the Thirtieth day of May One Thousand Seven Hundred and Eighteen to the second day of November One Thousand Seven Hundred and Twenty, And that it be paid by the Collectors of the Several Countys to the Several Persons 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 to have Credit for so much to the use of the County and if there shall happen to be less Tithables in any County then such County shall bear the Loss.

C. O. 5/1387, f. 54.
CHAPTER X

An Act for dividing St. Johns Parish in the County of King William.

Whereas many Inconveniences attend the Parishioners of St. Johns Parish in the County of King William by reason of the great Length thereof,

Be it therefore Enacted by the Lieut. 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 which shall be in the year of Our Lord One Thousand Seven Hundred and Twenty One the said Parish of St. Johns be divided into Two distinct Parishes by the main road which runs from Arnolds Ferry to Mattapony River towards Crenshaws Ferry to MUNKERWING Bridge so up MUNKERWING Swamp as far as the Lower Line of Brays Land, and thence along the said Line to Marshals Queen Swamp to Pemunkey River, And that all that part of the said Parish which lies below the said Bounds shall forever thereafter remaine, be called, and known by the name of St. Johns Parish and that all that other part of the said Parish which lies above the said Bounds shall thereafter be called and known by the Name of St. Margaret.

And be it further Enacted by the Authority aforesaid, That the Freeholders and Housekeepers of the said Parish of St. Margaret meet at the Chappell in their said Parish on
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the said First day of May and there Elect and choose Twelve of the most able and Discrete persons of their Parish to be Vestrymen for their said Parish which Vestrymen so chosen as aforesaid having taken the Oaths appointed 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 Vestrymen of the said Parish,

And Whereas the Two Churches fall both in the Lower Parish and have been lately repaired and inlarged and it will be necessary that another new Church be forthwith built in the Parish of St. Margaret,

Be it therefore Enacted by the Authority aforesaid, That the Vestry of the Parish of St. Johns as it shall be after the division at the laying of their next parish Levy do levy for the use of the said Parish of St. Margaret toward building them a New Church Twenty Five Thousand Pounds of Tobacco and Cask and Cause the Same to be paid accordingly

G. O. 5/1387, ff. 33-34.
CHAPTER XI

An Act for Enlarging Charles City County and for consolidating those parts of the Parishes of Westover and Weynoak on the North Side James River and That part of Wallingford Parish on the West Side Chycohominye River.

Whereas the Inhabitants of James City County on the Westside of the River Chichohominy are frequently obliged to Cross the said River to go to the County Court, General Musters, and other publick meetings which proves very troublesome and expensive are very desirous to be united to the County of Charles City, And forasmuch as the laws by the poll will be thereby rendered more Easy which have for a long time past been very grievous and burthensome to the Inhabitants of the said County of Charles City by reason of the small number of Tithables therein,

Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly and by the Authority of the same, that from and after the first day of January in the Year of our Lord One Thousand Seven and Twenty so much of the said County of James City as lyeth on the Westside of the said River of Chichohominy be annexed and united to the said County of Charles City, and forever thereafter shall be taken and respected as part thereof, be divided and Exempt from the said County of James City and from all dependencies Offices and Charges for or in respect thereof, And also dis-
charged from all duties whatsoever relating to the same,

And be it further enacted by the Authority aforesaid that from and after the time aforesaid those parts of the Parishes of Westover and Weynoak which lye on the North side of James River and that Part of Wallingford Parish above Chiconomy River shall be forever One Entire Parish and be called by the Name of the Parish of Westover and be divided and Exempt from those parts of the said Parishes of Westover and Weynoak which lye on the South Side of James River and from that part of Wallingford Parish which lyes on the East Side of the River Chiconomy, And all dependencies, Offices, Charges, and Contributions for or in respects thereof and all parochial duties whatsoever relating to the Same, And that the several Vestrys of the said Parishes which have hitherto been Elected shall after the Time aforesaid be dissolved and the Inhabitants and householders of the said Parishes are hereby authorized to meet at Edward Cocks plantation the second Tuesday in January in the Year of our Lord One Thousand Seven hundred and Twenty and to choose Twelve Vestrymen Inhabitants and householders within the said Parish (that is to say) Four out of the precinct which was Westover Parish, Four out of that precinct which was Weynoak Parish, and four out of that precinct which was Wallingford Parish,

And the Vestrymen so chosen having taken the Oathes appointed by Law to be taken and Subscribed to be conformable
to ye doctrine and discipline of the Church of England, shall and may have and exercise the like power and authority for ordering and regulating the affairs of the said Parish as the vestrymen of the said several Parishes of Westover, Weynoak, and Wallingford now have and Exercise in reference to the said Parishes, And upon the death or other Voidance of any such Vestryman they shall and may Elect a Fit person Inhabitant and householder in the said Parish to supply the same in such manner as has heretofore been customary in other Parishes,

And Whereas that part of Wallingford Parish which lyes on the East Side of the River Chicohominy will be too small to continue a distinct parish of Itself,

Be it Enacted by the Authority aforesaid that from and after the said first day of January in the Year of our Lord One Thousand Seven hundred and Twenty that part of the said Parish of Wallingford on the East Side of the said River Chicohominy be united and annext to the Parish of James City forever thereafter be reputed as parcell thereof.

C. o. 5/1387, ff. 46.
An Act to divide those parts of ye Parishes of Westopher and Weynoak which lye on the South Side of James River from those parts of the said Parishes which lye on ye North Side the said River, And for Uniting Westopher and Weynoak Parishes on the South Side of James River to Martin Brandon Parish in the County of Prince George and for Erecting a Chappel in Bristol Parish in the said County.

Whereas many Inconveniences attend the Inhabitants of the Parishes of Westopher and Weynoak by reason of their lyeing on both sides of James River, For remedy whereof,

Be it Enacted by his Maties, Lieut. 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 January next those parts of the said Parishes of Westopher and Weynoak which lye on South Side of James River be and stand divided from the said ' Parishes on the North Side thereof, And that thereafter the said Parishes of Westopher and Weynoak on the South Side of the said River be united to the Parish of Martin Brandon in ye County of Prince George which shall be called Martin Brandon Parish,

And Whereas after the Union of the said Parishes there will be a greater number of Vestrymen than by Law is appointed and the same very unequally distributed, Be it
therefore Enacted by the Authority aforesaid, That the present Vestrys of the said Parishes on the South Side of James River be dissolved and that the Freeholders and Housekeepers of the said Parish of Martin Brandon meet at their Upper Chappell on the Tenth day of January next and there Elect Twelve of the most able and Discreet Persons of their Parish to be Vestrymen for their said Parish (that is to say) Four our of that part which was Westopher, Four out of that part which was Weynoak, Four out of that part which was Martin Brandon, Which Vestry so elected as aforesaid for the said Parish having taken the Oaths appointed by Law shall be deemed and taken to all Intents and Purposes to be Vestrymen for the said Parish,

And be it further Enacted by the Authority aforesaid That all Parish Charges that shall have accrued in any of the said Parishes on or before the said First day of January shall be raised and levied on the Tithable persons within the said Parishes respectively as they now are by the present Vestrys thereof,

And Whereas many Inhabitants in Briston Parish in the said County of Prince George live at a very great distance from their Parish Church to their very great Inconvenience, For remedy thereof,

Be it therefore Enacted by the Authority aforesaid, And it is hereby Enacted, that the Vestry of the said Parish
do with all Convenient speed cause a decent Chappell for the
Ease of the said Parishoners to be Erected and built at the
Charge of the said Parish on Stony Creek near the plantation
of Joshua Wyn, And that the Minister of the said Parish
shall be obliged to read the divine Service and preach every
Fourth Sunday in the Year at the Same.

C. o. 5/1387, ff. 56.
CHAPTER XIII

An Act for dividing the Parish of Henrico in the County of Henrico.

Whereas many Inconveniencies attend the Upper Inhabitants of the Parish of Henrico in the County of Henrico by their great distance from any Church or Chappell in the said Parish,

Be it therefore Enacted by the Lieut. 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 Parish of Henrico be divided into Two distinct Parishes and that the division of the said Parishes on the Northside of James River be from the mouth of the Little Westham Creek and up that Creek to the main road and from thence a North course to New Kent County, and That the division of the said Parishes on the South Side James River be from the River along the upper lines of the Land appropriated for the French Refugees and from that Line a South Course to Appomatock River,

And Be it further Enacted That the Lower part of the said Parish on both sides James River shall remain and hereafter be called and known by the name of Henrico Parish, And That the Upper Part of the said Parish shall hereafter be called and known by the name of the Parish of Saint James,

And Whereas it will be necessary after the division of
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the said Parish that a Vestry be Elected for the Parish of St. James,

Be it therefore Enacted That the Freeholders and housekeepers of the said Parish do meet at Dover Mill on the second Tuesday in January next and then and there elect Twelve of the most able and discreet persons of their Parish to be Vestrymen for their said Parish, which Vestry so to be elected having taken the Oath appointed 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 Vestrymen of the said Parish,

And Whereas the Tithable persons in the Bounds of the said Parish of St. James for Three years passed have paid Several Sums of Tobacco towards defraying the Charge of building Two New Churches in the Parish of Henrico,

Be it therefore Enacted That the Vestry of the said Parish of Henrico at laying their Parish Levy in the Years of Our Lord One Thousand Seven Hundred and Twenty one and Twenty two do levy for the use of the said Parish of St. James such Sums of Tobacco as have been paid by the Tithable persons within the Three years aforesaid Towards building the said Two Churches.

C. 6. 5/1387, ff. 48.
CHAPTER XIV

An Act for dividing Richmond County.

Whereas diverse and sundry Inconveniences attend the Upper Inhabitants of the said County by reason of the Great Distance from the Courthouse and other places usually appointed for publick meetings,

Be it therefore Enacted by the Lieut. Governor, Council, and Burgesses of this present General Assembly and it is hereby Enacted by the Authority thereof, That from and Immediately after the Twenty Third day of Aprill which shall be in the Year of Our Lord One Thousand Seven Hundred and Twenty One, The said County of Richmond be divided into Two distinct Countys and that the Same be divided by Charles Beverdams, And from the Head thereof by a North Course to Westmoreland County, And that that part of the County lyeing below the said Dams and Course remain and shall for Ever thereafter be called and knowne by the Name of Richmond County, And that part of the County which is above the said Dams and Course shall be called and knowne by the Name of King George County, And for the due Administration of Justice,

Be it further Enacted by the Authority aforesaid and it is hereby Enacted, That after the Time aforesaid A Court for the said King George County be constantly held by the Justices thereof upon the First Friday of Every Month in such manner as by the Laws of this Country is provided and
shall be by their commission directed.

C. O. 5/1387, f. 66.
CHAPTER XV

An Act for dividing New Kent County.

Whereas many Inconveniences attend the Upper Inhabitants by reason of their Great distance from the Courthouse and other places usually appointed for Publick meetings,

Be it therefore Enacted by the Lieutenant Govr., Council and Burgesses of this present General Assembly, And It is hereby Enacted by the Authority of the same, That from and Immediately after the First day of May next the said County of New Kent be divided into Two distinct Counties, And that that part of the County lyeing below the Parish of St. Paul shall for Ever thereafter be called and knowne by the Name of New Kent County, And that that part of the County which lyeth in the Parish of St. Paul shall be called and knowne by the Name of Hannover County and for the due Administration of Justice,

Be it further Enacted by the Authority aforesaid, And it is hereby Enacted, That after the Time aforesaid a Court for the said County of Hannover be constantly held by the Justices thereof upon the First Friday of Every Month in such manner as by the Laws of this Country is Provided and shall be by their Commission directed.

C. 0. 5/1387, f. 70.
Chapter XVI
An Act to impower Henry Cary Gent. to finish the House of the Governor of the Colony and Dominion of Virginia.

Whereas in and by One Act made at a General Assembly begun at the Capitol the Twenty second day of October in the Eleventh Year of the Réigne of our late Soverigne Lady Queen Anne and thence continued by Several prorogations to the Fifth day of November in the Twelth Year of the said Reigne Entituled An Act to Impower John Holloway and John Clayton Gentlemen to receive of the Trustees for the City of Williamsburgh and of all other persons whatsoever all monies by them received for lots of land and otherwise for the benefit of the said City, And the Sume of Two Hundred and One pounds Nine Shillings and Nine pence of Robert Carter Esqr. and to apply such monies to certain uses, and also impowering them to keep the Accounts of the Governors House and directing the finishing the same, it is amongst other Things recited, That whereas the House directed to be built for the residence of the Governor of this Colony and Dominion was not then compleatly finished and the monies appropriated for that purpose not fully raised and to the End the said Work might be carryed on and perfected with as little Expence as possibly might be and the future Charge thereof lessened,

It Was Thereby Enacted that John Tyler Gentleman the then Overseer of the said Work should be discharged from his
Office of inspecting and taking care of the said building and the Honorable the Lieutenant Governor thereby empowered and desired to take upon himself the trouble to employ such and so many workmen and Labourers and to provide and furnish such materials and other things as he should Judge necessary and convenient for the compleating and finishing the said building and Work, And whatsoever Sume or Sumes of money should be thereafter laid out and expended by the order and direction of the said Lieutenant Governor for the uses and purposes aforesaid should be and were thereby ordered and appointed to be satisfied and paid out of the monies arising by the Duty on Liquors and Slaves next after the monies appropriated out of the said Duty were fully satisfied and paid and the said John Holloway and John Clayton or the Survivor of them were thereby authorized and Impowered to take and keep the accounts of all the monies which should be laid out and expended for and towards the finishing of the said house and workes as before therein directed which said Accounts they the said John Holloway and John Clayton or the Survivor of them were thereby required to lay before the General Assembly from time to time as they should be thereunto required,

And Whereas the power in the Clause in the said Act mentioned hath given the Governor more trouble than was thereby intended and his Honour having desired to decline
All future concern in the said Building and Work,

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 above recited Clause of the said Act and every part thereof be and it is hereby repealed to all Intents and purposes,

And Be It Further Enacted by the authority and it is hereby Enacted that Henry Cary of Williamsburgh Gent. be and he is hereby appointed and impowered to proceed on and with all convenient speed to compleat and finish the said Building and Work according to the particular Account and Estimate thereof delivered by him to this House of Burgesses concerning the Land and he is also hereby further impowered and required to take such measures for draining the water that runs from the Eaves of the House as may be most proper and convenient for securing the foundation and rendering the Cellars thereof more useful and servicable,

And Be It Further Enacted by the Authority aforesaid, That a sume not Exceeding One Hundred pounds shall be paid by the Treasurer of Virginia out of the public money now in his hands unto the said Henry Cary to be by him laid out and expended for the uses and purposes aforesaid, And the Honorable the Lieutenant Governor is hereby impowered and desired to issue his warrant or warrants on the said Treasurer for the Payment thereof accordingly and the said Henry
Gary is hereby required to lay an Account of his disbursements out of the said money before the General Assembly and make oath thereto when thereunto required.

CHAPTER XVII

An Act for altering the Day for Northampton County Court.

Whereas it is by Experience found that the day for holding Northampton County Court according to an Act Entitled an Act for Establishing County Courts and for regulating and settling of proceedings therein are very inconvenient.

Be it therefore Enacted by the Lieut. Governor, Council, and Burgesses of this present General Assembly, And it is hereby Enacted by the Authority of the Same, That every Clause, Article, matter, and Thing contained in the said Act which relates to the Appointment of the Day for holding Courts in the said County of Northampton Be and is hereby repealed and made void.

And Be it further Enacted by the Authority aforesaid, And it is hereby Enacted, That from and after the publication of this Act at the Courthouse in the said County of Northampton the Court for the said County of Northampton be constantly held by the Justices thereof on the second Tuesday in Every Month, Anything in the aforesaid Act to the contrary notwithstanding.

C. 0. 5/1387, f. 68.
Chapter XVIII

An Act to Enable Abraham Cock to sell certain intailed Lands and for settling other lands to the same uses.

Whereas Thomas Cock late of the County of Henrico Gent. was in his life time seized in Fee of a certain Tract of land containing Two Hundred Acres scituate, Lying, and being at Malbone Hill in the County aforesaid and so being thereof seized by Indenture bearing date on or about the First Day August in the Third Year of the Reigne of the late King James the Second, And in the Year of our Lord One Thousand Six Hundred and Eighty Seven, Did for the Consideration in the said Deed mentioned Give and Grant the same to Stephen Cock and to the Heirs of his body lawfully begotten and for want of such Heirs to James Cock and his heires and Assigns forever,

And Whereas the said Stephen Cock some years agoe departed this life leaving issue a son and daughter to witt Abraham Cock and Agnes now the wife of Richard Smith, which said Abraham is according to the purport and Tenour of the said Indenture Seized of and in all and Singular the lands in the same Indenture comprised to himself and the heires of his body lawfully begotten, Remainder to the said Agnes Smith and to the Heirs of her body lawfully begotten with Remainder to James Cock and his heirs and Assigns forever,

And Whereas also the said Abraham Cock is and stands seized in Fee of a Certain Tract of land containing two
hundred Acres Situate, lying, and being at a place called The Indian Towne in the County of Prince George of a greater value than the said first mentioned Land and hath prayed to be Enabled to sell the said Two hundred Acres of land whereof he stands seized in Fee Tayl as aforesaid and that the said Land in the County of Prince George whereof he is seized in Fee simple to be setled to the same uses,

Be It Therefore Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly, And by ye Authority of the same, That the said Abraham Cock shall from henceforth be and stand seized of and in all and Singular the lands in the said Indenture comprised of an absolute and indefeasable Estate in fee simple, And that all and every person and persons his and their heirs and Assigns to whom the said Abraham Cock shall by virtue of this act make any Sale or Conveyance of all or any part of the said Lands shall have, hold, and Enjoy the same or such part or parts thereof as shall be purchased by such person or persons respectively freed and discharged of and from all claim, Right, Title, and Interest in the same by virtue of the said recited Indenture or any Limitation therein contained,

Provided always, That no thing in this Act contained shall prejudice, lessen, or defeat any Right, Title, Estate, Claim, and Demand of the Kings most Excellent Majesty, his
heires, and Successors or of any bodies Politick or Corporate or of any other person whatsoever (Other than those claiming by from or under the said Indenture) of in and to the said Lands which they every or any of them had or should or might have enjoyed if this Act had never been made,

And Be It Further Enacted by the Authority aforesaid, That the said Abraham Cock shall from henceforth be and stand seized of the said two hundred acres of land Scituate, lying, and being at the Indian Towne in the County of Prince George to himselfe and to the heires of his Body lawfully begotten, Remainder to the said Agnes Smith and the heires of her body lawfully begotten with Remainder to the said James Cock and his heires and Assigns forever.

C. O. 5/1387, f. 36.
CHAPTER IV

An Act for the further Improving the Staple of Tobacco.

Whereas the making, paying away, and Shipping of bad and Trash Tobacco hath occasioned a general decay of the Trade of this Colony and a great diminution of his Majesty's Customs by burning the Same in Great Britain, for remedy 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 whosoever shall plant or replant or cause or suffer to be planted or replanted any Tobacco plants on or upon any plantation within this Colony after the last day of June yearly shall for every such offence forfeit and pay the sum of five hundred pounds of Tobacco for every person above the age of Seven years who shall dwell or reside on any such plantation any year wherein such offence shall be committed, And be it further Enacted by the authority aforesaid and it is hereby Enacted, That the Master or Owner of every Plantation (whereon any Tobacco shall for the future be raised) shall and do cut up and destroy or cause or procure to be cut up and destroyed All plants growing in Beds or patches on or before the third day of July yearly and that every such Master or Owner who shall fail or neglect so to do shall forfeit and Two hundred pounds of Tobacco for every person above the age of Seven years who shall dwell or reside on any such
Plantation any year wherein such Offence shall be committed, provided that where any person or persons shall intrust his or their plantation or plantations and the Servants and Slaves thereon to the Management of an Overseer being a freeman, such Overseer shall incur the several Penalties by this Act inflicted upon the Masters or Owners of the said Plantations for the Several Offences before mentioned, And Be it further Enacted by the Authority aforesaid, That every person who shall act as a Receiver of any Tobacco before he presume to receive any such Tobacco shall in the Court of some County in this Colony or before some Justice of the Peace who shall certify the same to the Court of his County there to be filed in the Clerks Office make Oath in Form Following (that is to say),

I A. B. do Swear that I will carefully and diligently view and Examine all Tobacco which I shall receive and that I will not receive any but what shall be good, sound, well conditioned, and free from all manner of Trash according to the best of my skill and knowledge, and that if any bad or Trash Tobacco be Tendered me to receive I will carefully pursue the directions of the Act of Assembly for the further improving the Staple of Tobacco.

And shall obtain a Certificate from the Clerk of the County or such Justice of the Peace before whom such oath shall be made of his having so done and none shall be admitted
to such oath as a Receiver but such as are known Inhabitants of this Country and of good Character both for skill and Integrity, And every person whatsoever who shall presume to receive any Tobacco for any person or persons whatsoever without having made such oath and obtained such Certificate as aforesaid or shall receive any bad or Trash Tobacco or fail to give such notice to a Justice of the Peace as aforesaid shall for every such Offence forfeit and pay Two Thousand pounds of Tobacco and upon being Lawfully convicted thereof shall be incapable of receiving any Tobacco during the continuance of this Act. And be it further Enacted by the authority aforesaid, That every Receiver thereafter to be appointed pursuant to this Act who upon viewing any Tobacco Tendered him to be received shall find any bad or Trash Tobacco in any Hogshead or Cask such Receiver is hereby required to demand of the Owner or Payer of such Tobacco if he will separate the said Trash or bad Tobacco and repack such Hogshead or Cask and if such Owner shall choose so to do then he shall pay down to such Receiver the same fee as he would have been entitled to for receiving such Hogshead. And then also appoint a time for the said Receivers return to view the said Tobacco after it shall be repacked, But if the Owner or payer of such Tobacco shall refuse to separate such bad Tobacco and if after he hath agreed to separate and repack such Tobacco the said Receiver on his second
coming to view the same shall find in any such Hogshead or Cask any Trash Tobacco then such Receiver in either of the said Cases is hereby required carefully to secure the same in the Custody of the Owner and forthwith to give notice thereof to some Justice of the Peace of the County wherein Such Tobacco shall be, which said Justice is hereby Impowered and required to Issue his warrant to the sherif or some Constable of the said County, And shall in and by his said warrant appoint three fit persons in his Judgement who shall soon as may be go before some Justice of the peace and be sworn carefully and diligently to view the said Tobacco, And if upon such View to be made the Viewers or any Two of them shall adjudge that the said Tobacco so Tendered to be received as aforesaid shall be bad or have trash therein and shall certify the same on the back of the said warrant, The sherif of the said County or the Constable attending such View are hereby Impowered and required to take wood and burn and destroy all such Tendered Tobacco and Cask, And the Owner of such Tobacco shall moreover forfeit and pay the sum of two hundred pounds of Tobacco to such Receiver to be recovered with Costs before any Justice of the Peace of the County where such Offence shall be committed for every such Hogshead so burnt, And if any Owner of any such Tobacco shall after the same shall be seized by the Receiver and left in such Owners possession shall presumt to break any Cask or Hogshead in
which the said Tobacco shall be or cause the same to be removed or conveyed away from the place wherein the same was left, every person so offending shall forfeit and pay for every such offence the sum of One Thousand pounds of Tobacco, And be it further Enacted by the authority aforesaid, That the fees of the Sherif or Constable and Viewers appointed by this Act be as follow (that is to say) To the Sherif or Constable Ten pounds of Tobacco for each and every person he shall summon to attend the said View and to each of the persons who shall be appointed Viewers Thirty pounds of Tobacco which said fees shall be paid by the Owners of such if the same shall be burnt and may be recovered with costs before any Justice of the Peace or the County wherein such View shall be made, Or if the said Viewers shall adjudge the said Tobacco to be good and merchantable then all the said Charges shall be paid after the same rate by the County wherein such View shall be at the laying of the next County levy, And be it further enacted by the authority aforesaid, That during the continuance of this Act no Tobacco whatsoever shall hereafter be put on board any ship or vessel or freight by any person or persons whatsoever (other than tobacco received by some sworn Receiver) unless the Master, Purchaser, or Owner thereof or his Overseer being a white Christian Freeman or other fit person being an Inhabitant of this Colony shall first make Oath before the County Court or
before some Justice of the Peace who shall certify the same to the County Court, That the said Tobacco so to be put on board hath been carefully viewed and examined by him according to the best of his judgment is good, sound, well conditioned, and clear from all trash and shall obtain Certificate of such Oath having been made from the Clerk of the County Court or Justice of the Peace before whom such Oath shall be made of his having so done, And Every Master, Purchaser, Owner, or Overseer who shall put on board any Ship or Vessel or freight any Tobacco whatsoever without first having made such Oath and obtained such certificates as aforesaid shall for every such offense forfeit and pay One Thousand pounds of Tobacco for every Hogshead of Tobacco so to be put on board any Ship or Vessel or freight as aforesaid, And Be it further Enacted, That when any Suit or Information shall be brought for Exporting Tobacco not Viewed upon Oath as is herein before directed the Omn Probandi shall lie upon the Defendant, And for preventing the Exportation of Trash or Bad Tobacco by Sailors, Be it Enacted by the Authority aforesaid, That every Master, Mate, and Boatswain on every Ship or vessel which during the continuance of this Act shall come into this Colony to trade shall before such ship or vessel be admitted to enter, take an Oath respectively before the Naval Officer of the District, That they will not suffer or permit any Tobacco whatsoever to
be taken on board in order to be Exported out of this Colony by any of the Company of such Ship or Vessel but what shall be viewed and received by some Sworn Receiver as is above directed, Excepting so much as shall be barely necessary for the ships Company's Smoaking during the voyage not exceeding Ten pounds for each man, And if any greater Quantity of Tobacco not viewed and received by a Sworn Receiver shall be taken on board by any Master or Commander of every ship or Vessel, on Board which such Tobacco shall be found shall forfeit and pay twenty pounds Current Money of Virginia, And be it further enacted by the Authority aforesaid, That this Act shall be twice every year publickly read at the Courthouse door of each County of this Colony by the sheriff or his Deputy (that is to say) On the dailes for holding Courts in the months of May and November respectively under the penalty of five hundred pounds of Tobacco for every Omission or Neglect, All which fines, forfeitures, and penalties in this Act before mentioned and not otherwise appropriated shall and may be recovered with Costs in any Court or Courts of Record within this Colony and Dominion by Action of Debt, Bill, Plaint, or Information and shall be to and for the proper Use, and behoof of the person or persons who shall inform and sue for the same, And Be it further Enacted, That this Act shall Commence on the Tenth day of August next and shall continue and be in force from
thence for the space of Three years, Provided always, That nothing in this Act contained shall be construed, deemed or taken to extend to any Tobacco already made.

C. 0. 5/1387, ff. 89-91.
CHAPTER V

An Act for Amending the Act concerning Servants and Slaves and for the better Government of Convicts Imported and for the further preventing the Clandestine Transportation of Persons out of this Colony.

Whereas by One Act of Assembly made at a General Assembly began at the Capitol the twenty third day of October, in the fourth year of the Reign of our late Sovereign Lady Queen Ann Entitled An Act concerning Servants and Slaves, It is amongst other things Provided, That when any Negro or other Runaway that did not speak English and could or otherwise thro' Obscurity would not declare the name of his Master or Owner, That then it should be sufficient for the Justice to certify the same instead of the name of such Runaway and the proper name and Sirname of his or her Master or Owner and the County of his or her Residence and distance of Miles as in the said recited Act is set forth and in such case should by his warrant order the said Runaway to be conveyed to the Public Goal of this Country there to be continued Prisoner until the Master or Owner should be known who upon paying the Charges of the Imprisonment or giving caution to the Prison keeper for the same together with the Reward of Two hundred and One hundred pounds of Tobacco as the Case should be should have the Runaway restored, And whereas in pursuance of the said
recited Act many Runnawaiies whose owners names could not be known have been sent to the Public Goal of this country altho' their said Owners have lived in the County or near the place where the said Runnawaiies have been taken up, And It hath been found by Experience That the said Clause in the said recited Act hath proved byesy inconvenient for remedy thereof, Be it Enacted by the Honable, the Lieut. 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 publication of this Act, All and every Negro or other person who shall be taken up and brought before any justice of the Peace and cannot speak English or thro' obscurity will not declare the name of his or her Owner, Such Justice shall in such Case and he is hereby required by warrant under his hand to commit the said Negro Slave or Runnaway to the Goal of the County wherein he or she shall be taken up, any former Act, Usage, or Custom to the Contrary in anywise notwithstanding, And Be it further Enacted by the Authority aforesaid, That the Sherif or Undersherif of the County to whose Custody the said Runnaway shall be committed shall forthwith cause notice in writing of such Commitment to be set up on the Court house door of the said County and there continued during the space of Two months, In which notice a full description of such Runnaway and his Cloathing shall be particularly set down and shall cause a copy of such notice to be
sent to the Clerk or Reader of each Church or Chappel in his County, every which Clerk or Reader is hereby required to make publication thereby setting up the same in some Open and convenient place near the said Church or Chappel on every Lords day during the space of Two Months from the date thereof and every Sherif failing to give such notice as herein is described shall forfeit and pay five hundred pounds of Tobacco, And every Clerk or Reader failing to publish such notice as before described shall for every such Offence forfeit and pay Two hundred pounds of Tobacco, Which said several forfeitures shall and may be recovered with costs in any Court or Courts of Record in this Dominion by Action of Debt, Bill, Plaintiff or Information wherein no Escoign, Privilege, or Protection shall be allowed, The One Moyetie whereof shall go to our Soverain Lord the King, his heirs and Successors for and toward the better support of this Government and the contingent Charges thereof, And the other Moyetie to the person who shall sue for the same, And be it further Enacted by the Authority aforesaid, That if within the said Space of Two months the Owner of any such Negro Slave or Runaway cannot be known or doth not claim the same, That the Sherif of the said County to whose custody such Runaway shall be committed shall cause the said Runaway to be delivered to the next Constable to be by him conveyed to the next Constable and so from Constable to Constable to the Public Goal of this Colony.
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may be lawful for the Keeper of the said Goal upon his application to the General Court or the nearest County Court to the said Goal with the consent of either of the said courts to let the said Negro or Runaway to hire to any person or persons whom they shall approve of for such sum or sums of money or quantity of Tobacco and for such Term or time as they shall direct and that out of the money or Tobacco arising by such time All fees relating to the Taking up, Imprisonment, and conveying to Goal and Charges of maintaining such Negro or Runaway shall be first paid and discharged. And the Overplus (if any) shall be disposed of as such Court or Courts (who shall order the said Negro or Runaway to be let out to hire) shall direct, Provided alwaies that when the Owner of such Runaway shall demand the same, and the person to whom such Negro or Runaway shall be let out to hire shall forthwith deliver the same into the custody of the Keeper of the Public Goal and shall then also pay the hire in proportion to the time the said Runaway hath served and the Keeper of the said Goal shall deliver the said Runaway to his Master or Owner, he or she paying down all fees and Charges of taking up, Imprisonment, conveying to Goal, and maintaining such Runaway, in case the fee received for the service of the said Runaway be not sufficient to satisfie the Same, Provided also That when the keeper of the said public goal shall by the
after such manner and to receive such punishment as in the
first recited Act is mentioned and directed, But whereas
great Trouble is given to Constables in conduction of Run-
nawaises and a severe penalty imposed on them in case such
Negro or Runaway makes his or her Escape and no Reward
allowed for their trouble in performing the services by the
said Act directed, Be it Enacted by the Authority aforesaid,
That all and every Constable within this Dominion for their
Encouragement to perform their duty be for the future ex-
empted from the payment of all publick County and parish
lavrtes for their own persons during their continuance in
that office and that Keepers of Ferries within this Domi-
nion shall give Immediate Passage to all Constables and
their assistants charged with Conduction any Runnaway either
to the public Goal or to such Runnawaises, Masters or Owners
without charging such Constables or assistants for their
ferriage either going or returning but all such ferriages
of Constables and their assistants and of all Runnawaises
shall be paid by the County where such ferry keeper respec-
tively live and shall be repaid by the Publick and levyed
upon the respective Masters of such Runnawaises, And Be it
further Enacted by the Authority aforesaid; That when any
Negro or Runaway as aforesaid shall be delivered to the
Keeper of the Public Goal of this Country by virtue of this
Act and his Master or Owner cannot be known, It shall and
direction of such Court or Courts as aforesaid let out any such Negro to hire to any person or persons whatsoever the said keeper shall at the time of his delivery cause a strong Iron Collar to be put on the neck of such Negro or Runaway with the Letters (P G) stamped thereon and that thereafter the said keeper shall not be answerable for any Escape of the said Negro or Runaway, And whereas the fees for the Commitment, Maintaining and Releasement of such Runnaways are not as yet ascertained and larger have been demanded by the Sheriffs and Goalers than are reasonable, Be it Enacted that from and after the publication of this Act the fees and Allowances for the said sheriffs and Goalers be as follows (that is to say) for the Commitment of every such Negro or Runaway to any County Goal the Sherif shall be paid for his fee the sum of One shilling Current money or Ten pounds of Tobacco and for the keeping and maintaining him or her in Goal for the space of twenty four hours the sum of six pence or five pounds of Tobacco and that the Keeper of the Publick Goal for the Commitment of every such Negro or Runaway shall be paid the sum of Two shillings Current Money or Twenty pounds of Tobacco and for his or her keeping and maintaining in Goal for the space of Twenty four hours the sum of six pence of like money or five pounds of Tobacco and for his or her Releasement the sum of Two shillings of like money or Twenty pounds of Tobacco and no
more, And if any sheriff in any County of this Dominion or keeper of the Publick Goal shall demand and take any greater fee or Allowance than is hereby before appointed and allowed for the Service and maintenance aforesaid or any of them he or they so offending shall for every such offence forfeit and pay the sum of twenty shillings unto such person or persons who shall inform for the same which said forfeitures shall and may be recovered before any Justice of the Peace of the County where such offence shall be committed, Provided nevertheless that when any Negro or other Runaway whose master or Owner is or shall be an Inhabitant of the Provinces of Maryland or Carolina shall be committed to the prison of any County or to the Public Goal of this Dominion, It shall and may be lawful to and for the Sheriff of the County or Keeper of the said Goal to whose Custody such Negro or Runnaway that be committed to ask, demand, and receive of such Masters or Owners the like fees and charges for taking up, Imprisonment, commitment, Releaseament, and maintaining in prison as are or shall be demandable in the Province wherein such Master or Owner resides respectively for the taking up, Imprisonment, Commitment, Releaseament, and Maintenance of Runnawaies taken up and committed there belonging to the Inhabitants of Virginia, anything therein contained to the Contrary notwithstanding, And Be it further Enacted by the Authority aforesaid, That when any Negro or other Runaway shall be committed to the public Goal of this Colony the
Keeper of the said Goal shall by the first opportunity after such Commitment send a Description of such Negro or other Runaway Together with an account of the time of the Commitment and the County from whence such Runaway was removed to such particular place or places of this Dominion bordering on the Provinces of Maryland and Carolina respectively as shall be agreed upon between his Majestys Lieutenant Governor and the Governors or Commanders in Chief of the said respective Provinces to the end the Masters and Owners of such Runaways as shall happen to Escape from those provinces may have timely notice thereof, Provided that when at any time thereafter such Negro or Runaway shall be let out to hire after the manner before expressed herein the keeper of the said Public Goal be not allowed anymore than One fee for the Commitment and the same for the Releasement of such Negro or Runaway, And Be it further Enacted, That where any such Negro or Runaway shall be committed to the Public Goal of this Country by virtue of this Act whose Owner cannot be known as aforesaid and shall happen to dye therein in such case all Charges of the said taking up and keeping and maintaining the said Negro or Runaway in Goal and all other Charges related thereto shall be defrayed by the Public, And whereas of late years many persons Convicted of felonies and other notorious Crimes in Great Britain have according to Act of
Parliament made in the fourth year of the Reign of our Sovereign Lord King George been transported into this colony into this colony and not only great frauds have been committed by persons intrusted with their importation but many cruel murders and frequent Thaits and Roberies have been and Still are committed here by such Convicted persons whereby the Lives and Estates of his Majestys good Subjects are in great danger, For preventing whereof and remedying such mischief for the future, Be it Enacted by the Authority aforesaid and It is hereby Enacted, That from and after the publication of this Act, Every Master of a ship or Vessell, Merchant or Sailor that shall Import or bring into this colony any person or persons whatsoever convicted of any felony or other notorious Crime in any part of his Majestys Dominions in Europe and shall presume to sell or dispose of any such Convict or Convicts for a lesser Term or time that what such Convicts was ordered to be transported for or shall conceal the time cause for which the said Convict was ordered to be transported to the person or persons who shall purchase such Convict shall for every such offence forfeit and pay Ten pounds Current Money of this Colony to the person who shall inform and sue for the Same to be recovered with Costs in which suit the Defendant shall not be admitted to plead in bar any Statute or Act of Limitation of Action, And Be it further Enacted by the
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Authority aforesaid, That if any Convict or Convicts imported into this Colony and not actually Sold shall at any time be permitted to go and be found on Shore, The Master of the Ship or Vessel wherein Such Convict shall be Imported shall forfeit and pay unto such person or persons who shall apprehend or take up any such Convict or Convicts the Sum of Twenty Shillings Current money for every Such Convict so to be taken up and apprehended to be recovered by such person or persons who shall take up the same and may and shall be recovered before a Justice of the Peace of the County wherein such Convict shall be apprehended or before any other Justice of the Peace, And if any Factor, Super Cargo, or other person having the Disposal of such Convicts shall take or receive any such Convicts on Shore before the same are actually and bona fide Sold, Each Factor, Super Cargo, or other person shall for every Convict so by him taken and received on Shore forfeit and pay the like sum of Twenty Shillings Current Money to be recovered in manner aforesaid, And Be it further Enacted by the Authority aforesaid, That Every Master of a Ship or Vessel who shall hereafter import any Convict or Convicts into this Colony shall upon the Entering of his Ship or Vessel with the Officers of the Customs here upon his Corporal Oath (which Oath the said Officers of the Customs are hereby Impowered and required to Administer) make a truee report of the Number, Name, and
Names of each and every Convict or Convicts as shall be imported in his said ship or vessel which said officers are hereby required to take bond with sufficient security from every such Master of a Ship or Vessel to our Sovereign Lord the King, his heirs and Successors in the penalty of fifty pounds Current money Conditioned That such Master shall not nor will not permit any such Convict or Convicts by him imported to go on shore in any part of this Dominion until such Convict shall be actually and bonafide sold and disposed of, And Be it further Enacted by the Authority aforesaid, That all and every person and persons having the disposal of any Convict or Convicts imported into this Colony shall before he sell or dispose of the same give bond before the Officers of the Customs with Sufficient security to our Sovereign Lord the King, his heirs, and Successors in the sum of One hundred pounds Current Money for good behavior of all and every the Convicts which shall be by him sold within this Dominion for and during the space of Two months after such sale or until new Security be given by the purchaser or purchasers thereof in manner herein after directed, And Be it further Enacted by the Authority aforesaid, That each and every person and persons who shall first purchase any such Convict or Convicts shall and do at the first or second Court (after such purchase made) held for the county wherein such Purchaser
shall dwell bring every such Convict or Convicts before the said Court and enter his or her name and names Together the cause of his or her Transportation with the Clerk of the said Court and shall at the same time enter into Recognizance before the said Court into our Sovereign Lord the King, his Heirs, and Successors in the Sum of Ten pounds Current Money conditioned That each and every such Convict or Convict so by him purchased shall in all things well and truly behave him or herself towards all his Majesty's Leige Subjects during the whole time for which such Convict was imported to serve, And Be it further Enacted by the Authority aforesaid, That all and every person or persons who shall purchase any such Convict or Convicts and shall neglect to bring him or her before the Court of the said County and make such Entry of the names and crimes and enter into such Recognizance as herein before directed shall for every such offence forfeit and pay the sum of Twenty shillings current money of this Colony unto such person as shall inform for the same for every Court after such second Court in which such Purchaser ought to have done the same which said sum of Twenty Shillings shall and may be recovered before any Justice of the Peace of the County wherein such Purchaser shall dwell, Provided alwaies and Be it Enacted That if any Inhabitant of this Colony shall Import any Convict for his own Service without any Intention of Sale every
such Inhabitant shall before he be permitted to take such Convict or Convicts on Shore give Bond or enter into Recognizance in manner herein before directed respectively, And Be it further Enacted by the Authority aforesaid That, each and every Convict or Convicts already Imported or hereafter to be Imported into this Colony who for any Crimes by him, her or them here committed have been hereafter shall be ordered by a Justice of the Peace to be whipped naked, The Master, Mistress, or Overseer of such Convict or Convicts shall and may upon any other offence by him, her or them thereafter committed strip and whip such Convict without any further order and without being liable to any penalty for so doing any Law, Statute or Act to the contrary thereof notwithstanding, And to the End the Masters or Owners of such Convicts as shall hereafter commit any Offence punishable by Loss of Life and the Master or Owner shall apprehend and deliver up the offender to Justice such Master Recognizance(given in pursuance of this Act) shall not be forfeited for such Crime or Offence, And whereas the Act of Assembly of this Colony Intituled an Act to prevent the Clandestine Transportation of Carrying of persons in Debt, Servants and Slaves out of this Colony hath not been found sufficient to obtain the ends thereby intended but many persons have been clandestinely conveyed out of this Colony, for preventing thereof, Be it Enacted by the
authority aforesaid, That every Master of a ship or vessel shall at the time of his clearing and before he shall be cleared out hence make oath before the Officers of the Customs here, That he shall not nor will knowingly or wittingly Export any person or persons out of this colony in his said ship or Vessel who hath not or shall not have complied with the said last recited Act which said Oath the said Officers of the Customs are hereby Impowered and required to adminis- ter, Provided alwaies that the taking the said Oath shall not discharge the Master of any such ship or vessel from any of the Penalties to which he is Liable by the said last recited Act, And Be it further Enacted by the authority aforesaid, That if any person or persons (other than persons Convict or Servants) shall forge or Counterfeit any pass in order to procure a Transportation out of this Colony such person or persons so forging or counterfeiting the same shall forfeit and pay ten pounds Current Money One half where- of shall be to his Majesty, his heirs and Successors for and towards the support of this government and the contingent charges thereof and the other half to the Informer to be recovered with Costs in any Court of Record within this Dominion, And if any person Convict or other Servant shall forge or counterfeit any such pass or make use of the same knowingly it to be such he she or they so offending shall shall stand in the Pillory upon a Court day at the Court
house of the County where he or she shall be convicted for the space of two hours and receive thirty Lashes well laid on at the Common Whipping post of the said County. And Be it further Enacted, That whatsoever white servant shall Runaway and at or after his or her departure shall change his or her usual habit or otherwise disguise him or her self with intent thereby to escape being discovered on proof made of such deceit, Every such Runaway shall be adjudged to serve his or her Master or Mistress for the space of six months over and above all other service due for running away, And whereas many abuses have been committed by persons who under pretence of understanding several Trades and mistories have procured large sums of money to be advanced to them and have entered into Covenants with merchants and others in Great Britain for the Payment of large wages yearly tho' they were totally ignorant of and unable to perform such Trades and mistories, for remedy whereof, Be it further Enacted, That from and after the publication of this Act, All and every person or persons who shall be Imported into this Colony as a Tradesman or Workman on Wages and shall be found not to understand such Trade or Employment, The Master or Owner of such servant may bring him or her to any County Court of this Colony which Court upon Complaint to them made of such deceit are hereby impowered and directed to Inquire into the same and upon
finding any such fraud may adjudge and direct such satisfaction to be made to the Master or Owner of such servant either by defalcation of their wages or part thereof or by ordering such further time of service for the money advanced as to them shall seem just, And Be it further Enacted, That if any person or persons who shall be Imported into this Colony as a Tradesman or Workman on Wages shall refuse or neglect to perform his duty or shall absent himself from his Master's Service without Leave, In every such case It shall and may be Lawfull for the Court of the County wherein such Master resided upon Complaint or proof to them made to order such satisfaction and Reparation to the Master or Owner of such Servants for the Damages sustained by him for such Refusal or neglect as to them shall seem reasonable, And for every day such Servant shall absent himself from his Master's Service as aforesaid to order and Direct such Servant to Serve his said Master or Owner two daies for every day absence after his time by Indenture or former order of Court is Expired and that without any wages to be paid for such service, And Be it further Enacted, That copies of this Act shall be provided by the Clerk of the House of Burgesses and sent to Each and every Collector and Naval Officer within This Dominion who are hereby required to set up the same in their respective offices and that the Courts of Each County do cause this Act to be publicly read at the court
house door of their respective counties in the Months of April and May yearly.

