

# CODE OF VIRGINIA.

**SECOND EDITION,**

**INCLUDING LEGISLATION TO THE YEAR**

1860.

UNIVERSITY  
OF VIRGINIA

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PUBLISHED PURSUANT TO LAW.

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RICHMOND:  
PRINTED BY RITCHIE, DUNNAVANT & CO.  
1860.

# CHAPTER CCI.

## FOR PREVENTING THE COMMISSION OF CRIMES.

Sec.		Sec.		
1.	Conservators of the peace; power to bind to good behavior.	14.	Authority of police limited to county. Evidence of official character.	
2.	} Duty of, on complaint that a crime is intended.	15.	Power to apprehend, and for what offences. Tampering with slaves or circulating incendiary documents.	
3.		16.	Duty of justice; may bind to keep peace.	
4.	Proceeding when accused appears.	17.	} Oath to be taken by police; their compensation.	
5.	Right of accused to appeal.	18.		19.
6.	} Power of court thereupon, and when accused is committed.	20.	Conservator of peace at watering places, how appointed. His jurisdiction.	
7.		8.	Person going armed, when required to recognize.	
9.	Affray or threats in presence of conservator.	21.	His power to make and publish regulations.	
10.	Proceedings when person suspected of retailing spirits without license.	22.	His term of office. Violation of his regulations cause for binding to keep peace.	
	<i>Special county police.</i>	23.	Policeman to be appointed. His power same as constable, except as to civil process. Oaths of conservator and policeman.	
11.	} County courts may appoint and remove special police.			
12.		13.	Removal from county vacates office of police.	

### *Conservators of the peace; their powers and duties.*

1. Every judge throughout the state, and every justice and commissioner in chancery, within his county or corporation, shall be a conservator of the peace, and may require from persons not of good fame, security for their good behavior, for a term not exceeding one year. 1 R. C. p. 263, c. 74 1847-8, p. 127, c. 14, § 1, 17

2. If complaint be made to any such conservator that there is good cause to fear that a person intends to commit an offence against the person or property of another, he shall examine on oath the complainant and Id. § 2

any witnesses who may be produced, reduce the complaint to writing, and cause it to be signed by the complainant.

Id. § 3  
3 Munf. 458

3. If it appear proper, such conservator shall issue a warrant reciting the complaint, and requiring the person complained of forthwith to be apprehended and brought before him or some other conservator.

1845-6, p. 64, c. 87  
1847-8, p. 128,  
§ 4, 5, 6, 7, 8

4. When such person appears, if the conservator, on hearing the parties, consider that there is not good cause for the complaint, he shall discharge the said person, and may give judgment in his favor against the complainant for his costs. If he consider that there is good cause therefor, he may require a recognizance of the person against whom it is, and give judgment against him for the costs of the prosecution, or any part thereof; and unless such recognizance be given, he shall commit him to jail by a warrant, stating the sum and time in and for which the recognizance is directed. The person giving judgment, under this section, for costs, may issue a writ of fieri facias thereon, if an appeal be not allowed: and proceedings thereupon may be according to the ninth and eleventh sections of chapter one hundred and fifty.

Ante, c. 150,  
§ 9, 11

1847-8, p. 128,  
§ 9, 10

5. A person from whom such recognizance is required, may, on giving it, appeal to the court of the county or corporation; in such case the officer, from whose judgment the appeal is taken, shall recognize such of the witnesses as he thinks proper.

Id. § 11, 12

6. The court may dismiss the complaint or affirm the judgment, and make what order it sees fit as to the costs. If it award costs against the appellant, the recognizance which he may have given shall stand as a security therefor. When there is a failure to prosecute the appeal, such recognizance shall remain in force, although there be no order of affirmance. On any appeal the court may require of the appellant a new recognizance, if it see fit.

Id. § 13, 14

7. Any person committed to jail under this chapter may be discharged by the county or corporation court, on such terms as it may deem reasonable.

Id. § 16  
1 R. C. p. 554,  
c. 140

8. If a white person go armed with a deadly or dangerous weapon, without reasonable cause to fear violence to his person, family or property, he may be required to give a recognizance, with the right of appeal, as before provided, and like proceedings shall be had on such appeal.

Id.  
1847-8, p. 129,  
§ 15

9. If a person, in the presence of a court or a conservator of the peace, make an affray, or threaten to kill or beat another, or to commit violence against his person or property, or contend with angry words, to the disturbance of the peace, he may, without process or further proof, if he be a white person, be required to give a recognizance, and if he be a negro, be punished with stripes.

be paid out of the county levy, or at the discretion of such court, out of a fund to be raised by a special levy on slave tithables of said county.

Id. § 9

19. The said officer or officers shall have power and authority to require any person to aid in making such arrest, as sheriffs are now authorized by law.\*

*Police regulations for watering places.*

Id. p. 73, 4, c. 64,  
§ 1

20. The county court, or the judge of the circuit court of any county in which any watering place may be located, may, upon the application of the owners or proprietors of such watering place, appoint some citizen of the commonwealth conservator of the peace, whose jurisdiction shall extend over the grounds attached to such watering place, within such limits as shall be prescribed in the order appointing such conservator.

Id. § 2

21. Such conservator shall have power to prescribe such police regulations, not inconsistent with the laws of the commonwealth, as may be expedient for the preservation of the peace and good order of such watering place, and shall keep such regulations posted at some public place within his jurisdiction.

Id. § 3

22. Such conservator of the peace shall hold his office for one year from the time of his appointment, and within the limits prescribed for his jurisdiction, shall be a conservator of the peace; and the violation of any regulation prescribed and published in the manner required by the *preceding*† section, shall be held to be sufficient cause for recognizing the violator to answer the same, and to be of good behavior, or to keep the peace, as may seem proper.

Id. § 4

23. And such court shall have power and is hereby authorized to appoint some citizen a policeman, whose power and duties shall be the same as those of a constable, except that he shall not have authority to execute civil process. Before the said conservator of the peace and policeman shall perform the duties of their respective offices, they shall take the oaths prescribed by law, before the court making the appointment, or before a justice of the peace.