

**REVISION OF
TITLES 1, 5 AND 7 OF THE CODE OF VIRGINIA**

**REPORT OF THE
VIRGINIA CODE COMMISSION
To
THE GOVERNOR
And
THE GENERAL ASSEMBLY OF VIRGINIA**



**COMMONWEALTH OF VIRGINIA
Department of Purchasers and Supply
Richmond
1965**

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REVISION OF TITLES 1, 5 AND 7 OF THE CODE OF VIRGINIA

Report of
The Virginia Code Commission
To
The Governor And The General Assembly Of Virginia

Richmond, Virginia, July 1, 1965

To:

HONORABLE A. S. HARRISON, JR., *Governor of Virginia*

and

THE GENERAL ASSEMBLY OF VIRGINIA

The General Assembly at its Regular Session of 1964 directed the Virginia Code Commission, by Chapter 625 of the Acts of that Session, to revise certain titles of the Code of Virginia, including Titles 1, setting forth general provisions, 5, relating to aviation, and 7, relating to boundaries, jurisdiction and emblems of the Commonwealth.

Extracts from Chapter 625 follow:

“§ 1. The Code of Virginia shall be gradually revised by revising one or more titles at a time. In revising each title, all other sections of the Code relating to the same subject matter shall be revised to the extent necessary. Experts shall be employed by the Virginia Code Commission to assist in the project. The Commission may also accept the services of qualified volunteers who are willing to serve without pay. Tentative drafts of proposed revisions shall be printed and circulated among interested person and their comments solicited.

“§ 2. The Commission shall undertake the revision of Titles 1, 2, 3, 5, 6 and 7, and submit to the Governor and the General Assembly, on or before October one, nineteen hundred sixty-five, a report of its recommendations, together with suggested legislation necessary to carry such recommendations into effect.”

Hugh R. Thompson, Jr., Esquire, of the Richmond City Bar, and William Griffith Thomas, Esquire, of the Alexandria Bar, were retained as Counsel to assist in the revisions of these titles.

Counsel examined the provisions of these titles in detail, and consulted interested individuals, groups and agencies of the State government.

The Commission met with Counsel on several occasions, reviewed these titles, and discussed in detail changes recommended by members of the Commission, by Counsel, and by the above-mentioned individuals, groups and agencies.

As a result of its efforts, the Commission concluded that there is no necessity for the wholesale revision of Title 1 and is recommending the amendment of only a few sections thereof. However, as to Titles 5 and 7,

we consider it desirable that there be a rearrangement of a number of the provisions for better sequence, a general renumeration of the sections, the deletion of certain obsolete sections, and the amendment of other sections. We are of the opinion that this can be better accomplished by the repeal of Titles 5 and 7, and the enactment of Titles 5.1 and 7.1 in lieu thereof.

Included in this report are the respective reports of Counsel to the Commission on Titles 1, 5 and 7. Also, following each section of the drafts of Titles 5.1 and 7.1 are Counsel's notes identifying the source of the provisions of the section and commenting upon any change therein. Furthermore, preceding the drafts of Titles 5.1 and 7.1 there are set forth tables of comparable sections, for the purpose of tracing each of the provisions of Titles 5 and 7 into proposed Titles 5.1 and 7.1. These tables also indicate those sections of Titles 5 and 7 which have been deleted, and those sections of Titles 5.1 and 7.1 which are new sections. Those who are interested in the major features of the revisions should read the reports of Counsel and the notes following the several sections of Titles 5.1 and 7.1, to which reference is hereby made.

RECOMMENDATIONS

The Code Commission submits this report, and recommends that the Legislature enact the attached bills in 1966.

The Commission acknowledges the high caliber of the work of Counsel in this project. The assistance of various agencies and individuals is gratefully recognized.

Respectfully submitted,

James M. Thomson, *Chairman*

E. Almer Ames, Jr., *Vice-Chairman*

John B. Boatwright, Jr.

W. Moscoe Huntley

Kenneth C. Patty

POOLE, MONCURE & THOMPSON

Attorneys & Counselors At Law

601 Mutual Building

Richmond 19, Virginia

September 16, 1964

The Honorable James M. Thomson
The Honorable E. Almer Ames, Jr.
The Honorable John B. Boatwright, Jr.
The Honorable W. Moscoe Huntley
The Honorable Kenneth C. Patty
Virginia Code Commission
State Capitol
Richmond, Virginia

Gentlemen:

Pursuant to your instructions, I have made a careful review of Title 1 of the Code of Virginia and herewith tender my observations, conclusions, and recommendations with respect to the revision thereof.