C. O. 5/1387, ff. 79-82.
An Act for amending the breed of Horses.

Whereas the Act already made for Restraint of keeping too great Numbers of Horses and Mares has proved Ineffectual and the breed of horses in this Colony is very much decayed and rendered useless and unserviceable, 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 Stowed Colts above a year old and all Stowed Horses shall be kept within Inclosures, And if any such Colts or horses shall hereafter be suffered to run at large on unfenced lands by the space of one day they shall be LIABLE to be seized and taken up by any person or the order of any person on whose land they shall be found running at large, And Be it further Enacted, That the person or persons taking up such Stowed Colt or Horse shall carry the same before some Justice of that County and before him make proof by his own Oath and the Oath of another person that they did find and take up such Stowed Colt or Horse running at large and out of the fenced lands of the Proprietor of the same, And the taker up shall then also make Oath that he was not any way the Occasion of such Colt or Horse coming out of the fenced ground or off the land of the proprietor or Owner of such Colt or Horse and that he took up such Colt or Horse on his own Land or on the Land.
of A. B., by whom he was authorized which said Justice of the Peace is hereby empowered and required to grant a certificate thereof and the person making such proof shall immediately thereafter carry such Stowed Colt or Horse to the proprietor thereof who on such Certificate as aforesaid produced to him is hereby obliged to pay the taker up the Sum of Twenty Shillings Current money or Two hundred pounds of Tobacco, And in case the Proprietor of such Stowed Colt or horse as aforesaid shall refuse to make present payment or give sufficient caution for doing the same at the next Crop, Then the property of such Colt or horse shall be vested in such taker up, Provided always that nothing herein contained shall be construed to Extend to any Stowed horse being on a Journey or in Actual Service in Coach, Cart, or Waggon which shall happen to get loose and be taken up before he be recovered by the Owner, This Act shall continue and be in force for the Term of Seven Yeares from the first day of September next and from thence to the end of the next Session of Assembly.

CHAPTER XI

An Act for raising a publick levy.

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 Sum of Six pounds and a Quarter of Tobacco be paid by Every Tithable person within this his Majesties Colony and Dominion of Virginia for the defraying and payment of the Publick charge of the Country being the Publick Levy from the second day of November One Thousand Seven hundred and Twenty to the ninth day of May One Thousand Seven hundred and Twenty Two and that it be paid by the several Collectors of the several Counties to the several persons to whom it is proportioned by this General Assembly, And if it shall happen that there be more Tithables in any County than the present Levy is laid on, Then such County to have Credit for so much to the use of the County, And if there shall happen to be less Tithables in any County, Then such County shall bear the Loss.

G. 0. 5/1387, f. 101.
CHAPTER XII

An Act for the preventing of Swine going at large within the City of Williamsburgh or the Limits thereof.

Whereas By an Act of Assembly made in the first year of his present Majesties Reign Intitled an Act to prevent Hogs rooting within the City of Williamsburgh and certain adjacent places, It is among other things Enacted, That no sort of Swine above the age of Two months shall be suffered to go at large in the said City or within certain Limits therein mentioned unless the Nose or Noses of such Swine shall be so ringed or cut as to prevent their rooting, And if any such Swine shall be found going at large within the said City or the Limits in the said Act mentioned, It shall and may be lawful to and for any person or persons for that purpose by the Directors of the said City or the Major part of them or by the Governors of the College or the Major part of them appointed (which person so appointed shall be called the Pound Keeper) to Impound such Swine so found going at large in some open and public pound and the same there to keep and impound until the Owner of such Swine shall pay unto such Pound Keeper Six pence for every such Swine so Impounded as in the said Act more fully is contained, And whereas the said Act hath not been found Effectual for the preventing the mischiefs thereby intended to be prevented, but great numbers of Swine are daily suffered to go at large contrary
to the said Act and to the great annoiance of the Inhabitants of the said City, For remedy 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 no person or persons whatsoever from and after the first day of January next after the passing of this Act being owner or owners of any Sort of Swine above the age of Two months shall suffer the same to go at large within the said City or the parts thereto belonging upon pain of losing all such Swine, And it shall and may be lawful to and for any person whatsoever to kill all such Swine which shall be found going at large within the said City or the parts thereof, any Act heretofore made to the contrary thereof in any wise notwithstanding,

Provided nevertheless, And It is hereby Enacted by the Authority aforesaid, That when any Swine shall be so killed the person or persons so killing the same shall give the Owner or Owners thereof (in case he or they be known) Immediate notice of such Swine being killed and shall not remove the same from the place where such Swine was killed untill the same shall become offensive, And in case the Owner of such Swine be not known the person killing the same shall forthwith give notice to some Vestryman residing within the said City who is hereby Impowered to dispose thereof for the use of the poor of the Parish, And be it further
Enacted by the Authority aforesaid, That if any Action, Bill, Plaint, Suit, or Information shall be commenced or prosecuted against any person or persons for the killing any Swine pursuant to this Act such person or persons may plead the general Issue and give the Special matter in Evidence, And if the Plantif or Prosecutor shall become non-suit or suffer discontinuance, Or if a Verdict shall pass against him in any such Bill, Plaint, Suit, or Information as aforesaid the Defendant shall recover against him, his full Costs and One Attorneys Fee, Provided alwaies that nothing herein contained shall be construed, deemed, or taken to forbid or hinder any person or persons driving any Swine to or thru the said City in order to sell the same or to remove the same from One plantation to another.

C. O. 5/1387, ff. 73-74.
CHAPTER XIII

An Act for the building a Church in the Parish of Accomack.

Whereas the Vestry of the Parish of Accomack in the County of Accomack have ordered, That a Church should be built at a certain place in the said Parish called the Court-house Old field which is very remote from a great Number of the Inhabitants of the said Parish and near a Church already built, And Whereas Long Love Branch near John Taylors Plantation is represented to be the most convenient place for building the said Church, And forasmuch as the convenient Situation of Churches may greatly contribute to the Instruction of the People in the true Christian Religion as it is now profest in the Church of England and Established by Law, Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly and by the authority of the same, That the Vestry of the said Parish of Accomack for the time being be and are hereby authorized and required within Two years after the passing of this Act to build and finish or cause to be built and finished at Long Love Branch aforesaid near John Taylors Plantation a decent Church of such dimensions as to them shall seem necessary and Equally to assess all the Tithable persons within the said Parish so much Tobacco as will be sufficient to defray the Charge of building and finishing the same which said
Assessments shall from time to time be collected by such person or persons as shall be thereunto authorized by the said Vestry or the Major part of them, And Be it further Enacted and declared, That if any person chargeable with the payment of Levies within the said Parish shall refuse or neglect any Sum or Sums of Tobacco which he or she shall be rated or assessed, That then it shall and may be Lawfull to and for the said Collectors (who are hereby authorized and required thereunto) to Levy the same by distress and sale of the goods of such persons so refusing or neglecting to pay deducting the Sum assessed and the reasonable Charge of distraining and restoring the Overplus to the Owners thereof, And whereas the Inhabitants of the said Parish complaint that the Minister of the said Parish preaches very frequently at the Courthouse which proves very inconvenient to the said Inhabitants for preventing the same for the future, Be it Enacted by the authority aforesaid, That the Minister of the said Parish shall and is hereby required to preach every Sunday alternately in the two Churches already built in the said Parish and in the Church hereby directed to be built from and Immediately after the finishing the same, And Be it further Enacted by the authority aforesaid, That in case the Vestry of the said Parish shall refuse or neglect to cause to be
built and finished such a Church at Long Love Branch aforesaid as herein is before directed, Each Vestryman so refusing or neglecting shall forfeit and pay the Sum of Two Thousand pounds of Tobacco; one moiety to his Majesty, his heires, and Successors for and towards the support of this Government and the contingent Charges thereof, the other moiety to him or them that shall inform or sue for the same to be recovered by Action of Debt, Bill, Plaint, or Information in any Court of Record within this Colony wherein no Eission, Protection, Privilege, or wager of Law shall be in any wise granted or allowed.

C. O. 5/1587, ff. 85-86
CHAPTER XIV

An Act for the Vesting the Fee Simple Estate of certain Lands in William Beverley of the County of King and Queen Gent. upon certain Considerations therein mentioned.

Whereas Robert Beverley late of the County of King and Queen Gent. and Thomas Jones of the City of Williamsburg gent. in copartnership with divers other persons did some years ago form a design of Erecting certain Iron Works in the County of Spotsylvania, And for the better Enabling them to carry the same on by Patent bearing date the Twentieth day of February 1719 Did obtain a Grant of a considerable Tract of land scituate lying and being in the said County containing by estimation Fifteen Thousand Acres and Commonly called and known by the name of the Iron Mine Land, And whereas the said Robert Beverley is lately dead and being intituled to Ten Equal parts or shares in the said Land (the same being divided into forty eight) by his last will and Testament in writing bearing date some time in the month of April in the year of our Lord One Thousand Seven Hundred and Twenty Two hath devised his said Shares unto his son William Beverley for and during the Term of his natural Life only and from and after his death to the Eldest son of the said William and his heirs forever, And if he should have no son To his eldest daughter and her
heires forever and if he should die without son or daughter to Harry Beverley and his heires forever, And whereas It will require vast sums of money to be contributed by the persons concerned in the said Copartnership in proportion to their respective shares to bring the said Iron Works to perfection, And the said William Beverley by reason of the smallness of his Estate in the said Land is discouraged from paying in any Sum of money into the said Copartnership for the carring on the said works and Moreover is apprehensive that the Charge and Expence of so great a share as he holds therein will be more than his Circumstances will allow him to Contribute, And whereas the said William Beverley by the Will of his said Father hath no Power to sell or dispose of his said shares or any part thereof but by his desisting from the said undertaking must Lose all benefit of such Sums of money as have been already paid in which are very considerable And thereby also the other Copartners aforesaid may be laid under great difficulties hardships and discouragements in the carring on their said design and many Law suits and Controversies may hereafter arise thereupon, Therefore at the humble Suit of the said William Beverley as well in behalf of himself as the other persons concerned in the said Copartnership, Be it Enacted by the Lieutenant Governor Council and Bur- gesses of this General Assembly and It is hereby Enacted
by the authority of the same That all the parts and shares of the said Robert Beverley in his lifetime of and in the said Tract of Land withall houses, Buildings, Dams, Waters, Water Courses, Wales and all and every the Rights, Members and appurtenances to the same in any wise belonging or appertaining immediately from and after the passing of this Act be vested in and upon the said William Beverley and his heires To the use of him his heires and assignes for ever. Ane Be it further Enacted by the Authority aforesaid, That all and every person or persons his and their heirs and Assignes To whom the said William Beverley or his heirs shall hereafter make any Sale or Conveyance of all or any of the parts or shares in the said lands and premises hereby vested in the said William Beverley shall have, hold, and Enjoy the same freed and discharged of and from all Claim, Right, Title, or Interest in the same by virtue of the last will and Testament of the said Robert Beverley deceased or any Limitation, matter, or thing therein contained, Saving to the Kings most Excellent Majesty, his heires, and Successors and to all and every other person and persons, Bodies Politic and Corporate, their respective heirs, Successors, Executors, or Administrators (other than those Claiming by from or under the last will and Testament of the said Robert Beverley deceased) All such Right,
Title, Estate, Interest, Claim, and Demand of in and to all
or any of the said Lands and premisses as they every or all
of them had or should or might have Enjoyed if this Act had
never been made, And to the end the several and respective
persons to whom the said Land is Limited over after the
death of the said William Beverley may not be hereby pre-
judiced, Be it Enacted by the Authority aforesaid, That
from and after the passing of this Act All that Tract of
Land situate, lying, and being in the Fork of Rapahanoc
River in the County of Spotsylvania commonly called and
known by the name of Elkwood containing four Thousand Acres
more or less granted to the said Robert Beverley deceased
by patent bearing date the Twenty ninth day of October In
the year One Thousand Seven hundred and nineteen with all
and every its Rights, Members, and appurtenances whereof
the said William Beverley is now seized in Fee Simple be
and the same are hereby vested in William Randolph of the
County of Henrico, Gent. and John Randolph of the City of
Williamsburgh Gent. and their heires, To and for the seve-
ral uses, Intents, and Purposes hereafter declared, Expressed,
limited, or appointed (that is to say) As for and con-
cerning the said Four Thousand Acres of Land be it more or
less with the appurtenances To the use and behoof of the
said William Beverley for and during the Term of his natu-
May 1722

and from and after the determination of that Estate, To the use of the said William Randolph and John Randolph their heirs and assigns for and during the natural life of the said William Beverley Upon Trust only for preserving the Contingent uses and Estates herein after Limited and to make Entries for the same if need shall require But that the said William Randolph and John Randolph, their heirs, or assigns shall permit and suffer the said William Beverley and his assigns to receive and take the Rents, Issues, and profits thereof and of every part thereof to his and their own use and from and Immediately after the death of the said William Beverley, To the use and behoof of the first son of the said William Beverley and the heirs of such Son forever, And in case said William Beverley shall die without a Son not leaving his Wife Enseint with a Son, To the use and behoof of the Eldest Daughter of the said William Beverley and the heirs of such Daughter forever, And if the said William Beverley shall dye without a son or daughter leaving his wife Enseint with a Child, Then and in that case to the use and behoof of the said William Randolph and John Randolph and their heirs until the wife of the said William Beverley of such Child shall be delovered or dy which shall first happen In Trust for the benefit of such after born Child, And if
such afterborn Child happen to be a Son to the Use of such Son and his heires forever, And if such Child shall happen to be a Daughter to the use of such Daughter and her heires forever, And in case the said William Beverley shall dye without Son or Daughter or having his wife So as aforesaid Epseint To the use and behoof of Harry Beverley of Urbanna in the County of Middlesex Gent. and his heires and assignes forever, Provided alwaies, That nothing in this Act contained shall be construed deemed or taken to allow or defeat any Right, Title, Claim, or demand of the Kings most Excellent Majesty, his heires, or Successors or any other person or persons, Bodies Politic or Corporate, their heires, Successors, or assignes in and to the said Tract of Land called Elkwood or any part thereof (other than those claiming by from or under the said William Beverley and his heires) which they or any of them had or should have had or Enjoyed if this Act had never been made.

C. O. 5/1387, ff. 87-88
CHAPTER XV

An Act to Enable John Blinco to sell certain Intailed Lands upon his settling other Lands to the same uses.

Whereas Thomas Keen late of the County of Northumberland deceased being in this Lifetime seized if Fee Simple of One certain parcel of Land scituate, lying, and being, between Sawyers Creek and Little Neck Creek in the Parish of St. Stephens in the County of Northumberland containing by estimation fifty acres by his last Will and Testament in writing Did devise the same to his Wife Mary Keen in Tail, And Whereas the said Mary did afterwards Intermarry with One James Blinco and departed this Life leaving Issue John Blinco her son and heir to whom the said Land descended in Tail, And whereas the said John Blinco hath made humble supplication to this General Assembly to be Enabled to sell and Convey the said fifty Acres in Fee Simple upon his settling One other Tract of Land scituate lying and being upon the Branches of Wicomico River in the Parish and County Aforesaid containing fifty Acres now in the possession of John Crawle and One Negro woman Slave of greater Value than the said first mentioned fifty Acres to the uses and under the same Limitations as the said Intailed Lands are now settled, Be it Enacted by the Governor, Council, and Burgesses of this present General Assembly and the Authority of
the Same, That from and After the passing of this Act the said John Blinco shall be and stand seized of and in the said first mentioned fifty acres of land of an absolute and indefeasable Estate in Fee Simple, And that all and every person and persons his and their heirs and assignees to whom the said John Blinco shall by virtue of this Act make any Sale or Conveyance of all or any part of the said Lands shall have hold and enjoy the same or such part or parts thereof as shall be purchased by such person or persons respectively freed and discharged of and from all Claim, Right, Title, and Interest of all or any of the persons that shall or may claim any Interest in the same, Provided that he the said John Blinco shall be some sufficient Deed or Conveyance duly Executed settle the said other Tract of Land and One Negro woman to the use of him the said John Blinco and the deires of his body Lawfully Begotten and from and after the determination of that Estate to the use of the Right heires of the said Thomas Keen, Provided also that nothing in this Act contained shall prejudice, Lessen, or Defeat any Right, Title, Estate, Claim, and Demand of the Kings most Excellent Majesty, his heires, and Successors or of any bodies Politic or Corporate or of any other persons whatsoever other than those claiming by from or under the said Thomas Keen
and Mary his wife or either of them which they every or any of them had or should or might have Enjoyed if this Act had never been passed.

C. 0. 5/1337, ff. 75-76
An Act to Enable Francis Smith to convey certain intailed lands to John Spicer gent. in Fee simple upon the said John Spicers conveying other lands therein mentioned to the same uses.

Whereas John Smith late of the County of Essex plan- ter deceased being seized of a certain Tract of Land Situate, lying, and being in the said County of Essex containing by Estimation One hundred Acres by his last will and Testament in writing bearing date the Seventh day of December one Thousand Seven hundred and three devised the Same to his son Francis Smith and the heires of his body lawfully begotten and if he die without issue to the Right heires of him the said John, And Whereas John Spicer of the County of King George Gent. is seized of a certain parcel of Land Scituate, lying, and being near the Land of Larkin Chew in the County of Spotsylvania containing by Estimation four hundred acres which is of greater value than the said Tract of One hundred Acres, And the said John Spicer is willing to convey the same to the said Francis Smith to the uses mentioned in the last will and Testament of John Smith Aforesaid upon the said Francis Smith conveying to him the said John Spicer an Estate in fee simple in the said One hundred acres of Land, And whereas the said
Francis Smith hath humbly supplicated this Assembly for that end to be Enabled to convey the said One hundred acres of Land to the said John Spicer in Fee simple, Be it therefore enacted by the Governor, Council, and Burgesses of this present General Assembly and by the authority of the same, That the said Francis Smith or his heires by any Sufficient Deed or Conveyance may convey and pass a good and indefeasible Estate in fee simple in the said One hundred Acres of land to the said John Spicer, And the said John Spicer and his heires shall have hold and Enjoy the same freed and discharged of and from all Claim, Right, Title, and Interest of all or any of the persons claiming or that shall or may claim any Interest in the Same, Provided, That he the said John Spicer shall by Some sufficient Deed or Conveyance duly executed convey the said Tract of four hundred Acres of Land in the County of Spotsylvania to the said Francis Smith and the heires of his body Lawfully begotten and if he dye without Issue to the use of the Right heires of the said John Smith, Provided also that nothing in this Act contained shall prejudice, Lessen, or defeat any Right, Title, Estate, Claim, and demand of the Kings most Excellent Majesty, his heires, and Successors or of any Bodies Politic or Corporate or of any other persons whatsoever other than those Claiming by, from, and under the last will and
Testament of John Smith of, in, and to the said Lands which they every or any of them had or should or might have Enjoyed if this Act had never been made.

C. o. 5/1387, ff. 71-72
CHAPTER I

An Act for laying a Duty on Liquor and Slaves.

We your Majesties most Loyal and Dutiful Subjects the Burgesses now assembled in Virginia having Seriously considered the present State of this your Majesties great and Ancient Colony and Dominion and the dangers it is exposed and liable to by the present unarmed Condition of our Militia as well in regard to the vast numbers of Negro Slaves which are daily imported and increased among us also from the Neighboring Indians and other which may possible become our Enemies and being the more awakened hereto by some late discovered Conspiracies among these Slaves wholly to destroy Your Majesties good Subjects Inhabiting here and having endeavored to find out proper methods to defray the Extraordinary Charge requisite sufficiently to support us against those and other dangers which may and do ofter attend this Colony had having by many years Experience found that the only method easy to be born here in raising funds is by laying Duties on Liquors and Slaves imported by which Duties we have been Enabled with Cheerfulness not only to defray the Expence of building a House for our Governor, a Noble Structure for the Supreme Court of Justice, A magazine for the Arms and Ammunition of our Country and a Publick Goal for Debtors and Criminals, But also to perform many Necessary Services for the safety and Defence of out Lives and of this
your Majesties Great Dominion and these funds being now exhaussted and we considering it is our Duty to the utmost of our power fully to provide for the safety of your Majesties Subjects and Dominion here do in all humility beseech your Majestie, That in Order to lessen the Levy by the Poll and to Provide Arms and Ammunition for the Poorer Sort of Inhabitants, Your Majesties good Subjects here in order to support and defray such other necessary expenses as shall by the General Assembly be thought proper for the defence and service of this Colony, 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 for every gallon of Rum, Brandy, and other distilled Spirits and for every Gallon of Wine which after the first day of April next shall be imported or brought into this Colony and Dominion from any Port or Place whatsoever the Duty or Custom of four pence shall be paid by the Owner or Importer of the same, And be it further Enacted that for every Gallon of Cyder, Beer or Ale which after the said first day of April shall be imported or brought into this Colony and Dominion from any port or place whatsoever the duty or custom of one penny shall be paid by the Owner or Importer of the same, Provided neverthe less and it is hereby Enacted and declared that no duty or Custom whatsoever shall be required or paid for any of the Liquors before Enumerated which shall come directly from
Great Britain, But that all such Liquors shall remain and continue Exempt and free from any Imposition, Duty or Custom levied or required by this Act as if this Act had never been made, Provided also and it is hereby further Enacted and declared, That no greater duty or custom than half the Duties aforementioned shall be required or paid for any liquor whatsoever imported in any ship or other vessel wholly and solely belonging to the Inhabitants of this Country, Any thing in this Act before contained to the Contrary notwithstanding, And be it further Enacted That no Liquors whatsoever liable to a Duty or Custom by Virtue of this Act shall be Landed, put on shore or any other way delivered out of the ship or vessel importing the same before due Entry be made thereof with the Collector of the Dutys in the port or place where the same shall be imported or before the Duty due and payable for the same by Virtue of this Act shall be fully satisfied and a Warrant had under the hand of the said Collector for landing or delivery thereof and that all Liquors landed, put on shore or delivered contrary to the Directions and true Intent and Meaning of this Act or the value thereof shall be forfeited and lost and shall or may be recovered of the Importers or Owners of the Same, And be it further Enacted That no person or persons whatsoever bringing Liquors liable to a Duty or Custom by Virtue of this act in at any port or place within This Colony and Dominion or having such Liquors consigned shall land or cause the same to be landed
or put on shore without making or causing due Entry to be made thereof with the Collector of the Dutys upon Liquors in such port or place giving to him a True Account of the Gallons Every Cask did contain upon Oath upon pain of forfeiting double the value of the Liquor so landed or put on shore, And be it further Enacted That the Master or Purser of every ship, Barque, or vessel importing Liquors liable to any Duty or Custom by Virtue of this Act to any port or place within this Colony and Dominion shall make a true and Just Entry upon Oath with the Collector of the Dutys upon Liquors in the said Port or place of the Burthen, Contents and Lading of such ship, Barque or other vessel with the particular Marks and numbers of Every Cask therein laden with Liquor to the best of his knowledge and also where and in what port she took in her Lading upon penalty of forfeiting One hundred pounds Sterlings, Provided always and it is hereby Enacted and declared that no person or persons whatsoever shall be required to give an account upon Oath of the true Contents of any pipe or other Cask of Wine imported directly from the Island where the Same was made, But that upon every such Importation of Wine the Owners or Importers thereof shall have liberty to Enter a pepe at One hundred and Ten Gallons and all Lesser Casks after the same proportion, Any thing in this act contained to the Contrary or seeming to the Contrary Notwithstanding, And for the better Encourage-ment of all persons whatsoever to make due Entry and payment
of the several Impositions, Duties or Customs laid upon liquors by virtue of this Act, Be it further Enacted That in Consideration of filling and Leakage every Collector of the said Impositions, Duties and Customs shall be and is hereby authorized and required to abate and allow to such person or persons as shall enter liquors and pay the Duties for the same Twenty Gallons in Every Hundred, And if any person or persons whatsoever shall wittingly or willingly make a false Entry and be convicted for the same such person or persons shall forfeit and pay One hundred pounds Sterling, And be it further Enacted That the Collectors of the Duties or Customs upon Liquors and their Deputies be authorized and empowered and they and every of them are hereby authorized and empowered to go and enter on board any ship or other vessel and from then to bring on shore any Liquor liable to a Duty or Custom by virtue of this Act if the Duty or Custom be not paid or compounded for within Ten days after the first Entry of the said Ship or Vessel and likewise to stay and remain on board the said Ship or vessel until all such Liquors be discharged and delivered out of the same, And be it further Enacted That if any Collector or Collectors of the Duties upon Liquors or any other person or persons deputed and appointed by or under them or any of them or any other authority whatsoever shall directly or indirectly take or receive any Bribe, recompence or reward in any kind whatsoever or shall connive at any false Entry of any Liquors liable to a Duty or Custom
by Virtue of this Act by means whereof the Duties or Customs shall be defrauded the person or persons therein offending shall forfeit and pay the sum of One hundred pounds Sterling, and be forever afterwards disable in his said Office and rendered incapable of holding any office or Employment relating to the Customs within this Colony and Dominion and the person and persons giving or paying any such Bribe, reward or recompence shall forfeit and pay the sum of One hundred pounds Sterling, And be it further Enacted That the sum of forty shillings be paid for every Negro or other slave which after the said first day of April shall be imported or brought into this Colony and Dominion from any port or place whatsoever by the Importer or Importers of the same, And be it Further Enacted That no Negro or other slave which shall be imported into this Colony and Dominion after the said first day of April shall be landed or put on shore out of any ship or vessel importing the same before due Entry be made with the Collector of the Duties upon Slaves in the port or place where the said Negros or Slaves shall be imported and before the Master of the said ship or vessel hath made Oath of the Number of Slaves imported in such ship or vessel or before the duty due and payable for the said Negros and slaves shall be fully satisfied and paid and a Warrant had for the Landing of the same under the hand of the said Collector and that all Negros or other Slaves which shall be landed or put on shore contrary to this Act or the Value thereof shall be forfeited
and lost and shall be recovered of the Importers or pro-
prieters of the same, Provided always and it is hereby fur-
ther Enacted, That if the Importers of any Liquors or Slaves
for which the Duties or Customs according to this act shall
be paid shall within Three months after the Importation
thereof into this Colony and Dominion be desirous to Export
the same or part thereof, In such Case the said Importers
shall give a Particular Account of the Contents Cask Marks
and numbers of the Liquors and a particular account of the
slaves he intends to Export to the Collector with whom at
their importation they were entered and shall subscribe the
same and declare upon Oath that the duty or Custom for the
Liquor and Slaves he desires to Export were at the Entry duly
answered and paid according to this Act and that the said
Liquor and Slaves shall be directly carried out of this
 Dominion and not sold, delivered or put on shore within the
same and then it shall be lawful for the said Collector and
he is hereby required and enjoined to allow to the said Im-
porter the whole duty or Customs paid for the said Liquor
or Slaves so to be Exported, Any thing in this Act contained
to the Contrary in anywise Notwithstanding, Provided always
and it is hereby Enacted That nothing in this Act before
contained shall extend or be construed to exempt any Importer
or Owner or any slave or slaves into this Colony at any time
during the Continuance of this act to pay the duty by this
Act imposed upon Slaves for any Negro or other slave Male
or female Child which is not or shall not be at the time of the Importation able to go alone, But that it shall and may be lawful for all such Children to be imported and sold here without paying the duty by this Act imposed or any part there- of, Any thing in this Act before contained to the contrary Notwithstanding, Provided also That if by Virtue of this Act a duty be paid by the Importer of any Negro or other Slave and such Negro or Slave happen to dye within forty days next after the day of his or her arrival in any port of this Colony and be not actually sold, It shall and may be lawful in such case to and for the Collector to w th om the said Duty shall be paid and such Collector is hereby required and enjoined to allow and pay back to the said Importer the duty paid for such Negro or Slave, In Case the Importer making demand of such drawback make Oath before the said Collector that the said slave did dye within the said forty days and was not sold before his or her death but not unless such Oath be made Anything in this Act to the Contrary Notwithstanding, And Be it further Enacted That if the Master of any ship or vessel importing slaves after the said first day of April wittingly or willingly make a false Entry of any of the slaves imported and be thereof convicted he shall forfeit and pay for every such offence the sum of five hundred pounds Sterling, and if any Collector of the Duties upon Slaves shall directly or indirectly take or receive any Bribe, recompence or Reward to connive at any false Entry or any Negros or Slaves im-
ported; as aforesaid he shall forfeit and pay the sum of One hundred pounds Sterling and be forever afterwards disabled in his said office and rendered Incapable of holding any Office or Employment relating to the Customs in this Colony and Dominion and the person or persons giving or paying such Bribe or reward shall forfeit and pay the sum of One hundred pounds Sterling, And for an Encouragement to Import money into this Colony and Dominion, Be it further Enacted That whatsoever person or persons shall pay any of the Impositions, Duties or Customs accruing by Virtue of this Act in good and lawful money of his or their own Importation into this Colony and Dominion to be proved by the Oath of the party paying the same such person or persons shall have an abatement and allowance of fifteen per cent in all duties so paid and satisfied to make allowance accordingly, And Be it further Enacted That the Several Impositions, Duties or Customs by this Act laid upon Liquor and Slaves be from time to time paid and satisfied to our Soverain Lord the King, his Heirs and Successors to and for the uses, intents and purposes hereafter mentioned and to and for no other Use, Intent or purpose whatsoever, And be it further Enacted That the Several forfeitures and penalties which shall or may arise by Virtue of this Act shall be divided into three equal parts, One Third whereof shall be to Our Soverain Lord the King, his Heirs and Successors for and towards the better support of this Government and the Contingent Charges thereof, One
Third part to the Governor of this Colony and Dominion for the time being to and for his own proper use and behoof, and the other third part to him or them that will inform or sue for the same to be recovered with Costs by Action of Debt, Bill, Plaint, or Information in any court of Record within this Colony and Dominion wherein No Essoin, protection or Wager of Law shall be allowed, And be it further Enacted That the Governor and Commander in Chief of this Colony for the time being with the Advice of the Council shall be and is hereby empowered from time to time and at all times hereafter to nominate, constitute and appoint such and so many Collectors of the Duties laid by this Act upon Liquors and Slaves as also such Sallaries not exceeding six in the hundred for collecting the said Duties as to him shall seem best, And Be it further Enacted That all and every sum and sums of money raised or to be raised by virtue of this Act upon Liquors and Slaves shall be constantly accounted for by the Collector or Collectors thereof to the Treasurer of Virginia for the Time being upon Oath and by him to the Governor, Council and Burgesses of the General Assembly upon Oath also and converted to such use or use as from time to time they shall think fit to direct for lessening the Levy by the Poll and defraying any publick charge whatsoever according to the true intent and meaning of this Act, And to and for no other use, Intent or purpose whatsoever, And be it further Enacted by the Authority aforesaid, That it
shall and may be lawful to and for all and every the Collector and Collectors of the duties laid by this Act to Enter into any house, Warehouse, or Store house in the day time or if Occasion by Warrant under the Hand of a Justice of the Peace and in Company with a Constable to break open in the day time any House, Warehouse or Store house to search for, seize and carry away any Liquor or Slaves on which a duty is laid by this Act and for which the said duty shall not have been paid according to the directions herein given, And if any such Collector or Constable shall be sued or Molested for anything done in Execution of the powers hereby given them such Collector or Constable shall and may plead the General Issue and give this Act in Evidence of which the Court where such suit shall be brought shall allow and if in such suit the Plaintiff shall be nonsuited or a Judgement shall pass against him the defendant shall recover double Costs, And be it further Enacted by the Authority aforesaid that all and every Master or Commander of any ship, Boat, or other vessel whatsoever that from and after the said first day of April shall transport or carry any Liquors on which a Duty is laid by this Act from One District to another within this Colony shall before he depart out of the District wherein such Liquors shall be laden or taken on Board make Oath before the Collector of the Duties in the said District to the True Quantity of the Liquor so on board to be transported and that he will not take or suffer to be taken on board the said ship, but or other vessel any more Liquors than he is laid
Boat, or other Vessel any more Liquors on which a duty is laid by this act and shall also take a certificate from the said Collector of the Quantity of Liquors then on Board and that such Oath hath been made thereto and if the Masters of any ship, Boat or other Vessel shall after the said first day of April deliver or pur on shore in any other District or transport from one district to another any such Liquors without having made such Oath and obtained such Certificate as herein above directed such master shall forfeit the value of such Liquors to be recovered and disposed of in such manner as the penalties and forfeitures herein before mentioned are directed to be, And for preventing of frauds being committed by the Masters of ships or vessels in Bringing in slaves under colour of Sailors employed in their ships or vessel and afterwards selling the said Slaves in the Country without paying any Duty for the Same, Be it Enacted That every Master of a ship or vessel arriving in this Colony shall make Oath before the Collector of the Duties laid by this Act which said Oath the said Collector is hereby required and impowered to Administer at the Entry of every Ship or Vessel what number of Negroes and other Slaves he hath on board as Sailors and shall at the time of his clearing Produce the said Negroes or other Slaves againsto the said Collector or make sufficient proof that said Slave or Slaves are dead since his arrival and if any Master of a ship or Vessel shall sell or offer to sell any Slave so imported under colour of a Sailor within this
Colony before the duty due and payable for the same shall be satisfied, Every Master or Commander of a Ship or Vessel so offending shall forfeit and pay Thirty pounds current money to be recovered and disposed of as the other forfeitures are disposed of by this Act, Provided Always That No person inhabiting this Colony shall be chargeable for the Duty hereby laid on Slaves for any Slave once imported into or born within the same who shall afterwards be employed in the service of such inhabitant on board any ship or vessel going out of the Colony and returning again in the way of Trade or who shall be attending on such Inhabitant to any other Country nor shall any stranger travelling through this Colony by Land or Water be chargeable with the payment of the aforesaid Duty on any Slave attending on such Stranger so as such slave be not exposed to sale within this Dominion, And Be it further Enacted That this Act shall continue and be in force for Three years from the said first day of April and no longer.

