

A  
COLLECTION  
OF  
ALL SUCH  
ACTS  
OF THE  
*GENERAL ASSEMBLY*  
OF  
VIRGINIA, *Laws, statutes, etc.  
(Collections)*  
OF A PUBLIC AND PERMANENT NATURE, AS  
ARE NOW IN FORCE;

*1802*  
WITH A  
*NEW AND COMPLETE INDEX.*

TO WHICH ARE PREFIXED THE DECLARATION OF RIGHTS,  
AND CONSTITUTION, OR FORM OF GOVERNMENT.

PUBLISHED PURSUANT TO AN ACT OF THE GENERAL ASSEMBLY,  
PASSED ON THE TWENTY-SIXTH DAY OF JANUARY, ONE  
THOUSAND EIGHT HUNDRED AND TWO.

*post p. 43*  
RICHMOND,  
PRINTED BY SAMUEL PLEASANTS, JUN. AND HENRY PACE.

M,DCCC,III.



*At a GENERAL CONVENTION of Delegates and Representatives, from the several Counties and Corporations of VIRGINIA, held at the Capitol, in the City of WILLIAMSBURG, on MONDAY, the 6th of MAY, 1776.*

## CHAP. I.

*A Declaration of Rights made by the Representatives of the good People of VIRGINIA, assembled in full and free Convention; which rights do pertain to them, and their posterity, as the basis and Foundation of Government.*

I. **T**HAT all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

II. **T**HAT all power is vested in, and consequently derived from, the people; that Magistrates are their trustees and servants, and at all times amenable to them.

III. **T**HAT government is, or ought to be, instituted for the common benefit, protection and security, of the people, nation, or community. Of all the various modes and forms of government, that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of mal-administration; and that when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right, to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.

IV. **T**HAT no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of Magistrate, Legislator, or Judge, to be hereditary.

V. **T**HAT the Legislative, and Executive powers of the state should be separate and distinct from the Judiciary; and that the members of the two first may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part of the former members, to be again eligible, or ineligible, as the laws shall direct.

VI. **T**HAT elections of members to serve as representatives of the people, in Assembly, ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assented, for the public good.

VII. **T**HAT all power of suspending laws, or the execution of laws, by any authority without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

VIII. **T**HAT in all capital or criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty, nor can he be compelled to give evidence against himself; that no man be deprived of his liberty except by the law of the land, or the judgment of his peers.

IX. **T**HAT excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

X. **T**HAT general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or



*General Assembly, begun and held at the Capitol, in the City of Richmond, on Monday, the 1st Day of October, in the Year of our Lord, 1792.*

## CHAP. LVII.

*An Act for reducing into one, the several Acts prescribing the Oath of Fidelity and Oaths of Public Officers.*

[Passed the 22d of December, 1792.\*]

I. **BE** it enacted by the General Assembly, That every person by law required to give assurance of fidelity, shall for that purpose take an oath in this form :

*I, \_\_\_\_\_, do declare myself a Citizen of the Commonwealth of Virginia; I relinquish and renounce the character of Subject or Citizen of any Prince or other State whatsoever, and abjure all allegiance which may be claimed by such Prince or other State; and I do swear to be faithful and true to the said Commonwealth of Virginia, so long as I continue a Citizen thereof. So help me GOD.*

Form of the oath of fidelity.

II. NO person shall have power to act in any Office, Legislative, Executive, or Judiciary, before he shall have given such assurance, and shall moreover have taken such of the following oaths, if another be not specially prescribed, as is adapted to his case.

No officer of government to act until he has taken it.

III. THE oath of a Governor :

Oath of a Governor.

*I, \_\_\_\_\_, elected Governor of Virginia, by the Representatives thereof, do solemnly promise and swear, that I will, to the best of my skill and judgment, execute the said office diligently and faithfully according to Law, without favour, affection or partiality; that I will, to the utmost of my power, protect the Citizens of the Commonwealth in the secure enjoyment of all their Rights, Franchises, and Privileges, and will constantly endeavour that the Laws and Ordinances of the Commonwealth be duly observed, and that Law and Justice, in mercy, be executed in all judgments; and, lastly, that I will peaceably and quietly resign the Government to which I have been elected at the several periods to which my continuance in the said office is or shall be limited by Law and the Constitution. So help me GOD.*

IV. THE oath of a Privy Councillor :

Of a Privy Councillor.

*I, \_\_\_\_\_, elected one of the Privy Council of Virginia, by the Representatives thereof, do solemnly promise and swear, that I will to the best of my skill and judgment, execute the said office diligently and faithfully according to Law, without favour, affection, or partiality, and that I will keep secret such proceedings and orders of the Privy Council as the Board shall direct to be concealed, unless the same be called for by either House of General Assembly. So help me GOD.*

Of one, not specially directed to take any other.

V. THE oath of one not specially directed to take any other :

*I, \_\_\_\_\_, do solemnly promise and swear, that I will faithfully, impartially and justly, perform the duty of my office of \_\_\_\_\_, according to the best of my skill and judgment. So help me GOD.*

By whom to be administered.

