

# ACTS

OF THE

## GENERAL ASSEMBLY

OF

## VIRGINIA,

PASSED AT THE SESSION COMMENCING 7TH JANUARY, AND ENDING  
10TH APRIL, 1839,

IN THE

SIXTY-THIRD YEAR OF THE COMMONWEALTH.

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RICHMOND:

SAMUEL SHEPHERD, *Printer to the Commonwealth.*

1839.

- Clerk of court to be librarian. **2.** *And be it further enacted,* That it shall be the official duty of the clerk of the said court to take charge of and preserve all the books constituting the library aforesaid; and the court shall have power to make such orders and regulations for the preservation thereof, and for the government of the clerk in respect to them, as may be deemed proper. At the next term of the court, bond in a penalty of not less than two thousand dollars, payable to the governor for the time being, shall be required of the clerk with sufficient security for the faithful performance of the duties prescribed by this act; and a similar bond shall be required of every clerk, who may be hereafter appointed; and in case of any neglect of duty or improper conduct of a clerk, whereby the books of the library or any of them shall be injured, lost or destroyed, he and his securities shall be liable therefor; to be recovered by action of debt in the general court.
- To execute bond. **3.** This act shall be in force from the passing thereof.
- Penalty for neglect of duty.
- Commencement.

CHAP. 15.—An ACT providing for certain alterations and repairs to the hall of the house of delegates.

[Passed April 8, 1839.]

- Appropriation for improvement of hall of house of delegates. **1.** *Be it enacted by the general assembly,* That the sum of two thousand five hundred dollars is hereby appropriated out of the public treasury for the purpose of altering and improving the hall of the house of delegates, upon the plan submitted to this general assembly by Joseph Boyd, jr.
- Superintendent to contract for and direct work. **2.** *And be it further enacted,* That George Wythe Munford, esquire, clerk of the house of delegates, as soon as conveniently he can after the adjournment of the present session of the general assembly, proceed to let out the work by contract, and that the same shall be executed under his direction and superintendence; and he is hereby authorized to draw upon the treasurer from time to time, during the progress of the work, for such portions of the sum appropriated as aforesaid, as may be necessary to complete the same.
- How paid for. **3.** This act shall be in force from the passing thereof.
- Commencement.

CHAP. 16.—An ACT concerning the public square and buildings.

[Passed April 10, 1839.]

- Museum to be repaired and rented out. Stone wall of public square reduced in height. **1.** *Be it enacted by the general assembly,* That it shall be the duty of the superintendent of public buildings, under the direction of the executive, to cause the museum to be repaired, and the stone wall near the north end thereof to be reduced to the height of one foot above the walk, with a railing thereon, and to rent out said building and lot for one year; and a sum not exceeding three hundred dollars is hereby appropriated to effect said repairs, out of any money not otherwise appropriated.
- Appropriation for repairs.

CHAP. 17.—An ACT concerning the lunatic asylums of this commonwealth.

[Passed April 10, 1839.]

- Western hospital to be supplied with water. **1.** *Be it enacted by the general assembly,* That the directors of the western lunatic hospital shall be, and they are hereby authorized to contract for conducting an ample supply of good spring water to the said hospital in iron pipes, without the use of forcing pumps or other machinery, from some point sufficiently elevated to allow the water to be conducted into the upper story of the princi-

pal building of said hospital, and for the purpose of defraying the expense thereof, the said directors are hereby empowered to direct their treasurer to draw upon the treasurer of the commonwealth, (to be audited by the auditor of public accounts,) for any sum not exceeding five thousand dollars, in addition to the sums heretofore appropriated for that purpose.

Appropriation  
therefor.

And whereas it is represented to the general assembly that much inconvenience is likely to result from the present mode of keeping the accounts of the said hospital, which would be obviated by causing the fiscal year to terminate on the thirty-first of December instead of the time now fixed by law :

2. *Be it therefore enacted*, That the fiscal year of said institution shall hereafter be regarded as commencing on the first of January, and terminating on the thirty-first of December, of each year, instead of the time now prescribed by law, and the directors and treasurer of said institution are hereby required to change the mode of stating and settling the accounts of said institution, so as to make them conform to the alteration in the commencement and termination of the fiscal year herein provided for.

Fiscal year for  
hospital.

Accounts, how  
settled.

3. *Be it further enacted*, That the directors of the eastern and western lunatic asylums are hereby authorized and empowered to allow to such of their patients, as their respective physicians may think likely to be benefitted thereby, clothing of a quality superior to that usually provided for those patients who are deemed incurable, and to that end, the directors of said institutions shall be at liberty to reserve out of the annual appropriations for the support of said hospitals, a sufficient sum to purchase clothing of a quality and description suitable for the convalescent patients.

Clothing for con-  
valescent patients  
at both hospitals.

4. *Be it further enacted*, That the superintendents and servants in the employment of the lunatic asylums of this commonwealth, shall hereafter be exempted from serving on juries and working on the public roads, and from the performance of military duty in time of peace.

Superintendents  
and servants ex-  
empt from serving  
on juries, working  
on roads, and from  
military duty.

5. *And be further enacted*, That when any person shall be confined in jail as a lunatic, and detained for no other cause, if before his or her removal to the hospital any friend will become bound in the manner prescribed by law for his or her safe keeping; or if he or she shall be so restored to sanity, as that in the opinion of any three magistrates of the county or corporation in which the commitment may have been made, he or she ought to be discharged from custody, it shall be lawful for such magistrates, by warrant, to order his or her discharge; but such discharge shall be no bar to any subsequent proceedings against the same person, if his or her subsequent conduct or lunacy shall require it.

Harmless lunatics,  
how discharged  
from custody.

6. This act shall be in force from its passing.

Commencement.

#### CHAP. 18.—An ACT concerning the penitentiary.

[Passed March 23, 1839.]

1. *Be it enacted by the general assembly*, That the superintendent of the penitentiary shall have power to enclose by a strong wooden fence, from time to time, such part or parts of the public grounds purchased for the use of the same, as the board of directors may approve, for the purpose of raising vegetables for the use of the prisoners. The expenses of making and repairing any such

Part of public  
grounds at peni-  
tentiary to be en-  
closed.