C. 0. 5/1387, ff. 126-130.
CHAPTER III


Whereas at a General Assembly begun at the Capitol the Twenty Third day of October in the fourth year of the Reign of our late Sovereign Lady Queen Ann, An Act Intituled An Act for Security and defence of the Country in Times of Danger was made which act being Expired was by another Act of Assembly made at the said Capitol the Twenty fifth day of October in the Ninth Year of the Reign of her said late Majesty Intituled an Act for reviving and Continuing an Act for Security and defence of the Country in Times of Danger, Reviven and Continued till the Tenth day of December which should be in the year of our Lord One Thousand seven Hundred and Twelve and which said last mentioned act being expired, At a General Assembly begun at the Capitol the Twenty Second day of October in the Eleventh Year of her said late Majesty, An Act Intituled An Act for Continuing an Act Intituled an Act for Security and Defence of the Country in Times of danger was made whereby the said first recited Act was revived and continued until the Tenth day of December which should be in the year of our Lord One Thousand Seven hundred and fourteen which act being also expired and the said first recited Act being found by Experience very useful and necessary, 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 made in the fourth year of the Reign of our said Late Sovereign Lady Queen Ann Intituled an Act for the Security and defence of the Country in Times of Danger and all and every the powers and authorities thereby given be and continue and are hereby confirmed in full force and virtue to all Intents and purposes whatsoever til the Twenty fourth day of June which shall be in the year of our Lord One Thousand seven Hundred and Twenty Five and no longer.

C. o. 5/1387, f. 144.
CHAPTER V

An Act for the better and more effectual Improving the Staple of Tobacco.

Whereas Sundry Laws have heretofore been made for the Improving the Staple of Tobacco and for the better discovery of frauds therein but the same have proved ineffectual and it is found by experience that most of the frauds and mischiefs which have been complained of in the Tobacco Trade have arisen from the planting on Land not proper for producing good Tobacco and greater Crops than the persons employed therein are able duly to tend, And Whereas also the merchants in Great Britain concerned in the said Trade have given up great Quantities of Tobacco to be burnt by reason of the meaness and bad handling thereof and thereby his Majesties Customs have been greatly diminished and the people of this Colony impoverished, 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 labouring Tithable persons within this Colony and Dominion have Liberty to tend Six thousand plants of Tobacco and no more, And that all Male labouring persons above Ten and under Sixteen Years of Age have Liberty to tend Three thousand Plants of Tobacco and no more upon any plantation or plantations in any one Year during the continuance of this Act, Provided always that
all Housekeepers Male or Female being Planters and not having any Tithable servant or Slave shall for themselves have liberty to tend Ten Thousand plants of Tobacco and for Every Male labouring person between the age of Ten and Sixteen Years to them belonging the Liberty of tending on his or her plantation Three Thousand plants or Tobacco and no more, And Be it further Enacted by the Authority aforesaid, That the Vestry of Every Parish within this Colony shall and do before the last day of June Yearly lay out their respective parishes into precincts and appoint Two persons in Each precinct to Examine and inquire of the names and number of the persons hereby allowed to tend Tobacco and the Crops of the several planters within the said Precinct and the number of plants growing on any and every plantation or plantations within the same some time in the month of July Yearly which persons so appointed shall take an Oath before some Justice of the Peace of the County wherein they reside (which Oath the said Justice is hereby impowere and required to administer) in the words following Vizt. I A. B. do Swear that I will carefully, diligently, and truely examine and inquire of the names and numbers of all persons allowed to tend Tobacco within my precinct and truly and faithfully number and count the plants growing or that have been tended on every plantation with the same according to the directions of the Act of Assembly for the better and more effectual improving
the Staple of Tobacco and that I will truely Execute all the powers and authorities given in and by the said Act and make Just and true report of any proceedings herein without favor, affection or partiality so help me God, And if any person appointed by the vestry to view, Examine and number Tobacco plants in pursuance of this Act shall willfully refuse to accept the said Office and take the Oath aforesaid mentioned Every person so refusing shall forfeit and pay five hundred pounds of Tobacco or fifty shillings current money and the Vestry of that parish shall immediately on such Refusal nominate and appoint some other fit person in the room of him or them so refusing and for the Encouragement of the persons nominated and appointed as aforesaid for Examing and numbering the plants of Tobacco, Be it Enacted by the authority aforesaid, That there shall be levied on the Tithable persons in Each County during the Continuance of this Act four pounds of Tobacco for every Six thousand plants and proportionately for a lesser or a greater number which shall be tanded within the said County to be distributted to the respective persons appointed by this Act to view and number the plants of Tobacco in proportion to the number of plants viewed and numbered by them in their respective precincts which said Levy of four pounds of Tobacco the Court of each County within this Colony is hereby impowered and required to make and the Sherif or
other Collector of the County Levy to pay to the several persons to whom the same shall be due in the parish wherein they respectively reside unless such person shall consent to take the same in some other parish within the County, And for the better direction of the persons appointed for numbering the plants of Tobacco, Be it Enacted by the Authority aforesaid, That the Two persons nominated and Sworn in each precinct shall Jointly repair to the several plantations and there take the number of the Tobacco plants wither by counting the Several Hill contained in each piece of Tobacco Ground, Or by numbering four rows in the length and four row in breadth at such distance as they shall Judge best for the discovery of the truth, Then adding the number of the said four rows in length into one sum divide the product by four and the like addition being made of the four rows in breadth Divide the same likewise by four and Then let the Quotients of length and breadth be multiplied into one another and that product shall be accounted the true contents of the plants in such piece or field of Tobacco Or else the persons appointed as aforesaid shall pursus such other methods and Rules in the Computation of the said Tobacco plants as is in their Judgement may best discover the true quantity, And if at anytime hereafter anymore plants of Tobacco than are hereby allowed shall by the persons appointed to view and number the same as aforesaid be
found planted or tended on any plantation or plantations whatsoever, the owner or owners of such plantation shall immediately in the presence of the person or persons appointed to examine and number the same, cut up or cause to be cut up and destroyed so many plants as shall exceed the number herein before allowed and in case the owner or overseer of any such plantation shall refuse and fail to do the said person or persons appointed to examine and number as aforesaid be and are hereby empowered and required to cut up or cause the same to be cut up and destroyed and shall have and receive as a reward for so done twenty pounds of Tobacco for every hundred plants of Tobacco that shall be so cut up or destroyed by them to be paid by the owner or overseer of such plantation where such offence shall be committed and upon due proof thereof made by the oaths of the persons appointed as aforesaid shall and may be recovered before any justice of the peace of the county where such offence shall be committed, and the persons so to be appointed to examine and number as aforesaid are hereby required to make a true report of their proceedings and number of plants on each plantation in their respective precincts to the clerk of the court of that county wherein the said precincts respectively lie on or before the tenth day of August yearly, and be it further enacted by the authority aforesaid that each vestryman failing or refusing to do his duty herein
shall forfeit and pay One Thousand pounds of Tobacco and
that Each person so appointed and sworn to Examine and num-
ber as aforesaid failing to make such report of their pro-
cedings as aforesaid shall forfeit and pay One Thousand
pounds of Tobacco for every Offence, And if the said per-
son so appointed to Examine and number as aforesaid shall
knowingly allow any person whatsoever to plant or tend on
his or her plantation any more plants of Tobacco than are
herein and hereby before allowed, Each person so offending
shall forfeit and pay One Thousand pounds of Tobacco for
every such offence, And Be it further Enacted by the Autho-
rity aforesaid, And it is hereby Enacted that the Clerk of
every County Court shall without fee or reward fairly tran-
scribe all such Reports as shall be returned to him by the
persons appointed in pursuance of this Act for numbering
of plants of Tobacco and shall sett up the same in the Court
house after such Return so as the same be made Three days
at least before the Court Day and shall also file and keep
the Original Reports in his Office and where it shall so
happen that any parish shall lye in Two Counties, In such
Case return shall be made of the Number of plantations and
plants in Each County to the Clerk of the County wherein
such Plantations shall lye and be transcribed, set up, and
filed by the Clerk of such County in the manner aforesaid
and for the Clerk of any County failing to do his Duty
herein shall forfeit and pay one Thousand pounds of Tobacco, And for
the better discovering of the true number of all male labouring persons above Ten and under Sixteen Years of Age, And of all Tithable persons for whom no Tobacco by this Act is Allowed to be tended, Be it Enacted That all masters of Families and Housekeepers shall return to the Justice of the Peace appointed to take the List of Tithables yearly (when they give in an account of their Tithables) a true account of the names of every person above Ten and under Sixteen Years of Age for whom any benefit of tending Tobacco is allowed by this Act, And shall also distinguish in his or her list of Tithables which of the persons therein mentioned are-usually for the most part employed in the Crop, And every Master of a Family and Housekeeper failing so to do shall forfeit and pay five hundred pounds of Tobacco, And if any person shall list or enter with the said Justice any person under Sixteen years of Age as a Tithable or that under Ten years of Age to be above that Age or any person as a Labourer in his or her Crop who is not commonly and usually employed therein, In either case the person so offending shall forfeit and pay five hundred pounds of Tobacco for every such person so falsely entered or listed, And every Justice of the Peace who shall be appointed hereafter to take the list of Tithables is hereby directed and required to take and make separate Lists of the names of all such persons above
Ten and under Sixteen Years of Age, And shall return such Lists in the same manner as the List of Tithables are returned and shall make such distinctions in the List of Tithables by him returned to the persons commonly and for the most part employed in Tobacco as is herein before directed, And Be it further Enacted by the Authority aforesaid That each person to be appointed by this Act to Examine and number plants as aforesaid who shall plant more Tobacco plants on any plantation or plantations to him belonging than is herein before allowed shall for every such offence forfeit and pay five hundred pounds of Tobacco for every person above Ten Years of Age on his plantation that shall be employed in making Tobacco, And if any Master, Mistress, or Overseer shall refuse to give a Just and True Account of the names of the several persons by this Act Intituled to plant Tobacco on their said plantation or plantations and to show all the Tobacco planted thereon to the persons appointed to view the same, Every Master, Mistress, or Overseer so refusing or giving a false account shall forfeit and pay five hundred pounds of Tobacco for every person above Ten years of Age employed in making Tobacco on any such plantation that Year, All which fines and forfeitures herein before mentioned and not otherwise appropriated shall be due half to Our Soverein Lord the King, his heirs and Successors to and for the Use and for Lessening the Levy by the Poll
of the County wherein such Offence shall be committed and
the other half to the person or persons who shall inform
and sue for the same and may be recovered with Costs in any
Court of Record within this Colony and Dominion by Bill,
Plaint, or Information, And for better Explaining what
sort of labouring Tithables are intended by this Act to be
restrained from tending Tobacco, Be it Enacted and declared
by the Authority aforesaid, That all housekeepers not being
planters, All Household Servants and Slaves and all other
persons whatsoever bond or free who are not commonly and for
the most part employed in making Tobacco are the persons
intended by this Act for whom no Tobacco shall be planted,
And Be it further Enacted by the Authority aforesaid, That
where any suit shall be brought for the penalties in this
Act contained for entering or Listing any person that is
under Ten years of Age to be above that Age, the Age of the
person so listed shall be proved and determined by the Parish
Register or by the Order of the Court in Case the age of such
person hath been formerly adjudged there, or by inspection of
the Court upon the Tryal and not otherwise, And Be it further
Enacted by the Authority aforesaid, That this Act shall Com-
mence from the first day of April Next ensuing and be in
force for Three Years and from thence to the End of the
Next Session of Assembly.

G. O. 5/1387, ff. 138-141.
CHAPTER VI

An Act for the better securing the payment of Levies and restraint of Vagrant and Idle people and for the more effectual discovery and prosecution of persons having Bastard Children.

Whereas diverse Idle and disorderly persons having no visible Estates or Employments and who are able to work frequently stroll from one County to another neglecting to labour and either failing altogether to List themselves as Tythables or by their Idle and disorderly Life rendering themselves incapable of paying their Levies when Listed, for remedy whereof for the future, 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 not be lawful to and for any in-habitant of this Colony to entertain in his or her House above the space of forty eight hours or to hire or Employ any person or persons whatsoever being Tithable and removing from the parish where or she formerly resided unless the person so to be hired or Employed shall first produce a Certificate under the hands of the Sherif of the County or Churchwarden or other persons collecting the Levy of the Parish from whence he or she came, that such persons paid the Levy there for the preceding year or that he or she came into this Colony since or was a Servant at the Time of taking the last List of Tithables and if any one shall
entertain, hire or Employ any person or persons whatsoever being Tithable not having such Certificate as aforesaid he or she so offending shall forfeit and pay for every such Offence one Thousand pounds of Tobacco to the Informer to be recovered with Costs by Action of Debt, Bill, Plaint, or information in any Court or Record within this Dominion, And if any person being Tithable not having such Certificate shall offer to hire him or herself or seek to be employed in Labour otherwise Every such Offender shall be subject to the like penalties and forfeitures as persons not Listing themselves as Tythables are liable and subject to, And be it further Enacted by the Authority aforesaid that all persons able in body and fit to labour and not having wherewithall otherwise to maintain themselves who shall be found loylering and neglecting to labour and all persons who run away for their subsistance whereby they are like to become burthersome to the parish wherein they Inhabit and all persons who refuse to work for virtual and wages and all other Idle vagrant or dissolute persons wandering abroad without betaking themselves to some lawful employment or honest Labour or going about begging shall be adjudged and deemed Rogues and Vagabonds, And be it further Enacted That if any person by this Act declared to be a vagabond shall be found in any parish or place wandering, begging or disordering him or herself, It shall and may be lawful for any Justice of the peace of that county and he is hereby empowered and required by
Warrant to cause such Vagabond to be brought before him and to Examine and to inform himself as well by the oath and Examination of the person so apprehended as of any other person (which Oath or Oaths the said Justice is hereby authorized to administer) and by any other ways and means. He shall think most proper of the Condition and Circumstances of the person or persons so apprehended, And if it shall appear that such person or persons are under the description of vagabonds within this Act, the said Justice shall order and direct such vagabond to be conveyed from Constable to Constable to the parish wherein his wife or Children do inhabit or where he or she did last reside as the Case is and there delivered to a Justice of the Peace of such Parish who is hereby required to cause every such vagabond to give good and sufficient security for his or her good behavior and for betaking him or herself to some lawful calling or honest Labour and in Case of Refusal to give such security then the said Justice is hereby impowered and required to commit every such person to the Common Goal of the County there to remain until the next Court and the said Court is hereby impowered (if no security shall then be offered) to bind every such vagabond to service on wages for the space of one year or to order him or her to receive five lashes on his or her bare back well laid on at the Common Whipping Post at the choice of such vagabond, But if such vagabond be of such ill repute that no one will receive him or her to receive Thirty nine Lashes well laid on as aforesaid,
And in both Cases of Whipping and to be discharged and so disqualif\_ed for every Offence of Vagrancy whereof he or she shall thereafter be found guilty as aforesaid and where any person shall in pursuance of this Act be bound out to service the wages of such Servant after payment of the Charges of the persecution shall be applied towards the support of the family (if any) of such servant or otherwise to be paid to the person so bound after his or her time of servitude is expired in full of all other reward which he or she might claim for such service, And for preventing the Inconveniencies which happen through the neglect and Inability of many of the poorer sort of Inhabitants to bring up their children in an honest and orderly course of Life, Be it Enacted by the Authority aforesaid, That if it shall happen that the parent or parents of any Child or Children upon due proof before the Court of the County wherein such parent or parents inhabit shall be adjudged incapable of supporting and bringing up such Child or Children in Christian Principle so that for want of such necessary support and Education they be found pilfering or taking unlawful Course, that then it shall and may be lawful upon Certificate from the said Court to and for the Churchwarden of the parish where such Child or Children shall inhabit to bind or put out to Service or Apprentice such Child or Children for such Time or Tenure and under such conditions as hath been usual and customary or the law
directed in the Case of Orphan Children, And Whereas divers lewd women being got with child of Bastards do oftentimes before their delivery absent and remove themselves from their usual places of abode and abscond in other counties and some times into other colonies until the Time of their Delivery and them return to their former Habitations whereby the Laws made to punish such Offences are Evaded and the due Course of Justice for obliging the reputed Fathers of such Bastards to provide for their maintenance often obstructed and prevented, For remedy whereof for the Future, Be it Enacted by the Authority aforesaid That whencesoever here-after any lewd woman shall be delivered of a Bastard Child and thereof lawfully convicted she shall for every such offence be lyable and complyable to pay the sum of five hundred pounds of tobacco and Cask or fifty shillings current money to the Churchwardens of the parish wherein she shall be delivered which shall and be recovered by Action of Debt, Bill, Flain or Information in any Court of Record within this Colony wherein no Essoin, Protection, or Wager of Law shall lye or any more than one Imparlance which fine so recorded as aforesaid shall be accounted for by the Churchwardens to the use of the said Parish, And if any person or persons offending herein shall refuse or fail to make present payment or give sufficient security for the payment of such fine at the laying of the next parish Levy after such conviction, Every person so refusing or failing
shall receive on her bare back at the publick whipping post Twenty five Lashes well laid on and in either of the Cases of paying the fine or whipping the said woman shall be dis-charged of all further prosecution for the same offence, And be it further Enacted by the Authority aforesaid, That the person or persons in whose house such woman shall be delivered shall immediately upon such delivery give notice thereof to the churchwardens of the parish or to one of them wherein such Child shall be born and if the person in whose house the said woman shall be delivered shall neglect or fail to give such notice, or to secure the person of the Woman so offending until such notice given, or suffer her to escape, that then the person in whose house such delivery shall happen shall forfeit and pay the sum of five hundred pounds of tobacco and Cask or fifty shillings in Current Money for the Use of the poor of the parish where he or she shall dwell to be recovered as aforesaid, And in case of nonpayment or refusal to give security for the payment there-of at the next parish Levy to receive Twenty five Lashes on the bare back as aforesaid, And be it further Enacted by the Authority aforesaid That this Act shall commence and be in force for the space of three years from and after the first day of August in the year of our Lord One Thousand Seven hundred and Twenty Three and thenct to the End of the next Session of Assembly.

C. 0. 5/1387, ff. 112-114.
CHAPTER VII

An Act for the Transportation of Dick and other Negro Slaves.

Whereas very great and eminent Dangers have of late threatened his Majesties Subjects in this Colony from the frequent disorderly Meetings of great Numbers of Slaves in a riotous and tumultuous manner who by reason of their secret plotting and confederating among themselves could be convicted by such Evidence as the Laws now in force require, And Whereas divers of the Ringleaders of them are now in the Custody of the Law upon the Information of Sundry other Slaves for conspiring and contriving to rise up in Arms and to kill and destroy several persons in the County of Middlesex and elsewhere in the Colony of Virginia and for threatening the Lives of other people concerned in the discovery of their wicked designs For preventing the dangers which might possibly happen if the said Slaves should be discharged out of Custody and suffered to go at large, 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 Several Slaves hereafter mentioned having been concerned in the said Conspiracy (That is to say) Dick, a Negro Slave of Mathew Henrys Gent; Tom, otherwise called Bambro Tom, Slave of
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of Thomas Smith Gent.; James, Issac, and Jeffery, Slaves of Armstead Churchill, Gent.; Robin, Slave of John Rhodes, Planter; Sam, a Negro Slave of Elizabeth Burwell, widow of Nathaniel Burwell, Gent. dece'd.; And Sam, a Negro Slave of Elizabeth Richardson, Widow; be transported to the Island of Barbadoes, Jamaica, or some other Island in the West Indies to be there sold for Slaves during the Term of their respective Lives, And that if after such transportation they the said Dick, Tom, otherwise called Bambro Tom, James, Issac, Jeffery, Robin, Sam, and Sam or either of them shall return into this Colony of Virginia, he and they so returning shall suffer pains of death, Provided always, That if such slave so transported shall be brought back into this Colony against his consent, That then and in such Case, It shall and maybe lawfull for the Governor or Commander in chief of this Dominion for the Time being to grant his Majesties Pardon to such Slave for his offence of returning after such transportation Under the Condition of being again transported out of this Colony, And Be It further Enacted by the Authority aforesaid and it is hereby Enacted, That Archibald Blair and William Robertson of Williamsburg, Gent. Be authorized and impowered to cause the said Dick, Tom, als. Bambow Tom, James, Isaac, Jeffery, Robin, Sam, and Sam to be transported to the said Islands
of Barbadoes, Jamaica, or some other Island in the West Indies, And to that End to agree with such Master and Masters of any ship or vessel as they the said Archibald Blair and William Robertson shall think fit for carrying the said Slaves to the said Islands or to some or one of them and to send and consign the said Slaves to such person or persons as they the said Archibald Blair and William Robertson shall think proper and that they the said Archibald Blair and William Robertson their Executors and Administrators shall render an Account of the Net proceed arising by the Sale and Sales of the said Slaves and of Each of them to the General Assembly of this Dominion when they shall be thereto required, And Be It further Enacted by the Authority aforesaid and it is hereby Enacted, That there shall be paid to the Several Masters or Owners of the said Slaves for the Loss they may sustain by reason of such transportation the following Sums, That is to Say to the said Mathew Henry for the said Slave Dick forty pounds; to the said Thomas Smith for the said Slave Tom, als. Bambos Tom, Thirty five pounds; To the said Armistead Churchill for the said Slaves James, Twenty pounds; Issac, Thirty pounds; and Jeffery, Thirty pounds; To the said John Rhodes for the said Slave Robin, forty pounds; to the said Elizabeth Burwell for the said Slave Sam,
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forty pounds; And to the said Elizabeth Richardson for the said Slave Sam, forty pounds; and the Governor or Commander in Chief of this Dominion is hereby empowered and desired to issue his Warrant on the Treasurer of Virginia for the payment of the said several sums of Money to the several respective Owners of the said Slaves.

G. O. 5/1387, ff. 150-151.
CHAPTER IX

An Act for raising a publick Levy.

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 sum of five and a half pounds of Tobacco be paid by every Tithable person within this his Majesties Colony and Dominion of Virginia for the defraying and payment of the public Charge of the Country being the publick Levy from the ninth day of May one Thousand seven hundred and Twenty two to the ninth day of May one Thousand seven hundred and Twenty Three and that it be paid by the several Collectors of the several Counties to the several persons to whom it is proportioned by the General Assembly, And if it shall happen that there be more Tithables in any County than the present Levy is laid on then such County to have Credit for so much to the use of the County and if there shall happen to be less Tithables in any County then such County shall bear the Loss.

CHAPTER XI

An Act for dividing St. Stephens Parish in the County of King and Queen.

Whereas many Inconveniencies attend the Upper Inhabitants of the Parish of St. Stephen in the County of King and Queen by reason of their great distance from any church or Chappel in their 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 from and after the Twentieth day of November next ensuing the said Parish of St. Stephen be divided into two distinct Parishes and that the division of the said parishes be and begin at the Landing called Captain Todds thence up the Rowling Road through Marrattico Race Ground to Mattipony River at the Old Chappel bridge, thence up the Easternmost Main Branch of Mattipony River up to the Reeds, And from thence a direct Course to the nearest part of Essex County leaving the plantation of Abraham Wilson in the said Parish of St. Stephen, And be it further Enacted, That the Lower Part of the said Parish shall remain and hereafter be called and known by the name of the parish of St. Stephen and that the upper Part of the said Parish shall thereafter be called and known by the name of Drysdale, And Whereas it will be necessary after
the Division of the said Parish that a Vestry be elected for the Parish of Drysdale, Be it therefore Enacted, That the Freeholders and Housekeepers of the said Parish do meet at the Upper Church some time within a month after the said Twentieth day of November and then and there Elect Twelve of the most able and discreet persons of their parish to be Vestrymen for their said Parish which vestry so to be Elected having taken the Oaths appointed by Law and sub-
scribed 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 vestrymen of the said parish, And be it further Enacted by the Authority aforesaid, That all parish Charges that shall or may accrue on or before the said Twentieth day of November (the Charge of building Churches and other public buildings excepted) shall be raised and levied on the Tithable persons within the said parishes respectively as they now are by this present Vesty thereof.

G. O. 5/1387, f. 149
CHAPTER XII

An Act for dissolving the parish of Wilmington in the Counties of James City and Charles City and adding the same to other parishes.

Whereas the Parish of Wilmington lying in the Counties of James City and Charles City by reason of its situation on both sides of Chicohominy River and the Great length thereof is very inconvenient to the far greater part of the parishioners thereof, 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 first day of March which shall be in the Year of our Lord One Thousand Seven Hundred and Twenty four or within One month after the same shall become vacant by the death resignation or other disability of the present Incumbent whihsoever shall first happen the said Parish of Wilmington and the Vestry of the said Parish shall be and hereby are entirely dissolved and that that part of the said Parish of Wilmington lying below the Mouth of Coles Mill Creek running up the said Creek and the Lower most branch thereof to the Head of a Valley a little below the Dwelling House of one George Welsy Be added to the parish of James City and the said added part and the Parish of James City shall be forever One intire parish and be
called by the name of James City Parish and that that part
of the said parish of Wilmington lying above the Mouth of
the said Mill Creek to a Line to be run from Chicohominy
River a little below the plantation of William Brown, Gent.
running from thence in a direct line to Bioscum Swamp just
below the plantation of John Netherland, Gent., from thence
up the said Swamp to the Line now dividing the parish of
Blisland from the parish of St. Peter Be added to the said
Parish of Blisland in the County of New Kent, And that the
said Added part and the Parish of Blisland shall be fore-
ever One intire Parish and be called by the name of Blis-
land Parish And that all that remaining part of the said
Parish of Wilmington lying on the East side of Chicohiminy
River be added to the said Parish of St. Peter in the Coun-
ty of New Kent and that the said added part and the parish
of St. Peter shall be forever One intire parish and be
called by the name of the Parish of St. Peter, And that
the remaining part of the said Parish of Wilmington lying
on the West Side of Chicohiminy River be added to the
Parish of Westover in the County of Charles City and that
the said added part and the Parish of Westover shall be
forever One intire parish and be called by the name of
Westover Parish, All which said parts of the said parish
of Wilmington so divided and added as aforesaid shall be
liable to the respective dependencies, offices, charges, contributions, and parochial Duties whatsoever payable by and incumbent on the other Inhabitants of the said Parishes to which they are so added and be capable to receive and enjoy all privilidges and advantages relating thereto, And be it further Enacted by the Authority aforesaid, That from and after the Commencement of this Act the Vestry Men of the said Parish of Wilmington who shall reside and dwell in any part of that parish added to any other parish shall be and are by virtue of this act added to the vestry of the parish to which they are so added and shall and may have and exercise the like power and authority for ordering and regulating the affairs of the said Parish as the Vestry of such parish to which they are hereby Added now have and Exercise, Provided that none of the said Parishes of James City, Blisland, St. Peter, or Westover shall at any Time hereafter Elect or Choose any Vestry Man in either or any of the said parishes until there shall be less number than twelve persons in the Vestry of any of the said Parishes.

C.O. 5/1387, ff. 146-147
CHAPTER XIII

An Act for confirming the Title of John Fox Gent. to certain Lands formerly purchased of the Pamunkey Indians.

Whereas divers purchases of Lands and Tenements were theretofore made of the Indians Tributary to this Colony; which gave Occasion to frequent Complaints of the said Indians and stirred dangerous Misunderstandings and Jealousies between them and other his Majesties Subjects, And by One Act of Assembly made in the fourth Year of the reign of the late Queen Ann intitled An Act for prevention of Misunderstandings between the Tributary Indians and other her Majesties Subjects of this Colony and Dominion And for a free and open Trade with All Indians whatsoever, All persons whatsoever (Other than the Indians and their Posterity) were prohibited under severe Penalties in the said Act inflicted to occupy or tend any Lands possessed by or in any manner belonging to the said Indians by permission of the said Indians or otherwise Saving Nevertheless the Rights of Certain Persons in the said Act particular named, In case they should make out an Equitable Title before the General Court of this Dominion to certain parcels of Land by them possessed, which had been laid out for the Pamunkey Indians, And Whereas Col. John West for a valuable Consideration did purchase of the Queen and
Great Men of the Pamunkey Indians a certain parcel of Land with the Appurtenances Situate, lying, and being within the Indian Ring in the County of King William containing about seven hundred and fifty acres, And the said Indians by their certain deed bearing date the Eighteenth day of September One Thousand six Hundred and Eighty Seven did convey the same to the said John West and his heirs, And Whereas the said John Entered upon the said Land and thereof died seized and the same did descend to John West his Son and heir who by his certain Deed of Assignment did transfer all his Estate right, Title, and Interest in and to the said Lands to one John Fox of the County of King William, Gent. Grandson of the said Col. John West, And Whereas the said John Fox did peaceably hold and enjoy the said Land with the Appurtenances until the time of making the Act of Assembly aforesaid but since that time hath been obliged to quitt his possession thereof for fear of incurring the penalties in and by the said Act inflicted and thereby the said Land hath remained unoccupied by any person or persons whatsoever, And Whereas the Queen and Great Men of the Pamunkey Indians have upon several Occasions been very Active in Endeavouring to confirm the Title of the said John Fox to the said Lands and have appeared very anxious to this assembly that the rights of the said John Fox in
the said Lands may be established in his possession there-
of quieted, May it therefore please your Honor at the hum-
ble suit as well of the Queen and Great Men of the Pamunkey
Indians as of the said John Fox, That it may be Enacted,
And Be it Enacted by the Lieutenant Governor, Council, and
Burgesses of this present General Assembly and by the Au-
thority of the Same, That the said Lands with the Appurte-
nances be and are hereby confirmed to the said John Fox
his heirs and Assigns and from henceforth it shall and may
be lawfull to and for the said John Fox his heirs and As-
signs forever peaceably and quietly to hold and Occupy the
same freed and discharged of and from all and all manner of
penalties in the said Act inflicted Anything in the same
Act to the contrary thereof in anywise Notwithstanding,
Provided always That the said Land shall by the said John
Fox his heirs and Assigns be held of his Majesty his heirs
and Successors by and under the same Tenure rents and Ser-
vices as all other Lands within this Colony are held, And
the said John Fox shall pay or cause to be paid to his Maj-
esties Receiver General of this Colony five shillings Ster-
ling for every fifty Acres of the said Land, Saving to all
and every person or persons bodies Politic and Corporate,
their heirs, and Successors (Other than to his Majesty his
heirs and Successors and the said Pamunkey Indians and
those who shall or may claim by from or under him or any of them] All such Right, Title, or Interest which they or either of them had before the passing of this Act.