Title 1 is unique and in several respects requires other than routine treatment upon revision.

Chapter 1 of this title is composed entirely of provisions basic to and inseparable from the 1948 Act which brought into existence the present Code of Virginia. These are the key provisions bridging the gap between all of Virginia's statutory law general in nature prior to April 6, 1948, and the Code of Virginia as it now exists. The provisions of this chapter spoke as of April 6, 1948, as part and parcel of the Act which brought into being the Code of Virginia and not merely as provisions of the Code itself. It is, therefore, suggested that any amendment of any provision of Chapter 1, whether substantive or procedural, would invite interpretation as of the date of amendment or re-enactment rather than the date of original enactment. A review of the text of the chapter with this in mind leads me to strongly recommend that no change whatsoever be made in this chapter.

The considerations expressed above with respect to Chapter 1 do not apply to Chapters 2 and 3. Conversely, in Chapter 2, the amendment of several sections, several sequence changes, and the consolidation of several sections would be desirable. Chapter 3 invites no internal changes; however, its subject matter is somewhat out of context in this title.

The provisions of Chapter 2, although readily amendable, are so similar in nature to the provisions of Chapter 1 that their retention in the same title appears desirable. As for Chapter 3, its provisions appear to be as much at home where they are as they would be anywhere else in the Code.

I must, therefore, recommend that there be no general renumeration of Title 1, that the provisions of Chapters 1 and 3 not be amended in any respect, and that only specific sections of Chapter 2 be amended individually as requested.

Those sections which appear to require amendment, primarily to delete obsolete language but partly to reduce redundancy, are: §§ 1-13.22, 1-13.30, 1-13.35, and 1-13.36.

Drafts for suggested bills to effect these recommendations are appended hereto. The specific changes are:

In § 1-13.22—Broadened to conform with the amendment of § 1-13.35 in 1964.

In § 1-13.30—This section has been completely rewritten to conform with the revision of Title 16.

In § 1-13.35—Lettered paragraphs (a)&(b) are deleted as obsolete.

In § 1-13.36—The wording added by the 1960 amendment is deleted as now being obsolete.

For convenient background references with respect to treatment of this chapter, it is suggested the reader see the Virginia cases and statutes cited in the footnotes in Title 1 of the Code with particular emphasis upon the historical footnote to § 1-1, to the “Foreword” in Volume 1 and in the 1964 Supplement thereto, and, generally, to “Sutherland-Statutory Construction”, third edition.

Respectfully submitted,

Hugh R. Thompson, Jr., *Counsel*

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P. O. Box 1138
Alexandria, Virginia 22313
836-2770

May 28, 1965

The Honorable James M. Thomson
The Honorable E. Almer Ames, Jr.
The Honorable John B. Boatwright, Jr.
The Honorable W. Moscoe Huntley
The Honorable Kenneth C. Patty
Virginia Code Commission
State Capitol
Richmond, Virginia

Gentlemen:

Pursuant to your instructions, I have made a careful review of Title 5 of the Code of Virginia and attached hereto are my recommendations in regard to the revision thereof.

Chapter 1 contains few revisions other than ones of form made for the sake of clarity. Fees specified therein have been slightly increased pursuant to request of the Division of Aeronautics. Chapter 2 likewise contains very few revisions.

Chapter 3 had certain sections which overlapped in coverage. These have been combined. Chapter 4 required no revision except updating internal references. A substantive change in Section 5-46 was made pursuant to the request of the Division of Aeronautics. It allows for recurring expenditures to be made for the necessary upkeep of landing fields.

Chapter 6, The Virginia Airports Authority, was adopted in 1958, and only required internal reference changes.

A table showing corresponding old and new sections numbering has been attached for your convenience.

Respectfully submitted,

William Griffith Thomas, *Counsel*

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836-2770

May 28, 1965

The Honorable James M. Thomson
The Honorable E. Almer Ames, Jr.
The Honorable John B. Boatwright, Jr.
The Honorable W. Moscoe Huntley
The Honorable Kenneth C. Patty
Virginia Code Commission
State Capitol
Richmond, Virginia

Gentlemen :

Pursuant to your instructions, I have made a careful review of Title 7 of the Code of Virginia and attached hereto are my recommendations in regard to the revisions thereof.

