

Virginia. Laws, Statutes, &c.
ACTS

PASSED AT A

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GENERAL ASSEMBLY

OF THE

COMMONWEALTH

OF

VIRGINIA,

BEGUN AND HELD AT THE CAPITOL,

IN THE

CITY OF RICHMOND,

ON MONDAY, THE FIFTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD, ONE
THOUSAND EIGHT HUNDRED AND THIRTY-ONE, AND OF THE
COMMONWEALTH THE FIFTY-SIXTH.

RICHMOND:
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courthouse, the seat of justice for the county of Orange, under the same rules and regulations, and subject to the like provisions as prescribed in the act, entitled, "an act to raise money by lottery for paving the streets of the town of Charlottesville, in the county of Albemarle," passed March the thirty-first, eighteen hundred and thirty-one, as contained in the second, third, fifth and sixth sections thereof, except that wherever in either of said sections, the word "Albemarle" occurs, the word "Orange" shall be substituted; and also, where the words "streets in the town of Charlottesville" occur in the sixth section of said act, the words "roads in the village at Orange courthouse, otherwise known by the name of Orange courthouse," shall be substituted; and also, where the words "streets of said town" occur in said sixth section, the words "roads of said village" shall be substituted: and said sections, so modified, shall apply to the purposes of this act as fully and effectually as if the same words contained therein were herein repeated.

Rules and regulations.

Acts 1830-31, pp. 293, 294.

2. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAP. CXXXI.—An act authorizing the citizens of Jefferson and Loudoun to raise sums of money by lottery, for certain purposes therein mentioned.

(Passed February 16th, 1832.)

1. *Be it enacted by the general assembly,* That John R. Hayden, Nicholas Coontz, John E. Parmer, Gerard B. Wager, William Anderson, Nicholas Marmion and Robert Duke be, and they are hereby appointed commissioners, a majority of whom may act, with full power and authority to raise by lottery or lotteries any sum of money not exceeding twenty thousand dollars, for the purpose of constructing a turnpike road from Harper's Ferry, in the county of Jefferson, through the town of Bolivar, to its intersection with the road from Harper's Ferry to Smithfield, south of the said town of Bolivar; and for erecting, with the residue of the said sum, a building suitable for an academy within the said town. The said commissioners or a majority of them shall have full power and authority to contract with some fit person or persons for the drawing of such lottery or lotteries, upon such scheme or plan as they may approve, and for the payment over from time to time, of any sum or sums of money which may be so raised, to the said commissioners, or to such person or persons as are herein-after authorized to receive the same, for the purposes aforesaid.

Commissioners of lottery for road.

Sum to be raised.

Sum for academy in town of Bolivar.

Power to contract for drawing lottery.

2. The said commissioners, or a majority of them so acting, shall be, and they are hereby authorized and required before any ticket or tickets or any part or parts of any ticket or tickets shall be sold, or any lottery be drawn, to take from the contractor or contractors, bond with good and sufficient security, approved by said commissioners or a majority of them so acting, made payable to the governor of the commonwealth of Virginia for the time being, and his successors in office, conditioned for the faithful performance of his or their contract or contracts, in all things relating to the same, and especially for the payment of all the prizes, according to the scheme or class thereof, and also for the payment over to the said commissioners, or a majority of them so acting, such sum or sums of money so raised according to his or their contract or contracts, which bond and all written contracts entered into between the said commis-

Bond required of contractor.

Bond and contracts where filed.