CHAPTER XIV

An Act for vesting the Fee simple Estate of certain In- 
tailed lands in William Meriwether Gent. and For vesting 
five Negro Slaves therein mentioned in Sarah Brechin and 
the heirs of her body.

Whereas David Crafford late of the County of New 
Kent Gent. deceased was in his life time seized of One 
certain parcel of Land with the Appurtenances situate, 
lying, and being in the Parish of St. Peter formerly in 
the County of New Kent, now in the County of Hanover con- 
taining about five hundred Acres more or less and so being 
thereof seized by his certain Deed Poll bearing date the 
One and Twentieth day of May One Thousand Six hundred and 
Ninety One for and in Consideration of the natural Love 
and affection which he had and bore to his Daughter Sarah 
now Sarah Brechin Widdow did give the same to the said 
Sarah and the heirs of her body lawfully begotten, And 
Whereas the said Land is of no Yearly value, but hath 
hitherto been altogether unprofitable to the said Sarah 
for want of Negros to plant, cultivate, and Improve the 
same and thereby the said Sarah is reduced to Extream 
poverty and Want, And Whereas, also the said Sarah hath bar- 
gained with one William Meriwether of the County of New 
Kent Gent. to Convey to him the fee simple Estate of Two
hundred Acres of the said Land in Exchange for five Negro
Slaves of greater Value and John Poindexter Eldest Son and
heir of the said Sarah hath consented to the Execution of
the said Agreement, And for as much as the Yearly profits
of the residue of the said Land with the Negroes aforesaid
may be sufficient for the maintenance and support of the
said Sarah and her Children, Therefore at the humble suit
of the said Sarah, Be it Enacted by the Lieutenant Gover-
nor, 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 passing of this Act, All that part
of the said five hundred Acres of land with the Appurtenan-
ces situate, lying, and being on Pamunkey River in the
County of Hanover aforesaid bounded by the said River and
by a Line of marked Trees Beginning at the mouth of the
Herring Gut and running from thence Straight across the
Neck to a marked hickory standing upon the Bank of the
said River containing about two hundred acres more or
less now in the Tenue or Occupation of the said William
Meriwether Be vested in and upon the said William Meriwether
and his heirs, To the only use and behoofe of the said
William Meriwether, his heirs, and Assigns forever, And be it
further Enacted by the aforesaid, That those five Negro
Slaves of the said William Meriwether are commonly called
or known by the several Names following (to wit) Jack of the Age of Eighteen Years, Jenny a woman of the Age of Twenty Years, Sarah a Woman of the Age of Twenty Years, Manhy a Girl of the Age of Sixteen Years, and Bess a Girl of the Age of Sixteen Years or thereabouts from and after the Time aforesaid, Be vested in and upon the said Sarah Brechin and the said Sarah Brechin and the heirs of her body shall hold the said Negros and every of them with all and every their Increase so long as the said Negros or any of them or their or any of their Increase shall live, And in case the Issue of the body of the said Sarah Brechin shall hereafter be extinct, Then the said Negros with their Increase or so many of them as shall be then living shall go to and be vested in the right heirs of the said David Crafford, And the said Negros or their Increase or any of them shall not be liable to be taken in Execution for any Debt or Debts of the said Sarah Brechin or for any debt or Debts of any other person or persons having and claiming the same as heir of the body of the said Sarah in any other manner that the said intailed Lands might be liable Any act heretofore made to the contrary thereof in any wise notwithstanding, Provided always that nothing in this Act contained shall prejudice, lessen or defeat any right, Title, Estate, Claim, and demand of
the Kings Most Excellent Majesty his heirs and Successors or any Bodies Politick or Corporate or of any other persons whatsoever (Other than those claiming by, from, or under the said David Grafford, Sarah Brechin, and William Meriwether or either of them) which they every or any of them held or should or might have enjoyed, If this Act had never been made.

C. O. 5/1387, ff. 152-153
CHAPTER XV

An Act for vesting the Fee simple Estate of certain In-tailed Lands in Pierce Butler and Paulin Anderson And for vesting other Lands therein mentioned in Robert Stubblefield in Fee Tail.

Whereas Robert Nash late of the parish of Abingdon in the County of Gloucester deceased was in his Life Time seized of four hundred Acres of Land with the appurtenances scituato, lying, and being in the Parish of St. Stephen in the County of King and Queen, And so being thereof seized by his last will and Testament in writing bearing date the Twenty fifth day of November in the Year of our Lord One Thousand Seven Hundred and Two did devise the same to his daughter Ann Stubblefield and the heirs of her body, And in Case of failure of such Issue to Robert Nash Son of his Brother John Nash in England, If he had any son of that Name, And if not to the Youngest son of the said John of that name soever and to his heirs forever, And Whereas the said Ann Stubblefield after the death of her said Father entered into the said Lands and died thereof seized, leaving Issue Robert Stubblefield her son and heir, And Whereas the said Robert Stubblefield hath conveyed unto One Pierce Butler of the County of King and Queen planter One Hundred Acres of the said Land in Exchange for One hun-
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dred and Ten Acres with the Appurtenances situate, lying, and being in the County of Gloucester near the Courthouse of the said County whereof the said Pierce Butler was seized in Fee simple and hath agreed to convey the residue of the said four hundred Acres of land to One Paulin Anderson of the County of King and Queen Planter in Exchange of four hundred Acres of land whereof the said Paulin Anderson is seized in Fee simple Situate, lying, and Being in the Parish of Stratton Major near Pokernoon Church in the County of King and Queen, And Whereas the said One Hundred and Ten Acres of Land of the said Pierce Butler and the said four hundred Acres of Land of the said Paulin Anderson are of greater Value than the said first mentioned parcel of four hundred Acres, And the said Robert Stubblefield, Pierce Butler, and Paulin Anderson have made humble Supplication to this Assembly, That the said several Parcells of Land may be vested in them according to their respective agreements aforesaid, 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 one hundred Acres of Land which the said Robert Stubblefield hath already conveyed or agreed to convey to the said Pierce Butler Be
vested in and upon the said Pierce Butler his heirs To
the only use and behoofe of him the said Pierce Butler,
his heirs, and Assigns forever, And that the said Residue
of the first mentioned parcel of Land be Vested in and
upon the said Paulin Anderson and his heirs to the only
use and behoof of the said Paulin Anderson, his heirs,
and assigns forever, And that the said parcel of Land con­
taining One hundred and Ten Acres whereof the said Pierce
Butler was seized and the said parcel of four hundred
acres whereof the said Paulin Anderson is seized as afore­
said Be vested in and upon the said Robert Stubblefield
and his heirs To the use of him the said Robert and the
heirs of his body lawfully begotten and from and after the
determination of that Estate To the use of such person or
persons as by the will of the said Robert Nash shall or
may have good right to the same, Provided always, That
nothing in this Act contained Shall prejudice, lessen,
or defeat any right, Title, Estate, Claim, and Demand of
the Kings most Excellent Majesty, his heirs, and Succe­
sors or of any Bodies Politick or Corporate or of any other
persons whatsoever (Other than those claiming by from or
under the said Robert Stubblefield, Pierce Butler, and
Paulin Anderson or either of them or the Last will and
Testament of the said Robert Nash which they every or any
of them had or should or might have Enjoyed If this Act had never been made, Provided also, That if the right Title or Estate of the said Robert Stubblefield, Pierce Butler, and Paulin Anderson or either of them of, in, and to the said Lands and appurtenances or any part or parcel thereof shall hereafter be defeated or Evicted by any person or persons whatsoever, It shall and may be lawful for the said Robert Stubblefield, Pierce Butler, and Paulin Anderson or either of them whose right, Title, and Estate shall be defeated or Evicted to Enter into and hold the Lands by them respectively held and enjoyed before the making of this Act as if this Act had never been made, Anything herein contained to the contrary, Notwithstanding.

C.O. 5/1387, ff. 151-152.
CHAPTER V

An Act for Reviving and Continuing Two Acts of Assembly therein mentioned.

Whereas at a General Assembly begun the twenty third day of October in the fourth year of the Reign of Our late Soverain Lady Queen Anne, An Act intituled an Act for Security and defence of the Countrey in times of danger was made which by several subsequent Acts hath been revived and continued until the twenty fourth day of June which should be in the Year of Our Lord one thousand seven hundred and twenty five, And the said Act being found useful and necessary, 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 recited Act shall be in Force from the first day of this present Session of Assembly begun the twenty third day of April in the Fourth dear of the Reign of Our Soverain Lord George by the Grace of God of Great Britain, France, and Ireland King Defender of the Faith and One other Act entituled an Act for Settling the Fees of the Secretary, County Court Clerks, Sherifs, Coroners, and Constables and for ascertaining the Fees of Attorneys to be allowed in a Bill of Costs was made which expires at the end of this Session of Assembly, Therefore Be it Enacted
by the Authority aforesaid, That the said Act shall continue and be in force to the end of the next Session of Assembly.

0. 0. 5/1387, ff. 178-179
CHAPTER IX

An Act for raising a Public Levy.

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 sum of Eleven pounds of tobacco be paid by every tithable person within this His Majesties Colony and Dominion of Virginia for defraying and payment of the public charge of the Country being the public levy from the ninth day of May one thousand seven hundred and twenty three to the twelfth day of May one thousand seven hundred and twenty six, And that it be paid by the several Collectors of the several Counties to the several persons to whom it is proportioned by the General Assembly, And if it shall happen that there be more tithables in any County than the present Levy is laid on then such County to have credit for so much to the use of the County, And if there shall happen to be less tithables in any County then such County shall bear the Loss.

C. 0. 5/1387, ff. 184.
CHAPTER X

An Act to make the Secretary of the Colony of Virginia for the time being a Person capable in law to take and hold certain Lands therein mentioned and to make Leases thereof.

Whereas the Office of Secretary of this Colony is an Office of great trust, And for the better supporting the dignity thereof One certain parcel of Land scituate lying and being in the Parish of Hungars in the County of Northampton containing by Estimation Five hundred Acres, by an order of the Quarter Court made in pursuance of an Instruction from the Company of Adventurers for the first Colony of Virginia dated the twenty fourth day of July one thousand six hundred and twenty one was annexed to the said Office and one other parcel of Land scituate lying and being in the Parish of James City in the County of James City containing by Estimation six hundred Acres by patent bearing date the fourteenth day of November in the year one thousand six hundred and thirty seven was granted to Richard Kemp Esquire Secretary of state and his Successors forever, Yielding and paying thereof yearly a quit rent of Four pence and the several Secretaries of this Colony have respectively held the said Lands and Leased the same from time to time for Terms of years, But Forasmuch as by the strict Rules of Law the said Lands cannot pass in Succession to the persons enjoying the said Office for want of a Capacity in Law to take
and hold the same, whereof divers persons as well Tenenants as others have of late taken advantage and have committed great waste and Trespasses thereon for which the said Secretary hath no remedy, May it Please your Most Excellent Majesty at the humble suit of John Carter Esquire Your Majesty's Secretary of this your Colony and Dominion of Virginia, That it may be Enacted and Be it Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly and by the Authority of the same, That the said John Carter for and during the time that he shall enjoy the said Office and the Secretary of this Colony for the Time being shall forever hereafter be persons able and capable in Law to take and hold the said two parcels of Land as his or their Freehold and it shall and may be lawful for him or them from Time to Time by any Writing or writings under his or their hands to demise or lease the said Lands or any part or parcels thereof for any term or number of years not exceeding twenty one or for one, two, or three Lives so as such Lease be not made in Reversion and upon every such demise or Lease there be reserved payable half yearly during such Term as much Rent as can at the making such lease be really gotten for the same, And that such Rent be made payable to or for the only use and benefit of the person making such Lease during the time he shall hold the said Office and the Secretary of the said Colony for the time being and so
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as no fine or other Consideration be taken for the same, And so as such person or persons to whom such Lease or Leases shall be made or his or their Assigns be not dispunishable of Waste, And Be it further Enacted That all leases heretofore made of all or any part of the said Lands by any Secretary of this Colony whereupon any valuable Rent is reserved or for which any valuable Consideration hath been paid shall be good and effectual in Law according to the preport and contents of such Lease made or to be made as aforesaid shall be good and effectual in Law according to the words and contents of the same as well for and against the said John Carter or him or them to whom the said Office of Secretary shall hereafter be given as for and against him or them to whom such Lease or Leases shall be made or to whom the Interest of the said Lease or Leases shall come.

C. 0. 5/1387, ff. 192-193.
CHAPTER XI

An Act for erecting a Courthouse in Spotsylvania County.

Whereas by one Act of Assembly made in the seventh year of the Reign of his present Majesty intituled an Act for Erecting the Counties of Spotsylvania and Brunswick and granting certain Exemptions and benefits to the Inhabitants thereof, It was amongst other things Enacted, That the Sum of Five hundred pounds part of a greater sum should be paid to the Honorable Alexander Spotswood, His Majesties then Lieutenant Governor of Virginia or to the Governor or Commander in Chief in this dominion for the time being to be by him or them laid out and expended for and towards the erecting and building one decent and convenient Church and one Court house, Prison, Pillory, and Stocks in such convenient place and places in the said County of Spotsylvania as the said Lieutenant Governor or Commander in Chief should think proper, And Whereas since the making the said Act the place appointed for holding Court in the said County is now found to be inconvenient to the Generality of the Inhabitants there and it hath been proposed for the Ease of the said Inhabitants to erect a new Court house by voluntary contributions, without burthening the people with any Poll Tax for 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
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SAME, That the Justices of the Court of the said County of Spotsylvania shall and are hereby authorized and impowered within some convenient time after the passing of this Act to appoint such person or persons as they shall think fit to receive and take the Subscriptions of all persons whatsoever who shall be willing to contribute towards the building of the new Court house, Prison, Stocks, and Pillory in the said County and after such Sums of money or quantities of tobacco as may be sufficient for that purpose shall be subscribed and not otherwise to cause to be Erected, built, and finished on the Land formerly called Bridgefords a decent Court house of such dimensions as to them shall seem necessary for the Ease and benefit of the said Justices and other persons obliged to attend thereat, and also a substantial Prison, Pillory, and Stocks near adjacent, And be it further Enacted, That if the Proprietors of the Land on which the Justices shall direct the buildings aforesaid to be placed shall not agree that one acre of his land shall be set apart for that use, Then it shall be lawfyl for the said Court and they are hereby required to order two good and lawful Freeholders upon Oath to lay out and value the said Acre of Land in money or tobacco and such valuation to satisfy and pay to the Owner of the said Land out of the first money or Tobacco that shall be received on the Subscriptions and contributions aforesaid and then the said
Acre of Land shall be for ever set apart for the use of the County for a Court house and the other buildings directed by this Act and shall not be converted to any other use whatsoever, Provided alwaies That nothing herein contained shall be construed to give any power to the said Court to take away the houses, Orchards, or other immediate Conveniences of the Proprietor of the said Land.

C. 0. 5/1387, ff. 185-186.
An Act for dividing the Parish of Saint Paul in Hanover County.

Whereas many Inconveniences attend the Parishioners of Saint Paul's Parish in the County of Hanover by reason of the great length thereof, 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 January next the parish of Saint Paul in the County of Hanover be divided into two distinct parishes, And that that part of the parish which lies between the North and South branches of Pamonky River, And also all that part of the said parish lying above Stonehorse Creek in the said County shall be one entire parish and shall remain and thereafter be called and known by the name of Saint Martin, And that the Residue of the said Parish remain and be called the parish of Saint Paul, And Whereas it will be necessary after the division of the said Parish, That a Vestry be elected for the parish of Saint Martin, Be it therefore Enacted, That the Freeholders and Housekeepers of the said parish do meet at the Chappel in the Fork thereof some time between the said first day of January and the tenth day thereof, And then and there elect Twelve of the most able and discreet persons of their parish to be Vestrymen for their said Parish, Which Vestry so to be
elected, having taken the Oaths appointed 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 Vestrymen of the said Parish.

C. 0. 5/1337, ff. 188-189.
CHAPTER XIII

An Act to prevent Swine running at large within the Limits of the Town of Gloucester.

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 no person or persons whatsoever from and after the first day of July next ensuing being Owner or any Sort of Swine above the age of two months shall suffer the same to go at large within the Limits of the said Town of Gloucester upon pain of losing all such Swine, And that it shall and may be lawfull to and for any person or persons whatsoever to kill all such Swine which shall be found going at large within the Limits of the said Town, any Act heretofore made to the contrary thereof in any wise notwithstanding, Provided nevertheless, And it is hereby Enacted by the Authority aforesaid, That when any Swine shall be killed, the person or persons so killing the same shall give the Owner or Owners thereof (in case he or they be known) immediately notice of such Swine being killed and shall not remove the same from the place where such Swine was killed until the same become offensive, And be it further Enacted by the Authority aforesaid, That if any action, Bill, Plaint, Suit, or Information shall be commenced or prosecuted against any person or persons for killing any Swine pursuant to this Act such person or persons may plead
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the General Issue and give the special matter in Evidence and if the Plaintiff or Prosecutor shall become Nonsuit or suffer a discontinuance or if a Verdict pass against him in any such Bill, Suit, Plaint, or Information as aforesaid the defendant shall recover against him his full Costs and one Attornies Fee, Provided alwaies, That nothing herein contained shall be construed, deemed, or taken to forbid or hinder any person or persons driving any Swine to or through the said Town or the Limits thereof in order to sell the same or to remove the same from one plantation to another.

C. 0. 5/1387, ff. 194-195.
CHAPTER XIV

An Act to confirm the Title of Richard Randolph to certain intailed Lands and to settle other Lands of greater value and two Negro Slaves to the same Uses.

Whereas John Pleasants late of the Parish of Henrico in the County of Henrico Gentleman being in his life time seised in Fee-simple of One certain Tract or parcel of Land with the Appurtenances situate, lying and being upon the North side of James River in the parish aforesaid abutting upon Curles Swamp and containing by estimation seventy acres more or less by his last will and Testament bearing date the twenty seventh day of September in the year of Our Lord one thousand six hundred and ninety devised the same to his daughter Elizabeth Pleasants and the Heirs of her Body forever which said Elizabeth afterwards intermarried with James Cocke late of the said Parish deceased and by him had Issue James Cocke her eldest son and Heir apparent now living and above the age of twenty one years, And Whereas the said Elizabeth with the Consent and privity of the said James her son hath lately for a valuable Consideration conveyed the said Land with the Appurtenances to Richard Randolph of the Parish aforesaid Gentleman in Fee Simple and the said Elizabeth and James desiring to secure the Title of the said Richard in and to the said Land have made humble Supplication to this Assembly to confirm the same, And Whereas the said James is seized of two parcels of Land with
the Appurtenances situate, lying and being upon Chickohominy Swamp in the Parish aforesaid, That is to say One parcel of Land containing by Estimation Four hundred and thirty two acres which the said Richard Randolph lately conveyed to the said James his heirs and assigns forever and one other parcel of Land containing by Estimation two hundred and eighty Acres whereon the said James now dwells which was devised to him by the last Will and Testament of the said James Cooke his Father which said parcels of Land being of greater Value that the said intailed lands the said James hath proposed to settle together with a Negro Woman Slave called Anikey and a Negro Boy Slave called Tom to the same uses to which the said intailed Lands were settled and Forasmuch as the said Elizabeth and James have made public notifications at the Church of the said Parish of their intending to apply to this Assembly for a Bill to be passed for the purposes aforesaid three Sundays successively pursuant to Your Majesties Instruction in that behalf given to Your Lieutenant Governor of this Colony and no person hath appeared to oppose the same May it Please Your most Excellent Majesty at the humble suit of the said Elizabeth Cooke and James Cooke 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 Richard Randolph from and after the passing of this Act shall be and stand
seised of and in the said first mentioned parcel of Land containing by Estimation seventy acres but upon exact survey found to contain one hundred and fifty acres of an indefeasible Estate in Fee simple, And the said Richard his Heirs and Assigns shall and may forever hereafter hold and enjoy the same freed and discharged of and from all Claim, Right, Title, and Interest of all or any of the persons claiming or that shall claim under the said Tail or in Reversion as Heir to the said John Pleasants, And Be it further Enacted by the Authority aforesaid, That from and after the passing of this Act the said two several parcels of Land with the Appurtenances whereof the said James Cooke stands seised in Fee simple as aforesaid shall be vested and settled, And the same are hereby vested and settled in and upon the said James Cooke his heirs and Assigns to the several uses, intents and purposes herein after mentioned, And to and for no other use, intent or purpose whatsoever, That is to say to the use of the said James Cooke and the Heirs of his Body, And in default of such Issue to the use of the Right Heirs of the said John Pleasants forever, And Be it further Enacted by the Authority aforesaid, That the said Negro Woman Slave and her increase and the said Negro Boy Slave so long as he, she or they or any of them shall be living shall be from time to time vested in such person or persons to whom the said last mentioned Lands shall descend or come by virtue of this
Act, 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 respective Heirs and Successors all such Right, Title, Estate, Interest, Claim, and Demand of, in and to any of the Lands before mentioned other than the person or persons claiming by, from or under the said John Pleasants, Elizabeth Cocke, and James Cocke or either of them as they, every of any of them had, should or might claim, if this Act had never been made, Provided always That the Execution of this Act shall be suspended until His Majesties Approbation shall be had thereof.

CHAPTER I

An Act for laying a Duty on Slaves imported And for appointing A Treasurer.

May it Please Your Most Excellent Majesty, We Your

Majesty's most dutiful and loial Subjects, the Burgesses of

this Your Majesties most ancient Colony and Dominion of Vir-
ginia new met in Assembly, taking into our consideration

the Expediency of raising a competent Revenue for defraying

such necessary Expenses of Your Majestys Government here as
cannot be discharged by a Poll Tax without being burthensome

and previous to the Subjects of your said Colony, And Foras-
much as divers public Buildings and Works and other Services

very much for the Benefit and Advantages of this Colony have

been erected, performed, and done out of the monies arising

from Duties and Impositions of the like Nature, And many

other public works and Services still remain to be done,

Have given and granted to Your Majesty the Duty herein

after mentioned, And most 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 the sum

of forty shillings current money be paid for every Negro or

other Slave which after the commencement of this Act shall

be imported or brought into this Colony and Dominion from
any Port or place whatsoever by the Importer or Importers of the same,

And Be it further Enacted That no Negro or other Slave which shall be imported into this Colony and Dominion after the commencement of this Act shall be landed or put on Shore out of any Ship or Vessel imported the same before due Entry be made with the Collector of the Duties upon Slaves in the Port or place where the Negroes or Slaves shall be imported, Or before the Master of the said Ship or Vessel hath made Oath of the number of Slaves imported in such Ship or Vessel, Or before the Duty due and payable for the said Negroes and Slaves shall be fully satisfied and paid or secured to be paid, And a Warrant had for the landing the same under the hand of the said Collector, And That all Negroes or Slaves which shall be landed or put on shore contrary to this Act or the Value thereof shall be forfeited and lost and shall be recovered of the Importers and Proprietors of the same,

Provided Always, And it is hereby further Enacted, That if the Importer of any such Slave or Slaves for which the Duty and Custom according to this Act shall be paid or secured shall within three months after the Importation thereof into this Colony and Dominion be desirous to export such Slaves or any of them in such case the said Importer shall give a particular account of the number of
the Slaves he intends to export to the Collector with whom at their Importation they were entered and shall subscribe the same and declare upon Oath, That the Duty or Custom for the Slaves he desires to export were at the Entry duly answered and paid or secured to be paid according to this Act and that the said Slaves shall be directly carried out of this Dominion and not sold, delivered or put on shore within the same, And then it shall and may be lawful for the said Collector and he is hereby required and enjoined to allow the said Importer the Whole Duty or Customs paid or secured for such Slave or Slaves so to be exported, any thing in this Act Contained to the contrary in any wise, notwithstanding,

Provided Alwaies And it is hereby Enacted, That nothing in this Act before contained shall extend or be construed to compel any Importer or Owner of any Slave or Slaves into this Colony at anytime during the continuance of this Act to pay the Duty by this Act imposed upon Slaves for any Negro or other Slave Male or Female Child which is not or shall not be at the time of Importation able to go alone, But that it shall and may be lawful for all such children to be imported and sold here without paying the Duty by this Act imposed or any part thereof, any thing in this Act contained to the contrary, notwithstanding,

Provided Also, That if by virtue of this Act a Duty
be paid by the Importer of any Negro or other Slave and such Negro or other Slave shall happen to die within forty daies next after the day of his or her Arrival into any part of this Colony and be not actually sold, It shall and may be lawful in such case to and for the Collector to whom the said Duty shall be paid, And such Collector is hereby required and injoined to allow and pay back to the said Importer the Duty paid for such Negro or Slave in case the Importer making demand of such Drawback make Oath before the said Collector, That the said Slave did die within the said forty daies and was not sold before his or her death but not unless such Oath be made, any thing in this Act contained to the contrary notwithstanding,

And Be it further Enacted by the Authority aforesaid, that if the Master of any Ship or Vessel importing Slaves after the said Commencement of this Act wittingly or willingly make a False Entry of any of the Slaves so imported and be thereof convicted he shall forfeit and pay for every such Offence the sum of Five hundred pounds Sterling, And if any of the Collectors of the Duties upon Slaves shall directly or indirectly take or receive any Bribe, Recompence, or Reward to connive at any False Entry of any Negro or other Slave imported as aforesaid he shall forfeit and pay the sum of one hundred pounds Sterling and be forever afterwards disabled in his said Office and rendered incapable of holding
any Office or Employment relating to the Customs in this Colony and Dominion, And the person or persons giving or paying such Bribe or Reward shall forfeit and pay the sum of one hundred pounds Sterling, And for an encouragement to import money into this Colony and Dominion,

Be it further Enacted That whatsoever person or persons shall pay any of the Impositions, Duties, or Customs accrued due by virtue of this Act in good and lawful money of his or their own Importation into this Colony and Dominion be proved by the Oath of the party paying the same, such person or persons shall have an abatement and allowance of fifteen per cent in all Duties so paid and satisfied, And every Collector of the Duties so paid is hereby authorised and required to make allowance accordingly,

And Be it further Enacted That the Imposition, Duty or Custom laid by this Act on Slaves be from time to time paid and satisfied to Our Soverain Lord the King, his Heirs and Successors to and for the uses, intents and purposes herein after mentioned and to and for no other use, intent or purpose whatsoever,

And Be it further Enacted That the several Forfeitures and Penalties which shall or may arise by virtue of this Act shall be divided into three equal parts, One third whereof shall be to Our Soverain Lord The King, his Heirs and Successors for and towards the better Support of this Government
and the contingent charges thereof, One third part to the Governor or Commander in Chief of this Colony and Dominion for the time being to and for his own proper use and behoof, And the other third part to him or them that will inform or sue for the same, To be recovered with Costs by Action of Debt, Bill, Plaint, or Information wherein on Eession, Protection, or Wager of Law shall be allowed,

And Be it further Enacted That the Governor or Commander in Chief of this Colony for the time being with the Advice of the Council shall be and is hereby impowered from time to time and at all times hereafter to nominate, constitute, and appoint such and so many Collectors of the Duties laid by this Act upon Slaves as also such salaries not exceeding six in the hundred for collection the said Duties as to him shall seem best,

And Be it further Enacted That all and every sum and sums of money raised or to be raised by virtue of this Act shall be constantly accounted for by the Collector or Collectors thereof to the Treasurer of Virginia for the time being upon Oath and by him to the Governor, Council, and Burgesses of the General Assembly upon Oath also and converted to such use or uses as from time to time they shall think fit to direct, For lessening the Levy by the Poll and defraying any public Charge whatsoever according to the true intent and meaning of this Act, And to and for no other use,
intent or purpose whatsoever, And for preventing of Frauds being committed by Masters of Ships or Vessels in bringing in Slaves as Sailors employed in their Ships or Vessels and afterwards selling the said Slaves in the Country without paying any Duty for the same,

Be it Enacted That every Master of a Ship or Vessel arriving in this Colony shall make Oath before the Collector of the Duties laid by this Act, Which Oath the said Collector is hereby impowered and required to administer at the Entry of every Ship or Vessel, What number of negros and other Slaves he hath on board as Sailors, And shall at the time of his Clearing produce the said Negro or other Slaves again to the said Collector or make sufficient proof that the Slave or Slaves are dead since their Arrival, And if any Master of a Ship or Vessel shall sell or offer to sell any Slave imported as a Sailor within this Colony before the Duty due and payable for the same shall be satisfied every Master of a Ship or Vessel so offending shall forfeit and pay thirty pounds current money to be recovered and disposed of as the other Forfeitures imposes by this Act,

Provided Alwaies That no person inhabiting this Colony shall be chargeable for the Duty hereby laid on Slaves for any Slave once imported into or born within the same who shall afterwards be employed in the service of such Inhabitant on board any Ship or Vessel going out of the Colony and returning
again in the way of Trade or, who shall be attending on such
Inhabitant to any other Country, Nor shall any Stranger
travelling thro' this Colony by Land or Water be chargeable
with the payment of the aforesaid Duty on any Slave attending
on such Stranger so as such Slave be not exposed to Sale in
this Dominion, any thing herein before mentioned to the con-
trary or seeming to the contrary thereof in any wise notwith-
standing,

And Be it further Enacted by the Authority aforesaid
That it shall and may be lawful to and for the Master or Owner
of any Vessel in which any Slave or Slaves liable to the pai-
ment of the Duties or Customs imposed by this Act shall be
imported, Or to the Owners or Importers of such Slaves res-
pectively after Entry made of such Slaves to enter into Bond
with one or more sufficient Securities to Our Soverain Lord
the King, his Heirs and Successors for the payment of such
Duties, Customs at the end of six months after such Entry to
the Collector or Collectors thereof at the dwelling house of
such Collector or Collectors, Which Bond shall be taken in
the penalty of double value of such Duties or Customs and in
case of Nonpayment at the time and place aforesaid precisely,
shall be forfeited and the penalty dischargeable nevertheless
upon payment of the principal money with Interest and Costs
which said Interest so recovered together with the principal
sum due by such Bond recovered shall be received by the Col-
lector or Collectors of the Duties in the District where such Bond was taken and shall be accounted for to the Treasurer of the said Duties for the time being and shall be disposed of and applied in the same manner as the Duties by this Act imposed are to be disposed of and applied and not otherwise,

And Be it further Enacted by the Authority aforesaid and it is hereby Enacted that John Holloway of the City of Williamsburg Esquire shall be and is hereby nominated, constituted and appointed Treasurer of the Revenues arising by this act and the said Treasurer is hereby authorised, empowered and required to demand, receive and take of and from every Collector and Collectors all and every sum and sums of money arising by force of this Act and the said Treasurer is authorised and required to keep and retain all such money in his own Custody and Possession until he shall be ordered and required to dispose of the same in such manner and by such Warrant and for such intents and purposes and for no other as are herein and hereby limited, appointed and directed,

And Be it further Enacted by the Authority aforesaid That the Salary of four per cent shall be allowed and paid to the said Treasurer out of all and every sum and sums of money by him received and accounted for to the General Assembly according to the Directions of the said Act,

And Be it further Enacted That the said Treasurer
before his Entry and Admission into the said Office of Treasurer and before his taking upon him to execute and manage the same shall give Bond in the Secretarys Office with good and sufficient security in the sum of Ten thousand pounds Sterling payable to his Majesty, his Heirs and Successors for the true and just performance and discharge of the aforesaid Office and Place of Treasurer according to the true intent and meaning of this act.

Provided Always That in case of the Death, Departure, out of this Colony, or other legal Disability of the Treasurer hereby appointed, That then it shall and may be lawful to and for the Honorable Governor or Commander in Chief for the time being with the advice of his Majesty Council to appoint and constitute such other person as he shall think fit to execute the said Office of Treasurer according to the several rules and directions in this Act expressed who shall have, hold and enjoy the said Office of Treasurer with all and singular the Rights and Profits to the said Office belonging until the then next Session of Assembly giving such Bond and Security as herein before is directed, any thing in this or any other Act to the Contrary, notwithstanding,

And Be it further Enacted That this Act shall commence Immediately after his Majesty’s approbation thereof shall be publicly notified in this Colony, And thence continue and be in force for the space of three years and no longer.

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CHAPTER II

An Act for erecting a Light House on Cape Henry.

Whereas the erecting and setting up marks and signs for the Sea in proper and necessary places hath been found by experience greatly to conduce the Safety and Preservation as well of Men as of Ships and Vessels passing by the same, and Whereas the entrance into the Capes of this Colony of Virginia in the Night time or in hazy or cloudy weather is very difficult and dangerous by reason whereof divers Ships and Vessels coming out of the Sea near the Capes have been obliged to stand off and have been driven out to Sea for a long time and have sometimes been driven on shore and been totally lost and destroyed,

And Whereas Application hath been made to the General Assembly by great numbers of Owners and Masters of Ships and Vessels and other persons trading through those Capes as well in this Colony as in the Province of Maryland, That a convenient Light House might be erected upon the Southern Cape of the said Entrance commonly called Cape Henry and maintained by a reasonable duty to be paid by the Masters and Owners of all Merchant Ships and Vessels which shall pass by the said Light House, To the end therefore That a good and convenient Light House may with all possible speed be erected and built on the said Cape Henry and constantly kept and maintained for the Benefit of the Navigation and
Trade of all His Majesty's Subjects passing through the said Capes,

May it please your most excellent Majesty That it 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 as soon as conveniently may be one good and substantial Building of Stone or Brick shall be erected and made on some proper and convenient place on the said Cape Henry from which the Light intended to be kept therein may be best seen and discerned from the Sea and that the said Building shall be furnished and provided with all Materials and Utensils necessary and proper for a Light house and that as soon as the said Light house shall be finished, furnished and provided as aforesaid there shall be constantly kept and maintained therein a good Light sufficient for the guidance and Direction of Ships coming into or going out of the Capes of Virginia,

And Whereas the Land where the said Light House is intended to be erected and for some considerable distance thereabout is very sandy and barren and unfit for Cultivation, Be it Enacted That some convenient Seat of Land as near as may be to the said Light house shall be purchased and necessary and convenient buildings made thereon for the habitation of the person and persons who shall from time to
Time be employed in looking after the said Light house and keeping the Light therein, And for defraying the charges of erecting and furnishing the said Light house and purchasing such Seat of Land and for making the said Buildings thereon as aforementioned,

Be it Enacted by the Authority aforesaid That the Honorable William Gooch His Majesty's Lieutenant Governor and the Governor and Commander in Chief of this Colony and Dominion of Virginia for the time being be and is hereby authorized and desired to issue his Warrant to the Treasurer of this Colony for such sum and sums of money for the erecting and finishing the said Light house and for furnishing and providing the same with Materials and Utensils and also for purchasing a convenient seat of Land and for making the said Buildings thereon for the habitation of the Keeper of the said Light house as the said Lieutenant Governor or the Governor or Commander in Chief for the time being shall think necessary not exceeding the whole sum of one thousand pounds current money, Which money the said Treasurer is hereby empowered to pay for the uses and purposes aforesaid,

And Be it Enacted by the Authority aforesaid That from and after the kindling or placing a Light useful for shipping in the said Light house intended to be built there shall be paid to the Trustees herein after named and their
Successors by the Masters of all Ships and vessels which shall pass by the said Light house so intended to be erected as aforesaid the duty of one penny per Ton outward bound and one penny per Ton inward bound, Which Tonnage shall be computed according to the manner of measuring Vessels practised in Virginia, The said several Duties to be collected and received by such person and persons as the said Trustees and their Successors shall appoint in that behalf in such Port or place when such ship or Vessell shall set forth or where such ship or Vessel shall arrive before they load or unload the goods therein, The said Duty to be recovered by Action of Debt in any Court of Record in Virginia or Maryland, And to the intent the said Duties may be truly answered and paid,

Be it further Enacted by the Authority aforesaid That no Collector of His Majestys Customs, Naval Officer or other Officer whatsoever of or concerning the said Customs at any Port within the Colony of Virginia or the Province of Maryland shall hereafter give or make out any Cocket or other discharge or take any Report outwards for any ship or Vessel as aforesaid until the Duties granted by this Act shall be paid unto the respective Collectors appointed by the said Trustees to receive the same as aforesaid, And That such Master of such Ship or Vessel do produce and show forth an Aquittance or Light Bill under the hand of such Collector
testifying the receipt thereof, And to the end the said
monies hereby directed to be paid by the Treasurer of Vir-
ginia and the monies arising by the said duties may be duly
applied to the uses and purposes herein expressed,

Be it further Enacted by the Authority aforesaid
That the Honorable William Gooch His Majestys Lieutenant
Governor and Commander in Chief of the said Colony of Vir-
ginia and the Governor and Commander in Chief for the said
Colony for the time being, Robert Carter Esquire President
of his Majestys Council in Virginia and the President of
the Council for the time being, John Carter Esquire Secre-
tary of Virginia for the time being, John Grymes Esquire
Receiver General of his Majestys Revenue in Virginia and the
Receiver General of that Revenue for the time being, John
Holloway Esquire Speaker of the House of Burgesses and the
Speaker of the House of Burgesses for the time being, The
Deputy Auditor of His Majestys Revenue in Virginia for the
time being, and John Clayton Esquire Judge of the Court of
Vice Admiralty in Virginia and the Judge of the Court of
Vice Admiralty in Virginia for the time being shall be and
are hereby appointed Trustees for directing the building
the said Light house and furnishing the same with necessary
and convenient Materials and Utensils and also for purchasing
a convenient seat of Land and for making convenient and neces-
sary buildings thereon for the habitation of the Keeper of
the said Light house, Which Light house when it shall be so erected and the said seat of Land so soon as the same shall be purchased shall be and are hereby declared to be vested in the said Trustees and their Successors to and for the uses herein mentioned and to and for no other use or purpose whatsoever, And that all monies which shall from time to time arise by the said Duties on Ships and Vessels shall be paid to the said Trustees by the Collector and Collectors thereof by the said Trustees for the purpose appointed, Out of which Duties the yearly Charge of keeping and repairing the said Building and maintaining the Light or Lights and paying the wages of the Keeper of the Light house and other incident Charges that be first satisfied and paid, And then the monies which shall be so paid by the Treasurer of Virginia as aforesaid shall by the Trustees be repaid together with Interest after the rate of Five per cent by the Year for one hundred pounds for the Forbearance thereof to the Treasurer of Virginia for the time being by him to be accounted for to the General Assembly of Virginia and the Overplus of the monies arising by the said Duties after the annual charges and expenses aforementioned shall be satisfied and paid shall be from time to time disposed of and applied by the said Trustees or Three of them which the lieutenant Governor or Commander in Chief of Virginia to be one for and towards the Relief of poor distressed Mariners
who shall belong to some British, Irish, or British Plantation Ship or Vessel trading to or from Virginia or Maryland,

Provided Always That this Act or anything Therein contained shall not take effect or be in force until such time as the Assembly of Maryland shall consent That the said Duty hereby laid on Ships and Vessels shall trading in that Province, And until His Majestys pleasure shall be known thereon.

