

warrants which shall hereafter be issued for expenses attending criminal prosecutions, guards, and slaves condemned and executed; for the shares in the Dismal Swamp canal, and Appomattox companies; for the hospital for the cure and maintenance of persons of unsound mind; for the expenses attending the arsenal at the Point of Fork; for carrying into effect the act for establishing arsenals and a manufactory of arms; for the penitentiary house; for the arms directed by law to be procured; for all pensions allowed by this commonwealth; and for salaries allowed by law to certain officers of the militia; of warrants which shall be issued by the auditor of public accounts, in the year one thousand eight hundred; for interest on any debt due by this commonwealth; and for the payment of all sums directed to be paid by the present general assembly, for which no provision has been made.

2. And if the funds herein appropriated to the payment of the officers of the civil government, and of warrants issued by the executive for the contingent purposes thereof; for the hospital for the cure and maintenance of persons of unsound mind; for pensions; for salaries allowed to certain militia officers; and for arms purchased as directed by law, should not be productive early enough for these purposes, it shall be lawful for the executive to direct the treasurer to borrow as much money as shall be deficient, out of any other fund, and to replace the same as soon as possible.

Deficiencies, how to be supplied.

3. *And be it further enacted,* That all certificates issued by the treasurer, or by the auditor of public accounts, to individuals for debts due to them by the commonwealth, shall be receivable by the sheriffs or collectors in the collection of all arrearages of taxes due prior to the year one thousand seven hundred and ninety-six, and the said certificates shall be received by the treasurer from the sheriffs or collectors, in discharge of the aforesaid arrearages of taxes. Lists of licenses granted to merchants and to hawkers and pedlars, and directed to be returned to the auditor's office, on or before the first day of October, in every year, shall be made up to the first day of the preceding September, in every year, and the dates of the said licenses, as well as the names of the persons to whom they have been issued, shall be specified in the said lists.

Certificates receivable for arrears of taxes.

Lists of licenses to merchants, &c. how to be made up.

4. All acts and parts of acts, coming within the purview of this act, shall be, and the same are hereby repealed.

Repealing clause.

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

CHAP. 36.—An ACT authorizing the conveyance of water from the springs in the town of Petersburg, to convenient places therein.

(Passed January 14, 1800.)

Whereas it is represented that there are within the limits of the town of Petersburg, several valuable springs, that furnish constant and copious streams of excellent water, which at some subsequent period, may be refused to the inhabitants of the said town, by the present or future proprietors of the lots from which the springs flow, and application hath been made to the legislature, to authorize a conveyance of the water by subterraneous pipes to convenient places in the said town, and as it is just and reasonable that the water with which nature has refreshed the earth, should be as much as possible a common benefit to all its inhabitants:

Preamble.

Common council may obtain a writ of *ad quod damnum* to estimate the damages for the use of certain springs in Petersburg.

1. *Be it enacted by the general assembly*, That whensoever the common council of the said town shall deem it necessary that water be conveyed from any of the said springs as aforesaid, on application of the said common council, or any member thereof in their behalf, to the court of Dinwiddie county, or to the district court of Petersburg, the said court shall, and it is hereby authorized and required to direct their clerk to issue a writ in the nature of a writ of *ad quod damnum*, directed to the sheriff of the said county, commanding him to summon and impannel twelve fit, able, and discreet freeholders of his county, without the limits of the said town, and who are no ways related to the proprietor or proprietors of the spring or springs, from which the water is intended to be conveyed, to meet at or near such spring or springs, on a certain day to be named by the said court and inserted in the said writ, of which notice shall be given by the said sheriff to the said proprietor or proprietors, his or their agents, if they were not present in court at the time of the order made, which freeholders taking nothing of meat or drink from any person whomsoever, from the time that they shall come to the said place until their inquest sealed, shall be charged by the said sheriff impartially and to the best of their skill and judgment, to view the said spring or springs, and the lands through which the water is proposed to be conducted, and say to what damage it will be to the several and respective proprietors thereof, taking into estimation as well the use of the water as all other additional inconveniencies, by reason of the conveyance thereof. Which inquest, sealed by the said jurors, together with the writ, shall be returned to the said court and entered among the records thereof. And the common council of the said town, shall be, and they are hereby authorized and empowered, out of the taxes collected of the inhabitants of the said town, to pay and satisfy to the several persons concerned, the sums to which they are entitled by the said inquisition, and on such payment or satisfaction being made or tendered, the said common council shall and may, at the expense of the said town, cause the said water to be conveyed as aforesaid, to such places in the said town, as to them may seem best; and the inhabitants of the said town may and shall be entitled to the use and benefit of the said water, so long as the same shall be conducted according to the directions of this act.

Common council to pay the amount of the inquisition out of the taxes.

Reservation of the right of soil.

Owners of soil not to obstruct the passage of the water.

2. *Provided always*, That the right of soil in the lands from which the springs flow, and in those through which the water shall be conducted, shall be, and remain in the original proprietor or proprietors, his or their representatives, respectively possessing the same: *And provided also*, That the owners of the said springs shall have the free use and benefit thereof, except that they shall not be permitted to change or obstruct the passage of the water therefrom.

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

CHAP. 37.—AN ACT to authorize the opening a turnpike road over the South mountain.

(Passed January 3, 1800.)

Preamble.

Whereas it hath been represented to this general assembly, that the opening a waggon road from Emmen's mill, in the county of Rockingham, over the South mountain, in the county of Albemarle,