

ORDINANCES


OF

THE CONVENTION


ASSEMBLED AT WHEELING,

ON THE

11th OF JUNE, 1861.



Printed by authority of the Convention.



WHEELING, V A.

1861.

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AN ORDINANCE to authorize the apprehending of suspicious persons in time of war.

The People of Virginia, by their Delegates assembled in Convention at Wheeling, do ordain that the Sixth and Seventh Sections of the Seventeenth Chapter of the Code of Virginia, be amended and re-enacted to read as follows:

1. The Governor may cause to be apprehended and secured, or may compel to depart from this State, all suspicious subjects or citizens of any foreign State or Power at war with the United States.

2. And whereas, the Convention at Richmond have declared the Union between the State of Virginia and the other States, under the Constitution of the United States, to be dissolved, and have attempted to transfer the allegiance of the People of this State to an illegal Confederacy of rebellious States, called the Confederate States of America; claiming that the State of Virginia and the said Confederate States are rightfully, and in fact foreign States or Powers in reference to the United States: Now, therefore all persons in this Commonwealth adhering to and supporting the said Convention at Richmond, or the said Confederate States, or professing to owe allegiance or obedience to the same, shall be deemed, (for the purposes of this Ordinance only,) subjects or citizens of a foreign State or Power at war with the United States.

3 The Governor may send for the person and papers of any such person within this State, in order to obtain information to enable him to act in such cases.

4. Any warrant or order of the Governor under this Ordinance may be directed to any Sheriff or other officer, civil or military, and shall be executed according to the terms thereof by such officer, who shall have all the powers necessary for the purpose, either in or out of his county or corporation.

5. If the Governor shall have just cause to believe that any persons in this State claiming to be subjects or citizens of the said Confederate States, or adhering to and supporting the said Convention or the said Confederate States, or professing to owe allegiance or obedience to the same, are about to assemble together, or have assembled themselves together, for the purpose of drilling or receiving military instruction, or to organize themselves as a military force, or to attempt any military operation, or do any act which may endanger the safety or welfare of the good people of this Commonwealth or any portion of the same; he may cause such assemblage to be prevented or dispersed, and the persons who may be about to assemble or have assembled as aforesaid, to be apprehended and secured, or may compel them to depart from this State; and for this purpose he may issue his warrant or order directed to any Sheriff or other offi-

cer, civil or military, which warrant or order shall be executed as aforesaid. And any assemblage of two or more persons for any purpose inimical to the government of the United States, or of this State as re-organized by this Convention, shall be deemed an unlawful assembly, and the persons so offending may be proceeded against and punished as provided in Chap. 195, of the Code of Virginia.

6. If any Sheriff or other person shall transmit or pay any money, or any check, draft, bill, order, note or certificate for the payment of money, to any officer or other person at Richmond or elsewhere, for the use of the said Confederate States, or of the illegal State government at Richmond, now waging war against the United States; or shall furnish any money, arms, military equipments or munitions of war, or aid or other support to the said Confederate States, or State government, or to any military force under the control or direction of the same, or to any person or persons about to join any such military force; the Governor may cause to be apprehended and secured, or may cause to depart from this State, the Sheriff or other person guilty of such offence, and for this purpose may issue his warrant or order and cause the same to be executed as hereinbefore provided.

7. The powers vested in the Governor by this Ordinance, shall be exercised only upon satisfactory evidence and, with the concurrence of a majority of his Council.

8. This Ordinance shall take effect from its passage, and may be altered or repealed by the General Assembly.

ARTHUR I. BOREMAN, *President.*

G. L. CRANMER, *Secretary.*

AN ORDINANCE Relating to the Receipts and Disbursements of the Public Revenue, and Providing for the Appointment of an Auditor, Treasurer and Secretary of the Commonwealth.

