

JOURNAL

Robert Yancy
OF THE

270

SENATE

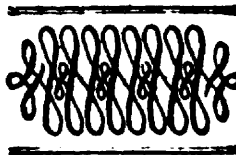
OF THE

COMMONWEALTH

OF

Virginia.

BEGUN AND HELD AT THE CAPITOL IN THE CITY
OF RICHMOND, ON MONDAY THE FIRST
DAY OF DECEMBER, ONE THOUSAND
EIGHT HUNDRED.



RICHMOND: Printed by Thomas Nicolson, 1809.

“ I accept this new testimony of its confidence, with the respect and sensibility
 “ the occasion ought to inspire.

And then the House adjourned till to-morrow, 12 o'clock.

WEDNESDAY, December the 10th, 1800.

A communication from the House of Delegates by their clerk.

The House of Delegates have passed a bill, “ concerning the Dismal swamp canal company, ” to which they desire the concurrence of the Senate. And the said bill was delivered in, read the first time, and ordered to be read a second time.

On motion,

The said bill was read the second time, and ordered to be committed to Mr. Taylor, Mr. Newton, Mr. Spencer, Mr. Bassett, Mr. Wilson, and Mr. Penn.

Ordered, that a committee be appointed to examine the Treasurer's accounts.

And a committee was appointed of Mr. Cabell, Mr. Bassett, Mr. Newton, Mr. Saunders, Mr. Spencer, Mr. Mason, Mr. Peyton, Mr. Royster, Mr. Roane, and Mr. Wyche.

Resolved, that when this House adjourns to day, it will adjourn till Tuesday next.

And then the House adjourned till Tuesday next.

TUESDAY, December the 16th, 1800.

A Communication from the House of Delegates by their clerk.

The House of Delegates have passed a bill, “ To direct the expence of notices on forfeited forthcoming bonds taken by virtue of executions issued from the county and corporation courts to be taxed in the bill of costs, ” also a bill, “ To amend an act intituled an act, to reduce into one, the several acts concerning mills, mill dams, and other obstructions of water courses, ” and also a bill, “ To amend the act for incorporating the trustees of the Leesburg academy in the county of Loudoun, ” and they have agreed to a resolution requesting information of the executive relative to the penitentiary and arsenal: to which they desire the concurrence of the Senate. And the said bills, and resolution were delivered in.

The bills were severally read the first time, and ordered to be read a second time.

The resolution was read the first time, and ordered to lie on the table.

Mr. Taylor reported from the committee to whom was referred the bill, “ Concerning the Dismal swamp canal company, ” that the committee had, according to order, taken the said bill under their consideration, and directed him to report it without any amendment.

Ordered, that the said bill be read the third time.

The said bill was read the third time, and on the question being put, that the same do pass?

Resolved in the affirmative.

Ordered, that the clerk do acquaint the House of Delegates therewith.

The Speaker laid two letters from the Governor before the House, one inclosing a probable estimate of the expence of completing the penitentiary, and arsenal; the other inclosing an extract of a letter from Thomas Jefferson, Esqr. to George Wythe, Esqr. concerning the laws of Virginia, which were read, and ordered to lie on the table.

The bill, “ To direct the expence of notices on forfeited forthcoming bonds taken by virtue of executions issued from the county and corporation courts to be taxed in the bill of costs; ” was read the second time, and ordered to be committed

ed him to report it without any amendment.

Ordered, that the said bill be read the third time.

The said bill was read the third time, and on the question being put, that the same do pass?

Resolved in the affirmative.

Ordered, that the clerk do acquaint the House of Delegates therewith.

The bill, " To authorize the commissioners of the revenue to reassess lands in certain cases," was read the second time, and ordered to be committed to Mr. Bassett, Mr. Mason, Mr. Saunders, Mr. Taylor and Mr. Wilson.

Ordered, that the clerk of this House be authorized to procure for its use the several acts of the General Assembly passed since the last revision.

And then the House adjourned till to-morrow 12 o'clock.

FRIDAY, December the 19th, 1800.

A communication from the House of Delegates by their clerk.