G. 0. 5/1388, ff. 5-7.
CHAPTER IV

An Act for the better and more effectual improving the Staple of Tobacco.

Whereas the Act lately made for restraining the planting of great quantities of Tobacco plants hath in some measure improved the Staple of Tobacco but by reason of divers misconstructions of the said Act the same hath not had the intended Effect, For Remedy 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 every tithable person and Overseer within this Colony and Dominion have liberty to tend six thousand plants of Tobacco and no more except as is hereafter excepted, And that all male laboring persons above twelve and under sixteen years of age have liberty to tend three thousand plants of tobacco and no more upon any plantation or plantations in any one year during the continuance of this Act,

Provided Always That all Male persons being House keepers and planters and not having any tithable Servant or Slave, And all Widows, And all and every fame Sole having Land of Inheritance and being House keepers and not having more than one tithable person shall have liberty to tend for themselves Ten thousand plants of Tobacco and for every Male laboring person between twelve and sixteen years of age
to them belonging the liberty of tending on his or her plantation three thousand plants of Tobacco and no more. And for better explaining what sort of laboring Tithables are intended by this Act to be restrained from making Tobacco,

Be it Enacted and declared That no Master of a Family keeping an Overseer and having eight Servants or Slaves that work in Tobacco, Or any Master of a Family having above eight tithable Servants or Slaves that work in Tobacco, Or any Servant or Slave being a Tradesman who shall at any time between the first day of April and the first day of September work at his or their Trade or Trades upon the plantation or plantations of his or their master or Mistress or shall at any time or times whatsoever work at such Trade or Trades upon the plantation or plantations of any other person or persons, Or any Servant or Slave who shall at any time between the first day of April and the first day of September be employed as Coachman, Groom, Waiting man, Cook, Dairy maid, or in any other Domestick Office or Service in or about the dwelling house of his or her Master or Mistress, Or any Female Servant or Slave under the age of sixteen years shall have liberty to tend any Tobacco whatsoever,

And Be it further Enacted by the Authority aforesaid, That the vestry of every parish within this Colony shall every year during the continuance of this Act upon the fifteenth day of June if the same be not Sunday and if it shall so happen
then on the next day after lay out their respective parishes
into Precincts and appoint two persons in each Precinct to
examine and inquire of the names and numbers of the People
hereby allowed to tend Tobacco and the crops of the several
Planters within the said Precinct and the number of plants
growing or any and every Plantation or Plantations within
the same in the beginning of the month of July yearly and to
cut up or cause to be cut up and destroyed all Stalks, slips,
and Suckers within each Precinct, which persons so appointed
are hereby enjoined carefully to review and examine all the
several Fields and Places whereon Tobacco shall be tended
within their respective Precincts two several times at the
least after the plants thereon growing have been by them
counted and as often thereafter as they shall judge neces-
sary in order to discover whether any Slips or Suckers
shall be turned out or tended from the Stalks whence any
Tobacco plant hath been before cut and shall take an Oath
before some Justice of the Peace of the County wherein they
reside which Oath the said Justice whereby empowered to
administer the words following:

"I A. B. do swear That I Will carefully, diligently,
and truly examine and inquire of the name and number of all
persons allowed to tend Tobacco within my Precinct and truly
and faithfully number and count the Plants growing or that
have been tended on every Plantation within the same, And
faithfully and diligently will review and examine all the several Fields and Places where all such Tobacco plants are tended and cut up and destroy or cause to be cut up and destroyed all Stalks from which any Tobacco shall be cut or taken and all slips and suckers growing from or out of the same above the height of nine inches from the Ground which I shall find standing or growing in any of the Fields or places aforesaid according to the directions of the Act of Assembly for the better and more effectual improving the Staple of Tobacco, and That I will duly execute all the powers and authorities given me by the said act and make a just and true report of my proceedings herein without Favor, Affection, or Partiality, And that I will make information of all such persons who shall be guilty of any breach of the said Act in any matter or thing in which a Counter is required to examine and inquire to some Justice of the Peace of the County wherein the Offence shall be committed within one month after it shall come to my knowledge, So Help Me God."

And if any person appointed by the Vestry of any parish to view, examine, and number tobacco plants and to cut up and destroy Tobacco Stalks, Slips, and Suckers in pursuance of this Act shall refuse to accept the said office and take the Oath aforesaid, every person so refusing shall forfeit and pay five hundred pounds of tobacco and upon such refusal or the Disability of such person or persons
the Vestry of the said Parish shall meet and appoint another
fit person in the room of him so refusing and disabled, and
so from time to time as often as such person shall so refuse
or become incapable, nominate and appoint another in his
stead, And every person so nominated and appointed who shall
refuse to accept the said Office and take the Oath aforesaid
shall forfeit and pay the like quantity of Five hundred pounds
of Tobacco and in case the Vestrymen of any Parish shall fail
to meet on the fifteenth day of June as aforesaid or shall
refuse to do his duty as such Vestry so that there shall not
be a sufficient number to hold a Vestry, every such Vestryman
so failing to meet or refusing to act in the said Vestry shall
forfeit and pay the sum of Twenty pounds current money and
such Vestry are hereby required to meet for the purposes aforesaid
on the seventh day after such Failure and every Vestryman
who shall then fail to meet or shall refuse to do his Duty as
such Vestry so that no Vestry is or can be held shall forfeit
and pay the sum of Thirty pounds current money, And to the
end the duty of numbering and examining tobacco plants and the
other services herein before mentioned may not be neglected
throug want of the due notice of the persons appointed to per-
form the same,

Be it Enacted by the Authority aforesaid, That the
Clerk of the Vestry of each Parish shall immediately after
the nomination of the Persons appointed for examining and
numbering the plants of Tobacco deliver to each and every of
them a Copy of the order for their appointment and shall then
demand whether they will accept the said Office and if any
of the persons so appointed shall refuse the Clerk of the
Vestry shall give immediate notice thereof to one of the
Church Wardens of the said Parish who is hereby directed and
required forthwith to call a Vestry to meet on the next Mon-
day following such notice, which vestry so called are hereby
directed to nominate and appoint other fit persons in the
room of such as shall refuse the Office of examining and
counting the tobacco plants as aforesaid, And if any of the
persons nominated as aforesaid shall afterwards become dis-
able before he hath performed the duty hereby required of
him the person joined with him for that Precinct shall give
notice of such disability to one of the Church Wardens of
the Parish within two days after the same shall come to his
knowledge, And every neglect herein shall be deemed and taken
to be liable to the like penalty as a Refusal to accept the
Office of Counting and Numbering tobacco plants, and if upon
the refusal or disability of any of the persons appointed in
any parish to examine and number tobacco plants as aforesaid
the Vestry of such Parish shall fail to meet and appoint
others in the room of them so refusing or disabled according
to the directions herein before mentioned, every Vestryman
who shall then fail to meet or refuse to do his Duty at such
meeting so as no Vestry can be held shall forfeit and pay the sum of thirty pounds current money,

Provided Alwaies That if any of the Vestrymen so failing to meet and attend at either of the times aforesaid shall then and sufficiently make appear that he or they were incapable of attending at such time or times that then such Vestryman or Vestrymen shall not incur the penalty or penalties in this Act mentioned. And for the encouragement of the persons nominated and appointed as aforesaid for examining and numbering the plants of Tobacco and for cutting up and destroying tobacco stalks, Slips, and Suckers in pursuance of this Act,

Be It Enacted by the Authority aforesaid, That there shall be levied on the tithable persons in each county during the continuance of this Act Five pounds of Tobacco for every Six thousand plants and proportionally for a lesser or greater quantity which shall be tended and left standing within the said County to be distributed to the respective persons appointed by this Act to view and number the plants of tobacco in proportion to the number of plants viewed and numbered by them in their respective Precincts, Which said levy of five pounds of tobacco the Court of each County within this Colony is hereby impowered and required to make, and the Sheriff or other Collector of the County Levy to pay to the several persons to whom the same shall be due in the parish wherein they respectively reside unless such person shall consent to take
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the same in some other Parish within the County, And for every hundred Tobacco Stalks which shall have any suckers or Slips growing thereon of the height of nine inches from the Ground which such person or persons shall so cut up and destroy there shall be paid to him or them by the Owner of such Tobacco Stalks or his or her Overseer twenty pounds of Tobacco and so proportionably for a lesser or greater quantity to be recovered with Costs before any Justice of the Peace of the County wherein the said Tobacco Stalks shall be so cut up, And for the better direction of the persons appointed for numbering the plants of Tobacco,

Be it Enacted by the Authority Aforesaid, That the two persons nominated and sworn in each Precinct shall jointly repair to the several plantations and there take the number of the tobacco plants by counting the several plants contained in every respective piece of Tobacco ground in the best manner by such methods and rules as in their Judgement may best discover the true quantity having regard to regular and irregular pieces of Tobacco ground, And if at any time hereafter any more plants of Tobacco than are hereby allowed shall by the persons appointed to view and number the same as aforesaid be found planted or tended on any plantation or plantations whatsoever the Owner or Overseer of such plantation shall immediately in the presence of the person or persons appointed to examine and number the same cut up or cause
to be cut up or destroyed so many plants as shall exceed the number herein before allowed in such place or places of the said Tobacco ground as the said Owner or Overseer shall think fit, And in case the Owner or Overseer of such plantation shall refuse and fail so to do the said persons so appointed to examine and number as aforesaid be and are hereby empowered and required to cut up or cause the same to be cut up and destroyed and shall have and receive as a reward for so doing Twenty pounds of Tobacco for every hundred plants of Tobacco that shall be so cut up or destroyed by them to be paid by the Owner or Overseer of such plantation where such Offence shall be committed, And upon due proff thereof made by the Oathes of the persons appointed as aforesaid shall and may be recovered before a Justice of the Peace of the County where such Offence shall be committed and the persons so to be appointed to examine and number as aforesaid are hereby required to make a true Report of their proceedings and number of plants on each plantation in their respective Precincts to the Clerk of that County Wherein the said Precincts respectively lie on or before the tenth day of August yearly,

And Be it further Enacted by the Authority Aforesaid, That each person so appointed and sworn to examine and number tobacco plants and to cut up and destroy Stalks, Slips, and Suckers as aforesaid failing to make such report of
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their proceedings as aforesaid shall forfeit and pay One thousand pounds of Tobacco for every such offence, And if the said persons so appointed to examine and number and to cut up and destroy Stalks, Slips, and Suckers as aforesaid shall knowingly allow any person whatsoever to plant or tend on his or her plantation any more plants of tobacco than are herein or hereby allowed or to tend any seconds, slips, or Suckers, each person so offending shall forfeit and pay one thousand pounds of Tobacco for every such offence.

And Be it further Enacted by the Authority aforesaid and it is hereby Enacted, That the Clerk of every County Court shall without Fee or Reward fairly transcribe all such reports as shall be returned to him by the persons appointed in pursuance of this Act for numbering of plants of Tobacco, And shall set up the same in the Court house of the said County at the two next succeeding Courts after such return so as the same be made three days at least before the Court day and shall also file and keep the Original Reports in his Office and where it shall so happen that any Parish shall be in Two Counties in such case Returns shall be made of the number of plantations and plants in each County to the Clerk of the County wherein such plantations shall lie to be transcribed and set up and filed by the Clerk of such County in manner aforesaid, And the Clerk of any County failing to do his Duty herein shall forfeit and pay
one thousand pounds of Tobacco.

Provided Always That where any Plantation shall lie in two Parishes the Tobacco plants tended thereon shall be accounted and taken to be within that Parish or Precinct where the Servants or Slaves employed thereon do reside or the Quarter for them is situated, And the persons appointed within that Precinct where such Quarter stands and no other shall view, examine, count, and make return of the tobacco plants tended on such plantation accordingly, And for the better discovering the true number of all Male laboring persons above twelve and under sixteen years of age and of all tithable persons for whom no Tobacco by this act is allowed to be tended,

Be it Enacted That all Masters of Families and House keepers and all Overseers of distant plantations shall return to the Justice or Justices of the Peace appointed to take the list of tithables yearly when they give an account of their Tithables a true account of the names of every person above twelve and under sixteen years of age for whom any benefit of tending tobacco is allowed by this Act, And shall also distinguish in his or her list of Tithables which of the persons therein mentioned are allowed to tend Tobacco as aforesaid, And every Master of a Family, House keeper, or Overseer failing so to do shall forfeit and pay five hundred pounds of Tobacco, And if any person shall list or enter with
the said Justice any person under sixteen years of age as a tithable or that is under twelve years of age to be above that age or any person as a Laborer on his or her Crop who is not hereby allowed to tend Tobacco, in either case the person so offending shall forfeit and pay five hundred pounds of Tobacco for every such person so falsely entered or listed, And every Justice of the Peace who shall be hereafter appointed to take the list of Tithables is hereby directed and required to take and make separate lists of the names of all such persons above twelve and under sixteen years of age and shall return such Lists in the same manner as the list of Tithables are returned and shall make such distinction in the list of Tithables by him returned of the persons not prohibited by this Act to tend Tobacco,

And Be it further Enacted by the Authority aforesaid that each person to be appointed in pursuance of this Act to examine and number plants as aforesaid who shall plant and tend more tobacco plants on any plantation or plantations to him belonging than is herein before allowed shall for every such offence forfeit and pay five hundred pounds of Tobacco for every person above twelve years of age on his plantation that shall be employed in making Tobacco, And if any Master, Mistress, or Overseer shall refuse to give a just and true account or shall deliver a false account of the names of the several persons by this Act allowed to tend Tobacco on their
said plantation or plantations and to show all the Tobacco planted thereon or remaining in any Tobacco beds or plant patches to the persons appointed to view the same, Every Master, Mistress, or Overseer so refusing or giving a false account shall forfeit and pay Five hundred pounds of Tobacco for every person above twelve years of age employed in making Tobacco on any such plantation that year,

And Be it further Enacted by the Authority aforesaid, That where any suit shall be brought for the penalties in this Act contained for entering or listing any person under sixteen years of age as a Tithable, Or that is under twelve years of age to be above that age, the age of the person so listed shall be proved and determined by the Parish Register or by the Order of the Court in case the age of such person hath been formerly adjudged there or by the inspection of the Court upon the Trial and not otherwise,

And Be it further Enacted by the Authority aforesaid, That no person or persons whatsoever shall transfer or make over to any other person or persons any tobacco plants which he, she, or they shall have growing on his, her, or their plantation or plantations above the quantity or quantities allowed by this Act to be tended or shall be allowed to them for any laboring Tithable or Worker in Tobacco any number of Tobacco plants whatsoever in any other precinct than where such Tithable or Worker in Tobacco was listed,
And Whereas many frauds are committed by false and promiscuous packing and by putting Trash and bad Tobacco into bundles to the great prejudice of the Trade of this Colony, For the better explaining what shall be accounted bad or Trash Tobacco for the further preventing false packing,

Be it further Enacted by the Authority aforesaid, That after the first day of September next all sweet scented Tobacco to be tendered or exposed to Sale shall be tied up in hands or bundles not exceeding six leaves in each hand or bundle and all Oronoko Tobacco so to be tendered or exposed to sale shall be tied up in hands or bundles not exceeding eight leaves in a bundle besides the Tier and the Tier in both cases of sweet scented and Oronoko Tobacco shall be of equal goodness with the rest of the bundle.

And Be it further Enacted by the Authority aforesaid, That every person or persons whatsoever shall after the said first day of September tender in payment or expose to Sale any hogshead of Tobacco which shall not be tied up according to the direction in this Act or shall not be freed from House burnt, Piebald, and frost bitten Tobacco and all other trash Tobacco, Or shall not be sound or well conditioned, the person tendering or exposing the same to Sale shall forfeit and pay two hundred pounds of Tobacco to the Officer, Receiver, or other person to whom the same shall be so tendered or exposed to Sale, Which said forfeiture of two hundred pounds
of Tobacco shall and may be recovered before any Justice of
the Peace of the County wherein such offence shall be commit-
ted, Which Justice on complaint made to him is hereby directed
and required to issue his Warrant to three honest Freeholders
who are skillful in Tobacco, Who being first sworn truly to
report how they shall find the same shall forthwith repair
to the place where such hogshead or hogsheads shall be and,
shall carefully view the same and their Report or the Report
of two of them shall be good evidence in the Trial before
such Justice, Which said three Freeholders shall be paid for
every hogshead of Tobacco they shall so view fifteen pounds
of Tobacco each by the person or persons tendering the same
in payment or exposing the same to Sale if the Justice or
such Reporter shall give Judgement against the person
tendering or exposing such Tobacco, But if such Justice shall
acquit such person or persons then the same shall be paid by
the County and levied by the Justices in the next County Levy,
Provided Always, And it is the true intent and meaning
of this Act that if the Owners or persons tendering in payment
or exposing the same to sale any such Tobacco shall remove or
conceal the same so that the persons appointed viewers cannot
perform their duty herein, the said Viewers shall certify
the same to the Justice who issued the Warrant for such View
and the said Justice shall thereupon give Judgement for the
aforesaid Penalty of two hundred pounds of Tobacco and the
said Viewers shall be paid by such person so removing or concealing so much tobacco as herein before allowed to them as if they had actually viewed the same,

Provided Also that an allowance of five pounds of Tobacco and no more shall be made by the Viewers in each hogshead so to be viewed for Sand, Dirt, and bad Tobacco (that is to say) such Tobacco as is not passable of itself without better joined with it anything in this Act contained to the contrary thereof in any wise notwithstanding.

And be it further Enacted that all Fines and Forfeitures herein before mentioned and not otherwise appropriated shall be one half to Our Sovereign Lord The King his Heirs and Successors to and for their use and for the lessening the Levy by the Poll of the County wherein such Offence shall be committed, And the other half to the person or persons who will inform and sue for the same, And may be received with Costs in any Court or Courts of Record within this Colony or by action of Debt, Bill, Plaint, or Information except such Fines and Forfeitures as this Act mentioned as are cognizable before a Justice of the Peace,

And be it further Enacted by the Authority aforesaid, That this Act shall commence from the first day of April next ensuing and be in force for three years and from thence to the end of the next session of Assembly.

CHAPTER XV

An Act for ascertaining the Fees of certain Officers therein mentioned.

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 the Secretary of this Colony for the time being and all county court clerks, Sheriffs, Coroners, and Constables respectively to demand, receive, and take the several Fees herein after mentioned and allowed for any Business by them respectively done by virtue of their several offices and no other fees whatsoever (That is to say)

For the Secretary

shillings current money

For making out, sealing and recording a Patent for Land before the same shall be recorded viii

For making out, sealing and recording a Patent commonly called a double patent before the same shall be recorded xii

For recording every warrant to any Escheator and Inquisition thereupon and for a copy thereof xi, vi pen.

For parchment for every Patent ii, vi

For every Pass x

For every Instrument call'd a Freedom for ships and every Testimonial x
For a copy of any Patent if not double 30 pounds of tobacco
For a copy of a double Patent 45

For the Probation of any Testament and recording the same, for entering any order, for appraising, a Probate and for any other matter concerning the same, or for a commission of Administration of the goods of any person dying intestate, for entering an Order for appraisement, Registering an Inventory and for any other matter concerning the same where the Appraisement doth not amount clearly over and above the value of fifty pounds, 250

where the appraisement amounts to more than that value or where there is no appraisement 350

For every search in any case if above a year 10
For every copy of a Will or Inventory 40
For a Copy of a Probate or Commission of Administration 40

For recording deeds of Lease and Release and every other Deed or conveyance, for the conveying or settling any Lands or Tenements or any way concerning the same acknowledged or proved in the General Court and all other matters relating thereunto 150

For a Copy of every such deed and the endorsements
thereon and for a Certificate of the acknowledging, proving and recording
For recording a power of Attorney acknowledged or proved in the General Court and everything relating to the same
For a copy thereof
For recording a Bond with conditions or for a copy thereof
For recording any deed concerning Negros or any personal matter or thing only
For a copy thereof
For a Writ of Error or Supersedeas or Scire Fracis
For every other Writ or any Action or suit whatsoever and filing the return
For filing a Bail Bond and entering the Bail in the Bail book to be kept for that purpose
For entering special Bail
For entering the Appearance of the Defendant
For entering one Attorney for each party
For entering security for Costs for persons out of the Country
For filing Errors, a Declaration and every Plea or Demurrer of the making up of the Issue
For the writing every Rule and entering the same in the Rule Book
For every Order or Judgement or Court or for a
Copy thereof 10
For filing all papers offered by the Plaintiff 15
The same for the Defendant 40
For entering every Cause upon the Docket when it is at Issue 10
For recording the Report of Auditors 40
For swearing the Jury and the Witnesses produced by the Plaintiff 40
For swearing the Defendant's Witnesses 10
For recording a general Verdict 10
For every Case agreed on put into Court 25
For drawing up and recording every Special Verdict or Case at large from the notes according to the length thereof for every line containing twenty one with another 1
And so for a copy thereof 25
For every continuance after Verdict or Demurrer joined
For a Copy of any Declaration, Plea, or Demurrer 20
For a Copy of the notes of a special Verdict 25
For making up the Record of every Cause after the Rate before mentioned for the Declaration, Pleadings, Verdict, and Judgement therein entered according to the length and for a copy thereof the same
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For a copy of any Account 20
For filing a Bill, Answer, Replication, or other pleadings in Chancery for each 15
For a copy thereof according to the length thereof for every line containing twenty words one with another 1
For every Order made in Court on a Suit in Chancery 10
For drawing up every Decree and recording the same for every line containing twenty words one with another 1
For every Dedimus Potestatem 50
For filing all the Depositions in behalf of the Plaintiff 25
For filing all the Depositions in behalf of the Defendant 25
For a copy of the depositions or recording the same after the same rate as for a copy of a Bill or Answer
For Recognizance in Court 20
For recording a Certificate of Rights 15
For administering an Oath or Affirmation to a Quaker in Court except to Witnesses before a Jury 10
For entering an Appeal to England and taking Bond 50
For filing the Record upon an Appeal or Writ of Error from a County Court 15
<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
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<tbody>
<tr>
<td>For filing Errors thereupon</td>
<td>15</td>
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<tr>
<td>For a copy of the Record with the Errors according to the length thereof for every line writ as aforesaid</td>
<td>1</td>
</tr>
<tr>
<td>For taking the Costs in any Action or Suit and a copy thereof</td>
<td>20</td>
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<tr>
<td>And for every Order to a Witness for his attendance</td>
<td>10</td>
</tr>
<tr>
<td>For every Petition for lapsed Land for writing the same and issuing a summons thereon</td>
<td>50</td>
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<tr>
<td>For every Order thereon</td>
<td>15</td>
</tr>
<tr>
<td>For recording a Certificate of a Probate or Administration</td>
<td>40</td>
</tr>
</tbody>
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And Be it further Enacted, That the several Fees before mentioned shall be charged to the party at whose instance the business aforesaid shall be done or performed, and that the Fees hereafter mentioned allowed to the Secretary shall be charged to the several counties respectively for whose Service the Business shall be performed and shall be by the Justices levied on the Inhabitants thereof (That is to say)

For a Commission of Peace and Dedimus to administer the Oathes and recording the same       160
For a Commission of Oyer and Terminer and Dedimus to administer the Oathes to be repaid to the County by the Public 100
For a Writ for election of Burgesses 350
For filing an Inquisition upon the View of a dead body and recording the same which shall be repaid out of the Estate of such dead person if the same be sufficient 50

For the County Court Clerks
For every Writ in any Suit 10
For every Petition or Declaration or other Pleading if wrote by the Clerk 10
And if such Declaration be not writ by the Clerk 5
For filing every Declaration, Plea, or Demurrer to the making up the Issue 5
For filing all the papers produced by the Plaintiff 10
For filing all the papers produced by the Defendant 10
For a copy of every Declaration, Plea, or Demurrer 10
For continuing every Cause from Court to Court 15
For every Interlocutory Order or Judgement and returning the same 8
For a Copy thereof the same 20
For every Trial and swearing the Plaintiff's Witnesses
For swearing the Defendants Witnesses
For recording a General Verdict 10
For recording a Special Verdict 25
For a Copy of a Special Verdict and all Deeds and Writings therein mentioned according to the length

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thereof for every thirty words 1

For a Deposition 10

For recording the Report of a Jury Survey or Auditor 20

Appeals

For an Appeal and Bond 26

For a Copy of the Bond 10

For returning an Appeal and Security to the Secretary's Office 30

For a Copy of the proceedings according to the length for every line as aforesaid 1

For entering one Attorney for each Party 5

For every Writ of Execution or Exire Facias 15

For recording the Return 8

For an Attachment in any Action 15

Recording the Return 15

For an attachment granted by a Justice of the Peace and recording Return 20

For filing Bill, Answer, Replication, or other Pleadings in Chancery for each 10

For a Copy thereof according to the length for every thirty words 1

For every Order made in Court in a Suit in Chancery and for every Decree 8

For a Copy thereof the same
Deeds

For recording Deeds of Lease and Release and every other Deed or Conveyance for the conveying or settling any lands or Tenements or any way concerning the same acknowledged or proved in court and all other matters relating thereto 150

For a Copy of every such Deed and the Endorsements thereon and for a certificate of the acknowledging proving and recording 35

For recording of a Letter of Attorney proved or acknowledged in Court and every thing relating to the same 40

For a Copy thereof 25

For recording a Bond with Condition or for a Copy thereof 20

For recording any Deed concerning Negros or any personal matter or thing only 40

For a Copy thereof 30

Probates and Administrations

For the Probation of any Testament and recording the same, for entering every order, for appraising Registering an Inventory, and for any other matter concerning the same, or For a Commission of Administra-tion of the goods of any person dying intestate, For entering an Order for Appraisalment, Registering
an Inventory and for any other matter concerning
the same where the Appraisement doth not amount to
clearly over and above Ten pounds
Where the appraisement amounts to more than that
value and under fifty pounds
And where it shall exceed fifty pounds or where
there shall be no appraisement returned within
six months
For every search in any Case if above a year
For a Copy of a Will or Inventory
For a Marriage License, Certificate and Bond
For proving Rights and Certificate thereof
For a Copy of any single Act
For recording the age of any Servant or Slave
adjudged in Court
For recording the acknowledgement of Satisfaction
of a Judgement
For a Dedimus Potestatem
For attending and taking depositions on a Dedimus
if required
For a Certificate of any other nature
For a Certificate of the publication of the de-
parture of any person out of this colony
For attending a Court for examination of Criminals
and Trial of Slaves to be paid by the County and
and repaid by the Public

For a Copy of a Lists of Tithables taken by a Justice in his Precinct

For an Ordinary License

For a Copy of the rates of Liquors

For reading any Order or Record half the Fee as for a copy thereof

For a Copy of anything not herein particularly mentioned the same Fee as is before expressed according to the length thereof,

For all Public Services of the Clerk, vizt. Entering and issuing copies of Orders, for appointing Surveyors of the Highways, Constables Grand Juries, taking the List of Tithables, attending Orphan's Court, Binding out poor Orphans, Appointing them Guardians, and entering the Levy and Copy thereof and List of Tithables for the Collectors, Copying the List of the Counters of Tobacco, and for entering and issuing of Orders, For recommending Sheriffs and Justices and for processioning, to be levied annually by the Justices on the County

And for Cask

To the Sheriff

For serving any person with any Order of Court and making return
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For Pillorying any person 20
For putting into the Stocks 10
For ducking any person 20
For an arrest and Bond 20
For the Return of any Writ 10
For putting into Prison and Release 20
For serving a Subpoena to answer in Chancery and copy 15
For serving a Subpoena for an Evidence in any cause depending except summoned in Court 10
For Summoning an Appraiser, Auditor, Viewer, or Evident to any Deed, Will, or Writing if required to be summoned but not else 10
For Summoning and impanelling a Jury in every Cause when a Jury shall be sworn 50
For going to Williamsburg for a Commission of Oyer and Terminer for each mile 3 pounds of Tobacco and returning besides Ferriages to be paid by the County and repaid by the public,
For summoning the Court and attending to be paid and repaid as aforesaid 200
For executing each condemned person and all fees incident to be paid as aforesaid 250
For summoning a Jury of Escheat, Survey, Writ, or Dower, Partition, Inquiry of Damages in the County
and not in court if the Jury appear 150
For making Return of Writ of Dower or Partition 50
For every days attendance upon a Jury in the Country after they are sworn to try the Issue joined 50
For selling a Servant by order of Court at Cutley and all Fees incident thereunto 20
For making Proclamation as Law directs in proving of Wills at the common Law or Proceedings to Cutlery 20
For serving an Execution for any debt due in Tobacco five per cent for the first thousand pounds and two per cent for all above a thousand
Due in money five per cent for the first hundred pounds and two per cent for all above a hundred pounds
For serving a Writ of Tabere Facias Sezinam or Habere Facias Possessionem 50
For serving an attachment upon the Body and Bond 20
For serving an Attachment upon Goods where they shall be appraised and delivered to the Plaintiff or sold the same Fees as on Execution
For serving and returning a General Court Writ, Summons, or Order 30
For keeping and providing a person in Goal each day 10
For serving a Warrant 10
For summoning a Witness 5
For all public Services (to wit) For attending at the Orphans Court of Claims and Grevances, Impa-
eling Grand Juries, Publications and Attendance of the Writ for Burgesses serving all Public Orders of Court and all other public and Sounty Service to be levied annually by the Justices on the County 1000
And for Cask 80

To the Coroners
For taking an Inquisition on a dead Body 133
For all other Business done by him the like Fees as are given to the Sherif for the same service

To the Constables
For serving a Warrant 10
For putting in the Stocks 10
For summoning a Witness 5
For Whipping 20
For summoning a Coroners Jury and Witnesses Neces-
sary 50
For serving an Execution or Attachment returnable before a Justice 10

And Be it further Enacted by the Authority aforesaid That the Clerk of the Secretaries Office shall cause to be
set up in some public place of the said office and there constantly kept a fair copy of the Secretary's Fees herein before mentioned on pain of forfeiting Two thousand pounds of Tobacco for every day the said Copy shall be missing through his neglect and that the Clerk of every County Court shall in like manner set up a fair copy of all the other Fees herein before mentioned in the Court house of his County to be there constantly kept on pain of forfeiting One thousand pounds of Tobacco for every day the same shall be missing through his neglect, Both which penalties shall be to the person or persons who shall inform or sue for the same, And shall and may be recovered in any Court of Record within this Dominion.

And Be it further Enacted by the Authority aforesaid That if any Officer whatsoever shall claim, charge, demand, exact, or take any more Fees or greater Fees for any Business or Writing or other Business whatsoever within the purview of this Act than is here set down and ascertained such officer or person for every such offence shall forfeit and pay to the Party injured Two thousand pounds of Tobacco to be recovered with Costs in any Court of Record within this Dominion by Action of Debt, Bill, Plaint, or Information.

Provided the same be sued for within twelve months after the offence committed,
Provided Always That nothing herein contained shall be construed, deemed, or taken to inflict any of the penalties aforementioned on any of the said Officers for demanding and taking the Fees respectively directed to be taken by them by one Act of Assembly intituled an Act for settling the Fees of the Secretary, County Court Clerks, Sheriffs, Coroners, and Constables and for ascertaining the Fees of Attorneys to be allowed in a Bill of Costs at any time before the publication of this Act for which two months after the passing thereof is hereby allowed, And for the better collecting the said Tobacco Fees,

Be it further Enacted That the Clerk of the Secretaries Office and of every County Court respectively shall every year before the twenty fifth day of November deliver or cause to be delivered to the Sheriff of every County in this Colony respectively the accounts of all Fees due in such County from any person residing therein which shall be signed by the said Clerks respectively, And the said Sheriff is hereby empowered and required to receive such accounts and to collect, levy, and receive the several quantities of Tobacco therein charged to the several persons chargeable with the same and if such person or persons after the said Fees shall be demanded shall refuse or delay to pay the same the sheriff shall have power and is hereby required to make Distress upon the Negros, goods, or Chattels of the party
so refusing or delaying to pay and at the end of three days after such Distress such Fees be not then paid the Sheriff shall make public sale of the things so distrained for the most that can be got for the same in Tobacco and render the Overplus if any to the party distrained upon and if any Sheriff shall be sued for anything by him done in pursuance of this Act he may plead the General Issue and give this Act in evidence.

And Be it further Enacted That the sheriff of every county shall upon or before the First day of May in every Year account with the Secretary or his Agent and the Clerk of the County respectively for all Fees put into his hands pursuant to this Act and pay the same abating ten per cent for Collection and eight per cent for Cask together with the like allowance for making the same convenient as the respective county Courts allow for the County Levy and the Secretary is hereby required to appoint an Agent in every County to receive the Sheriffs account and all Tobacco due to him and if any Sheriff shall refuse to account or pay the whole amount of Fees put into his hands after the deductions aforesaid are made together with an allowance for such persons as do not dwell or have visable Estates in his County, It shall and may be lawful for the Secretary or Clerk to demand Judgement against such Sheriff for all the Fees where- with he shall be chargable by virtue of this Act and such
Court respectively is hereby authorized and required to enter up Judgement accordingly and to award Execution thereupon, Provided That the Sheriff have ten dailes notice of such Motion,

And Be it further Enacted That the County Court in every cause where the Plaintiff shall recover or be non suited or where his Suit shall be dismist 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 or Administrators and that this Act shall be adjudged and taken to be a public Act and shall remain and be in force from the Commencement of the same for three years and from thence to the end of the next Session of Assembly.