Title 7 is unique in that it contains many compacts and boundary agreements, and other material which is not susceptible to revisions. Most of Chapter 2 has been deleted. This Chapter had many meaningless sections. Chapter 3 contains various clarifications in text. The balance of the title deals with the State Flag, seal, etc. and no substantive changes have been undertaken.

A table showing corresponding old and new section numbers has been attached for your convenience.

Respectfully submitted,

William Griffith Thomas, *Counsel*

GENERAL TABLE OF CONTENTS
FOR THIS REPORT

	Page
Title 1.	
A BILL To amend and reenact §§ 1-13.22, 1-13.35 and 1-13.36	12
A BILL To amend and reenact § 1-13.30	13
Title 5.1.	
Table of Comparable Sections	14
Table of Contents	15
A BILL To repeal Title 5 and enact Title 5.1	16
Title 7.1.	
Table of Comparable Sections	42
Table of Contents	43
A BILL To repeal Title 7 and enact Title 7.1	44

A *BILL to amend and reenact §§ 1-13.22, 1-13.35, and 1-13.36, as amended, of the Code of Virginia, all relating to the meaning of the term "population" and its effect under certain circumstances.*

Be it enacted by the General Assembly of Virginia :

1. That §§ 1-13.22, 1-13.35, and 1-13.36, as amended, of the Code of Virginia be amended and reenacted as follows :

§ 1-13.22. The word "population" used *in this Code* or in any act of the General Assembly with reference to any county, city, town or *political subdivision of the State or any combination thereof*, unless the context clearly indicates some other meaning, shall be construed to mean the population of such county, city, town, *political subdivision* or *combination* as shown by the United States census latest preceding the time at which any provision dependent upon population is being applied, or the time as of which it is being construed, to the end that there will be such flexibility as will constitute the word of general and variable, instead of special and invariable, significance; provided, however, that where two or more political subdivisions are consolidated, the population of the consolidated county or city or *other political subdivision* shall be the combined population of the consolidating subdivisions, under the last preceding United States census.

§ 1-13.35. * Whenever any county, city, town or political subdivision of the State or any combination thereof is identified by population classification in any statute heretofore or hereafter enacted, such statute shall continue to apply to such county, city, town, political subdivision or combination notwithstanding any subsequent change in population and shall cease to so apply only upon the subsequent enactment by the General Assembly of a measure in which such intent is clearly stated. All actions of any such county, city or town or political subdivision of the State or any combination thereof, and of the officers thereof and of the clerks of courts thereof in the operation of their respective offices either on a fee or salary basis for the calendar year of nineteen hundred sixty-one, and until March thirty, nineteen hundred sixty-two, under any such act of Assembly or provision of the Code of Virginia enacted prior to July one, nineteen hundred sixty, are hereby ratified, validated and confirmed. Nothing in this paragraph shall operate to prevent the application of any such * *statute* to any county, city or town or political subdivision of the State or any combination thereof, falling within the population classification therein prescribed.

§ 1-13.36. The provisions of § 1-13.35 shall not apply to, or limit, the distribution of any State funds, grants-in-aid, or other allocation from the State treasury, to any county, city, town or other political subdivision of the State. *

A BILL to amend and reenact § 1-13.30 of the Code of Virginia relating to the definition of “trial justice”.

Be it enacted by the General Assembly of Virginia :

1. That § 1-13.30 of the Code of Virginia be amended and reenacted as follows:

§ 1-13.30. The term “trial justice” shall be construed to include * *every judge or justice and every associate, assistant or substitute judge or justice of every court authorized, established or continued by any provision of Title 16.1 of this Code.*

