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THIRD EDITION

OF THE

# CODE OF VIRGINIA:

*laws, statutes, etc.*

INCLUDING

LEGISLATION TO JANUARY 1, 1874.

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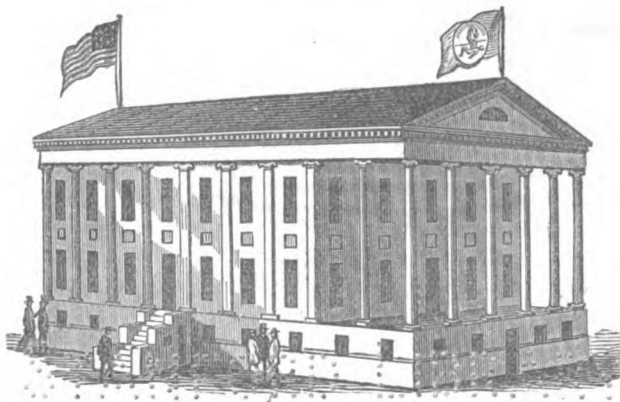
PREPARED BY

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room in the capitol, to be fitted up for the purpose under the direction of the said board.\*

### CHAPTER III.†

#### OF THE SEALS AND FLAG OF THE COMMONWEALTH.

<i>Sec.</i>	<i>Sec.</i>
1. Seals of state as re-established; great seal.	4. How great and lesser seals to be used; tax thereon.
2. Lesser seal.	5. How collected and accounted for.
3. New seals to be procured and old ones to be defaced.	6. Flag of the state.
	7. Governor to prescribe size of flag for all purposes.
	8. When flag to be suspended on capitol.

#### *Seals of state as re-established.*

Ord. Con. 1776.  
1873-3, c. 247,  
p. 222-223.

1. Whereas, the seals of the commonwealth of Virginia, which were adopted in seventeen hundred and seventy-nine, and used until the

\* Connected with the scientific researches provided for in the above sections, it may be interesting to present here the resolution of the general assembly, agreed to March 12th, 1872, "in relation to Matthew F. Maury's plan for system of crop reports and meteorological observations—Acts 1871-2, c. 169, p. 221.

"Resolved by the senate and house of delegates of Virginia, That the senators in congress for this state be instructed, and her representatives be requested, to use their influence with the government of the United States in favor of the plan proposed by Matthew F. Maury for the establishment of a more complete system of crop reports and meteorological observations; and that the governor be requested to forward a copy of this resolution to the President of the United States, and to the governor of each of the several states, with a request that they will lend their friendly offices in favor of the plan."

And in this connection reference may be given to the joint resolution agreed to February 3d, 1873, in relation to the death of Commodore Matthew F. Maury.—Acts 1872-3, c. 73, p. 52.

† The convention of 1776 appointed a committee, consisting of Mr. Richard Henry Lee, Mr. George Mason, Mr. Treasurer, and Mr. Wythe, to prepare for the commonwealth a design for a seal, as a symbol of its sovereignty and for the authentication of its public acts. The design was reported to the convention by George Mason, and was adopted on the 5th of July, 1776. This has given rise to the belief by some persons and writers that Mr. Mason was the author of the design. But this is undoubtedly a mistake. The late William Munford, who was a pupil of Chancellor Wythe and lived in his house for several years, studied law under his guidance and direction, was in habits of great intimacy with him to the day of his death and delivered the eulogy at his funeral in 1806, stated repeatedly and explicitly to the editor that Mr. Wythe always claimed the paternity of this seal. And the convention, who knew to whom the honor belonged, appointed Mr. Wythe and Mr. John Page, the first as the man who designed it, to superintend the engraving and take care that it should be properly executed. The words "Deus nobis hæc otia fecit," which were in the original device, were changed by the legislature in 1779, as being at that time inappropriate, inasmuch as war was still prevailing and God had not then vouchsafed repose to the confederation or to Virginia, and the word "Perseverando" was adopted, as expressive of the resolve to persevere for the attainment of the blessings of liberty and abundance for eternity, as indicated by the devices. The original great seal, executed under the superintendence of George Wythe and John Page, had been so worn by use as to have become incapable of making an impression, and was substituted by a new seal, the figures for which, according to the original design, were drawn by the late Alexander Galt, the distinguished sculptor, and were engraved from that drawing by order of the governor, and were in use at the close of the late war by the government at Richmond. At the time of the evacuation of Richmond by General Lee's army, the then secretary of the commonwealth under the government at Richmond, was ordered by the executive to remove the archives of the executive department to Lynchburg, and the seals and records were placed in boxes and shipped by canal. The