CHAPTER XVI

An Act for raising a public Levy.

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 sum of seven pounds and a half of Tobacco be paid by every tithable person within this His Majesty's Colony and Dominion of Virginia for the defraying and payment of the public Charge being the public Levy from the twelfth day of May MDCCXXVI to the first day of February MDCCXXVII, And that it be paid by the several Collectors of the several Counties to the several persons to whom it is proportioned by the General Assembly, And if it shall happen that there be more Tithables in any County than the present Levy is laid on then such County to have Credit for so much to the use of the County, And if there shall happen to be fewer Tithables in any County then such County shall bear the Loss.

C. 0. 5/1388, f. 59.
CHAPTER XVII

An Act for erecting a new County on the heads of Essex, King and Queen, and King William Counties, And for calling the same Caroline County.

Whereas divers and sundry Inconveniences attend the upper Inhabitants of the Counties of Essex, King and Queen, and King William by reason of their great distance from their respective Courthouses and other places usually appointed for Public Meetings,

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 immediately after the First day of May MDCCXXVII all the land lying between the Lower line of Spotsylvania County and a line to be run parallel therewith from the mouth of Portobargo Creek on Rappahanock River to Morocosick Creek, thence down the said Creek to Mattapony River, thence up the said River to Boot Swamp, and up the said Swamp to the Fork thereof, and thence South West to Pamunkey River, be divided from the said Counties of Essex, King and Queen, and King William and made a distinct County to be from thence forth known and called by the name of Caroline County, And that all and every the Inhabitants thereof be separated and exempt from the said Counties and from all Dependencies, Offices, and Charges for or in respect thereof, and also discharged from all duties
whatsoever relating to the same except the charge and duties of clearing the Rivers of Mattapony and Pamunkey respectively which shall be done and performed by the Inhabitants of that part of the said County now included in the Counties of King and Queen and King William respectively in such manner as if this act had never been made, And for the due Administration of Justice of the said new erected County,

Be it further Enacted by the Authority aforesaid, And it is hereby Enacted, That after the time aforesaid a Court for the said County of Caroline be constantly held by the Justices thereof upon the second Thursday in every month in such manner as by the Laws of this Country is provided and shall be by their Commission directed,

And whereas it is suggested to this Assembly, That the County of King William at the laying the last County Levy did raise a considerable sum of Tobacco for defraying some publick charge of the County which is not yet expended,

Be it Enacted by the Authority aforesaid, That if either of the said Counties have levied any Tobacco for Publick uses which is not yet laid out and expended, such County respectively shall at the laying of the next Levy raise and pay to the Inhabitants, taking out of the same County their full proportion of the Tobacco so raised and not yet expended, to be applied for lessening the Levy of the said Inhabitants,

And whereas the said Counties have considerable Claims
from the Public for killing Wolves,

Be it also Enacted by the Authority aforesaid, That each of the said Counties respectively shall contribute their Proportions of the said Claims to the Inhabitants taken out of the said Counties into the County of Caroline according to their number of Tithables to be applied towards building of a Courthouse for the said County of Caroline.

C. 0. 5/1386, ff. 63-64.
CHAPTER XVIII

An Act for dividing the County of Henrico.

Whereas many inconveniences attend the upper Inhabitants of the County of Henrico by reason of their great distance from the Courthouse and other places usually appointed for Public Meetings,

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 immediately after the first day of May next the said County of Henrico be divided into two distinct Counties, And that the Division be made by a line on the North side James River, Beginning at the mouth of Tuckahoe Creek, thence up the said Creek to Chumleys Branch, thence along a line of Marked trees North Twenty degrees East to Hanover County, And on the South Side James River, Beginning at the Lower Manakin Creek from thence along a line of Marked Trees in a direct course to the mouth of Skinquarter Creek on Appomattox River, And that that part of the County lying below the said line shall forever hereafter be called and known by the name of Henrico County, And that that part of the County lying above the said line shall be called and known by the name of Goochland County, And that all that part of the Parish of Henrico lying above the said line shall be included in and be part of the Parish of Saint James, And that all that part
of the said Parish of Saint James lying below the said line
shall be included in and be part of the Parish of Henrico,
any Act, usage, or Custom to the Contrary thereof in any
wise notwithstanding, And for the due Administration of
Justice,

Be it further Enacted by the Authority aforesaid,
And it is hereby Enacted that after the time aforesaid a
Court for the said County of Goochland be constantly held
by the Justices thereof upon the third Tuesday of every
Month in such Manner as by the Laws of this Country is pro-
vided and shall be by their Commission directed,

And Whereas there have been several sums of Tobacco
livied by the Court of the said County of Henrico for Wolves
heads more than sufficient to satisfy the proportion of the
Public Levy due from the same,

Be it therefore Enacted by the Authority aforesaid,
And it is hereby Enacted, That so much of the Overplus of
the said several sums of Tobacco or of the money for which
the same have been sold as exceeds the proportion of the Pub-
lic Levy due from the said County of Henrico and which have
not already been expended for the use of the said County,
And all such other Tobacco as is now due to the said County
of Henrico for Wolves heads be divided and paid between the
said Counties of Henrico and Goochland, Two thirds thereof
to the said County of Henrico and the other third to the
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said County of Goochland for defraying the charge of Public Buildings in each County.

An Act for dissolving the present Vestry of the Parish of Elizabeth City and for appointing a new Election of Vestry Men for the said Parish.

Whereas it is represented to this present General Assembly by the Complaint of divers of the Inhabitants of the Parish of Elizabeth City in the County of Elizabeth City, That some of the Inhabitants of the said Parish now do and for several years last past have taken upon themselves to act as Vestrymen of the said Parish without being lawfully chosen or qualified, and have imposed hardships on the Inhabitants of the said Parish, For Remedy whereof for the Future,

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 Vestry or pretended Vestry of the said Parish is and are hereby dissolved, And that all and every Act and Acts, Thing and Things which at any time or times hereafter shall or may be preformed, suffered or done by them as a Vestry or pretended Vestry of the said Parish shall be and are hereby declared to be utterly void to all intents and purposes whatsoever,

Provided Alwaies That all and every Levy and Levies heretofore laid, And all and every other Act and Thing by the said Vestry or pretended Vestry done or suffered shall
be good, valid, and effectual in as full and ample manner as
the same would have been if this Act had not been made,

And be it further Enacted by the Authority aforesaid
That the Freeholders and Housekeepers of the said Parish of
Elizabeth City shall and they are hereby required to meet
at the Church of the said Parish on the last day of April
which shall be in the Year of Our Lord MDCCXXVIII and then
and there elect twelve of the most able men inhabiting the
said Parish to be Vestrymen of the said Parish, Which said
Vestrymen so elected being qualified as the Law enjoins are
hereby declared to be and shall be esteemed and taken to be
the Vestrymen of the said Parish of Elizabeth City, And to
the end that the said Freeholders and Housekeepers may have
due notice hereof,

Be it further Enacted by the Authority aforesaid,
That the Minister or Reader of the said Parish at the charge
of the Parish shall procure a Copy of this Act and cause the
same to be published in the said Church immediately after
devine Service is ended on two Sundaies at least next before
the said last day of April on penalty of forfeiting two Thou-
sand pounds of Tobacco, One moiety thereof to Our Soverain
Lord The King, his Heirs and Successors, And the Other moiety
to him or them that will inform or sue for the same to be
recovered by Action of Debt, Bill, Plaintiff, or Information
in any Court of Record within this Dominion wherein no
Essoin, Protection, or Wager of Law or any more than one
Imparlance shall be allowed.

C. 0. 5/1388, ff. 67-68.
CHAPTER XX

An Act for killing Squirrels and Crows in the Counties of Accomack and Northampton.

Whereas the Inhabitants of the Counties of Accomack and Northampton have complained to this Assembly, That vast numbers of Squirrels and Crows in those Counties do yearly infest their plantations and make great havoc and destruction of their crops of Corn, For remedy 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 passing of this Act every Owner or a Family or other persons obliged by law to give in a list of Tithables to some Justice to be appointed for that purpose is hereby required yearly before the Justice that takes such list shall return the same to Court to produce or cause to be produced to such Justice Six Squirrel Scalps or Crow heads for every tithable person he or she is to pay levy for that year in the said Counties respectively, And every Justice to whom such Squirrel scalps or Crows heads shall be produced as aforesaid is hereby required to destroy the same to prevent their being produced a second time, And shall enter the number of such Squirrels scalps or Crows heads in a line with the name of the person respectively that produces the same in a distinct column to be made for that purpose in the list
of Tithables that shall be returned to Court,

And be it further Enacted by the Authority aforesaid that the Court of the said Counties respectively at the laying of the County Levy yearly shall cause the number of all the said scalps and heads contained in the respective lists of Tithables to be cast up into one sum and compared with the whole number of Tithables in such County to find how many scalps or heads are wanting to make up six for every such Tithable, Which said Court is hereby impowered and required to give the said County Credit (in one Article) for three pounds of Tobacco for every scalp or head wanting to make up six such scalps or heads for every Tithable as aforesaid towards discharging the said County Debt, And the Sheriff or Collector of such County Levy is hereby impowered and required to demand and receive of every person not producing the full number of Squirrel scalps or Crow heads for each of his or her Tithables according to the direction of this Act the said three pounds of Tobacco for every such scalp or head wanting as aforesaid (as may appear in the said lists of Tithables) to be applied towards lessening the Levy as aforesaid directed, And upon refusal or non payment to make distress as in case of any other Levy,

And be it further Enacted by the Authority aforesaid, That this Act shall continue and be in force three years from and after the passing thereof and from thence to the
end of the next Session of Assembly.

C. 0. 5/1388, ff. 65-66.
CHAPTER XXI

An Act to prevent Swine running at large within the limits of the Town of Norfolk.

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 no person or persons whatsoever from and after the first day of April next ensuing being Owner or Owners of any sort of Swine above the age of two Months shall suffer the same to go at large within the Limits of the said Town of Norfolk upon pain of Losing all such Swine, And that it shall and may be lawful to and for any person or persons whatsoever to kill all such Swine which shall be found going at large within the limits of the said Town, Any Act heretofore made to the Contrary thereof in any wise notwithstanding, Provided nevertheless, And it is hereby Enacted by the Authority aforesaid, That when any Swine shall be killed the person or persons so killing the same shall give the Owner or Owners thereof (in case he or they be known) immediate notice of such Swine being killed, And shall not remove the same from the place where such Swine was killed until the same become offensive,

And be it further Enacted by the Authority aforesaid, That if any Action, Bill, Plaint, Suit, or Information shall be commenced or prosecuted against any person or persons
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for the killing of any Swine pursuant to this Act, such person or persons may plead the General Issue and give the special matter in evidence, And if the plaintiff or prosecutor shall become Nonsuit or suffer a discontinuance or if a Verdict pass against him in any such Bill, Suit, Plaint, or Information as aforesaid the defendant shall recover against him his full costs and one Attorney's Fee,

Provided Always That nothing herein contained shall be construed, deemed, or taken to hinder or forbid any person or persons driving Swine to or through the said Town or the Limits thereof in order to sell the same or to remove the same from one plantation to another.

C. O. 5/1388, f. 69.
CHAPTER XXII

An Act to enable William Farrar and Thomas Farrar to sell and convey certain intailed Lands And for settling other Lands and Negros of greater value to the same uses.

Whereas William Farrar formerly of the Parish of Henrico in the County of Henrico Gentleman deceased was seised in Fee simple of and in one Tract or parcel of Land situate, lying and being in the Parish and County aforesaid on the North side of James River containing by estimation Two thousand Acres more or less and so being thereof seised by his Last Will and Testament in writing bearing date the sixth day of May in the year of Our Lord MDCLXXVI did among other things devise unto his eldest Son William Farrar One plantation and one Tract or parcel of Land, parcel of the said Two thousand Acres commonly called and known by the name of Farrars Island containing by estimation six hundred and eighty six Acres more or less, And to the Heirs of his Body lawfully begotten forever Remainder to his two Sons Thomas Farrar and John Farrar and the Heirs of their Bodies lawfully begotten forever, And if either of them should die without Issue Remainder to the Survivor, And by his last Will and Testament aforesaid did devise one other Tract or parcel of Land by the name of the remaining part of his Land being parcel of the said Two thousand Acres containing by estimation Eight hundred Acres more or less to the said Thomas Farrar and John Farrar and the Male heirs of their
Bodies lawfully begotten, And whereas after the Death of the said William Farrar the Testator the said William the Son entered into the Tenements aforesaid with the appurtenances to him devised as aforesaid and was thereof seised, And so being thereof seised departed this life leaving Issue William Farrar, George Farrar, and Able Farrar, After whose death the said William the Grand-Son entered and Was and now is seised of and in the last mentioned Tenements with the appurtenances, Whereas Also after the Death of the said first mentioned William the said Thomas Farrar and John Farrar entered into the Tenements aforesaid with the Appurtenances to them devised as aforesaid and made partition thereof between them, And the said Thomas Farrar is and now stands seised in Fee Tail as aforesaid of and in Four hundred Acres of Land with the Appurtenances the moiety of the eight hundred Acres aforesaid, And Whereas the said William Farrar the Grand-Son hath agreed with Thomas Randolph of Tuckahoe in the County of Henrico Gentleman to sell and convey unto him in Fee simple the said Tract or parcel of Land called Farrers Island with the Appurtenances in exchange for one other Tract of parcel of Land situate, lying and being on the North side of James River in the Parish of Saint James in the County of Henrico aforesaid between Dover Mill Creek and Stoney Creek containing by estimation Six hundred Acres and Ten Negro Slaves commonly called and known by the names following to wit Tom, Will, Jack,
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Peter, Moll, Hannah, Amanda, Betty, Sarah, Dinah and also for the consideration of eighty seven pounds Sterling to be laid out in building and making a Plantation and settlement upon the said last mentioned Land, Which with the said Slaves are of greater value than the said Tract of Land called the Island and will yield much greater profit and advantage to the said William Farrar in regard that he is unable for want of Slaves and Servants to improve and cultivate the same, And Whereas the said Thomas Farrar hath likewise agreed with the said Thomas Randolph to sell and convey unto him in Fee simple the Tract and parcel of Land with the Appurtenances whereof he stands seised as aforesaid in exchange for one other Tract or parcel of Land situate, lying and being on Tuckahoe Creek in the Parish of Saint James aforesaid in the County aforesaid containing by estimation eight hundred Acres more or less and three Negro Slaves commonly called and known by the names of London, Jenny, and Nanny, And also for the consideration of ninety six pounds Sterling to be laid out in building and making a Plantation and Settlement upon the said last mentioned Land, Which with the said Slaves are of greater value than the said Tract of Land whereof the said Thomas Farrar is seised as aforesaid, And Whereas the said William Farrar and Thomas Farrar with the consent of Thomas Farrar the younger, eldest Son and Heir apparent of the said Thomas Farrar being of the age of twenty one years and upwards have made application to this Assembly
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for a Bill to be passed to enable them respectively to sell and convey the several parcels of Land aforesaid with the Appurtenances whereof they severally stand seised as aforesaid pursuant to their respective agreements aforesaid and to settle the Lands and Slaves aforesaid by the said Thomas Randolph to them respectively to be given in exchange to the same uses, And Forasmuch as the said William Farrar and Thomas Farrar have made public notification thereof at the Church of the Parish wherein the said Lands lie three Sundays successively pursuant to Your Majestys Instruction in that behalf and no person hath appeared to oppose the same May it Please Your Most Excellent Majesty at the humble suit of the said William Farrar, Thomas Farrar, and Thomas Randolph 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 it shall and may be lawful to and for the said William Farrar and Thomas Farrar respectively by some sufficient Deed or Deeds, Conveyance or Conveyances in Law to convey unto the said Thomas Randolph his heirs and As ign the several tracts and parcels of Land whereof they do severally stand seised as aforesaid, And all Houses, Edifices, Profits, Commodities, Emoluments, and Appurtenances to the same belonging or appertaining for the only proper use and behoof of him the said Thomas Randolph his Heirs and Assigns forever, And from and after the Execu-
tion of such Deed and Deeds, Conveyance, and Conveyances
the said Thomas Randolph his heirs and Assigns shall and
may forever hold and enjoy the same Lands, Tenements, Heri-
ditaments and Premises with the Appurtenances freed and
discharged of and from all Claim, Right, Title, or Interest
of all or any of the persons claiming or that shall or may
claim any Interest in the same by the said recited last Will
of the said William Farrar deceased or by any limitation
therein contained, Provided That the said Thomas Randolph
shall immediately after the Execution of such Deed or Deeds
by the said William Farrar and Thomas Farrar by them res-
pctively to be made as aforesaid by some sufficient Deed
or Deeds, Conveyance or Conveyances in the Law convey unto
the said William Farrar and his Heirs and Assigns forever
the said Tract or parcel of Land situate, lying and being on
the North side of James River in the Parish of Saint James
in the County of Henrico aforesaid between Dover Mill Creek
and Stoney Creek aforesaid containing by estimation six
hundred Acres and the Ten Negro Slaves aforesaid. And unto
the said Thomas Farrar and his Heirs and Assigns forever
the said Tract or parcel of Land situate, lying and being on
the North side of James River on Tuckahoe Creek in the
Parish of Saint James in the County of Henrico aforesaid
containing by estimation eight hundred acres and the Three
Negro Slaves aforesaid. And that the said Thomas Randolph
shall bonafide lay out and expend the several sums of eighty
seven pounds and ninety six pounds Sterling in building and making a Plantation and settlement upon the said parcels of Land respectively, And Be it further Enacted by the Authority aforesaid, That the said William Farrar immediately from and after the Execution of such Conveyance and Conveyances and his Heirs and Assigns forever be and shall continue seised of and in the said Six hundred acres of Land with the Appurtenances aforesaid to and for the use of him the said William Farrar the Heirs of his Body begotten forever and in case of failure of such Issue to the use and behoof of the said Thomas Farrar and the heirs of his Body lawfully begotten forever and in case of failure of such Issue to the use and behoof of the Right Heirs of the said William Farrar the Testator and That the ten Negros aforesaid and their Increase so long as any of them shall be Living shall from time to time pass and go to each person and persons to whom the said Land and premises with the Appurtenances shall descend or come by virtue of the limitations aforesaid, And that the said Thomas Farrar immediately after the Execution of such Deed or Deeds to him to be made as aforesaid by the said Thomas Randolph and his Heirs and Assigns forever, Be and shall continue seised of and in the said eight hundred Acres of Land with the appurtenances to and for the use of him the said Thomas Farrar and the Male heirs of his Body begotten forever and in case of Failure of such Issue to the use and behoof of the Male heirs of the Body of the said John Farrar
deceased. And in case of failure of such issue to the use and behoof of the Right Heirs of the said William Farrar the Testator, And that the Three Negros aforesaid and their Increase so long as any of them shall be living shall from time to time pass and go to such person and persons to whom the said last mentioned Land and premises with the appurtenances shall descend or come by virtue of the limitations aforesaid, Saving to the Kings Most Excellent Majesty, his Heirs and Successors and for all and every other person and persons bodies politic and Corporate their respective Heirs and Successors all such Right, Title, Estate, Interest, Claim, and Demand of, in, and to any of the Lands aforesaid other than the person or persons claiming by, from or under the last will and Testament of the said William Farrar deceased or either of them as they, every or any of them, had should or might claim if this Act had never been made Provided alwaies That the Execution of this Act shall be suspended until His Majestys Approbation be had thereof.

C. 0. 5/1388, ff. 71-74.
CHAPTER XX

An Act to Enable the Justices of Peace of the County of Elizabeth City and the Minister and Church Wardens of the Parish of Elizabeth City in the said County for the time being to take and hold Certain Lands Given by Thomas Eaton to Charitable uses and to Let Lease thereof.

Whereas Thomas Eaton late of the County of Elizabeth City deceased was in his life time seised in Fee Simple of and in One tract or parcel of Land with the Appurtenances Situate, lying and being in the County aforesaid Containing by Estimation Six hundred and fifty Acres and so being thereof seised by his Certain Deed Poll bearing date the Nineteenth day of September in the Year of Our Lord One Thousand Six hundred and fifty did give Six hundred Acres of the said Land with the Appurtenances to Charitable uses for the Maintaining a Free School for the education of Children born in the said County and did appoint the Justices of the Peace for the said County and the Minister and Church wardens of the Parish of Elizabeth City in the said County for Ordering and Managing the said Charity,

And by his Last Will and Testament in writing bearing date the third day of November in the Year of our Lord One Thousand Six hundred fifty nine aforesaid did devise the Residue of One hundred and Sixty Six Acres of Land Expectant upon an Estate given to John Pedro and Kate his wife for
their lives to the same uses to be Let Out in Tenements for the use of the said free school as by said Trustees should be thought fit which said several Parcels of land are found to contain a Greater Quantity than are in the said Deed and Testament Contained,

And Whereas the present Justices of the said County and the Minister and Church wardens of the said Parish have Represented to this present General Assembly that the said Charity is become of small value and not sufficient to Answer the Design of the Donor for want of a power to Let Leases thereof, Wherefore the Improvement of the said Charity and the Performing and fulfilling the Intent and design of the Donor, Be it Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly And it is hereby Enacted by th Authority of the same that from and after the passing of this Act the Present Justices of the Peace of the County of Elizabeth City and the Justices of the Peace of the said County for the time being, And the Minister and Church wardens of the Parish of Elizabeth City and the Minister and Church wardens of the said Parish for the time being forever shall be Persons able and Capable in Law to take, hold and enjoy the said Lands according to the Ancient honor and reputed bounds thereof with all the Rights, Members and Appurtenances thereunto belonging given by the said Thomas Eaton in maintaining the
said free School and they and the most part of them shall have full power and Authority by Deed Intended to make any Lease or Leases in possession of all or any part of the said Lands with the Appurtenances for Any Number of Years not Exceeding One and Twenty or for One, two, or three Lives reserving the best and most improved Rent that can be then had for the same without taking any Fees and so as such Leasees respectively be bound by proper Covenants not to Commit waste upon the said Lands.

C. 0. 5/1388, ff. 119-120.
CHAPTER XXI

An Act for vesting Certain Lands belonging to the Church of Westover Parish in Trustees to be sold and for Laying Out the purchase money in Other Lands for A Glebe for the said Church and improving the same.

Whereas by the Union of Part of the Parishes of Westover, Waynseake, Wallingford, and Wilmington in the County of Charles City there are two Glebes belonging to the Parsonage of the United Parish now called Westover (That is to Say) The glebes of the parish of Westover situate, lying and being on the North side of James River Within the Land of Elizabeth Harrison Widow containing One hundred Acres and the Glebe of the Parish of Wallingford situate, lying and being on the South side of Tomahun Creek bounded by the Land of John Elder containing Sixty Six acres which the said Glebes are Remote from One Another, And by Reason thereof and the Small quantity of Land contained in each of them Can Yield little advantage or Profit to the Parson of the said Parish,

And Whereas the Parson, Churchwardens, and Vestry of the said Parish have petitioned the General Assembly to be Enabled to sell the said two parcels of Land with the Appurtenances and to lay out the money arising from the Sale thereof in the Purchase of Other Lands to be annexed to the said Parsonage for a Glebe for the better Support and Maintenance of the present Parson and his Successors,
And forasmuch as all the persons who are interested in the matter do consent thereto,

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 several parcels of land with their and every of their rights, members, and Appurtenances shall be vested in and upon William Byrd and John Carter Esqrs. Samuel Harwood Junior and John Stith Gentlemen and their heirs for the use of their heirs and assigns forever.

In Trust nevertheless that they the said William Byrd, John Carter, Samuel Harwood, and John Stith and the Survivors and Survivors of them and the heirs of such Survivor shall and do sell and dispose of the said several parcels of land and premises so vested in them either entirely or by parcels to any person or persons that shall be willing to purchase the same or any part or parts thereof for the most money or best price or prices which can be reasonably had or gotten for the same and also with the Approbation and Consent of the Parson, Churchwardens, and Vestry of the said Parish shall lay out and dispose of the money which shall be raised by such sale in the purchase of some other lands within the said Parish and such lands so to be purchased shall be annexed to the Parsonage of the said parish and forever there-
after shall be held, possessed, and enjoyed by the Parson of the said parish, for the time being in Right of his Church as a Glebe,

And Whereas it is represented that the Old Church of the said Parish is in a Decayed Condition and that in respect to the Inconvenient Situation thereof the Parishioners will shortly be Obliged to build a new Church in a more convenient Part of the Parish,

And forasmuch as there are Eight Acres of Land adjoining to the Church Yard of the said Old Church belonging to the Parishioners which will be of no use to them after the removal of the said Church, Be it further Enacted by the Authority aforesaid that from and after the Removal of the said Church the said Eight Acres of Land with the Appurtenances shall be vested in and upon the said William Byrd, John Carter, Samuel Harwood, and John Stith and their heirs to the use of their heirs and Assigns forever,

In Trust Nevertheless that the said William Byrd, John Carter, Samuel Harwood, and John Stith and the Survivors and Survivor of them and the heirs of such Survivor shall and do sell and dispose of the said Eight Acres of Land to any person or persons that shall be willing to purchase the same for the most money or best price that can be reasonably had or gotten for the same and shall lay out and dispose of the money arising from such sale with the Approbation and Consent of the
said Parson, Churchwardens, and Vestry for the time being towards the building of a house upon the said Land Given or any other Improvements thereupon,

And be it further Enacted by the Authority aforesaid that all and every person and persons his and their heirs and Assigns to whom the said Trustees or the survivor of them or the heirs of such survivor shall by virtue and in pursuance of this Act make any sale or Conveyance of all or any part of the said Lands and Premises hereby Vested in the said Trustees shall upon payment of the purchase money to the said Trustees or the Survivor of them or the Heirs of such Survivor have, hold, and Enjoy the said Lands or such part or parts thereof as shall be purchases by such person or persons respectively with the appurtenances freed and Discharged of any from all Claim, Right, Title, or Interest of any person Claiming any Interest in the same in Right of the said Church,

Saving to the Kings 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 person or persons Claiming the same in Right of the said Church, All such Right, Title, Estate, Claim, and Demand of in and to the said Lands and premises as they Every or any of them had, should, or might have Enjoyed if this act had never been made.

C. 0. 5/1388, ff. 121-122.
CHAPTER XXII

An Act to oblige the Court of Caroline County to Levy on the Tithable persons of the said County a Proportion of the Wages of the Burgesses of Essex, King and Queen, and King William Counties due for the Last Session of Assembly and also a proportion of the Last Public Levy.

Whereas An Act was made the Last Session of Assembly that from and after the first day of May One thousand seven hundred and Twenty Eight all the Land Lying between the Lower Line of Spotsylvania and a Line to be run parallel therewith from the Mouth of Portobargo Creek on Rappahanock River to Morocosuch Creek thence down the said Creek to Mattapony River, Thence up the said River to Boot Swamp and up the said Swamp to the Fork thereof, And then South West to Pamunkey River, Should be divided from the Counties of Essex, King and Queen, and King William and should be a Distinct County called by the Name of Caroline County and That all the Inhabitants thereof should be separated and Exempt from the said Other Counties and from all Dependencies, Offices, and Charges and Discharged from all Duties relating to the same Except the Charge and Duties of Clearing the Rivers of Mattapony and Pamunkey which should be done and preformed by the Inhabitants of that part of the said County of Caroline then included in the said Counties of King and Queen and King William respectively, And also One other Act intituled an
May 1730

Act for raising a Public Levy whereby it was Enacted that seven pounds and an half of tobacco should be paid by every tithable person within this Colony for defraying and payment of the public Charge of the Country being the Public Levy from the Twelfth day of May one thousand Seven hundred and twenty Six to the first day of February One thousand seven hundred and twenty Seven, But no provision was made by Either of the said acts for subjecting the tithable persons of the respective Counties of Essex, King and Queen, and King William taken into the said County of Caroling to the payment of their ratable part of the said Public Levy or the Burgesses wages for that Section of the Several Counties whereof they were Inhabitants before the said first mentioned Act took effect and no Care has been taken by the said County of Caroling to Raise and Levy the same from such tithable persons as were before subject to the payment thereof to the respective Counties whereof they were Inhabitants and those Counties have no power to [require] the payment thereof tho' highly reasonable and Just,

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 there shall be levied and raised by the Court of the said County of Caroline at their next County Levy on the tithable persons of the said County their proportion of the said Public Levy
and the Wages of the Burgesses for that Session According to the Number of tithable persons therein included at the time of Passing the said first mentioned Act which shall be Paid to the respective Counties of Essex, King and Queen, and King William in proportions, the Number of tithable persons taken out of Each County respectively into the said County of Caroline, which said tobacco shall be disposed of by the Courts of the said respective Counties for and towards Lessening the Levy by the Poll in those Counties.

CHAPTER XXIII

An Act to prevent Swine running at Large within the Limits of the Town of Hampton.

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 no person or persons Whatsoever from and after the first day of August next Ensuing being Owner or Owners of any Sort of Swine above the age of two Months shall suffer the same to go at Large within the Limits of the said town of Hampton upon pain of Losing all such Swine and that it shall and may be Lawful to and for any person or persons Whatsoever to kill all such Swine which shall be found going at Large within the Limits of the said Town, any Act heretofore made to the Contrary thereof in any wise Notwithstanding, Provided Nevertheless and it is hereby Enacted that when any Swine shall be killed within the Limits of the said Town in pursuance of this Act the Person or Persons so killing the same shall give the Owner or Owners (in Case he or they be known) immediate notice of such Swine being killed and shall not remove the same from the place where such Swine was killed until the same become offensive, And be it further Enacted by the Authority aforesaid that if any Action, Bill, Plaint, Suit, or Information shall be commenced or prosecuted against any person or persons for killing any Swine
pursuant to this Act such person or person may plead the General Issue and give this Act and the Special Matter in Evidence, and if the Plaintiff or Prosecutor shall become Nonsuit or suffer Discontinuance or a Verdict pass against him on any such Bill, Suit, Plaint, or Information as aforesaid, the Defendant shall recover against him his full Costs, Provided always that nothing herein contained shall be construed, deemed, or taken to forbid any person or persons driving any Swine to or through the said town or the Limits thereof in order to sell the same or removing the same from one Plantation to another.

C. 0. 5/1388, f. 127.
An Act to Exempt Certain German Protestants in the County of Stafford from the Payment of Parish Levies.

Whereas Certain German Protestants to the Number of twelve or fourteen families now settled at a Place called Licking Run in the Parish of Overwharton in the County of Stafford being incapable of receiving due Instruction from the Minister of that parish as not understanding the English Language, and being in duty and Gratitude Obliged to support and Maintain Mr. Henry Haeger a Minister of their Own Religion who was imported with them into 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 all and Every the German Protestants now seated at the said place shall be and are hereby declared to be Exempted and discharged from the payment of all and all manner of Parish Levies or Assessments whatsoever for and during the time that the said Henry Haeger shall Continue to be their Minister, and if any other German or Other forain Protestants understanding the German Language shall hereafter during the time Settle themselves at that place, such German or Other forain Protestants shall be Exempted and discharged from the payment of all such Levies and Assessments during the time aforesaid, any Law or usage to the Contrary hereof notwithstanding,
Provided always that such German and forain Protestants who now are settled or who within the time aforesaid shall settle at the said place shall continue to reside there and if any of the said German or Other forain Protestants as aforesaid shall depart from the said Settlement and Inhabit any other part of this Colony, Such Protestants leaving the said settlement shall thenceforth lose and be Excluded from the benefit of the Exemption aforesaid.

C. 0. 5/1388, f. 135.
CHAPTER XXV

An Act for Vesting Certain intailed lands in William Randolph an Infant which were purchased by his father Thomas Randolph Gentleman deceased of John Sutton Farrar and for settling Other Lands and Negros given in Lieu thereof of Greater Value to the same Uses.

Whereas William Farrar late of Varina in the County of Henrico Gentleman deceased was in his Lifetime seised in Fee Simple of and in two parcels of Land Situate, lying, and being in the parish of Henrico in the County aforesaid, The One containing about three hundred acres and the Other containing something less than two hundred Acres and so being thereof seised by his last will and Testament bearing Date the Sixth Day of May in the Year of Our Lord One Thousand Six hundred Seventy Six, devised the same to his Brother John Farrar and the heirs of his body lawfully begotten forever and in default of such heirs he devised the said two parcels of land to his two sons Thomas Farrar and John Farrar and the heirs of their Bodies Lawfully begotten with Gross Remainder to them in tail and being also seised in fee simple of another parcel of Land situate, lying, and being upon Farrars Neck in the said County by his said will devised the same to his said sons Thomas and John and their heirs as abovesaid forever and died so seised, And after the Death of the said William Farrar the said John Farrar the Brother
Entered and died without issue, and the said Thomas and John the sons entered and made partition of the said several Lands devised to them as aforesaid, And the first mentioned parcels of Land were assigned to the said John who was thereof seised and died so seised leaving issue John Sutton Farrar who Entered and was seised and so being seised by his Certain Indenture bearing date the twenty fifth Day of February in the Year of Our Lord One Thousand Seven hundred Twenty Eight thereof did Enfeoff Thomas Randolph late of Tuckahoe in the County of Goochland Gentleman deceased, and his heirs and in consideration thereof the said Thomas Randolph did purchase of Nowel Burton One Certain Tract or Parcel of Land with the Appurtenances situate, lying, and being in the Parish of Saint James in the County of Goochland Containing by Estimation Three hundred and twenty two acres which the said Nowel Burton by his certain Indenture bearing Date the Twenty fifth Day of February One thousand seven hundred twenty Eight Conveyed to the said John Sutton Farrar in fee Simple and the said Thomas Randolph did also purchase of John Woodson One Other parcel of Land Situate, Lying, and being on Fine Creek in the County of Goochland aforesaid Containing four hundred Acres and did deliver possession thereof to the said John Sutton Farrar. And Whereas also the said John Sutton Farrar two Negro Men named Frank and Marlborough and two Negro women named Nanny and Aggy and did agree to give
the said John Sutton Farrar two other Negros one Man and a Woman, And it was agreed between the said Thomas Randolph in his lifetime and the said John Sutton Farrar that application should be made to the General Assembly for a bill to Confirm the title of the said Thomas Randolph in and to the said intailed Lands containing four hundred and thirty two Acres and settling the Other Lands and Negros aforesaid in Lieu thereof to the same uses,

And Whereas the said John Sutton Farrar hath petitioned this General Assembly for a Bill to be passed pursuant to the said Agreement and hath made public Notification of the petition in the Church of the Parish of Henrico aforesaid three Sundays Successively Pursuant to your Majesties Instructions, And forasmuch as the Land and Negros agreed to be settled in Lieu of the said Entailed Lands are of Greater Value than the said Entailed Lands, May it please your most Excellent Majesty at the humble suit of the said John Sutton Farrar that it may be Enacted, And be it Enacted by your Majesty's 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 four hundred thirty two Acres of Land with the Appurtenances so as aforesaid conveyed to the said Thomas Randolph in his lifetime be and is hereby vested in and upon William Randolph an Infant under the Age of Twenty
One year son and heir of the said Thomas Randolph and his heirs to the only use and behoof of the said William Randolph, his heirs, and Assigns forever, And that the said parcel of Land with the appurtenances situate, lying, and being in the Parish of Saint James aforesaid containing by Estimation three hundred and twenty Acres and the other parcel of Land with the appurtenances situate, lying, and being upon Fine Creek aforesaid Containing by Estimation four hundred Acres Be and are hereby vested in and upon the said John Sutton Farrar and his Heirs, to the use and behoof of the said John Sutton Farrar and the heirs of his body, and in default of such Issue to the use and behoof of the heirs of the body of the said John Farrar Father of the said John Sutton Farrar, and in default of such Issue to the use and behoof of the said Thomas Farrar and the heirs of his body, and in default of such Issue to the use and behoof of the Right heirs of the said William Farrar the Testator, and the said Lands shall forever hereafter descend and pass according to the Limitations aforesaid,

And be it further Enacted by the Authority aforesaid, That the Executors of the Last Will and Testament of the said Thomas Randolph shall in Convenient time after the Passing of this Act purchase one Negro man and One Negro woman Slave of the Value of forth Eight pounds Current Money of Virginia and shall deliver the same to the said John Sutton Farrar
or his heirs, and such Slaves so purchased and the Other Negro Slaves aforesaid and their Increase so long as any of them shall be living shall from time to time pass and go to such person and persons to whom the said last mentioned Lands and premises shall descend or Come by Virtue of the Limitations aforesaid Saving to the Kings Most Excellent Majesty and his Heirs and Successors, and to all and every Other person and persons, bodies politic and Corporate, their respective heirs and successors, All such Right, Title, Estate, Interest, Claim, and demand of in and to any of the Lands before mentioned Other than the person or persons Claiming by from or under the Last Will and Testament of the said William Farrar deceased or any of them as they Every or any of them had should or Might Claim if this Act had never been made, Provided alwaies that the Execution of this Act shall be suspended until his Majesties Approbation be had thereof.