TABLE OF COMPARABLE SECTIONS

Titles 5 and 5.1

Title 5	This Report	Title 5	This Report
5-1	5.1-1	5-31	5.1-34
5-2	5.1-2	5-32	Deleted
5-3	5.1-3	5-33	5.1-42
5-4	5.1-2 & 5.1-4	5-34	5.1-41
5-5	5.1-5	5-35	5.1-43
5-6	5.1-6	5-36	5.1-44
5-7	5.1-7	5-37	5.1-23
5-8	5.1-8	5-38	5.1-40
5-9	5.1-9	5-39	5.1-45
5-10	5.1-10	5-39.1	5.1-47
5-10.1	5.1-13	5-39.2	5.1-48
5-10.2	5.1-14	5-39.3	Deleted
5-10.3	5.1-15	5-40	5.1-49
5-10.4	5.1-16	5-41	5.1-50
5-10.5	5.1-17	5-42	5.1-51
5-10.6	5.1-18	5-43	5.1-52
5-10.7	5.1-19	5-44	5.1-53
5-11	5.1-24	5-45	5.1-54
5-12	5.1-25	5-46	5.1-55
5-13	5.1-11	5-47	5.1-56
5-14	5.1-12	5-48	5.1-57
5-14.1	5.1-20	5-49	5.1-58
5-14.2	5.1-21	5-50	5.1-59
5-14.3	5.1-22	5-51	5.1-60
5-15	5.1-26	5-52	5.1-61
5-16	5.1-27	5-52.1	5.1-62
5-17	5.1-28	5-52.2	5.1-63
5-18	5.1-29	5-52.3	5.1-64
5-19	5.1-30	5-52.4	5.1-65
5-20	5.1-31	5-52.5	5.1-66
5-21	5.1-32	5-52.6	5.1-67
5-22	5.1-33	5-53	5.1-68
5-23	5.1-34	5-54	5.1-69
5-24	5.1-35	5-55	5.1-70
5-24.1	5.1-36	5-56	5.1-71
5-25	5.1-46	5-57	5.1-72
5-26	5.1-37	5-58	5.1-73
5-27	5.1-38	5-59	5.1-74
5-28	5.1-39	5-60	5.1-75
5-29	5.1-31	5-61	5.1-76
5-30	5.1-33		

TABLE OF CONTENTS

TITLE 5.1. AVIATION.

Chapter 1.

Aircraft, Airmen and Airports Generally.

- Article 1. General Provisions, §§ 5.1-1 through 5.1-12
2. Illegal Operation, etc.; Procedure; Penalties, §§ 5.1-13 through 5.1-25

Chapter 2.

Aviation Advisory Committee.

§§ 5.1-26 through 5.1-30

Chapter 3.

Municipal and County Airports and other Air Navigation Facilities.

- Article 1. Acquisition, Establishment and Operation Generally; Outside Easements, §§ 5.1-31 through 5.1-41
2. Funds for Acquisition, Operation, etc., §§ 5.1-42 through 5.1-46
3. Federal Airport Act, §§ 5.1-47 through 5.1-48

Chapter 4.

State Highway Commission.

§§ 5.1-49 through 5.1-50

Chapter 5.

Special Fund for Administration of Aviation Laws.

§§ 5.1-51 through 5.1-55

Chapter 6.

Virginia Airports Authority.

§§ 5.1-56 through 5.1-76

A BILL to revise, rearrange, amend and recodify the general laws of Virginia; relating to aviation to that end to repeal Title 5 of the Code of Virginia, which title includes chapters 1 to 6 and §§ 5-1 to 5-61, inclusive, of the Code of Virginia, as amended, which title relates to aviation; to amend the Code of Virginia by adding thereto, in lieu of the foregoing title, chapters and sections of the Code repealed by this act, a new title numbered 5.1, which title includes new chapters numbered 1 to 6, inclusive, and new sections numbered §§ 5.1-1 to 5.1-76, inclusive, relating to aviation; to prescribe when such revision and recodification shall become effective, and to repeal all acts and parts of acts in conflict with the provisions of this act.

Be it enacted by the General Assembly of Virginia :

1. That Title 5 of the Code of Virginia, which title includes chapters 1 to 6 and §§ 5-1 to 5-61, inclusive, of the Code of Virginia, as amended, is repealed.
2. That the Code of Virginia be amended by adding thereto, in lieu of the title, chapters and sections of the Code of Virginia herein repealed, a new title numbered 5.1, new chapters numbered 1 to 6, inclusive, and new sections numbered 5.1-1 to 5.1-76, inclusive, which new title, chapters and sections are as follows :

CHAPTER 1.

Aircraft, Airmen and Airports Generally.

Article 1.

General Provisions.