The People of Virginia, by their Delegates assembled in Convention, in Wheeling, do ordain as follows:

1. The General Assembly, as soon as it shall be organized at Wheeling, pursuant to the Ordinances of this Convention, shall elect by joint vote of the two houses, an Auditor of Public Accounts, a Treasurer, and a Secretary of the Commonwealth; whose terms of office shall respectively commence as soon as they shall be duly qualified, and shall continue for the unexpired portion of the current term of said offices, and until their successors be respectively elected and qualified.

2. The officers so to be elected shall discharge the duties and exercise the powers pertaining to their several offices by existing laws, so far as such laws may be consistent with the Ordinances of this Convention.

3. Each of said officers shall give bond, with security, to the satisfaction of the Governor; which bond shall be payable to the Commonwealth of Virginia, and be conditioned for the faithful performance of the duties of the office. The penalties of the bonds shall be respectively as follows: that of the Auditor of Public Accounts, Twenty Thousand Dollars; that of the Treasurer, Fifty Thousand Dollars; and that of Secretary of the Commonwealth, Five Thousand Dollars. Each of the bonds shall be submitted to the Governor for approval; and if he be of opinion that it is in proper form, and duly executed, and that the security is sufficient, he shall endorse his approval thereon, and cause the same to be deposited in some secure place for safe keeping.

4. The Auditor of Public Accounts, and the Treasurer, shall each keep an office in the City of Wheeling, for the transaction of their official business; and the hours for transacting business at said offices shall be from eight in the morning until three in the afternoon, between the first day of April and the first day of November; and from nine in the morning until three in the afternoon, during the remainder of the year.

5. It shall be the duty of the several Sheriffs, and all other persons who have in their hands, or are liable for, any monies which by existing laws are payable to the Treasury of the State of Virginia, forthwith to adjust their several accounts with the Auditor to be elected as aforesaid, and pay over to the Treasurer herein provided for, the amounts which shall respectively be found due to the State.

6. If any Sheriff or other person, having in his hands, or being liable for, any monies which by existing laws are payable to the Treasury, fail or refuse to adjust his account, or to pay over such

monies as herein required, the Auditor of Public Accounts shall immediately publish a notice of such default in some Newspaper in the City of Wheeling; and if such Sheriff or other person shall not, within thirty days after such publication, have duly adjusted his account and paid over such monies, he shall forfeit and pay to the Commonwealth, the sum of Five Hundred Dollars, to be levied by distress under warrant of the Governor; which warrant it shall be the duty of the Governor to issue, on satisfactory evidence that such default has occurred, directing the same at his discretion to the Sheriff of any county, or to a special Commissioner or Commissioners for the purpose; and the Sheriff or other person making default as aforesaid, and his or their securities, shall further be liable to judgment, in the name of the Commonwealth of Virginia, for the amount appearing to be due, with interest thereon from the time of such default till payment, and fifteen per centum upon the principal, as damages, to be recovered by motion on ten day's notice in any Court of Record in the State.

7. The several Commissioners of the Revenue and Sheriffs" having first taken the oath or affirmation required by the Ordinances of this Convention, and being otherwise duly qualified, shall proceed, with all convenient dispatch, to the discharge of their several duties in relation to the assessment and collection of the public revenue, under the existing laws, so far as the same may not be inconsistent with the Ordinances of this Convention.

8. All monies to be paid into the public Treasury, shall be paid into the Merchants' and Mechanics' Bank of Wheeling, at the City of Wheeling, or one of its Branches, at Point Pleasant, Clarksburg and Morgantown; or into the North Western Bank of Virginia, at Wheeling, or one of its Branches at Parkersburg and Wellsburg; or if East of the Blue Ridge, into the Bank of the Old Dominion, in Alexandria, all monies of the State collected in the counties East of the Blue Ridge of Mountains; to the credit of *The Treasury of Virginia*; and the person so paying the same shall take from the proper officer of such Bank or Branch, a certificate of the fact. The Treasurer, on the delivery of such certificate, shall retain and file the same, charging the amount therein specified to the proper Bank or Branch, and delivering to the person who made the payment at Bank, duplicate receipts for the amount so paid, specifying on what account the money was paid. The person making the payment shall forthwith hand over one of the said receipts to the Auditor of Public Accounts, to be retained and filed by him, and charged to the Treasurer's account; and upon the other receipt, which is to be retained by the person making the payment, the Auditor shall endorse as follows:—*A duplicate hereof has been filed in the Auditor's office*, and affix his signature and the proper date to such endorsement.