C. O. 5/1388, ff. 137-138
An Act to Confirm the title of Richard Randolph Gentleman in and to Certain Entailed Lands purchased by him of William Ligon and for settling Other Lands and two Negro Slaves of Greater Value in Lieu thereof to the same Uses.

Whereas Thomas Harris late of the County of Henrico Gentleman deceased was in his Lifetime seised as it is said of and in two hundred Acres of Land with the Appurtenances situate, lying and being on the Northside of James River in the County aforesaid formerly called Longfield but lately called and known by the Name of Curles and so being thereof seised sometime about the Year of Our Lord One Thousand Six hundred and forty Nine did make his last will and Testament in wirting and thereby Among other things did devise the said Land to his Only Daughter Mary Ligon then the wife of Thomas Ligon Gentleman and unto her Male Issue forever, And in default of such Issue to his Only Son and Heir William Harris and his Issue forever and died so seised whereby the said Thomas Ligon and Mary his wife in Right of the said Mary became seised and had Issue Thomas, William, Richard and Hugh,

And Whereas the said Thomas died without issue in the Lifetime of the said Mary and the said William also died in the Lifetime of the said Mary Leaving issue Thomas, William and Josept and the said Last mentioned Thomas Entered and was seised and so being seised died without Issue,
after whose death the said William his Brother Entered and was seized, And so being seized hath lately sold the said Land with the Appurtenances Containing upon an Exact Survey One hundred and Seventy Eight Acres for a Valuable Consideration unto Richard Randolph Gentleman and hath petitioned this General Assembly to Confirm the title of the said Richard Randolph in and to the Same,

And Whereas the said William Ligon is seised in fee simple of and in One Tract or parcel of Land with the Appurtenances situate, lying and being on the South side of James River in the County aforesaid Containing by Estimation two hundred Seventy Eight Acres, And also of and in one Other Tract or parcel of Land with the Appurtenances situate, lying and being on the South side of James River in the County of Henrico Commonly called and known by the Name of Baldwine Containing by Estimation One hundred and fifty Acres and hath proposed with the Consent of Joseph Ligon his Eldest son and heir of the age of twenty One year and upwards to settle a Moiety of the said two hundred Seventy Eight Acres with the Appurtenances and the said One hundred and fifty Acres of Land with the Appurtenances and two Negro Slaves, Pompey and Judith, in Lieu of the said Entailed Lands to the same uses which will be an ample Recompense to the Issue in tail and all other in Remainder and Revision.

And forasmuch as the said William Ligon hath made Public Notification of his petition in this behalf Pursuant
to Your Majesties Instruction, And no person hath appeared to oppose the same, May it please your most excellent Majesty that it may be Enacted, And be it Enacted by Your Majesties 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 Entailed Lands Containing One hundred and Seventy Eight Acres as aforesaid with the Appurtenances be and is hereby vested in and upon the said Richard Randolph and his heirs to the Only use and behoof the the said Richard Randolph, his heirs and Assigns forever, And that the said William Ligon and his Heirs shall and do stand seised of and in One Moeity of the said two hundred Seventy Eight Acres with the Appurtenances joining to Parkers Cut against Varina and of and in the said One hundred fifty Acres of Land with the Appurtenances to the use and behoof of the said William Ligon and the Heirs Male of his body forever, And in Default of such Issue to the use and behoof of the Heirs Male of the Body of the said Mary Ligon and in default of such Issue to the use and behoof of the heirs of the body of the said William Harris and in default of such Issue to the use and behoof of the Right Heirs of the said Thomas Harris the Testator and the said last mentioned Lands forever hereafter descend and pass according to the Limitations aforesaid, anything to the Contrary thereof in anywise notwithstanding,
And be it further Enacted by the Authority aforesaid that the said Negro Slaves, Pompey and Judith, and the Increase of the said Judith so long as any of them shall be living shall from time to time pass and go to such person and persons to whom the said Last mentioned lands and premises with the Appurtenances shall descend or Come by Virtue of the Limitations aforesaid,

Saving to the Kings 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 all such Right, Title, Estate, Interest, Claim, and Demand of in and to any of the Lands before mentioned Other than the person or persons Claiming by from or under the Last Will and Testament of the said Thomas Harris or any of them as they Every or Any of them should or might Claim if this Act had never been made,

Provided alwaies that the Execution of this Act shall be suspended until his Majesties approbation be had thereof.

C. o. 5/1388, fr. 139-140.
CHAPTER XXVII

An Act to Enable Henry Cary to Sell Certain Entailed Lands in the County of Warwick and for settling three hundred and Six Acres of Land with Appurtenances in the County of Henrico and the Moiety of three thousand Nine hundred and forty two Acres of Land with the Appurtenances in the County of Goochland of Greater Value to the same Uses.

Whereas Miles Cary Late of the County of Warwick Gentleman deceased was in his Lifetime seised in Fee Simple of and in One tract or parcel of Land with the Appurtenances situate, lying and being in the Parish of Warwick in the County aforesaid Commonly called or known by the Name of the Forrest and so being thereof seised by his last will and Testament in writing bearing Date the ninth day of June in the year of Our Lord One thousand Six hundred Sixty Seven Among other things did devise Part of the said Land with the Appurtenances unto his Son Henry Cary and to the heirs of his body lawfully begotten with certain remainders Over as in the said Will is Expressed and died so seised after whose Death the said Henry Cary Entered into the Tenements aforesaid with the Appurtenances and was thereof seised and died seised Leaving Issue Henry Cary his Eldest Son and Heir who Entered and is thereof seised, And Whereas the said Henry Cary the Grandson is and Stands seised in Fee simple of and
in One Plantation and Tract of Land with the Appurtenances situate, lying and being on the South side of James River in the Parish of Henrico in the County of Henrico Commonly called and known by the Name of Warwick Containing by Estimation three hundred and Six Acres and also of and in Three thousand Nine hundred forty two Acres of Land with the Appurtenances situate lying and being on the West side of the branches of Butt River Otherwise called Willis Creek in the County of Goochland Called or known by the name of Buckingham granted to the said Henry Cary by patent bearing Date the twenty seventh day of September in the third Year of the Reign of Our Lord George the Second now King of Great Britain & c And hath petitioned this General Assembly to be Enabled to Sell the said Entailed Lands and to Convey the same to Wilson Cary of Hampton in the County of Elizabeth City Gentleman in fee simple with whom he hath agreed for the purchase thereof upon settling the Plantation aforesaid in the County of Henrico Called Warwick with the Appurtenances, And the Moiety of the three thousand Nine hundred forty two Acres of Land with the Appurtenances in the County of Goochland aforesaid in Lieu of the Entailed Lands to the same Uses, And Whereas the fee simple Lands so proposed to be settled are of greater Value than the Entailed Lands and will be an ample Recompence to the issue in tail and all Others in Remainder or Revision, And the sale of the said Entailed Lands will be of Great Advantage to the said Henry Cary and his
family, and forasmuch as he hath made public Notification of his petition in this behalf at the Church of the Parish wherein the said Entailed Lands Lie three Sundays successively pursuant to Your Majesties Instruction in that behalf and no person hath appeared to Oppose the same,

May it please your most Excellent Majesty at the Humble suit of the said Henry Cary That it may be Enacted And be it Enacted by your Majesties Lieutenant Governor, Council and Burgesses of this present General Assembly, And it is hereby Enacted by the Authority of the same, That the Plantation and parcels of Land aforesaid in the County of Warwick with the Appurtenances Containing by an Exact Survey Eight hundred and Seventeen Acres by the Last Will and Testament of the said Miles Cary so as aforesaid devised to the said Henry Cary Dedeased shall upon payment of the Purchase money agreed upon by the said Wilson unto the said Henry be vested in the said Wilson Cary his Heirs and Assigns forever and from and after the payment of the purchase money aforesaid the three hundred and Six Acres of Land with the Appurtenances called Warwick and the Moiety of the Three thousand Nine hundred forty two Acres with the Appurtenances called Buckingham aforesaid be and shall be vested in the said Henry Cary and the heirs of the body of the said Henry Cary deceased and in Case of failure of such Issue to the use of Every Other Person and persons respectively who shall or might have a Right in Remainder or Revision to Claim the
said Entailed Lands under the Will of the said Miles Cary if this Act had not been made, any Law or Statute to the Contrary thereof in anywise notwithstanding,

Saving to the Kings most Excellent Majesty, his heirs and Successors and to all and Every Other person or persons, Bodied Politic and Corporate, their respective heirs and Successors all such Right Title, Estate, Interest, Claim, and Demand of in and to Any of the Lands before mentioned, Other than the person or persons claiming by from or under the last will and Testament of the said Miles Cary deceased or Either of them as they or any of them had should or Might Claim if this Act had never been made,

Provided alwaies that the Execution of this Act shall be suspended until his Majesties Approbation be had thereof.

C. 0. 5/1388, ff. 141-142.
CHAPTER XXVIII

An Act for vesting four hundred and twenty Acres of Land with the Appurtenances in the County of Westmoreland being intailed in George Turbeville Gentleman in fee Simple and for Confirming a Settlement of One thousand Acres of Land with the Appurtenances in the County of Stafford of Greater Value to the same Uses.

Whereas Henry Ashton of the Parish of Cople in the County of Westmoreland Gentleman being sioned in fee simple of and in a Certain Tract or parcel of Land with the Appurtenances situate, lying and being near the head of Nominy River in the Parish aforesaid Containing by Estimation four hundred and twenty Acres upon the Intermarriage of One George Turbeville of the Parish aforesaid Gentleman with Frances One of the Daughters of the said Henry by his Certain Deed bearing date the nineteenth day of October in the Year of Our Lord One thousand Seven hundred and Eighteen, In Consideration of the said Marriage, and for a provision for hisaid Daughter and her Issue did settle the said Tract of Land with the Appurtenances to the use of the said George Turbeville and Frances his wife and the heirs of their two bodies lawfully begotten forever, and in default of such Issue to the use of the Right Heirs of the said Frances,

And whereas the said Frances some years ago departed this Life Leaving Issue Only One Daughter named Elizabeth now
living and the said George Turbeville is again married and may leave leave for Male issue under his second marriage, and is desirous of making valuable Improvements upon the said Land so as the same may descend to his Heir, and his present wife may leave her dower therein,

And Whereas the said George Turbeville hath petitioned this General Assembly that the four hundred and twenty Acres of Land aforesaid with the Appurtenances may be vested in him in fee simple and that the Settlement of One Other Tract or Parcel of Land situate, lying and being near the falls of Potomark River in the County of Stafford Containing by Estimation One thousand Acres by One Indenture made the twenty Eighth day of May in the first year of the Reign of Our Soverain Lord George the Second now King of Great Britain & c and in the year of our Lord One thousand seven hundred and twenty Eight Between the said George Turbeville of the One part and the said Henry Ashton of the Other part, in Lieu of the said Entailed Lands to the same uses may be confirmed to which the said Henry hath certified his consent,

And forasmuch as the One thousand Acres of Land in the County of Stafford are of much greater value than the four hundred and twenty acres of Land aforesaid, and public Notification of the said Petition hath been made three Sundays successively at the Church of the Parish wherein the said Entailed Lands Lie, And no person hath appeared to oppose the same,

May it please your most Excellent Majesty at the
humble suit of the said George Turbevile and Henry Ashton,
That it may be Enacted and be it Enacted by Your Majesties
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 four hundred and twenty Acres of Land with the Appur-
tenances aforesaid shall be vested in the said George Turbevile in fee simple and the said George Turbevile his
Heirs and Assigns forever, And that the settlement of the
One thousand Acres of Land aforesaid with the Appurtenances
so as aforesaid made be and is hereby confirmed and the said
George Turbevile and his heirs forever hereafter shall stand
seized of the said One thousand Acres of Land with the Appur-
tenances to the use of the said George Turbevile for and
during the term of his Natural Life without Impeachment of
waste and from and after his death to the use of the said
Elizabeth Turbevile and the heirs of her body Lawfully begot-
ten and in default of such Issue to the use of the Right
heirs of the said Frances Turbevile deceased, Anything to,
the Contrary thereof in anywise Notwithstanding,

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 respective heirs and
Successors All such Right, Title, Estate, Interest, Claim
and Demand of in and to any of the Lands before mentioned
Other than the person or persons Claiming under the Deed of
the said Henry Ashton aforesaid or any of them as they,
Every or any of them, had should or might Claim if this
Act had never been made,

Provided alwaies that the Execution of this Act shall
be suspended until his Majesties Approbation be had thereof.

C. O. 5/1388, ff. 143-144.
CHAPTER XXIX

An Act to Confirm the sale of Certain Entailed Lands in the County of King William made by John Douglass to John Fraser in fee Simple and for settling Other Lands in the County of Brunswick and two Negro Slaves of Greater Value to the same uses.

Whereas William Douglass late of the Parish of Saint John in the County of King William deceased was in his lifetime seised in fee simple of and in One Tract or parcel of Land with the Appurtenances situate, lying, and being in the Parish aforesaid Containing by Estimation One hundred and twenty five Acres and so being thereof seised by his last will and testament in writing bearing Date the twenty sixth Day of February in the Year of Our Lord One thousand Seven hundred and Eighteen devised the same to his Son and heir John Douglass and the heirs of his body lawfully begotten forever, And died so seised After whose Death the said John Entered and was thereof seised and so being seised by his Certain Indenture made the Nineteenth Day of February in the Year of Our Lord One thousand Seven hundred and twenty Nine for a valuable Consideration did bargain and sell the said One hundred and twenty five Acres of Land with the Appurtenances unto John Fraser his heirs and Assigns forever,

And Whereas the said John Douglass is desirous to secure the Title of the said John Fraser to the said Lands
and Premises, And to that End hath petitioned this General Assembly to Confirm the sale so as aforesaid made to the said John Frazer in fee simple and to settle One Other Tract of Land with the Appurtenances situate, Lying and being on Meherrin River in the County of Brunswick Containing by Estimation Eight hundred and eighty Eight Acres, Whereof the said John Douglass is now seised in fee Simple, and One Negro Woman Slave named Man and One Negro Girl Slave named Nancy in Lieu of the said Entailed Lands to the same uses which said last mentioned Lands and Slaves are proved to be of Greater Value than the Entailed Lands aforesaid,

And forasmuch as the said John Douglass hath made Public Notification of his said Petition at the Church of the Parish aforesaid three Sundays successively pursuant to your Majestys Instruction in that behalf and no person hath appeared to oppose the same;

May it Please Your most Excellent Majesty at the humble suit of the said John Douglass and John Frazer, That it may be Enacted and be it Enacted by Your Majestys 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 Tract of Land aforesaid with the Appurtenances so as aforesaid sold and conveyed by the said John Douglass to the said John Frazer be and shall be vested in the said John Frazer in fee simple and the said...
John Frazer and his heirs shall forever hereafter stand
seised thereof to the Only use and behalf of the said John
Frazer, his heirs and Assigns forever, And that the Eight
hundred and Eighty Eight Acres of Land with the Appurten-
ances aforesaid shall remain unto the said John Douglass
and the heirs of his body Lawfully begotten forever, And
in default of such Issue to the Right Heirs of the said
William Douglass the Testator and that the Negro Slaves
aforesaid be and are hereby annexed unto the said Last
mentioned Land and they and their Increase so long as any
of them shall be living shall from time to time pass and
go to such person and persons to whom the said last men-
tioned Land with the Appurtenances shall descend and come
by Virtue of this Act, anything to the Contrary thereof in
anywise, Notwithstanding, Saving to the Kings most Excel-
 lent Majesty, his heirs, and Successors and to all and
Every other person and persons, bodies Politic and Corpo-
rate, their respective heirs and Successors All such Right,
Title, Estate, Interest, Claim, and Demand of, in, and to
any of the Lands and Negros before mentioned Other than the
persons claiming by, from, or under the Last will and Testa-
ment of the said William Douglass deceased or any of them as
they, Every or Any of them had, should or might Claim is this
act had never been made,

Provided always that the Execution of this Act shall
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be suspended until his Majestys Approbation be had thereof.

C. 0. 5/1388, ff. 145-146.
CHAPTER XXI

An Act to restrain the Inhabitants of the Town of Delaware Keeping too great a Number of Cattle and Horses and from Keeping any Sheep or Hogs running at Large.

Whereas the Inhabitants of the Town of Delaware at West Point in the County of King William do keep great numbers of Cattle, Horses, Sheep, and Hogs which feed and root upon the adjacent Lands and Marshes belonging to William West Gentleman depriving him of many advantages he might otherwise make of his pasturage in supporting greater works of his own, for relieving him therein, Be it Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly and by the Authority of the Same, That from and after the last day of April next no House keeper residing in the said town without the consent of the said William West or other owner of the said adjacent lands shall keep in the said Town above two Cows and two Horses and if any such House keeper shall keep a greater Number of Cattle and Horses in the said Town at any one time or any sheep or if any other person not being a House keeper shall keep any Cattle, Horses, or Sheep and the same shall be found upon the said adjacent Lands or Marshes, Such Cattle, Horses, and Sheep shall be forfeited to the Owner or Owners of the said adjacent Lands, And upon conviction thereof before any Justice of the Peace of the said County the property shall
be vested accordingly, And it shall and may be lawful for the Owner or Owners of the said adjacent Lands forever hereafter to kill or destroy any Swine whatsoever belonging to any of the said Inhabitants which shall be found upon the said Lands and Marshes, any other Law to the contrary notwithstanding.

C. 0. 5/1389, f. 42.
CHAPTER XXII

An Act for pulling down Wooden Chimneys in the Towns of Southampton and Norfolk and to prevent the building of others for the future.

Forasmuch as it is represented to this Assembly by the principal Inhabitants of the Town of Southampton in the County of Elizabeth City and the Town of Norfolk in the County of Norfolk that they are often in great and imminent Danger of having their Houses and Effects burnt and consumed by reason of divers small Cottages with low wooden chimneys that are interspersed in the said Towns, So 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 not hereafter be lawful for any person whatsoever to erect or build or cause to be erected or built in either of the said Towns of Southampton or Norfolk any wooden Chimney or Chimneys, neither shall it be lawful for any Person whatsoever after the Expiration of Seven Years next after the passing of this Act to make use of any wooden Chimney already erected in the said towns or either of them, And be it further Enacted by the Authority aforesaid that the Owners or Proprietors of all such wooden Chimneys as now are in the Two Main Streets of the said Town of Southampton and the Main Streets of the Town of Norfolk shall before the Feast of Michaelmas which shall be in the Year of Our
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Lord One thousand seven hundred and thirty three, wholly
desert and disuse the same or cause them to be pulled down
and Brick Chimneys erected in their rooms, otherwise it shall
be lawful for the Sherifs of the said Counties respectively
and they are hereby required to cause all such wooden Chim­
neys in the said two Main Streets of the said Town of South­
ampton and the Main Streets of the Town of Norfolk to be
demolished and pulled down, all other wooden Chimneys which
shall or may happen to be built or erected in the said Towns
respectively contrary to or in breach of this Act, And also
all such wooden Chimneys as shall be used therein after the
Expiration of the aforesaid Seven Years, Any Law, Custom, or
usage to the Contrary Notwithstanding.

CHAPTER XXIII

An Act to enable Robert Carter Esqr. one of the Executors of the last will and Testament of Mann Page Esqr. deceased to pay the Debts of the said Mann Page and to intitle him to receive Interest for the Money he hath advanced or shall advance for that purpose and to charge the Estate of the said Mann Page with the Repayment of the Principal and Interest.

Whereas Mann Page late of Rosewell in the County of Gloucester Esqr. deceased was in his lifetime seised in Fee Simple and Fee Tail of and in divers Masuages, Plantations, Lands, Tenements, and Heridiments with the Appurtenances and was possessed of a great Number of Negroes and of a considerable personal Estate and so being thereof seised and possessed did make his last will and Testament in writing bearing Date the twenty fourth Day of January In the Year of Our Lord MDOGXXX and thereby did devise to his four Eldest Sons (to wit) Ralph, Lately deceased, Mann Carter and John respectively, several Plantations, Tracts, and Parcels of Land with the Appurtenances and the Negroes and Stocks of Cattle belonging to these Plantations and charged his Estate with the Paiment of several considerable Legacies to his younger children and did impower the Executors in the said Will named to have Possession of the Premises until his said Sons should respectively come to lawful age and to
apply the profits thereof for the Payment of his Debts and Legacies and appointed Robert Carter and John Carter Esqrs. and other Executors of his said Will as by the said Will relation being thereunto had more fully and at large doth and may appear, And soon after making the said Will the said Mann Page died being at the time of his Death indebted in sundry great sums of Money to several Merchants in Great Britain and in other great sums to several Persons in this Colony, and after his death the said Robert Carter and John Carter proved the said Will and took upon them the burthen and Execution thereof, And Whereas the said Mann Page was engaged in his life time to pay Interest for great part of a large Debt owing in London after the Rate of four per Cent per Ann. and the said Executors since his Death for discharging the Debts owing to his Creditors in this Country have been obliged to increase the said Debt in London and in order to obtain Credit they have engaged to pay interest upon great part of the Money advanced upon their request after the same rate, And Whereas It will require some considerable time to discharge the said Debts and may possibly happen that the Creditors may grow uneasie and desire a more speedy Payment which may very much embarrass the Executors in the Execution of the Trust reposed in them and subject the Slaves to be taken in Execution only to occasion very great Expences and advise the Profits of the said Estate to a very small value
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so as to hurt and ruine the said Orphans and for as much as the said Robert Carter hath already advanced some Money and is disposed to advance a further Sume for satisfying the said Debts or some part thereof when the Interest of the said Orphans or the Necessities of the said Estate shall require it provided he may be intitled to receive Interest after the rate aforesaid upon the Money by him advanced and have a Security upon the said Estate for the Repayment of such Money and Interest after the Rate aforesaid, To the End the said Robert Carter may be indemnified and further enabled to do an Act of so great Kindness and advantage to the Orphans of the said Mann Page without the Hazard of a Dispute with them hereafter and be secured therein, Be It Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly and by the Authority of the same that the said Robert Carter his Executors and Administrators and every of them shall be and are hereby empowered and intitled to receive Interest at the Rate of four per Cent per Annum for all such Sums or Sums of Money by him already advanced or which he shall hereafter from time to time disburs or advance towards paying any of the Debts of the said Mann Page at the time of his Death or towards defraying the necessary Expenses of his Estate since his Death or any part thereof, And all the Slaves and other Assets of the said Mann Page in the Hands and Possession of the said
Executors or in the Hands and Possession of any other Person or Persons whatsoever to whom the same shall hereafter come shall be and are hereby made subject and chargeable with the Repayment of such Sum or Sums of Money as the said Robert Carter hath advanced or shall so advance with Interest after the Rate before mentioned, Anything to the Contrary thereof notwithstanding.

C. O. 5/1389, ff. 46-47.
CHAPTER XXIV

An Act for vesting certain entailed Lands with the Appurtenances therein mentioned in Thomas Turner in Fee Simple and for settling other Lands and Negroes of greater Value to the same uses.

Whereas Simon Miller late of the Parish of Hanover in the County Of Richmond deceased was in his lifetime seised in Fee Simple of and in two Plantations and Parcels of Land with the Appurtenances situate, Lying, and being in the Parish aforesaid now in the County of King George containing by Estimation Two hundred Acres more or less, and so being thereof seised by his last will and Testament in writing bearing Date the first day of December MDCCXIX among other Things did devise the same to his son Simon Miller and the Heirs of his Body, and for want of such Issue to his Daughter Jane Miller (Now the wife of Thomas Hoard) and to her Heirs forever as by the said Will relation being thereunto had more fully and at large may happen, And Whereas after the Death of the said Simon Miller Simon Miller the Son made an agreement with Thomas Turner of the County of King George Gentleman to convey unto the said Thomas Turner the said Two hundred Acres of Land with the Appurtenances in Fee Simple in Exchange for one other Parcel of Land situate, lying, and being in the Parish aforesaid containing two hundred Acres whereof the said Thomas Turner is seised in Fee
Simple and four Negro Slaves which are of greater Value than the said entailed Lands and for as much as Publication hath made in the Church of the said Parish three Sundays successively that the said Simon would apply to this General Assembly for a Bill to be passed to dook the entail of the said first mentioned Lands, May It Please Your Most Excellent Majesty At the Humble Petition of the said Simon Miller that it may be enacted, And Be It Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly and by the Authority of the same, That the Plantations and Lands aforesaid with the Appurtenances so as aforesaid devised by the last Will and Testament of Simon Miller devised to Simon Miller his Son be and are hereby vested in the said Thomas Turner his Heirs and Assigns, To the only use and behoof of the said Thomas Turner his heirs and Assigns forever, And that the other two hundred Acres of Land aforesaid with the Appurtenances being part of Six hundred and Nineteen Acres purchased of one John Grayson by the said Thomas Turner be vested in the said Simon Miller and the said Simon Miller and his Heirs shall stand seised thereof to the use of himself and the Heirs of his Body and for want of such Heirs to the use of the said Jane Hoard and her Heirs forever, And Be It Further Enacted by the Authority aforesaid that the said Thomas Turner shall deliver unto the said Simon Miller pursuant to the Agreement aforesaid four good Young Negro Slaves
of the Value of Eighty Pounds Sterling (to wit) One Man and three Women and the said Slaves shall be annexed to the said Lands last mentioned and they and their Increase so long as any of them shall be living shall from time to time pass with the sale and be vested in the several Persons which shall at any time hereafter be seised thereof by Virtue of the Limitations aforesaid respectively, anything to the contrary thereof notwithstanding, 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 respective Heirs and Successors all such Right, Title, Estate, Interest, Claim, and demand of in and to any of the Lands before mentioned other than the Persons claiming under the last Will and Testament of the said Simon Miller or any of them 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 suspended until his Majestys Approbation thereof shall be obtained.

C. O. 5/1389, ff. 48-49.
An Act to oblige the County of Caroline to reimburse William Woodford the damages he sustained by means of the escape of Benjamin Fletcher.

For the Relief of William Woodford Sherif of the County of Caroline when the said County was first erected and to reimburse him for the Damage he has suffered by means of the Escape of Benjamin Fletcher who was arrested at the Suit of one John Sutton and was in the Custody of the said William Woodford when there was no Prison provided in the said County to commit him to, Be it Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly and by the Authority of the same, That the Justices of the said County of Caroline shall at the laying of the next County levy, raise upon the Tithables of the said County and sell as soon as conveniently may be so much Tobacco as will raise the sum of fifty one pounds seven shillings and eleven pence, Which Tobacco when raised shall be sold by the Sherif to the highest bidder and the said sum of fifty one pounds seven shillings and eleven pence and paid to the said William Woodford, his Executors, Administrators, or assigns.

c. 0. 5/1388, f. 50.
CHAPTER XXVI

An Act for vesting certain entailed lands in John Allen Gent. in fee Simple and for settling other Lands and a Mill of Greater Value to the same Uses.

Whereas Arthur Allen late of the County of Surry Gent. deceased was in his lifetime seised in fee Simple of and in a parcel of Land with the Appurtenances situate, lying and being at or near the mouth of the Upper Chipokes Creek in the County aforesaid containing by Estimation three hundred and fifty Acres and so being thereof seised by his last Will and Testament in Writing bearing Date the Tenth day of March in the Year of Our Lord MDCCXXVIII did devise the same to his Son Arthur Allen in Tail with Remainder to his Daughter Elizabeth in Fee (who is since dead without issue) as by the said Will more fully may appear, And after the Death of the said Testator the said Arthur the Son entered and was seised in Fee Simple of and in one other parcel of Land with the Appurtenances adjoyening to the Parcel aforesaid containing by Estimation Two hundred Acres and so being seised made his last Will and Testament in Writing bearing Date the Sixteenth Day of February in the Year of Our Lord MDCCXIX And thereby among other things devised the same to John Allen his eldest Son and Heir and to the Heirs of his Body Lawfully begotten and for want of such Issue Remainder to his Son Arthur Allen deceased and the Heirs of his Body as by the said last mentioned Will
more fully may appear, And after the Death of the said
Arthur Allen the son the said John Allen entered into the
several Parcels of Land aforesaid with the Appurtenances
and was and is thereof seised and hath the Revision in Fee
expectant upon the several Estates Tail therein respectively
limited as aforesaid, And Whereas the said John Allen is
seised in Fee simple and in several other parcels of Land
and a Water Grist Mill with the Appurtenances adjoining or
a Plantation or Parcel of Land lying and being in the County
aforesaid where the said John lately dwelt which are like-
wise entailed (that is to say) One parcel of Land Containing
by Estimation Six hundred and seventy Acres which was formerly
the Estate of one William Butler and one other parcel of fifty
Acres Called Dustans, And one other Parcel of Land containing
by Estimation Three hundred Acres which he purchased of Henry
Hart, Now under Lease for near thirty years to come, And one
other parcel of Land commonly called Coomors containing by
Estimation Eight hundred Acres, And the said John Allen is
also seised in Fee Simple of and in one other Tract or Parcel
of Land with the Appurtenances lying and being upon the Cyprus
Swamp in the County aforesaid containing by Estimation One
Thousand Seven hundred and fifty Acres, And Whereas the said
John Allen hath made several considerable Improvements upon
the Two parcels of Land first above mentioned and intends to
lay out more Money in other Improvements provided he may have
a Fee Simple therein, And for that purpose hath applied to
this General Assembly for a Bill to vest the same in him in Fee Simple and to settle other Lands and the Mill aforesaid which are of greater Value in lieu thereof to the same Uses, And forasmuch as he hath made Publication three Sundays successively in the Church of the Parish where the said Lands lie of his design, May it please your most excellent Majesty upon the Humble Petition of the said John Allen that It may be enacted, And be it Enacted by the Lieutenant Governor, Council and Burgesses of this present General Assembly, And by the Authority of the Same, That the said two parcels of Land containing by Estimation Five hundred and fifty Acres of Land with Appurtenances as aforesaid devised by the said Arthur Allen the Father and Arthur Allen the Son be and are hereby vested in the said John Allen, and the said John Allen and his heirs and Assigns shall be and stand seised thereof to the only use and behoof of him the said John Allen, his heirs and Assigns forever, and that the said John Allen and his heirs shall be and stand seised of the other Lands and the Water Grist Mill aforesaid with the Appurtenances whereof the said John Allen is seised as aforesaid in Fee Simple to and for the uses hereafter mentioned (that is to say) As to the Six hundred and ninety Acres of Land which was the Estate of the said William Butler and the One thousand seven hundred and fifty Acres upon the Cyprus Swamp to the Use of the said John Allen and the Heirs of his Body and in default of such Issue to the Use of the Heirs of the
Body of the said Arthur Allen, Father of the said John, and in Default of such Issue to the Use of the Heirs of the said John Allen forever, And as to the residue of the said Fee Simple Lands and the Water Grist Mill aforesaid to the use of the said John Allen and the Heirs of his Body, And in Default of such Issue to the Use of the Heirs of the Body of the said Arthur Allen the Brother of the said John, and in Default of such Issue to the Use of the Heirs of the said John Allen forever, Saving to the Kings 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, All such Right, Title, Estate, Interest, Claim and Demand of in and to any of the Lands before mentioned (other than the Persons claiming under the respective last Wills and Testaments of the said Arthur Allen the Father and Arthur Allen the Son or either of them) as they every or any of them should or might claim if this Act had never been made, Provided alwaies that the execution of this act shall be suspended until his Majestys Approbation thereof shall be obtained.

C. 0. 5/1389, ff. 52-53.
An Act to enable Charles Barham to sell certain entailed Lands therein mentioned and to purchase other Lands therein also mentioned to be settled in lieu thereof to the same uses.

Whereas Charles Barham late of Martins Hundred in the County of James City deceased was in his Lifetime seised in Fee simple of and in four hundred and Thirteen Acres of Land with the Appurtenances and fifty Acres of Marsh adjoining and being in Martins Hundred aforesaid and so being seised by his last will and Testament in Writing bearing Date the fifth Day of July in the Year of Our Lord MDCLXXXII devised the same to his son Charles Barham and the Heirs of his Body and for want of such Issue to his two Daughters Elizabeth and Prissilla and to the Heirs of their Bodies and if all three should die without such Issue then to his Son Robert and his heirs for ever as by the said Will more fully may appear, And died seised after whose Death the said Charles Barham the Son entered and was thereof seised and so being seised sold the same and died leaving Issue Charles Barham the Grandson received the said Land and Premises and is now seised thereof, And Whereas the said Land is all cleared and for want of Wood and Timber is become of little Value to the said Charles, And the said Charles hath an Opportunity of purchasing One Plantation and parcel of Land with the Appurtenances lying and being in Martins Hundred aforesaid near the said Lands containing by Estimation Two hundred and fifty Acres more or
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the greatest part of which is Woodland whereof Graves Parke Mariner lately died seised which he purchased in his Life time of one John Holden, And to enable him to make that purchase hath applied to this General Assembly for an Act to be passed to empower him to sell part of the said entailed Lands with the Appurtenances, And for as much as the said Charles Varham hath made Publication of his design three Sundays successively in the Church of the Parish where the said entailed Lands lie, And no person hath appeared to oppose the same, May it please your most excellent Majesty at the Humble Suit of the said Charles Barham, That it may be Enacted, And be it Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly and by the Authority of the same that all that part of the said four hundred and thirteen Acres of Land which lie between the Road leading thru Martins Hundred and the Land which was formerly Samuel Ponds whereof the said Graves Parke likewise died seised including the Old Church Yard with the Appurtenances shall be and is hereby seised in and upon the said Charles Barham and his Heirs to the use of him his Heirs and Assigns forever, And the said Charles Barham shall have full Power and Authority to sell and dispose of the said parcel of Land with the Appurtenances to any Person or Persons that shall be willing to purchase the same and such Purchaser and Purchasers and his or their Heirs or Assigns shall forever thereafter respectively and quietly hold and enjoy the same against all and every Person and persons claiming under the will of
the said Charles Barham deceased, Provided alwaies and be
it further Enacted by the Authority aforesaid that the Money
arising by such Sale shall be laid out and applied for pur-
chasing the said Parcel of Land which the said Graves Parke
purchased of the said John Holden and when the same shall
be purchased the said Charles Barham and his Heirs shall be
and stand seised thereof to the uses mentioned in the last
will of the said Charles Barham the Grandfather and the same
shall forever thereafter pass in descent Revision and Re-
mainder according to the Limitations in the said last will
expressed, Saving to the Kings most Excellent Majesty, his
Heirs and Successors and all and every other person and per-
sons claiming under the said Will of the said Charles Barham
deceased All such Right, Title, Estate, Interest, Claim and
Demand of in and to all or any of the Premises before men-
tioned as they every or any of them had should or might have
enjoyed if this Act had never been made, Provided neverthe-
less that the Execution of this Act shall be suspended until
the Kings Approbation thereof shall be obtained.

C. 0. 5/1389, ff. 54-55.
CHAPTER XXVIII

An Act for vesting certain entailed Lands with the Appurtenances in the County of Northampton in Gertrude Harmanson in Fee Simple to and for settling other Lands and Negroes of greater Value in lieu thereof to the same Uses.