§ 5.1-1. When used in this chapter, unless expressly stated otherwise:

- (a) "Commission" means the State Corporation Commission.
- (b) "Person" means any individual, corporation, government, political subdivision of the state, or governmental subdivision or agency, business trust, estate, trust, partnership, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity.
- (c) "Aircraft" means any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation used primarily as safety equipment.
- (d) "Public aircraft" means an aircraft used exclusively in the service of any state or the federal government.
- (e) "Civil aircraft" means any aircraft other than a public aircraft.
- (f) "Airman" means any individual, including the person in command, and any pilot, mechanic, or member of the crew, who engages in the navigation of aircraft while under way, and any individual who is directly in charge of the inspection, maintenance, overhauling or repair of aircraft, aircraft engines, propellers or accessories; and any individual who serves in the capacity of aircraft dispatcher.

(g) "Airport" means any area of land or water which is used, or intended for public use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, easements and together with all airport buildings and facilities located thereon.

(h) "Landing area" means any locality, whether over land or water, including airports and intermediate landing fields, which is used or intended to be used for the landing and take-off of aircraft, and open to the public for such use, whether or not facilities are provided for the sheltering, servicing or repair of aircraft, or for receiving or discharging passengers or cargo.

(i) "Air space" means all that space above the land and waters within the boundary of this State.

Source: § 5-1

Comment: Uniform Commercial Code definition for "person" was adopted. At suggestion of Division of Aeronautics, "appliances" was changed to "accessories". The definition of "airport" was conformed with that in Airport Authority chapter.

§ 5.1-2. (a) The Commission shall administer the provisions of this chapter, and for such purpose is authorized to promulgate such rules and regulations relating to airports, aircraft, air traffic, construction and inspection of aircraft, qualifications and licensing of airmen, stunt flying, and such other kindred matters and things as the Commission may deem proper and necessary to promote and develop safe traffic by aircraft. (b) The Commission shall prescribe reasonable regulations for the operation of all airports, landing fields and other aviation facilities constructed, maintained or improved in whole or in part with funds appropriated by the General Assembly. Subject to such regulations, the public shall have access to every such airport, landing field and facility.

Source: §§ 5-2 and 5-4

Comment: Paragraph (b) was taken from § 5-4 (5.1-4) because it was apparently misplaced and should be properly located in this section.

§ 5.1-3. The Division of Aeronautics of the Department of Corporations is hereby continued. The Commission shall administer the laws of the Commonwealth relating to (1) the licensing of airports, landing fields, aircraft, airpilots, and airplane and engine mechanics, (2) the construction, maintenance and improvement of public airports, landing fields and other aviation facilities, and (3) the promotion of aviation in the interest of the public.

Source: § 5-3

Comment: No change.

§ 5.1-4. Within the limits of appropriations made for such purposes, the Commission is authorized to purchase an airplane for the use of the Division of Aeronautics, and to purchase land for and to construct, maintain and improve airports, landing fields and other aviation facilities within the State for the promotion of aviation in the interest of the public; and neither the appropriations nor any part thereof may be transferred or used for any other purpose than is specified in this section.

Source: § 5-4

Comment: Second half of this section has been replaced into Section 5.1-2.

§ 5.1-5. The Commission shall provide for the issuance, expiration, suspension and revocation of licenses of aircraft in accordance with regulations promulgated by it. It shall furnish any necessary forms pursuant to the issuance of such licenses, and may assess a fee for such issuance not in excess of five dollars annually.

Source: § 5-5

Comment: NOTE Was two dollars. The Division requested a license fee be initiated which would be in lieu of the personal property tax. Suggested one cent per pound. Requested because of large number of aircraft owners who keep planes outside Virginia to avoid personal property tax. Problem here because the tax is local.

§ 5.1-6. The Commission shall provide for the issuance, expiration, suspension and revocation of licenses of airmen in accordance with regulations promulgated by it. It shall furnish any necessary forms pursuant to the issuance of such licenses, and may assess a fee for the issuance of licenses not in excess of three dollars annually for student and private pilots, three dollars semiannually for commercial pilots, and three dollars biannually for aircraft and engine mechanics.

Source: § 5-6

Comment: Changed as requested by Division. Was one dollar.

§ 5.1-7. Every person before operating an airport or landing area shall first secure from the Commission a license. The application therefor shall be made on the form prescribed and furnished by the Commission and shall be accompanied by a fee not exceeding one hundred dollars.

Source: § 5-7

Comment: Increased as requested by Division to conform with other applications processed by the Commission. Was twenty-five dollars.