- Penalty how recoverable.** sioners so acting and the contractor or contractors, or duplicates thereof, shall be filed with and preserved by the clerk of the county court of Jefferson county in his office; and any person or persons, body politic, or corporate, aggrieved by a breach of the condition of the said bond, may at his, her or their own costs sue in the name of the said governor and his successors in office, and recover such damages as a jury may assess, until the whole penalty of the bond shall be assessed against the obligor or obligors. And if the said contractor or contractors as the case may be, shall fail to pay, within sixty days after the drawing of any lottery, the amount of any one prize or part of prize, or shall fail to pay over as aforesaid, the money so raised, according to his or their contract or contracts, in any one scheme or class of said lottery, he or they shall be deemed, taken and held to have forfeited his or their right to proceed any further in any attempt to raise the money or any part thereof, in the lottery or lotteries aforesaid; and such failure in either case shall moreover be deemed, taken and held as a breach of the condition of the bond aforesaid, and the obligor or obligors shall be liable thereupon as aforesaid. And the said commissioners or a majority of them so acting, may thereupon contract with any other fit person or persons for raising the sum aforesaid, or so much thereof as may not have been raised, under the like precautions as aforesaid.
- Rights of contractors failing to pay money raised, forfeited.** 3. Before the said commissioners or any of them, shall receive, or authorize, or permit any other person or persons to receive the money herein authorized to be raised, they, or a majority of them so acting, shall enter into bond with good and sufficient security, in a penalty at least equal to the amount of money contracted to be raised, made payable to the governor of the commonwealth of Virginia for the time being and his successors in office, conditioned for the faithful performance of their duty in all things relating to their authority under this act, and especially for the disposition of the money according to the true intent and meaning hereof; which bond shall be taken and approved by the county court of Jefferson county, and be filed with and preserved by the clerk thereof in his office.
- Power to enter into new contracts.** Suit may be maintained on the said bond, at the relation of any person or persons appointed for that purpose by the said court, for any breach of the condition thereof; and any money not exceeding the penalty of the bond, recovered from the said commissioners or their securities, or any of them, shall be applied under the provisions of this act, to the purposes aforesaid, by any person or persons so appointed by the said court.
- Commissioners to enter into bond.** 4. In case of the death, resignation, removal, refusal to act, or inability of any one or more of the commissioners named in the first section of this act, it shall be lawful for the said court to supply any vacancy or vacancies occasioned by any of the aforesaid causes.
- Bond where filed.** 5. The said commissioners shall be, and they are hereby authorized and required to appoint a superintendent of the road aforesaid, and to allow him such compensation as they may deem proper, not exceeding two dollars per day for the time he may be engaged in the duties of his appointment. It shall be the duty of such superintendent to make and complete the road aforesaid, with full power and authority to make and conclude all contracts necessary and proper for opening and constructing the same: it shall also be his duty to lay out and construct the same in such manner as the said commissioners or a majority of them so acting shall direct. The
- Suit maintainable thereon.**
- Vacancies in commissioners, how supplied.**
- Superintendent of road to be appointed.**
- His compensation and duty.**

said commissioners or a majority of them so acting shall be and they are hereby required to pay over, upon the order of the said court, to the said superintendent, such sum or sums of money, from time to time as may be necessary to defray the expense of making the said road; and all contracts entered into by the said superintendent, concerning the said road, shall be in writing, and be filed in the clerk's office of the county aforesaid. Before the said superintendent shall be authorized to receive any money as aforesaid, he shall enter into bond, with security to be approved by the said commissioners or a majority of them so acting, in a penalty to be by them determined, made payable to the governor aforesaid for the time being, and his successors in office, conditioned for the faithful discharge of his duty in all things relating to the opening and constructing the said road; and the said bond shall be filed with and preserved by the clerk of the court aforesaid, and suit may be maintained thereon in the same manner as is by law provided in cases of bonds taken by the justices of county courts.

Proceeds of lottery to be paid to superintendent.

Superintendent to execute bond.