Whereas John Savage late of the County of Northampton was in his life time seized in Fee simple of and in one plantation and parcel of Land with the Appurtenances lying and being in the County of Northampton joining to Savages Neck containing five hundred Acres and so being thereof seized by his last will and testament in Writing devised the same among other Things to John Savage in Tail remainder to his Son Thomas Savage in Tail remainder to his Son Ellington Savage in Tail remainder to the Crown of England as by the said Last Will more fully may appear, And so being seized dyed after whose death the said John Savage entered and was thereof seized and dyed seized leaving Issue John Savage his son and heir who entered and was and is now seized, And so being seized hath made an Agreement with one Gertrude Harmanson of the County aforesaid Widow for the purchase thereof, And the said Gertrude is seized in Fee Simple of and in one Plantation and parcel of Land with the Appurtenances lying and being upon the Head of Pungotege in the County of Accomack containing by Estimation Two hundred Acres more or less which she hath agreed to settle in lieu of the said five
hundred Acres to the Uses mentioned in the last will of the
said John Savage deceases, And the said John Savage the Grand-
son in order to make an ample equivalent is willing to annex
to the said last mentioned Lands two Young Male Negro Slaves
and two Young Female Negro Slaves to pass in descent and Re-
mainder with the said Lands according to the Will of the said
John Savage, And for as much as they have made Publication
three Sundays successively in the Church of the Parish where
the entailed Lands lie of their Design to apply to this
General Assembly for an Act to perfect their agreement afore-
said and no person hath appeared to oppose the same, May it
therefore Please Your Most Excellent Majesty at the Humble
Suit of the said John Savage and Gertrude Harmanson that it
may be enacted and Be it Enacted by the Lieutenant Governor,
Council, and Burgesses of this present General Assembly, And
by the Authority of the same that the said Five hundred Acres
of Land with the Appurtenances shall be and is hereby vested
in the said Gertrude Harmanson, her heirs and Assigns to the
only use and behoof of the said Gertrude Harmanson, her heirs
and Assigns forever, And that the other Parcel of Land with
the Appurtenances whereof the said Gertrude is seized in Fee
simple shall be vested in the said John Savage in Tail and
shall pass in descent and Remainder according to the Limita-
tions in the Last Will of the said John Savage deceased
mentioned, And be it further Enacted by the Authority afore-
said that the four Negro Slaves belonging to the said John
commonly called and known by the Names following (to wit)
Ben, Luke, Bridget, and Amy be and are hereby annexed unto
the said last mentioned Lands and they and their Increase
shall forever hereafter pass to and be vested in the sever-
al Persons to whom the last mentioned premises shall descend
and come by Virtue of this Act, Anything to the contrary
thereof notwithstanding, Saving to the Kings 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
of the Body of the said John Savage the son and Ellington
Savage deceased and the said Thomas Savage now living and
the Heirs of his body claiming under the last Will of the
said John Savage the Grandfather), All such Right, Title,
Estate, Interest, Claim, and Demand whatsoever of, in, and
to all or any of the said Lands and Premises as they, every,
or any of them had, should, or might have had if this Act
had never been made, Provided alwaies that the Execution of
this Act shall be suspended until the Kings Approbation
thereof shall be obtained.

C. 0. 5/1389, ff. 55-56.
CHAPTER XXIX

An Act for vesting three hundred Acres of Land with the Appurtenances in the Parish of Washington in the County of Westmoreland whereof George Weedon is seised in Fee Tail in John Washington Gentleman in fee simple and for settling other Lands of Greater Value to the same Uses.

Whereas George Weedon late of the Parish of Washington in the County of Westmoreland deceased was in his Life time seised in Fee Simple of and in one Tract or Parcel of Land with the Appurtenances situate, lying and being in the Parish aforesaid containing by Estimation One hundred Acres which he purchased of one Rebecca Butler and of and in one other Tract or parcel of Land with the Appurtenances situate, lying and being in the Parish aforesaid containing by Estimation Two hundred Acres which he purchased of one Robert Shet and so being thereof seised by his last will and Testament bearing Date the Fifth day of September in the Year of Our Lord MDCCIII devised the same unto his Son Jordan Weedon and the Heirs of his Body and in Default of such Heirs to his Daughter Mary Weedon and the Heirs Male of her Body, and in default of such Heirs to George Weedon the Son of Benjamin Weedon and their heirs forever, equally to be divided as by the said Will relation being thereunto had may appear, And Whereas after the Death of the said George Weedon the Testator the said Jordan Weedon entered into the said Lands and was thereof seised and died leaving Issue
George Weedon his Son and Heir who hath entered and is seized and hath made an Agreement with John Washington of the County of Gloucester Gentleman to convey and assure to him a fee simple in the said Lands and premises in Consideration of another parcel of Land with the Appurtenances situate, lying and being at the Mouth of Rossiers Creek in the Parish aforesaid containing by Estimation Two hundred Acres more or less, Whereof the said John Washington is seised in Fee Simple to be settled in lieu of the entailed Lands to the Uses mentioned in the last Will and Testament of the said George Weedon, And Whereas the said last mentioned Lands are of greater Value and more convenient to the said George Weedon And he hath made Publication in the Church of the said Parish three Sundays successively of his design to apply to this General Assembly for a Bill to be passed to dock the entail of the said Three hundred Acres of Land and to vest the same in the said John Washington in fee simple and for settling the other Lands aforesaid to the same uses and no person hath appeared to oppose the same, May it please Your most excellent Majesty at the Humble Petition of the said George Weedon that it may be enacted, And be it enacted by the Lieutenant Governor, Council and Burgesses of this Present General Assembly and by the Authority of the same, That all those two parcels of Land with the Appurtenances by the last Will and Testament of the said George Weedon devised to his Son Jordan Weedon as aforesaid be and are
hereby vested in the said John Washington, his heirs and Assigns to the only Use and behoof of the said John Washington, his heirs and Assigns forever, And that the other lands aforesaid where the said John Washington is seised in Fee Simple to be vested in the said George Weedon and his heirs shall forever hereafter be and stand seised thereof to the Use of him the said George Weedon and the Heirs of his Body and in Default of such heirs to the use of the Heirs of the Body of the said Jordan Weedon, and in default of such Issue to the Use of the said Mary Weedon and the Heirs Male of her Body, and in default of such Issue to the Use of the Heirs of the said George Weedon the son of Thomas Weedon and George Weedon the Son of Benjamin Weedon, who are now dead, equally as Tenant in Common, Saving to the Kings 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, All such Right, Title, Estate, Interest, Claim and Demand of in and to any of the Lands before mentioned (other than the persons claiming under the last Will and Testament of the said George Weedon deceased) 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 suspended until his Majesties Approbation thereof Shall be obtained.

C. 0. 5/1389, ff. 58-59.
An Act to confirm and establish an Agreement between Richard Coleman, William Thornton and Francis Thornton for the Exchange of certain entailed Lands therein mentioned and for settling the same with certain Negro Slaves according to the Will of the Donors.

Whereas John Coleman late of the Parish of Petworth in the County of Gloucester deceased was in his Lifetime seised in Fee Simple of and in one Plantation and Parcel of Land with the Appurtenances lying and being upon Bennets Creek in the Parish aforesaid containing by Estimation Two hundred Acres and so being thereof seised by his last Will and Testament in Writing devised the same to Anne his Wife for the Term of her Life with Remainder to his Son Richard Coleman and the Heirs of his Body forever as by the said Will may more fully and at large appear, And Whereas William Thornton the Elder late of the Parish aforesaid deceased was in his lifetime seised in Fee Simple of and in one Plantation and Parcel of Land with the Appurtenances lying and being upon Cappohoseek Creek in the Parish aforesaid containing by Estimation Two hundred and forty five Acres, and of and in one Tract or Parcel of Land with the Appurtenances lying and being in the Fork of Pamunkey River in the County of Hanover containing by Estimation One Thousand three hundred and fifty Acres and so being thereof seised by his last Will and Testament in Writing bearing date the Tenth day of August
in the year of Our Lord MDCCXXVI among other things did devise unto his son William Thornton by his Second Wife in Tail the said Two hundred and Forty five Acres with Remainder in Fee to his Son Francis Thornton and the other land in Tail with Remainder to the Survivors in fee equally as Tenants in Common, as by the said last Will relation being thereunto had more fully may appear, And Whereas the said Anne Coleman did intermarry with one John Clark and by one Indenture Quadruplicate made the Thirteenth Day of February in the Year of Our Lord MXCCXXX between the said John Clark and Anne his wife of the first part, the said Richard Coleman of the second part, the said William Thornton of the third part and the said Francis Thornton of the fourth part for the Considerations and purposes therein mentioned the said John Clark and Anne his wife and Richard Coleman did convey in Exchange to the said William Thornton in Fee the Plantation and Parcel of Land aforesaid devised as aforesaid by the last Will of the said John Coleman, And in Consideration therof of the said Francis Thornton did convey in Exchange to the said Richard Coleman in Fee all his fourth part of the said One Thousand Three hundred and fifty Acres of Land aforesaid devised by the last Will and Testament of the said William Thornton and five Negro Slaves (that is to say) two men called Gloucester and David and two women called Bess and Betty and one Girl called Hana, and the said Francis Thornton did further convey unto the said William Thornton one other
Negro Man Slave called York and did oblige himself to pay unto the said William Thornton Twenty five pounds Current Money of Virginia to be laid out in the Purchase of another Negro Slave and in Consideration thereof the said William Thornton did convey in Exchange to the said Francis Thornton in Fee the said Two hundred and forty five Acres of Land so as aforesaid devised by the last Will and Testament of the said William Thornton deceased, And by the same Indenture it was agreed between the said parties that the said Lands and Negroes as aforesaid received in Exchange should be settled respectively to the Uses of the Land conveyed in lieu thereof as by the said Indenture relation being thereunto had more fully and at large may appear, And Whereas the said parties have applied to this General Assembly for a Bill to be passed for that purpose had having Made Publication of their design in the Churches of the Parishes respectively where the said Lands lie three Sundays successively and no person appearing to oppose it, the same appears reasonable, May it therefore please Your most Excellent Majesty That it may be enacted And Be it enacted by the Lieutenant Governor, Council and Burgesses of this present General Assembly and by the Authority of the same, That the Agreement in the Indenture aforesaid contained between the said parties be and is hereby confirmed and established and forever hereafter shall be valid and that the several Parcels of Land and Negroes thereby conveyed shall pass in descent
and Remainder respectively according to the several last Wills of the said John Coleman and William Thornton deceased (that is to say) the Land and Negroes conveyed to the said Richard Coleman and their Increase as long as any of them shall be living shall pass according to the Last Will of the said John Coleman, And the Lands and Negroes conveyed to the said William Thornton shall pass according to the Devise of the Two hundred and forty five Acres aforesaid And the Land conveyed to the said Francis Thornton shall pass according to the the Devise of the One Thousand Three hundred and fifty Acres as aforesaid, anything to the Contrary thereof in any wise notwithstanding, Saving to the Kings Most excellent Majesty, his heirs and Successors and all other person and persons, Bodies Politic and Corporate (other than the person or persons claiming under the said several last Wills respectively) All such Estate, Right, Title, or Interest which they every or any of them had, should or might claim, if this act had never been made, Provided alwaies that the Execution of this Act shall be suspended until his Majestys Approbation thereof shall be obtained.

C. 0. 5/1389, ff. 60-61.
CHAPTER XXXI

An Act for vestsing two hundred Acres of Land with the Appurtenances in the Parish of Sittenburn in the County of Richmond whereof William Wilson Holmes and Mary his wife in right of the said Mary are seised in Fee Tail in Richard Barnes in Fee Simple and for settling other Lands and Negroes of greater Value to the same Uses.

Whereas James Ingo late of the County of Richmond Gentleman deceased was in his lifetime seised in Fee simple of one Plantation and a parcel of Land with the Appurtenances situate, lying, and being in the Parish of Sittenburn in the County aforesaid containing by Estimation two hundred Acres more or less and so being thereof seised made his last will and Testament in Writing bearing Date the thirtieth Day of December in the year of Our Lord MCDXXII and thereby did devise the same unto his Daughter Mary Ingo and the Heirs of her Body Lawfully begotten and if she died without issue to his Granddaughter Mary Barnes and her Heirs forever lawfully begotten, and for want of such Heirs to the first Child male or female that his Daughter Frances Barnes should have as by the said Will relation being thereunto had more fully and at large doth and may appear, And after making the said Will died so as aforesaid seised leaving issue the said Mary Ingo and Frances Barnes the Wife of Richard Barnes, After whose death the said Mary Ingo entered and was seised and so being seised intermarried with one William Wilson
Holmes and by Virtue thereof the said William and Mary in right of the said Mary are now seised, And Whereas the said Mary Barnes the Daughter of the said Richard Barnes and Frances his Wife is dead without Issue and the said Frances Barnes is also dead and hath left Issue a Son Thomas Barnes now living, And Whereas the said William Wilson Holmes with the Consent of the said Mary his Wife hath made an Agreement with the said Richard Barnes to convey and assure to him a fee Simple in the said Lands in Consideration of Two Negro Slaves and two hundred and fifty acres of Land situate, lying, and being in the County of Spotsylvania being part of One Thousand and twenty Acres granted by patent bearing date the Seventeenth Day of August One Thousand seven hundred and Twenty to William Swain, Robert Welsh, and William Winston and by them sold and conveyed to the said Richard to be settled upon the said Mary Holmes with the Limitations and Remainders mentioned in the last will of the said James Ingo, And Whereas the said last mentioned Lands and the two Negroes Slaves aforesaid are of greater Value and will yield more profit to the said William and Mary his Wife and the said Richard Barnes have made publication in the Church of the said parish three Sundays successively of their Design to apply to this General Assembly for a Bill to enable them to perform the Agreement aforesaid and no Person hath appeared to oppose the same, May It Please Your Most Excellent Majesty
at the Humble Petition of the said William Wilson Holmes and Mary his Wife and Richard Barnes that it may be enacted And Be It Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly and by the Authority of the same, that the Plantation and Parcel of Land aforesaid with the Appurtenances so as aforesaid devised by the last will and Testament of the said James Ingo be and is hereby vested in the said Richard Barnes, his Heirs, and Assigns to the only use and behoof of the said Richard, his Heirs, and Assigns forever, and that the two hundred and fifty Acres of Land aforesaid with the Appurtenances in the County of Spotsylvania whereof the said Richard is seised in Fee Simple as aforesaid including the Plantation first settled upon the said Land be and is hereby vested in the said William Wilson Holmes and his Heirs shall forever hereafter be and stand seised thereof to the Use of the said Mary Holmes his Wife and the Heirs of her Body, and in default of such Issue the said Lands shall remain to and be held by the said Frances Barnes and all other person and persons whatsoever for such Estate or Estates as he or they may lawfully claim by Virtue of the last Will of the said James Ingo respectively, And Be It Further Enacted by the Authority aforesaid that one Negro Man Slave called Joe and one Negro Woman Slave called Moll of the said Richard Barnes be and are hereby annexed to the said last mentioned Lands and shall from time to time for-
ever hereafter pass and be vested in such Person and Persons as shall by virtue of this Act possess and enjoy the same respectively, Saving to the Kings 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, All such Right, Title, Estate, Interest, Claim, and Demand of in and to any of the Lands before mentioned, (other than the persons claiming under the last Will and Testament of the said James Ingo Deceased), as they every or any of them should or might claim if this Act had never been made, Provided alwaies that the Execution of this Act shall be suspended until his Majestys Approval thereof shall be obtained.

CHAPTER XXXII

An Act for confirming certain entailed Lands therein mentioned to William Meriwether in Fee Simple and for settling other Lands and Negroes in lieu thereof to the same uses.

Whereas David Crafford late of the Parish of St. Peters in the County of New Kent deceased was in his Life time seised in Fee Simple of and in one Neck of Land with the Appurtenances lying and being in the Parish aforesaid in the County aforesaid but now in the Parish of Saint Paul in the County of Hanover containing by Estimation about five hundred Acres more or less and so being seised by his certain Deed Poll bearing Date the Twenty first Day of May in the Year of Our Lord MDCXCI for the natural Love and Affection which he bore for his Daughter Sarah did give the said Land unto his said Daughter and the Heirs of her Body as by the said Deed more fully may appear, And the said Sarah Entered and by Virtue of the said deed was seised and inter-married with one James Bricken likewise deceased, And Whereas the said Sarah Bricken by her certain Deed Poll bearing Date the fifth Day of November in the Year of Our Lord MDCCXXXI for the Consideration therein mentioned did grant, bargain and sell unto the said John Poindexter her Son the said Neck of Land and all her Interest, Property, claim and demand of in and to the same as by the said last mentioned Deed more fully may appear, By Virtue whereof the said John
Poindexter is now seised and so being seised in Consideration of two Young Negro Men Slaves and two Young Negro Women Slaves hath sold the same to William Meriwether of the County of Hanover, Gentleman, And Whereas the said John Poindexter is likewise seised in Fee simple of and in Eight Hundred and fifty Acres of Land with the Appurtenances lying and being upon Elk Creek in the County of Hanover aforesaid, which he proposes to settle with the said slaves in Lieu of the said entailed Lands to the same uses, And hath applied to this General Assembly for an Act to be passed for that purpose and to confirm the said Sale and for as much as the said John Poindexter hath made Publication of his Design three Sundays successively in the Church of the Parish where the said entailed lie, And no person hath appeared to oppose the same and the Lands and Negroes so proposed to be settled in lieu of the said entailed Lands are of greater Value, May it please your most excellent Majesty at the Humble suit of the said John Poindexter and William Meriwether that it may be enacted And Be it Enacted by the Lieutenant Governor, Council and Burgesses of this present General Assembly and by the Authority of the same that the said Neck of Land with the Appurtenances containing upon an Exact Survey four hundred and fourteen Acres be and is hereby vested in and upon the said William Meriwether and his Heirs to the Use of the said William Meriwether, his heirs and Assigns forever, And that the said John Poindexter and his Heirs shall be and
stand seised of and in the said Eight hundred and fifty Acres with the Appurtenances to the Use of the said John Poindexter and the Heirs of his Body and in default of such Issue to the Use of the Heirs of the Body of the said Sarah Bricken and in default of such Issue to the Use of the Heirs of the said David Crafford forever, **And be it further Enacted** That the said William Meriwether shall deliver unto the said John Poindexter or Heirs the Ten Negro Slaves as aforesaid and the same are hereby annexed to the said last mentioned Lands and they and their Increase as long as any of them shall be living shall pass in descent, Revision and Remainder with the said Lands and from time to time vest in all and every person and persons to whom the said Lands shall descend or come by Virtue of this Act, anything to the contrary there-of notwithstanding, **Saving** to the Kings 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 Person or Persons claiming under the said Deed of the said David Crafford deceased) all such Right, Title, Estate, Interest, Claim and Demand of, in and to all or any of the Premises before mentioned as they every or any of them had should or might have enjoyed if this Act had never been made, **Provided** nevertheless that the Execution of this Act shall be suspended until his Majestys Approbation thereof shall be obtained.

C. 0. 5/1389, ff. 64-65.
CHAPTER XXXIII

An Act to enable Thomas Bray, Gent. to sell certain entailed Lands therein mentioned and to layout the purchase money in Slaves to be annexed to other entailed Lands therein also mentioned.

Whereas Thomas Bray the Elder, David Bray the Elder, and James Bray the Elder, Gentlemen deceased, were in their lifetimes and at the times of their Death seised of divers Messuages, Great Tracts of Lands, and other Hereditaments lying and being in the Counties of James City, Charles City, York, and New Kent amounting to Twenty Thousand Acres and upwards, And the said Thomas Bray the Elder by his last Will and Testament in Writing bearing Date the Twenty first Day of May in the Year of our Lord MDCG devised his Lands at Middle Plantation to David Bray the Younger in Tail Male, with Remainder to the said David Bray the Elder in Tail Male, with Remainder to Thomas Bray the Younger in Tail Male, with Divers Remainders over and by his said Will did also devise his Lands at Black Creek to the said Thomas Bray the Younger, with divers Remainders over, And the said David Bray the Elder by his last Will and Testament in Writing bearing Date the Twenty first Day of October in the Year of Our Lord MDCCXVII devised all his Lands to his Son the said David Bray the Younger and Thereby declared his Will and meaning to be that his said Son should not sell or dispose of any part of
the said Lands till he had Issue of his Body Lawfully begotten and in case he should die without such Issue he gave all his Lands to the said James Bray the Elder in Tail Male with divers Remainders over, And the said James Bray the Elder did by his last Will and Testament in Writing bearing Date the xvii Day of November in the Year of Our Lord MDCXXV devised his Plantation called Little Town to his Daughter Elizabeth Allen till James Bray the Younger Son of the said Thomas Bray the Younger should attain the Age of Twenty One years and then he gave that Plantation and also the residue of his Estate in the Parishes of Wilmington and Bruton to the said James Bray the Younger in Tail Male with divers Remainders over, As by the said last Wills respectively more fully doth appear, And Whereas the said David Bray the Younger only Child of the said David Bray the Elder is dead without Issue, so that the said Thomas Bray the Younger as son and Heir of the said James Bray the Elder and by Virtue of the Wills of the said Thomas Bray the Elder and David Bray the Elder respectively, is seised in Tail Male of all the Lands of the said Thomas Bray the Elder and David Bray the Elder, And the said James Bray the Younger by Virtue of the Will of the said James Bray the Elder is seised of the Lands called Little Town Bruton, And Whereas the said Thomas Bray the Younger for the advantage of his son the said James Bray the Younger hath purchased for the sum of five hundred pounds
Sterling the Town devised to the said Elizabeth Allen and the said Thomas Bray the Younger hath not a sufficient Number of Slaves to work such large Quantities of Lands so that the said Lands are a Burthen instead of a Benefit to him. And the same being entailed he cannot sell any part thereof to purchase Slaves which would be of great Advantage to the said Thomas and the said James his Son and those in Remainder after them when the same shall fall in if the said Thomas Bray the Younger was impowered so to do. And to enable him to make such Sale and purchase the said Thomas Bray the Younger hath applied to this General Assembly for an Act to be passed to impower him to sell so much of the entailed Lands herein after named as will raise the sum of Two thousand pounds Sterling, (to wit) the Messauges, Plantations, pieces or parcels of Land called Black Creek in New Kent; Toryham, Naamans fields, and Grieses in Charles City; Sanders, Peppers, Carloss, and three other small pieces in James City and York Counties; (that is to say) fifty Acres of Land which Thomas Ballard by Deed bearing Date the Sixth Day of December MDCCIV conveyed to David Bray the Elder, Sixty Acres joyning to Williamsburg which is part of two hundred and ninety Acres devised by the Will of Thomas Bray the Elder and was purchased of Henry Wyatt by James Bray Esqr. father of the said Thomas Bray the Testator, And that parcel of Land which lies in York County parcel of One hundred and
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Ninety Acres which was formerly Angelia Bray's containing by Estimation forty Acres more or less, and the same to be laid out by the said Thomas Bray the Younger in the purchasing Slaves to be settled by an Act of Assembly on the other Lands according to the Uses of the said Wills respectively and according to the Value of the Lands sold under such Will and to order an Account thereof to be laid before the House of Burgesses at the next Session of Assembly And hath made poulcation of such his Design in the Churches of the Parishes respectively where the said Lands lie three Sundays successively and no Person hath appeared to oppose the same, May It Please Your Most Excellent Majesty at the Humble petition of the said Thomas Bray the Younger that it may be enacted, And Be It Enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly and by the Authority of the same, That the said Thomas Bray the Younger is hereby impoverished and enabled to sell in Fee simple so much of the said Messuages, Plantations, Tracts, pieces, or parcels of Land, called Black Creek, Toryham, Naamans Fields, Gries, Sanders, Peppers, Carloss's, and the said three other small pieces in the said Counties of James City and York before mentioned as will raise two thousand pounds Sterling, And that the Purchaser or Purchasers of the said Lands hereby mentioned to be in Fee Simple of the premises or any part thereof respectively which shall be so as afère-
Said purchased and the said purchaser may convey or sell any part thereof upon payment of the purchase money arising by the sale of the said premises be laid out in the purchase of Slaves to be annexed to the remaining lands according to the Uses of the said Wills respectively and according to the Value of the lands sold under such Will, And Be It Further Enacted by the Authority aforesaid, That the said Thomas Bray the Younger shall lay on Account of the lands sold under which Will held for what Consideration sold, of the Slaves bought and to what lands annexed before the next Session of the General Assembly and that George Nicholas of the City of Williamsburg Gentleman Henry Power of the County of James City Gentleman and Samuel Cobbs of the said City Gentleman or any two of them be and they are hereby appointed Trustees for the due execution of this Act, Saving and reserving to the Kings 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, All such Right, Title, Estate, Interest, Claim, and Demand of in and to any of the lands before mentioned to be sold by Virtue of this Act other than the Persons claiming under the last Wills of the said Thomas Bray the Elder, David Bray the Elder, and James Bray the Elder, or any of them as they every or any of them should might claim if this Act had never been made, Provided that the Execution of this Act shall be sus-
ponded till his Majestys Approbation shall be obtained.

C. O. 5/1389, ff. 66-68.
CHAPTER XXXIV

An Act to confirm certain entailed Lands therein mentioned with the Appurtenances to John Tayloe Esqr. in Fee Simple for settling other Lands and Negroes therein also mentioned of greater value in lieu thereof to the same uses.

Whereas Olive Forbes late of the County of Essex Widow deceased was in her life time seised in Fee Simple of and in one Tract of Land and Marsh with the Appurtenances lying and being in the Parish of Saint Ann in the County of Essex aforesaid and so being thereof seised by her last Will and Testament in Writing bearing Date the Second Day of June in the Year of Our Lord MDCXLVIII devised the same unto her son Edward Goldman and the Heirs of his Body lawfully begotten forever, And in default of such Issue to her Son Francis Goldman and his heirs forever, and died so seised after whose Death the said Edward Goldman entered and was seised and also became seised in Fee Simple of and in one other parcel of Land with the Appurtenances lying and being the Parish aforesaid near or adjoyning to the other Lands and Marsh aforesaid containing by Estimation Two hundred and forty Acres of Land by Virtue of a Patent to him granted bearing Date the Second Day of November in the Year of Our Lord MDCCCV and so being seised did make his last Will and Testament in Writing bearing Date the third Day of November in the Year of Our Lord MDCCIX and thereby did devise the said last
mentioned Lands unto his Son Francis Goldman and the Heirs of his Body lawfully begotten as by the said Will among other Things more fully may appear and died so as aforesaid seised leaving Issue the said Francis Goldman, after whose Death the said Francis Goldman Son of the said Edward entered into the Premises and was thereof seised and so being seised by his certain Indenture of Feofment made the Twenty first day of June in the Year of Our Lord MDCCXXVI between the said Francis of the one part and John Tayloe of the Parish of North Farnham in the County of Richmond Gent of the other part for the Consideration of One hundred and ten pounds did grant, bargain, sell, alien, release, enfeoffe and confirm unto the said John Tayloe his Heirs and Assigns forever with Warranty the several Parcels of Land aforesaid with their Appurtenances by the Name and description of all that Tract or parcel of Land situate, Lying and Being in the Parish of Saint Ann and County of Essex containing by Estimation five hundred Acres more or less adjoyning to the Land which the said John Tayloe lately purchased of Edward Ranzee part of which Land (to wit) three hundred and Eighty Acres was formerly purchased by Alice Goldman Grandmother of the said Francis from Jeremiah Exum and Thomas Exum and the other part taken up and patented by Edward Goldman Father of the said Francis as by the said Indenture relation being thereunto had may more fully and at large appear And Whereas
after the said purchase it was discovered that the said lands and premises with the Appurtenances were entailed by the several last Wills aforesaid and the said John Tayloe in order to obtain a Confirmation of the said Title by Act of the General Assembly hath further agreed with the said Francis Goldman to settle one Tract of Land with the Appurtenances lying and being in the County of Prince William containing by Estimation two thousand three hundred and Sixty seven Acres (which was granted by Robert Carter Esqr. Agent and Attorney of the Right Honorable Thomas Lord Fairfax Proprietor of the Northern Neck by his certain Deed under ye Seal of ye said Ld. Fairfax bearing Date the Eighteenth day of December in the Year of Our Lord MDCCXXX unto Benjamin Grayson his Heirs and Assigns and of him purchased by the said John Tayloe) upon the said Francis Goldman in lieu of the said entailed Lands to the same uses and to annex two Negerwomen Slaves and one Boy Slave called and known by the Names of Sue, Sarah and Elkana to the same Land to pass therewith with their Increase in descent Reversion and Remainder forever, And Whereas the said Francis Goldman hath petitioned this General Assembly for an Act to be passed for that purpose representing the last mentioned premises to be of greater Value and very much for the Interest of the said Francis and his Family and an ample equivalent to all and every person and persons who may hereafter claim the said entailed Lands
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And for as much as Publication hath been made of the said petition three Sundays successively in the Church of the Parish where the said entailed Lands lie and all Persons concerned and interested have thereby had due Notice thereof. May it please your most excellent Majesty At the Humble Suit of the said Francis Goldman and John Tayloe that it may be enacted and Be it Enacted by the Lieutenant Governor, Council and Burgesses of this present General Assembly and by the Authority of the same that the said Indenture of Feofment so as aforesaid made between the said Francis Goldman of the one part and the said John Tayloe of the other part be and is hereby confirmed and forever hereafter shall bind the Issue of the said Francis Goldman and all and every other Person and Persons who shall or may claim the Lands therein mentioned with the Appurtenances in Remainder or Reversion by Virtue of the last Will and Testament of the said Olive Forbess and Edward Goldman or either of them and shall on and to convey a Fee Simple in the said Lands to the said John Tayloe according to the True intent and meaning thereof and that the other Lands aforesaid with the Appurtenances which the said John Tayloe purchased of the said Benjamin Grayson shall be and is hereby vested in and upon the said Francis Goldman and his heirs to the Use of the said Francis Goldman and the heirs of his Body and in default of such Issue to the Heirs of the said Francis Goldman Brother of the said Edward Goldman.
And be it further enacted that the said three Negro Slaves aforesaid shall be and are hereby annexed to the said last mentioned Lands and they and their increase forever hereafter as long as any of them shall be living shall pass in descent, Remainder and Reversion with the Lands aforesaid respectively and shall accordingly vest from time to time in the Person or Persons who shall enjoy the said Lands by Virtue of this Act respectively, Saving to the Kings 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 All such Right, Title, Estate, Interest, Claim and Demand of in and to any of the Lands before mentioned (other than the Persons claiming under the last Wills and Testaments of the said Olive Forbess and Edward Goldman deceased respectively as they every or any of them should or might claim if this Act had never been made) Provided alwaies that the Execution of this Act shall be suspended until his Majesties Approba-

tion thereof shall be obtained.

C. 0. 5/1389, ff. 68-70.
CHAPTER XXXV

An Act to settle certain entailed Lands with the Appurtenances in the County of Essex whereof William Lowry and Mary his Wife in right of the said Mary are seised upon the Issue of the said Mary by her Last Marriage and for settling other Lands in lieu thereof to the same Uses.

Whereas David Fox late of the County of Lancaster Gent. deceased was in his lifetime seised in Fee simple of and in one Plantation and parcel of Land with the Appurtenances lying and being in the County formerly called Rappahannock new Essex upon the South side of Rappahannock River near the Mouth of Piscattaway Creek containing by Estimation Eight hundred Acres more or less and being thereof seised by his certain Deed Poll bearing Date the eleventh Day of November MGOXII for the considerations therein mentioned did convey the same unto one Robert Tomlin of the County of Rappahannock aforesaid Planter to have and to hold the Tenements aforesaid unto the said Robert Tomlin his Heirs and Assigns to the Uses therein mentioned (that is to say) To the Use and behoof of the said David Fox during his natural life and after his Decease to the Use and behoof of Hannah Fox his Daughter and the Heirs of her Body and for want of such Heirs to the Use of the right Heirs of the said David Fox forever as by the said Deed Poll among other Things more fully may appear And Whereas the said Hannah Fox inter-

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married with one John Motham and the said John and Hannah
after the Death of the said David entered into the Premises
and were thereof seised in right of the said Hannah and so
going seised died leaving Issue one son and two daughters
(to wit) Spencer and Mary who intermarried with Peter Stark
of the County of Northumberland Gent and another Daughter
who died without Issue, And after the Death of the said
John Motham and Hannah the said Spencer Motham their son and
heir entered into the Premises and was thereof seised and
so being seised died leaving Issue only one Child a Daughter
named Mary who intermarried with one Joseph Ball and the said
Joseph and Mary entered into the Premises and were thereof
seised in right of the said Mary and so being seised the said
Joseph died leaving Issue by the said Mary four Sons and one
Daughter (to wit) Spencer, Richard, Joseph, William and Sarah
And after the Death of the said Joseph Ball the said Mary
intermarried with one William Lowry and by Virtue of that
Marriage the said William and Mary in right of the said Mary
are now seised and have Issue of the second Marriage four
sons and a Daughter (to wit) John, William, Robert, Mathew
and Frances, And Whereas the said William Lowry and Mary
his wife in right of th said Mary are likewise seised in
Fee simple of and in one other plantation and parcel of Land
with the Appurtenances lying and being upon Coan River in
the County of Northumberland containing by Estimation Seven
hundred and forty two Acres commonly called and known by the Name of Black Point and have applied to this General Assembly for an Act to be passed to settle the said first mentioned Lands with the Appurtenances upon the Issue of the said Mary by the said second marriage in Tail successively and in lieu thereof to settle the last mentioned Lands with the Appurtenances to the Uses mentioned in the said recited Deed Poll, And forasmuch as they have made publication of their Design three Sundays successively in the Parish Church where the said first mentioned Lands lie and no person hath appeared to oppose it but Spencer Ball the Eldest son and Heir apparent of the said Mary now of full age doth consent thereto and the same appeared reasonable, May it please your most excellent Majesty At the Humble Suit of the said William Lowry and Mary his Wife that it may be enacted And be it enacted by the Lieutenant Governor, Council and Burgesses of this present General Assembly And by the Authority of the same That the said William Lowry and Mary his Wife and their respective Heirs forever shall be and stand seised of the said first mentioned Lands with the Appurtenances to the Uses hereafter mentioned (that is to say) As to one Moity thereof to the Use and behoof of the said William Lowry and Mary his Wife for and during their natural lives and the life of the longest Liver of them and from and after their Decease to the Use
and behoof of John Lowry the Eldest son of the said Mary by the said William Lowry and the Heirs of his Body, And in default of such Issue to the Use of the Heirs of the Body of the said Mary by the said William begotten or to be begotten And in Default of such Issue to the Use of the Heirs of her Body by his first Husband and in default of such Issue to the Use of the Heirs of the Body of the said Mary, And as to the other Moiety of the said Land to the Use of the said William and Mary during their Lives or the Life of the longest Liver of them and after their Decease to the Use of William Lowry the Second Son of the said William and Mary and the Heirs of his Body, And in Default of such Issue to the Use of the Heirs of the Body of the said Mary by the said William and in default of such Issue to the Use and behoof of the Heirs of the Body of the said Mary by the said Joseph Ball her first Husband begotten and in Default of such Issue to the Use of the Heirs of the Body of the said Mary, And that the said William Lowry and Mary his Wife and their respective Heirs forever shall be and stand seised of the said Seven hundred and forty two Acres of Land with the Appurtenances to the Uses hereafter excepted (that is to say) to the Use of the said William Lowry and Mary his Wife for and during their natural Lives and the Life of the longest liver of them and from and after their Decease to the Use of the Heirs of the Body of the said Mary by the said Joseph Ball her
first Husband begotten and in Default of such Issue to the Use and behoof of the Heirs of the Body of the said Mary by the said William Lowry begotten or to be begotted, And in Default of such Issue to the Use of the Heirs of the Body of the said Mary, 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 respective Heirs and Successors (other than the Heirs of the Body of the said Mary Lowry by her first marriage) All such Right, Title, Estate, Interest Claim, and Demand whatsoever of and in all or any of the Lands and Premises as they every or any of them had should or might have had if this Act had not never been made, Provided alwaies that the Execution of this Act shall be suspended until the Kings Approbation thereof shall be obtained.

C. 0. 5/1389, ff. 70-71.