The House of Delegates have agreed to the Senate's amendment to the bill, " To amend the act intituled an act for incorporating the trustees of the Leesburg academy in the county of Loudoun," and they have passed a bill, " To incorporate a company for establishing a turnpike road from the mouth of Savage river on Potowmac, to the nearest western navigation;" to which they desire the concurrence of the Senate. And the said bill was delivered in, read the first time, and ordered to be read a second time.

On motion,

The said bill was read the second time, and ordered to be committed to Mr. Wilson, Mr. Tayloe, Mr. Magill, Mr. Spencer, Mr. Faulcon and Mr. Mason.

On motion,

Ordered, that the document inclosed in the Governor's letter of the 13th instant, be inserted in the journal, which is in the following words, ' to wit.

Extract of a letter from Thomas Jefferson to George Wythe.

MONTICELLO, JANUARY 16, 1796.

IN my letter which accompanied the box containing my collection of printed laws, I promised to send you by post a statement of the contents of the box. On taking up the subject I found it better to take a more general review of the whole of the laws I possess, as well manuscript as printed, as also of those which I do not possess, and suppose to be no longer extant. This general view you will have in the enclosed paper, whereof the articles stated to be printed, constitute the contents of the box I sent you. Those in M S. were not sent, because not supposed to have been within your view, and because some of them will not bear removal, being so rotten, that on turning over a leaf, it sometimes falls into powder. These I preserve by wrapping and sewing them up in oil cloth, so that neither air nor moisture can have access to them. Very early in the course of my researches into the laws of Virginia, I observed that many of them were already lost, and many more on the point of being lost, as existing only in single copies in the hands of careful or curious individuals, on whose death they would probably be used for waste paper. I set myself therefore to work to collect all which were then existing, in order that when the day should come in which the public should advert to the magnitude of their loss in these precious monuments of our property and our history, a part of their regret might be spared by information that a portion has been saved from the wreck which is worthy of their attention and preservation. In searching after these remains, I spared neither time, trouble, nor expence; and am of opinion that scarcely any law escaped me. which was in being as late as the year 1770, in the middle or southern parts of the state. in the northern parts perhaps something might still be found. in the

the clerk's offices in the antient counties some of those MS. copies of the laws may possibly still exist which used to be furnished at the public expence to every county before the use of the Press was introduced; and in the same places, and in the hands of antient magistrates, or of their families, some of the fugitive sheets of the laws of separate sessions, which have been usually distributed since the practice commenced of printing them. but, recurring to what we actually possess, the question is, What means will be the most effectual for preserving these remains from future loss? all the care I can take of them will not preserve them from the worm, from the natural decay of the paper, from the accident of fire, or those of removal, when it is necessary for any public purpose, as in the case of those now sent you. our experience has proved to us that a single copy, or a few, deposited in MS. in the public offices, cannot be relied on for any great length of time. the ravages of fire and of ferocious enemies have had but too much part in producing the very loss we now deplore. How many of the precious works of antiquity were lost, while they existed only in manuscript? has there ever been one lost since the art of printing has rendered it practicable to multiply and disperse copies? this leads us then to the only means of preserving those remains of our laws now under consideration, that is, a multiplication of printed copies. I think therefore that there should be printed at the public expence, an edition of all the laws ever passed by our legislatures which can now be found; that a copy should be deposited in every public library in America, in the principal public offices within the state, and some perhaps in the most distinguished public libraries of Europe, and that the rest should be sold to individuals towards reimbursing the expences of the edition. nor do I think that this would be a voluminous work. the MSS. would probably furnish matter for one printed volume in folio, and would comprehend all the laws from 1624, to 1701, which period includes Pervis.—my collection of fugitive sheets forms, as we know, two volumes, and comprehends all the extant laws from 1734, to 1783, and the laws which can be gleaned up, from the revivals, to supply the chasm between 1701, and 1734, with those from 1783, to the close of the present century (by which term the work might be completed) would not be more than the matter of another volume. so that four volumes in folio probably would give every law ever passed which is now extant: whereas those who wish to possess as many of them as can be procured, must now buy the six folio volumes of revivals, to wit, Pervis, and those of 1732, 1748, 1768, 1783, and 1794, and in all of them possess not one half of what they wish. what would be the expence of the edition, I cannot say; nor how much would be reimbursed by the sales; but I am sure it would be moderate compared with the rates which the public have hitherto paid for printing their laws, provided a sufficient latitude be given as to printers and places. the first step would be to make out a single copy from the MSS. which would employ a clerk about a year, or something more; to which expence about a fourth should be added for the collation of the MSS. which would employ three persons at a time about half a day, or a day in every week. as I have already spent more time in making myself acquainted with the contents and arrangement of these MSS. than any other person probably ever will, and their condition does not admit their removal to a distance, I will chearfully undertake the direction and superintendance of this work, if it can be done in the neighbouring towns of Charlottsville or Milton, farther than which I could not undertake to go from home. for the residue of the work, my printed volumes might be delivered to the printer.