year eighteen hundred and sixty-five, were stolen or mislaid at the time of the evacuation of the city of Richmond in April, eighteen hundred and sixty-five; and whereas, on the restoration of the state government, under Governor Peirpoint, he caused a new seal to be engraved similar in every respect to the old, except that it contained the words "Liberty and Union," which said words seem to have been added to the seal without any authority of law; and whereas, the legislature of Virginia on the twenty-eighth day of February, eighteen hundred and sixty-six, passed an act entitled an act concerning the seals of the commonwealth, defining their use, and the cases in which the tax upon them is to be collected; the first section of which said act is in the following words, to wit: "Be it enacted by the general assembly, That the great seal and the lesser seal, now under the care of the secretary of the commonwealth, as keeper of the seals, are and shall continue to be the seals of the commonwealth"; and whereas, at the time of the passage of the said act, the old seal had been returned to the custody of the secretary of the commonwealth, and both seals were then under his care, leaving some doubt as to which seal the legislature intended to adopt and legalize; and whereas, the old seal is very much worn by long usage: therefore, The great seal of the commonwealth shall consist of a metallic disc, two and three-quarter inches in diameter, containing, within an ornamental border one-quarter of an inch wide, the following devices and mottoes: On the obverse, viz: Virtus, the genius of the commonwealth, dressed as an amazon, resting on a spear held in her left hand, and holding a sword in her right hand, her left foot on the figure of Tyranny, represented by a man prostrate, his head to her left, a crown falling from his head, a broken chain in his left hand, and a scourge in his right hand. Above the group, in a line parallel with the border, the word "Virginia," and in the exergue, on a curved line, the motto "Sic semper tyrannis." On the reverse a group, Libertas with her wand and pileus in her right hand. On her right, Æternitas, with the globe and phoenix in her right hand; and on the left of Libertas, Ceres, with a cornucopia in her left hand, and ears of wheat in her right. Over this device, in a curved line, the word "Perseverando."

1865-6, c. 83,  
p. 193-4.

Hen. Stat. vol.  
10, p. 131-132.

2. The lesser seal of the commonwealth shall be one and nine-six- Id. p. 132.

canal having been cut in several places, the boxes fell into the possession of the United States forces after the surrender of General Lee, and were opened and the seals transmitted to Governor Peirpoint upon the removal of the Alexandria government to Richmond. The words that were interpolated into the seal—"Liberty and Union"—are without authority of any published ordinance of convention, or law of the legislature, either at Wheeling, Alexandria, or Richmond; but it is stated on page 62 of the first volume of West Virginia Reports by the reporter, John Marshall Hagans, Esq., that a resolution was adopted by the convention at Wheeling "providing for the appointment of a committee to procure a great and a lesser seal, the seals of the commonwealth being in the possession of the late executive, respectively bearing, on obverse and reverse, the devices and mottoes on the seals theretofore used by the state, with the addition on each seal of the words 'Liberty and Union.'" The reporter adds this remarkable paragraph: "There was a peculiar propriety in this, which excites greater interest when it is remembered that the seals of Virginia bear the device of a slave of the plebeian order, who, having broken the bonds of his servitude and obtained the ascendancy over his master, stands triumphantly with his foot upon the despot's prostrate form, illustrating the motto of 'Sic Semper Tyrannis' circling around him. So, likewise, did the 'peasantry of the west' in the name of liberty and union."

The seal, as now re-established, is worthy of the state.

teenths inches in diameter, and have engraved thereon the device and inscriptions contained in the obverse of the great seal.

*New seals to be procured and old ones to be defaced.*

1872-3, c. 247,  
p. 223, § 3.