6. *Be it further enacted*, That John F. Price, John Graham, Thomas Jenkins, John Hyatt, Jeremiah B. Stevens, James B. Chenowith and Richard R. Crowzen, be, and they are hereby constituted a body politic and corporate, by the name and style of "The Trustees of the Bolivar Academy," and by that name shall have perpetual succession, may sue and be sued, and have a common seal, with power to purchase, receive and hold, to them and their successors forever, any lands, tenements, rents, goods and chattels, of what kind soever, which may be purchased, devised or given to them for the use of said academy, and to lease or rent or otherwise dispose of the same, in such manner as to them shall seem most conducive to the advantage of the said academy: *Provided*, That not less than a majority of the said trustees shall be sufficient to authorize the sale of any real estate belonging to the said academy. The said trustees, or their successors, or a majority of them, shall constitute a board, with power to appoint a president, tutors, librarian, treasurer, and such other officers as may be necessary, and shall have power, from time to time to make and establish such by-laws, rules and regulations, not contrary to the laws and constitution of this state or of the United States, as they may judge necessary for the government of the said academy.)

Trustees of Bolivar academy incorporated.

Name.

General powers.

Board constituted and officers to be appointed.

7. *Be it further enacted*, That the said trustees, or their successors, or a majority of them, be, and they are hereby empowered to authorize the treasurer by them appointed, to demand and receive of the commissioners named in the first section of this act, the residue of the money herein-before authorized to be raised, over and above what may be required to complete the road aforesaid; which shall be applied by the said trustees to the erection of a suitable building for an academy, and to the acquisition of the necessary quantity of ground for the same, and the residue, if any, in such manner as to them may seem most for the benefit of the said academy. The said treasurer shall receive all monies accruing to the said academy, and property delivered to his care, and shall pay or deliver the same to the order of the said trustees, or a majority of them; and before he shall enter on the discharge of any of his duties, he shall enter into bond and security, in such penalty as the said trustees, or a majority of them, may direct, payable to them, and their successors, conditioned for the faithful performance of his

Treasurer of academy to receive money therefor.

How applied.

Treasurer to give bond and security.

duty, under such rules and regulations as by them may be adopted; and it shall be lawful for the said trustees, or a majority of them, to obtain a judgment for the amount thereof, or for any special delinquencies incurred by him under the same, on motion in any court of record in this commonwealth, against the said treasurer, and his securities, his or their executors or administrators, upon giving ten days notice of such motion.

Trustees, how and when elected.

8. *Be it further enacted*, That the trustees of the said academy shall be elected annually, on the first Monday in January, by the citizens of the said town of Bolivar, shall be residents thereof, and shall consist of seven in number; and the trustees herein-before named, and those elected at any future period as aforesaid, shall continue to act until their successors shall be elected.

Lottery for Leesburg academy.

9. *Be it further enacted*; That the mayor, recorder and common council of the town of Leesburg, in the county of Loudoun, be, and they are hereby authorized to raise by lottery or lotteries, any sum of money not exceeding twenty-five thousand dollars, for the purpose of re-building or repairing the Leesburg academy, and endowing the same, and for the further purpose, with the residue of said sum, of supplying the said town with water. The said mayor, recorder and common council shall possess and enjoy the like powers, shall execute a like bond, and shall be subject to the like penalties and responsibilities in performing the duties assigned them by this act, as are herein-before given to, required of, and imposed upon the commissioners named in the first section hereof; and the contractor or contractors by them employed to manage the said lottery or lotteries, and the superintendent or superintendents, agent or agents employed in the construction of the works, and execution of the duties aforesaid, shall respectively execute such bonds, exercise such powers, perform such duties, and be liable to such penalties for failure therein, as are herein prescribed in relation to the lottery and road first before authorized by this act.

And for supplying town with water. Powers, rights and obligations of common council and officers.

Lottery for bridge across Shenandoah river.