9. No receipt of the Treasurer shall be an acquittance or discharge to any person for any sum of money due to the Commonwealth, unless such receipt be endorsed by the Auditor of Public Accounts as aforesaid. And any person bound to pay money into the Public Treasury, who shall pay the same otherwise than according to this Ordinance, shall remain liable for such money, and

be subject to every fine, penalty or forfeiture to which he would have been subject if he had not paid the same.

10. If the Governor, at any time when this Convention, and the General Assembly re-organized under the Ordinances thereof, shall not be in session, shall be of opinion that the safety of the public funds requires that no more public monies should be paid into any one or more of the depositories specified in the eighth section, or that the monies which may be in the same, to the credit of the Treasury, should be withdrawn, he may announce the fact by proclamation, to be published in some newspaper in the City of Wheeling, and in the City of Alexandria; and in the proclamation he may, if it be necessary, designate another depository or depositories, at which monies due the Commonwealth may thereafter be paid. And after such proclamation published, it shall not be lawful to pay any sum of money on State account into any depository or depositories to which such payment shall be thereby forbidden; and the Auditor of Public Accounts and Treasurer, if required by the Governor, shall cause the monies held by such depository or depositories to be transferred to some other lawful depository or depositories of the Public Funds. But all such Proclamations and orders of the Governor shall, as soon as possible, be submitted to this Convention or to the General Assembly, for their revision.

11. Any person claiming to receive money from the Public Treasury, shall apply to the Auditor of Public Accounts for a warrant for the same. And the Auditor if he find such money to be due by the State, and that the payment thereof has been authorized by any Ordinance of this Convention, or Act of the General Assembly as re-organized under the Ordinances of this Convention, shall issue his warrant therefor upon the Treasurer, specifying on what account the money is to be paid, and to what appropriation the same is chargeable. And the Treasurer, on the presentation of said warrant to him, shall if satisfied that such warrant has been authorized as aforesaid, endorse upon said warrant, his Check, directed to some one of the depositories in which there shall be money to the credit of the Treasury, which check shall be payable to the order of the person entitled to receive the amount therein specified. The Treasurer shall however, at no time, draw a check on any Bank, Branch, or other depository, unless there be money enough therein, to the credit of the Treasury, to pay such check. And no Bank, Branch or other depository, holding money to the credit of the Treasury, shall pay any Check drawn by the Treasurer, unless the same be endorsed upon a warrant, authorizing the same, issued by the Auditor of Public Accounts.

12. This ordinance shall take effect from its passage. It may be altered or repealed by the General Assembly.

ARTHUR I. BOREMAN, *President.*

G. L. CRANMER, *Secretary.*

AN ORDINANCE fixing the compensation of certain officers therein mentioned.

1. The People of Virginia, by their Delegates assembled in Convention at Wheeling, do ordain that the compensation of the several officers herein mentioned shall be as follows:

Of the Governor, at the rate of three thousand dollars per annum;

Of the Attorney General, at the rate of one thousand dollars per annum;

Of the Secretary of the Commonwealth, at the rate of fifteen hundred dollars per annum;

Of the Auditor of Public Accounts, at the rate of two thousand dollars per annum;

Of the Treasurer, at the rate of fifteen hundred dollars per annum;

Of the President of the Senate, the Speaker of the House of Delegates, and the President of this Convention, eight dollars to each for every day's attendance;

Of the other members of the Senate, House of Delegates, and of this Convention, four dollars to each one for every day's attendance; but no person shall receive compensation for the same day both as a member of this Convention and of the Legislature;

Of the Secretary of this Convention, eight dollars for each day's attendance, out of which he is to pay his assistant;

Of the Sergeant at Arms attending this Convention, and Sergeant-at-Arms for the Legislature, four dollars for each day's attendance; and two dollars per day for each door keeper and police officer employed; and one dollar per day for each of the pages.