VI. THE said oaths to be taken by a Member or Officer of either House of General Assembly, shall be administered by any Member of the Privy Council, and the taking thereof shall be certified to the Clerk of such House; and the said oaths to be taken by any other person, if it be not otherwise directed, shall be administered in some Court of Record, or by any Judge or Justice thereof, and the taking thereof shall be recorded in the said Court.

Oath of a Counsel or Attorney.

VII. EVERY Counsel or Attorney before he be permitted to practice in any Court within this Commonwealth, shall take the following oath before such Court :

*I DO swear that I will honestly demean myself in the practice of a Counsel, Attorney or Proctor, and will execute my office to the best of my knowledge and ability.*

VIII. ANY Person refusing to take an oath, and declaring religious scruples to be the true and only reason of such refusal, if he will use the solemnity and ceremony, and repeat the formulary observed on similar occasions, by those of the Church or religious Society he professeth himself to be a member of, or to join in communion with, shall thereupon be deemed as competent a witness, or to be as duly qualified to execute an Office, or perform any other act, to the sanction whereof an oath is, or shall be required by law, and shall be subject to the

How persons, refusing from religious scruples to take oaths, may be qualified.



What shall be deemed a legal settlement.

XXXV. AND for determining what shall be accounted a legal settlement within this Act, *It is hereby enacted and declared*, that no person shall be accounted an inhabitant so as to have gained a legal settlement, until such person shall have been actually resident in the County wherein he shall claim a legal settlement for the space of one whole year. *a*

Fines, &c. appropriated towards lessening the county levies, how to be collected,

XXXVI. ALL fines and forfeitures hereafter to be inflicted under any penal law, which are appropriated to the use of the County, towards lessening the levy for the support of the poor, shall be collected, levied, accounted for, and paid by the Sheriffs of the Counties to the Overseers of the poor in their several Counties respectively, in like manner, and subject to the same remedy and proceedings against them for default, as the collectors appointed by virtue of this Act are subject to, in default of collecting the levies imposed by virtue thereof. *b*

Arrearages due to parishes, how recoverable.

XXXVII. THE trustees of any religious society shall have full power and authority to prosecute all suits heretofore instituted, and now depending upon bond or otherwise, for any arrearages due to the different parishes within this Commonwealth. *c*

Repealing clauses.

XXXVIII. ALL and every Act or Acts, clause or clauses of Acts, containing any thing within the purview of this Act, shall be, and the same are hereby repealed.

Proviso.

XXXIX. PROVIDED nevertheless, That all rights, remedies, fines, penalties, and forfeitures, incurred or accruing under any former Act, shall remain in the same condition as if this Act had not been made. *d* And provided also, that nothing herein contained shall be construed in any manner to alter or repeal one Act of General Assembly, passed on the twelfth day of December, one thousand seven hundred and ninety-one, intitled, "*An Act concerning the poor of the Parish of Suffolk, in the County of Nansemond.*"

Commencement of this Act.

XL. THIS Act shall commence and be in force, from and after the passing thereof.

### CHAP. CHII.

*An Act to reduce into one, the several Acts concerning Slaves, Free Negroes and Mulattoes.* *†*

[Passed the 17th of December, 1792.]

Who shall be deemed slaves.

I. **B**E it enacted by the General Assembly, That no persons shall henceforth be slaves within this Commonwealth, except such as were so on the seventeenth day of October, in the year one thousand seven hundred and eighty-five, and the descendants of the females of them. *d*

When slaves hereafter imported shall be free.

II. SLAVES which shall hereafter be brought into this Commonwealth, and kept therein one whole year together, or so long at different times as shall amount to one year, shall be free. *d*

Penalties on the importers of slaves, and on the sellers and buyers.

III. EVERY person hereafter importing slaves into this Commonwealth, contrary to this Act, shall forfeit and pay the sum of two hundred dollars for every slave so imported; and every person selling or buying any such slaves, shall in like manner forfeit and pay the sum of one hundred dollars for every slave so sold or bought; one moiety of which forfeitures shall be to the use of the Commonwealth, and the other moiety to him or them that will sue for the same; to be recovered by action of debt or information in any Court of Record. *e*

Exceptions in favor of emigrants from any of the United States taking a certain oath within a limited time.

IV. PROVIDED, That nothing in this Act contained, shall be construed to extend to those who may incline to remove from any of the United States and become citizens of this, if within sixty days after such removal he or she shall take the following oath before some Justice of the Peace of this Commonwealth: *f*

(a) 1748, ch. 13, sec. 5. (b) 1791, ch. 20, sec. 7. (c) 1788, ch. 53, sec. 4. *†* See act of 1795, ch. 11, giving remedy to persons illegally detained in slavery. See acts of '96, ch. 11, allowing persons carrying slaves from this into another state, to bring them back. 1797, sec. 3, of ch. 4, directs that suits brought by slaves to recover their freedom, shall be tried at next court succeeding such suit, unless evidence cannot be obtained. See act passed Dec. sess. 1800, ch. 70; another act of Dec. sess. 1801, pa. 16, ch. 21. (d) 1785, ch. 77, sec. 1. (e) Oct. '78, ch. 1, sec. 2. (f) '85, ch. 77, sec. 5.