I have troubled you with these details, because you are in the place where they may be used for the public service, if they admit of such use, and because the order of assembly, which you mention, shews they are sensible of the necessity of preserving such of these laws as relate to our landed property, and a little further consideration will perhaps convince them that it is better to do the whole work once for all, than to be recurring to it by piece-meal, as particular parts of it shall be required, and that too perhaps when the materials shall be lost.

A statement of the particular acts of the assembly of Virginia in my possession either in MS. or Printed, and of those not in my possession, and presumed to be lost.

- 1670, June. The first session of assembly ever held in Virginia, lost.
 1670, May, lost.
 1671, lost.
 1672-4, March 5, I have in MS.
 1672, lost.
 1672, Oct. 16, I have in MS.
 1672, March 24, I have in MS.
 1671, Feb. 21, I have in MS.
 1672, Sept. 4. 69 acts I have in MS.
 1673, Feb. 1. 6 acts in MS.
 1673, Aug. 21. 16 acts in MS.
 1673, Jan. 6. in MS.
 1674, April 1. the 21st & 22d acts in MS.
 1674, 3, March 2. a revisal I have in MS.
 1674, Oct. 1. in MS.
 1674, 5, Feb. 17. in ditto.
 1675, Nov. 20. in ditto.
 1676, Oct. 5. in do.
 1677, Nov. 3. in do.
 1678, Oct. 12. in do.
 1679, Oct. 10. in do.
 1679, April 26. in do.
 ——— Nov. 25. in do.
 1683, July 5. in do.
 1685, March in do.
 1684, Nov. 20. in do.
 1685, 6, March 10. in do.
 1686, Dec. 1. in do.
 1687, 8, March 13. a revisal in do.
 1688, 9, March 1. in MS.
 1689, 60, March 13. in do.
 1690, Oct. 11. in do.
 1690, 1, March 23. in do.
 1691-2, March 23. chap. 1 to 138 inclusive, printed.
 1692, Dec. 2, or 23, chap. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 18, 21, 23, printed.
 14, 16, 19, 20, 22. in MS.
 1693, Sept. 10. Chap. 1, 2, 4, 7, 8, 9, 10, 11, 14, 16, 17. printed.
 3, 5, 6, 12, 13, 15, 18, in MS.
 1694, Sept. 20. 9 acts printed.
 1695, Oct. 10. Chap. 1, 2, 3, 5, 6, 7, 8, 9 printed.
 4, 10. in MS.
 1696, June 5. Chap. 2, 3, 4, printed. 1 in MS.
 ——— Oct. 23. Chap. 1, 2, 3, 5, 6, 7, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, Printed. 4, 8, 14. in MS.
 1697, Sept. 3. Chap. 1, 2, 3, 4, printed. 5, 6, 7, in MS.
 1698, Sept. 17. Chap. 1 to 9, printed.
 1699, Oct. 20. Chap. 1 to 7 printed, 8, 9, in MS.
 1670, Oct. 3. Chap. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, printed. 11 in MS.
 1671, Sept. 20. Chap. 1, 4, 5, 6, printed, 2, 3, 7, in MS.
 1772, Sept. 24. Chap. 1, 2, 3, 4, 5, 7, 8, 9, 10, printed. 6, 11, in MS.