2. The Secretary of the Commonwealth, Auditor of Public Accounts and Treasurer, shall once at least in every quarter submit to the Governor their several accounts for office expenses, including printing, stationery, blank books, fuel and other things necessary for the transaction of their official business; which accounts when approved by the Governor, and such approval certified in writing, shall be allowed and paid. All expenses incurred by the Governor and Council in the transaction of official business, shall be submitted to the Auditor of public accounts in the same manner as other claims against the State.

3. The members of the Senate and House of Delegates shall be allowed mileage at the rate of ten cents for every mile of necessary travel to be computed by the nearest and most direct route from their several residences to the City of Wheeling.

4. This Ordinance shall take effect from its passage, and may be altered or repealed by the General Assembly.

ARTHUR I. BOREMAN, *President.*

G. L. CRANMER, *Secretary.*

AN ORDINANCE recognizing the Constitutional duty of the Commonwealth of Virginia to call forth the Militia of the State in obedience to the lawful Requisition of the Government of the United States "to execute the laws of the Union, suppress insurrections and repel invasions."

Whereas, by the Proclamation of the President of the United States, three Regiments of Volunteer Militia, consisting of infantry or riflemen, have been called into the service of the United States, to aid in the execution of the laws of the Union, and other and additional Regiments may in like manner be hereafter lawfully called into the service of the United States for the like purpose;

Now, therefore, the People of Virginia, by their Delegates assembled in Convention at Wheeling, do ordain as follows:

1. That the Governor of this Commonwealth grant commissions in the usual and prescribed form, to the officers of the several regiments which may have been heretofore, or may hereafter be mustered into the service of the United States; such officers to take rank in their several grades, as of the dates of their several elections; the said Regiments to be numbered in the order of their organization, and styled "Virginia Volunteer Militia in the service of the United States."

Full returns of said Regiments shall as soon as practicable be made to the Adjutant General, who shall make due record thereof, and of all commissions issued under this Ordinance. Such Regiments shall be organized in the mode prescribed by the Act of Congress of the United States for such case made and provided, and the officers thereof shall be appointed in the mode provided by the existing laws of this Commonwealth.

2. This Ordinance shall take effect from and after the day of its passage, and may be repealed or amended by the General Assembly.

ARTHUR I. BOREMAN, *President.*

G. L. CRANMER, *Secretary.*

AN ORDINANCE relating to the Collection of the Revenue.

The People of Virginia, by their Delegates assembled in Convention at Wheeling, do ordain as follows:

1st. That on all taxes hereafter collected there shall be allowed to the person from whom they are collected by the officer collecting the same, ten per centum on the amount thereof if such payment be made on or before the 15th day of September next; if made after the 15th day of September and prior to the 15th day of October next, six per centum on the amount paid; and if made after the said 15th day of October and prior to the 10th day of November next, three per centum shall be allowed on the amount paid.

2d. It shall be the duty of the Auditor of the Public Accounts to credit the accounts of the several Sheriffs with the per centage allowed to be deducted from said taxes under the terms of the preceding section; provided the said Sheriffs shall account for and pay over the said taxes collected, within ten days after each respective period stated in said section.

3d. This Ordinance shall take effect from and after the day of its passage, and may be repealed or amended by the General Assembly.

ARTHUR I. BOREMAN, *President.*

G. L. CRANMER, *Secretary.*

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