I, A. B. do swear, that my removal into the State of Virginia, was with no intent of evading the laws for preventing the further importation of slaves, nor have I brought with me any slaves, with an intention of selling them, nor have any of the slaves which I have brought with me, been imported from Africa, or any of the West India Islands, since the first day of November, one thousand seven hundred and seventy-eight. So help me GOD.

Nor to any persons claiming slaves by descent, marriage or devise; nor to any citizens of this Commonwealth, being now the actual owners of slaves within any of the United States and removing such hither; nor to travellers and others making a transient stay, and bringing slaves for necessary attendance, and carrying them out again. *a*

V. NO negro or mulatto shall be a witness, except in pleas of the Commonwealth against negroes or mulattoes, or in civil pleas, where negroes or mulattoes alone shall be parties. *a* †

VI. NO slave shall go from the tenements of his master or other person with whom he lives, without a pass, or some letter or token, whereby it may appear that he is proceeding by authority from his master, employer, or overseer: If he does, it shall be lawful for any person to apprehend and carry him before a Justice of the Peace, to be by his order punished with stripes, or not, in his discretion. *a*

VII. AND if any slave shall presume to come and be upon the plantation of any person whatsoever, without leave in writing from his or her owner, or overseer, not being sent upon lawful business, it shall be lawful for the owner or overseer of such plantation, to give or order such slave ten lashes on his or her bare back for every such offence. *b*

VIII. NO negro or mulatto whatsoever shall keep or carry any gun, powder, shot, club, or other weapon whatsoever, offensive or defensive, but all and every gun, weapon, and ammunition found in the possession or custody of any negro or mulatto, may be seized by any person, and upon due proof thereof made before any Justice of the Peace of the County or Corporation where such seizure shall be, shall by his order be forfeited to the seizer for his own use; and moreover, every such offender shall have and receive by order of such Justice, any number of lashes not exceeding thirty-nine, on his or her bare back, well laid on, for every such offence. *b*

IX. PROVIDED nevertheless, That every free negro or mulatto, being a house-keeper, may be permitted to keep one gun, powder and shot; and all negroes and mulattoes, bond or free, living at any frontier plantation, may be permitted to keep and use guns, powder, shot, and weapons, offensive or defensive, by license from a Justice of Peace of the County wherein such plantation lies, to be obtained upon the application of free negroes or mulattoes, or of the owners of such as are slaves. *b*

X. EVERY person other than a negro, of whose grand-fathers or grand-mothers any one is, or shall have been a negro, although all his other progenitors, except that descending from the negro, shall have been white persons, shall be deemed a mulatto; and so every such person who shall have one fourth part or more of negro blood, shall in like manner be deemed a mulatto. *c*

XI. RIOTS, routs, unlawful assemblies, trespasses and seditious speeches by a slave or slaves, shall be punished with stripes, at the discretion of a Justice of the Peace, and he who will, may apprehend and carry him, her, or them, before such Justice. *d*

XII. AND to prevent the inconveniences arising from the meetings of slaves, Be it further enacted, That if any master, mistress, or overseer of a family, shall knowingly permit or suffer any slave not belonging to him or her, to be and remain upon his or her plantation above four hours at any one time, without leave of the owner or overseer of such slave, he or she so permitting, shall forfeit and pay three dollars for every such offence; and every owner or overseer of a plantation, who shall so permit or suffer more than five negroes or slaves, other than his or her own, to be and remain upon his or her plantation or quarter at any one time, shall forfeit and pay one dollar for each negro or slave above that number; which said several forfeitures shall be to the informer, and recoverable with costs, before any Justice of Peace of the County or Corporation where such offence shall be committed. *e*

(a) 1785, ch. 77, sec. 2, 3. † Altered by act of Dec. sess. 1800, ch. 70; negroes or mulattoes, bond or free, are by that act made legal witnesses against each other. (b) 22, Geo. 2, ch. 31, sec. 17, 18, 19. (c) 1785, ch. 78. (d) 1b. ch. 77, sec. 4. (e) 22, Geo. 2, ch. 31, sec. 13.

And of citizens claiming slaves by descent, devise, or marriage, or being now the owners & removing them from another state, and travellers carrying them out again.

In what cases negroes or mulattoes may or may not be witnesses. Slaves not to go from home, without passes.

Coming on the plantations of others without leave from their masters, may be whipped.

Negroes and mulattoes not to keep or carry arms.

Except those living on the frontiers licensed by the justices of the peace.

Who shall be deemed mulattoes.

Punishment of slaves for riots, unlawful assemblies, seditious speeches, &c.

No person shall permit the slaves of others to remain on his plantation.