 1673, Oct. 20. Chap. 1 to 5, printed. 6, 7, in MS.
 1674, Sept. 21, Chap. 1, 3, 4, 6, 7, printed.
 2, 5, 8, 9, 10, in MS.
 1675, 6, March 7, Chap. 3, printed. 1, 2, 4, in MS.
 1676, June 5. Chap. 1 to 20 MS.
 1676, 7, Feb. 20. Chap. 4, 6, 7, 8, 9, 10, 11, 13, 14, 16, 17, 20, printed.
 1, 2, 3, 5, 12, 15, 18, 19, in MS.
 1677, Oct. 10. Chap. 1, 2, 3, 4, 5, 8, 9, 10, 11, 12 printed. 6, 7 in MS.
 1679, Apr. 25. Ch. 1 to 9 prin. 10, 11, in MS.
 1680, June 8. Chap. 1 to 17 printed.
 1681, Nov. 10, Chap. 1 to 13 printed.
 1684, Apr. 16. Chap. 2 printed. 1, 3, 4, 5, 6, 7, 8, 9, 10, in MS.
 1686, Oct. 20. Chap. 1 to 11 in MS.
 1691, Apr. 16. Chap. 12 printed. 1, to 11, and from 13 to 21 in MS.
 1692, Apr. 1. Chap. 1 to 7 in MS.
 1692, 3, March 2, Chap. 1 to 7 in MS.
 1693, Oct. 10. Chap. 1 to 5 in MS.
 1695, Apr. 18. Chap. 1 to 6 in MS.
 1696, Sep. 24. Chap. 1 to 14 in MS.
 1697, Oct. 21. Chap. 1 in MS.
 1698, Sep. 28. no law passed at this session.
 1699, Apr. 27. Chap. 1 to 16 in MS.
 1700, Dec. 5. Chap. 1 to 4 in MS.
 1701, Aug. 6. Chap. 1 to 6 in MS.
 1702, May 30 Chap. 1, 2, lost.
 Aug. 14. Chap. 1, a part of it in MS. 2, 3, 4, lost.
 1702, 3, March 19. no act passed.
 1704, Apr. 20, Chap. 1 to 11 lost.
 1705, Apr. 18. Chap. 1 to 4. lost.
 Oct. 25. Chap. 2, 3, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 19, 20, 22, 23, 25, 27, 28, 29, 30, 32, 33, 35, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 49, 50, 52, 53, printed.
 1705, Oct. 25. Chap. 4, 11, 16, 18, 21, 24, 26, 31, 34, 36, 37, 42, 51, 55, in MS. 1, 54 lost.
 1710, Oct. 25. Chap. 3, 4, 5, 8, 11, 12, 13, 14, printed. 1, 2, 6, 7, 9, 10, 15, 16, 17 in MS.
 1711, Nov. 7. Chap. 2, 3, printed. 1 in MS.
 Here the Manuscripts end.
 4, 5, lost.
 1712, Oct. 22. Chap. 4, 5, printed. 1, 2, 3, 6, 7 lost.
 1713, Nov. 5. Chap. 3, 4, 6, 7, 8, printed.
 1, 2, 5, 9, 10, 11, 12, lost.
 1714, Nov. 16. Chap. 1, 2, 3, 5. printed. 4 lost.
 1715, Aug. 3, Chap. 1, 2, 3, lost.
 1718, April 23. Chap. 1, 3, the substance printed in Beverleys. abridgment, 2, 4 lost.
 Nov. 11. Chap. 1, 2, lost.
 1720, Nov. 2. Chap. 3, 4, 5, 6, 7, 8, printed.
 12 subst. in Bev. abr. 9 to 18 lost.
 1722, May 9. Chap. 1 to 3 & 6 to 9, printed.
 5, 5 & 10 to 16, lost.
 1723, May 9. Chap. 2, 4, 8, 10, print. 1, 3, 5, 6, 7, 9, 11, to 15 lost.
 1726, May 12. Ch. 1, 2, 3, 4, 6, 7, 8, pr. 5, 9, to 14 lost.
 1727, 8, Feb. 1. Chap. 3, 5, to 14 printed. 1, 2, 4, 15 to 22 lost.
 1730, May 21. Chap. 1 to 19 printed. 20, to 29 lost.
 1732, May 18. Chap. 1 to 20. print. 21 to 35 lost.