§ 5.1-8. It shall be unlawful for any person to operate or conduct any airport or landing field for the landing or departure of any civil aircraft engaged in commercial aviation until a permit therefor shall be issued by the Commission. Before issuing such permit the Commission shall investigate the location of such airport or landing field with relation to its proximity to any other airport or landing field and provisions made for the safety of aircraft alighting thereon or departing therefrom, and if the proposed airport or landing field shall be so situated as to endanger aircraft using the same or any other airport or landing field in close proximity, or proper provisions have not been made in other respects for the safety of aircraft alighting thereon or departing therefrom, the permit shall not be granted. Any party aggrieved by the granting or refusal of any such permit shall have an appeal as of right to the Supreme Court of Appeals, which shall hear and determine the case in the same manner as appeals are heard from the action of the Commission on applications to operate motor busses for transportation of passengers or freight.

Source: § 5-8

Comment: No change.

§ 5.1-9. All fees or sums collected by the Commission under the provisions of this chapter shall be paid into the special fund created by § 5.1-51.

Source: § 5-9

Comment: No change.

§ 5.1-10. (1) (a) Jurisdiction And Procedure. — In ordinary cases the Commission shall have jurisdiction at the instance of any resident of this State, upon affidavit by such resident duly sworn to, or if its own motion, and upon such facts and established in such manner as required in a court of equity for purposes of an injunction, after at least five days' notice to the party defendant and an opportunity to be heard, such notice to be accompanied by a statement of the facts and charges upon which action is proposed, to issue a cease and desist order in the nature of a temporary injunction and restraining order in the matter of, and against, any person, which it appears from such facts is, or in conjunction or in any combination are, violating, or is or are about to, proposing to, attempting to, or threatening to, violate any of the provisions of this title or any other statute governing the establishment, maintenance or operation of any airport or landing field, or governing the licensing or supervision of airplanes, pilots, mechanics, et cetera, or against any person violating any of the rules or regulations promulgated by the Commission pursuant to this title, enjoining and restraining such person from any further or future violations of this title or any such rule or regulation.

(b) Issuance of Orders under General Laws Not Affected. — The Commission shall have jurisdiction to issue temporary cease and desist orders, or injunctions, as courts of equity of the Commonwealth are permitted under general laws governing the issuance of temporary injunctions; in any case of emergency wherein the safety or welfare of the public is in immediate and imminent jeopardy the Commission may issue temporary cease and desist orders without any notice, or with such notice as the Commission may deem proper.

(2) Determining Permanency of Order. — If such cease and desist order is issued the Commission shall thereafter proceed forthwith after due notice and a full hearing on the merits, to consider and determine whether or not such cease and desist order, or restraining order and injunction, shall be dismissed or made permanent; any action hereunder shall be in accordance with proceedings in equity for injunctions.

(3) Bond; Discretion in Administration of Law. — The Commission shall have authority to require a bond with surety under this section in accordance with the principle applicable in the courts of equity of this State, and it shall have authority to exercise a sound, judicial and equitable discretion in the administration of this title to protect any person or the general public.

(4) Penalty for Violation. — The Commission shall have authority to punish any violation of any such cease and desist order, or injunction, temporary or permanent, by fine not exceeding one hundred dollars for each violation, and each day's continued violation shall be considered for such purpose a separate violation; provided, that in case of any such proceeding against any political subdivision, the imposition of any such fine may be only upon the individual or individuals by whom any such violation was personally committed.

(5) Appeal. — All actions of the Commission under the provisions of this chapter shall be subject to the right of appeal to the Supreme Court of Appeals in the same manner and under the same terms and conditions as are provided by law.

Source: § 5-10

Comment: Rewritten for clarity. Only change of substance was the deletion of subsection on "Secret Docket".

§ 5.1-11. This Article shall not apply to public aircraft owned by the United States or this State.

Source: § 5-13

Comment: No substantive change.

§ 5.1-12. This Article shall not apply to any aircraft or airmen while engaged in interstate commerce.

Source: § 5-14

Comment: No substantive change.

Article 2.

Illegal Operation, Etc., Procedure; Penalties.

§ 5.1-13. Any person who shall operate any aircraft within the airspace over, above or upon the lands or waters of this State, while under the influence of intoxicating liquor or of any narcotic or any habit forming drugs shall be guilty of a felony and shall be confined in the penitentiary not less than one nor more than five years, or, in the discretion of the court or jury trying the case, be confined in jail not exceeding twelve months and fined not exceeding five hundred dollars, or both such fine and imprisonment.