3. The governor is hereby authorized and directed to procure and cause new seals to be prepared, as hereinbefore described, to be engraved in the best manner, with a suitable press for taking impressions therefrom; and thereafter to cause the seals now under the care of the secretary of the commonwealth to be defaced, by filing two marks at right angles across the faces of the same, and the seals now being used by the secretary of the commonwealth shall continue to be used until the fourth day of July, eighteen hundred and seventy-three; and their use heretofore, and until the new seals are ready for use, is hereby declared to be valid.

*How great and lesser seals to be used; tax thereon.*

Id. § 4.

4. The great seal shall be affixed to documents, signed by the governor, which are to be used before tribunals, or for purposes outside of the jurisdiction of this state; and in every such case, except where the state is a party concerned in the use to be made of the document, the tax imposed by law on the seal of the state shall be collected and accounted for by the secretary of the commonwealth, as keeper of the seals.

Id. § 6.

5. The lesser seal shall be affixed to all grants for lands and writs of election issued by the governor; to all letters of pardon and reprieve; to all commissions, civil and military, signed by the governor; and to all other papers requiring seal authorized to be issued by the governor for the purpose of carrying the laws into effect within this commonwealth; and also, when deemed necessary by the secretary of the commonwealth, may be used by him as an authentication of his official signature; but no tax shall hereafter be charged upon said lesser seal, except upon commissions appointing notaries public, inspectors of tobacco and other commodities, commissioners of wrecks, and commissioners in other states for taking acknowledgments, and so forth, and upon certificates of the secretary of the commonwealth, when, at the request of the parties desiring such certificates, the seal is attached. In all such cases the tax shall be the same as upon the great seal, and shall be collected and accounted for in the same manner.

*Flag of the state.\**

Ord. Con. at  
Richmond,  
p. 27-28, No. 33.  
1872-3, c. 247,  
§ 6, p. 223.

6. The flag of the commonwealth shall hereafter be made of bunting or merino. It shall be a deep blue field, with a circular white centre of the same material. Upon this circle shall be painted or embroid-

\* Governor John Floyd, Sr., caused the first flag of the state to be made, and it was used thereafter, from time to time with improvements. The secession convention passed the first law on the subject, on the 30th April, 1861. Ord. Con. (Richmond) 1861, prescribing what the flag should be. But all ordinances of this convention were repealed by the Wheeling convention, and hence the legislature at its last session prescribed the provisions herein contained. This was the regimental flag used during the late war, and was much admired.

ered, to show on both sides alike, the coat-of-arms of the state, as described by the convention of seventeen hundred and seventy-six, for the obverse of the great seal of the state; and there shall be a white silk fringe on the outer edge, furthest from the flag-staff. This shall be known and respected as the flag of Virginia.

*Governor to prescribe size of flag for all purposes.*

7. The governor shall regulate the size and dimensions of the flag Id. § 7. proper for forts, arsenals and public buildings, for ships-of-war and merchant marine, for troops in the field respectively, and for any other purpose, according to his discretion; which regulations shall be proclaimed and published by him as occasion may require.

*When flag to be suspended on the capitol.*

8. During the sessions of either house of the general assembly the Id. § 8. flag of the state shall be kept raised over the capitol, or other place of session, and the superintendent of public buildings shall see that the same be done.

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## Title 2.

### CITIZENSHIP—IMMIGRANTS—ALIENS.

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#### CHAPTER IV.

##### OF CITIZENS, IMMIGRANTS, AND ALIENS.

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7.	How laborers obtain security for wages.	18. } Right of aliens to hold and devise real estate.
8.	Forfeiture for abandoning employer; how recoverable.	19. } Rights of aliens in purchasing or transferring land warrants.
9.	Law applies to contracts before immigration.	
10.	Summary of advantages of residence in Virginia, to be prepared by state authority.	

*Who are citizens.\**

1. All persons born in this state; all persons born in any other state 1869-70, p. 515. of this Union, who may be or become residents of this state; all aliens

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\* Laws of the United States on this subject, of 1802, § 1, containing the conditions of naturalization, declaration of intention, oath, record, proof, renunciation of foreign title, &c.; what courts may naturalize citizens; how minor children are naturalized.—Brightley's