Here begins my collection of the Fugitive sheets of Laws printed for each session.

- 1734, Aug. 22. 31 acts printed.
 1736, Aug. 5. 25 acts printed.
 1738, Nov. 1. 25 acts printed.
 1740, May 22. 15 acts printed.
 Aug. 1. 1 act printed.
 1742, May 6. 33 acts printed.
 1744, Sep. 4. 46 acts printed.
 1745, 6, Feb. 20. 30 acts printed.
 1746, July 11. 2 acts lost.
 1747, Mar. 30. 5 acts lost.
 1748, Oct. 27. Chap. 1 to 55 57 77 printed
 56 58 to 76 78 to 89 lost.

1752, Feb. 27. 53 acts printed.
 1753, Nov. 1. 28 acts printed.
 1754, Feb. 14. 3 acts printed.
 Aug. 22. 3 acts printed.
 Oct. 17. 7 acts printed.
 1755, May 1. 24 acts printed.
 Aug. 5. 8 acts printed.
 Oct. 27. 6 acts printed.
 1756, Mar. 25. 13 acts printed.
 Sep. 20. 3 acts printed.
 1757, Apr. 14. 30 acts printed.
 1758, Mar. 30. 2 acts printed.
 Sep. 14. 13 acts printed.
 Nov. 9. 1 act printed.
 1759, Feb. 22. 34 acts printed.
 Nov. 1. 6 acts printed.
 1760, Mar. 4. 3 acts printed.
 May 19. printed.
 Oct. 6. 4 acts printed.
 1761, Mar. 5. 31 acts printed.
 Nov. 3. 13 acts printed.
 1762, Jan. 14. 3 acts printed.
 Mar. 30. 7 acts printed.
 Nov. 1. 44 acts printed.
 1763, Mar. 19. 13 acts printed.
 1764, Jan. 12. 13 acts printed.
 Oct. 30. 54 acts printed.
 1766, Nov. 6. 61 acts printed.
 1768, Mar. 31. 7 acts printed.
 1769, May 8. a convention, no act passed.
 Nov. 7. 89 acts printed.
 1771, July 11. 4 acts printed.

1772, Feb. 10. 68 acts printed.
 1773, Mar. 4. 16 acts. Not from my collection.
 1774, May 5. dissolved before any act passed.
 1775, June 1. the act of assembly under the Royal government, it was discontinued by not meeting on its own adjournment, without having passed any law.

CONVENTIONS.

1775, July 17. ordinances printed.
 Dec. ordinances printed.
 1775, May 6. ordinances printed.

ASSEMBLIES

Oct. 7. acts printed.
 1777, May 5. acts printed.
 Oct. 20. acts printed.
 1778, May 4. acts printed.
 Oct. 5. acts printed.
 1779, May 3. acts printed.
 Oct. 4. acts printed.
 1780, May 1. acts printed.
 Oct. 16. acts printed.
 1781, Mar. 1. acts printed.
 May 7. acts printed.
 Nov. 5. acts printed.
 1782, May 6. acts printed.
 1783, May 5. acts printed.
 Oct. 20. acts printed.

Note that the terms 'Printed' or in 'MS.' mean that I have the laws printed or in MS.

THE persons appointed, by an act of the last session, to superintend an edition of all legislative acts concerning lands, having perused the foregoing letter, written in answer to an application to the author for his copies of the acts, more compleat than any which can be elsewhere procured, and supposing that the General Assembly, upon reconsideration of the subject, might wish to enlarge the work, declined entering upon the business, until the sentiments of that honorable body shall be known.

G. WYTHE.

JOHN BROWN.

JOHN MARSHALL.

BUSHROD WASHINGTON.

JOHN WICKHAM.

RICHMOND, November, 1796.