

CHAP. 27.—An ACT to re-enact the 2d section of chapter 43 of the Code (edition of 1860).

Passed February 28, 1865.

1. Be it enacted by the general assembly, That the second section of chapter forty-three of the Code (edition of eighteen hundred and sixty) be re-enacted so as to read as follows:

Ch. 43, § 2 of the Code re-enacted

“ § 2. Such presentment, indictment or information shall be in the county or corporation where the offence was committed. Such warrant, action or motion may be either in the county or corporation wherein the offence was committed, or wherein the offender resides or may be found; and such action or motion may be either in the county or corporation court, or in the circuit court of the county or corporation. Any action or motion, under the thirty-ninth chapter, against a personal representative, or under any section of any chapter, under this twelfth title, or any act amending any of said chapters, against the secretary of the commonwealth, register of the land office, or any commissioner of the revenue, clerk, notary public, sheriff or collector, or the sureties of any of them, or against any officer or agent of a bank or joint stock company, may also be instituted or made, by the auditor of public accounts, in the circuit court of the city of Richmond, after thirty days' notice, in the case of such motion.”

2. The act entitled an act to amend and re-enact the second section of the forty-third chapter of the Code of one thousand eight hundred and sixty, passed March one, eighteen hundred and sixty-five, is hereby repealed.

Act passed Mar. 1, 1865, repealed

3. This act shall be in force from its passage.

Commencement

CHAP. 28.—An ACT providing for the punishment of Vagrants.

Passed January 15, 1865.

Whereas it is represented to the general assembly, That there hath lately been a great increase of idle and disorderly persons in some parts of this commonwealth, and unless some stringent laws are passed to restrain and prevent such vagrancy and idleness, the state will be overrun with dissolute and abandoned characters, to the great detriment of the public weal: For remedy whereof,

Preamble

1. Be it enacted by the general assembly, That the overseers of the poor, or other officers having charge of the poor, or the special county police, or the police of any corporation, or any one or more of such persons, shall be and are hereby empowered and required, upon discovering any vagrant or vagrants within their respective counties or corporations, to make information thereof to any justice of the peace of their county or corporation, and to require a warrant for apprehending such vagrant or vagrants, to be brought before him or some other justice; and if, upon due examination, it shall

Duties of overseers of poor, &c. concerning vagrants

To be apprehended by warrant from justice

To be examined before justice

appear that the person or persons are within the true description of a vagrant, as hereinafter mentioned, such justice shall, by warrant under his hand, order such vagrant or vagrants to be employed in labor for any term not exceeding three months, and, by any constable of such county or corporation, to be hired out for the best wages that can be procured; to be applied, except as hereafter provided, for the use of the vagrant or his family, as ordered by the justice. And if any such vagrant or vagrants shall, during such time of service, without sufficient cause, run away from the person so employing him or them, he or they shall be apprehended, on the warrant of a justice, and returned to the custody of such hirer, who shall have, free of any further hire, the services of said vagrant for one month in addition to the original term of hiring; and said employer shall then have the power, if authorized by the justice, to work said vagrant, confined with ball and chain; or should said hirer decline to receive again said vagrant, then said vagrant shall be taken by the officer, upon the order of a justice, to the poor or work house, if there be any such in said county or corporation, and be delivered to the overseer or superintendent, who shall work said vagrant for the benefit of said county or corporation; or, if authorized by the justice, to work him, confined with ball and chain, for the period for which he would have had to serve his late employer, had he consented to receive him again; or should there be, when said runaway vagrant is apprehended, any public work going on in said county or corporation, then said vagrant, upon the order of a justice, shall be delivered over by said officer to the superintendent of such public work, who shall, for the like last mentioned period, work said vagrant on said public works, confined with ball and chain, if so authorized by the justice. But if there be no poor or work house in said county or corporation, and no public work then in progress therein, then, in that event, said justice may cause said vagrant to be delivered to any person who will take charge of him. Said person to have his services free of charge, except maintenance, for a like last mentioned period; and said person so receiving said vagrant is hereby empowered, if authorized by the justice, to work said vagrant confined with ball and chain; or should no such person be found, then said vagrant is to be committed to the county jail, there to be confined for the like period, and fed on bread and water. But the persons described as the fifth class of vagrants, in the second section of this act, may be arrested without warrant by the special county or corporation police, and when so arrested shall be taken before a justice, who shall proceed to dispose of them in the mode prescribed in this section, or may at once direct them to be committed to prison for a period not exceeding three months, to be kept in close confinement and fed on bread and water.

2. The following described persons shall be liable to the penalties imposed by law upon vagrants:

First—All persons who shall unlawfully return into any county or corporation whence they have been legally removed.

Punishment

If vagrant shall run away, to be apprehended and returned to hirer, to work free of hire

Ball and chain

Should hirer refuse to take vagrant back, what to be done

May be employed on public works

May be confined in jail

And fed on bread and water

Who are vagrants

Second—All persons who, not having wherewith to maintain themselves and their families, live idly and without employment, and refuse to work for the usual and common wages given to other laborers in the like work in the place where they then are.

Third—All persons who shall refuse to perform the work which shall be allotted to them by the overseers of the poor as aforesaid.

Fourth—All persons going about from door to door, or placing themselves in streets, highways or other roads, to beg alms, and all other persons wandering abroad and begging, unless disabled or incapable of labor.

Fifth—All persons who shall come from any place without this commonwealth to any place within it, and shall be found loitering and residing therein, and shall follow no labor, trade, occupation or business, and have no visible means of subsistence, and can give no reasonable account of themselves or their business in such place.

3. All costs and expenses incurred shall be paid out of the hire of such vagrant, if sufficient; and if not sufficient, the deficiency shall be paid by the county or corporation.

Costs and expenses, how paid

4. This act shall be in force from its passage.

Commencement

CHAP. 29.—An ACT to amend and re-enact the act entitled an act to incorporate the Virginia Canal Company, and to transfer the Rights and Franchises of the James River and Kanawha Company thereto, passed March 29, 1861.*

Passed February 3, 1866.

Be it enacted by the general assembly, That the act entitled an act to incorporate the Virginia canal company, and to transfer the rights and franchises of the James river and Kanawha company thereto, passed March twenty-ninth, eighteen hundred and sixty-one, be amended and re-enacted so as to read as follows:

Act incorporating the Virginia canal company, passed Mar. 29, 1861, amended and re-enacted

CHAPTER I.

OF THE INCORPORATION OF THE COMPANY.

Whereas the James river and Kanawha company, at their called meeting in the month of August, eighteen hundred and sixty, authorized an agreement to be entered into, and which was executed by the president of said company, in pursuance of such authority, between himself and Ernest de Bellot des Minieres and his associates, under the firm and style of Belot des Minieres, Brothers and Company, of France, and to which the board of public works of this state gave its assent,

Preamble

* The word "chapter," as used in this act, applies to the divisions of the same.