10. *Be it further enacted*, That John Conrad, George Miller, Gerard B. Wager, Joseph P. Shannon, Joseph L. Russell, Henry Ward, George W. Shawer, John Wenner and John Everhart be, and they are hereby appointed commissioners, a majority of whom may act, with full power and authority to raise by lottery or lotteries, any sum of money not exceeding twenty thousand dollars, for the purpose of building a free bridge across the Shenandoah river at Harper's Ferry, and for the further purpose of removing the obstructions at the north point of the Short Hill, in the county of Loudoun, and constructing a road by said point to Harper's Ferry. The said commissioners shall possess and enjoy the like powers, shall execute a like bond, and shall be subject to the like penalties and responsibilities in performing the duties assigned them by this act, as are herein-before given to, required of, and imposed upon the commissioners named in the first section hereof; and the contractor or contractors by them employed to manage the said lottery or lotteries, and the superintendent or superintendents, agent or agents employed in the construction of the works, and execution of the duties aforesaid, shall respectively execute such bonds, exercise such powers, perform such duties, and be liable to such penalties for failure therein, as are herein prescribed in relation to the lottery and road first authorized by this act.

Sum to be raised.

Part applied to road by Short Hill to Harper's Ferry.

Powers, rights and obligations of commissioners, contractors, &c.

11. *Be it further enacted*, That the said commissioners, their agents and servants, shall exercise the same powers for the purchase or condemnation of the necessary quantity of land for the abutments of said bridge, and shall be subject to the same restrictions and penalties respecting the navigation of said river, as are provided by the act, entitled, "an act to incorporate a company to erect a toll-bridge across Shenandoah river," passed January the seventeenth, eighteen hundred and twenty-nine.

Power to acquire land for abutments of bridge.

Acts 1828-9, ch. 87, pp. 77-80.

12. This act shall be in force from the passing thereof.

Commencement.

CHAP. CXXXII.—An act to provide against the abuse of Mayo's and Trent's bridges across James river at Richmond.

(Passed March 20th, 1832.)

1. *Be it enacted by the general assembly*, That if any person or persons shall hereafter wilfully, wantonly or maliciously ride upon or drive horses, mules or other thing over Mayo's or Trent's bridges, lying between the city of Richmond and town of Manchester, faster than in a walk, every such person; his, her and their aiders and abettors, shall forfeit and pay a sum of money not less than one dollar, nor more than three dollars; one-half thereof to the commonwealth, for the use of the literary fund, and the other for the use of the owner or owners of said bridges; to be recovered by warrant, at the instance of the owner or owners of said bridges, before any justice of the peace for the counties of Chesterfield or Henrico, or the corporation of the city of Richmond; and if such person or persons be a slave or slaves, he, she or they shall be punished with stripes not exceeding fifteen, at the discretion of any justice of the peace for the county of Chesterfield or Henrico, or corporation of the city of Richmond, unless the owner of such slave or slaves shall pay the amount of fine aforesaid, to be recovered and divided as aforesaid: *Provided, however*, That persons on horse-back only shall be allowed to pass said bridges in a moderate pace or trot.

Penalty for driving rapidly across Mayo's and Trent's bridges.

How recoverable.

Punishment on slaves.

2. *Be it further enacted*, That it shall be the duty of the owner or owners of the said bridges to cause to be affixed at each end of said bridges, an index, whereon shall be printed or painted plain legible letters, informing passengers that they are not to ride upon or drive horses, mules or other thing over the same, faster than a walk, under the penalties of this act; which index shall be renewed as often as the letters wear faint, or from any other cause become illegible; and upon failure thereof, the said owner or owners of said bridges shall not be entitled to recover under the provisions of this act.

Index, warning travellers not to drive rapidly, to be set up.

3. And whereas, in consequence of the additional expense of keepers and lamps, it is reasonable that the owner or owners of said bridges be allowed to make some additional charge for keeping said bridges open during the night: *Be it further enacted*, That it shall be lawful for the owner or owners of said bridges hereafter to charge and receive, for every person and thing crossing on said bridges between the hour of nine o'clock *post meridian*, and day break the next morning, *anti-meridian*, one hundred per centum upon the tolls now allowed by law upon such person and things, subject however to the like penalty for demanding or receiving any other or higher tolls than hereby allowed, and recoverable in like manner as provided by the act, entitled, "an act to regulate the tolls for passing

Tolls allowed for passing bridges at night.

Penalty for exacting illegal tolls.