Any person who shall operate any aircraft within the airspace over, above or upon the lands or waters of this State carelessly or heedlessly in wilful or wanton disregard of the rights or safety of others, or without due caution and circumspection and in a manner so as to endanger any person or property, shall be guilty of a misdemeanor.

Source: § 5-10.1

Comment: No change; rewritten in 1964.

§ 5.1-14. Any person who operates or causes to be operated any civil aircraft within the airspace over, above or upon the lands or waters of this State, which aircraft has not been and is not at the time of such operation properly certificated under and in accordance with existing federal law and licensed under and in accordance with the existing laws of this State and rules and regulations promulgated in pursuance thereof, shall be guilty of a misdemeanor.

Source: § 5-10.2

Comment: No change.

§ 5.1-15. Any person who operates any civil aircraft within the airspace over, above, or upon the lands or waters of this State, without being, at the time of such operation, in possession of a valid airman's certificate for such operation, issued under and in accordance with existing federal law and a valid airman's license for such operation, issued under and in accordance with the existing laws of this State and rules and regulations promulgated in pursuance thereof, shall be deemed to be guilty of a misdemeanor.

Source: § 5-10.3

Comment: No change.

§ 5.1-16. It shall be unlawful for any person to tamper with, alter, destroy, remove, carry away, or cause to be carried away, an airplane or

other flying device or instrumentality or any objects used for the marking of airports, landing fields, or other aeronautical facilities, or in any way change their position or location, except by and under the direction of the proper authorities charged with the maintenance and operation of such facilities. Any person violating any of the provisions of this section or who shall illegally have in his possession any objects or devices used for such markings, shall be guilty of a misdemeanor.

Source: § 5-10.4

Comment: No change.

§ 5.1-17. It shall be unlawful for any person to hunt, pursue or kill any wild waterfowl or other birds or animals by any means whatever during such time as such person is in flight in an aircraft in the airspace over the lands or waters of this State. A violation of this section shall be deemed a misdemeanor.

Source: § 5-10.5

Comment: The word "worry", which followed "pursue", was deleted.

§ 5.1-18. (a) Whenever any person is arrested for a violation of any provision of this title punishable as a misdemeanor the arresting officer shall, except as otherwise provided in § 5.1-19, take the name and address of such person and the license number of his aircraft and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice, such time to be at least five days after such arrest unless the person arrested shall demand an earlier hearing and such person shall, if he so desire, have a right to an immediate hearing or a hearing within twenty-four hours at a convenient hour, and before a court having jurisdiction under this title within the city, town or county wherein such offense was committed. Such officer shall thereupon and upon the giving by such person of his written promise to appear at such time and place forthwith release him from custody.

(b) Any person refusing to give such written promise to appear shall be taken immediately by the arresting or other police officer before the nearest or most accessible judicial officer or other person qualified to admit to bail having jurisdiction under this title.

(c) Any person who willfully violates his written promise to appear, given in accordance with this section, shall be guilty of a misdemeanor, regardless of the disposition of, and in addition to, the charge upon which he was originally arrested.

(d) Any officer violating any of the provisions of this section shall be guilty of misconduct in office and subject to removal therefrom upon complaint filed by any person in a court of competent jurisdiction. This section shall not be construed to limit the removal of a police officer for other misconduct in office.

Source: § 5-10.6

Comment: No change.

§ 5.1-19. If any person is: (1) arrested and charged with an offense causing or contributing to an accident resulting in injury or death to any person; (2) believed by the arresting officer to have committed a felony; (3) believed by the arresting officer to be likely to disregard a summons issued under § 5.1-18; or (4) charged with violation of § 5.1-13, the arresting officer may take such person forthwith before the

nearest or most accessible judicial officer or other person qualified to admit to bail in lieu of issuing the summons required by § 5.1-18.

Source: § 5-10.7

Comment: No change.

§ 5.1-20. The pilot of any aircraft carrying passengers for hire, or any person subject to his direction, may take such action as is reasonably necessary to restrain or arrest any person who interferes with, or threatens to interfere with, the operation of the aircraft in flight over the territory of this State or to a destination within this State.

Source: § 5-14.1

Comment: No change.

§ 5.1-21. The pilot of any aircraft carrying passengers for hire while actively engaged in the operation of such aircraft shall be a special policeman and have all the powers of a conservator of the peace in the enforcement of order on such aircraft and while in pursuit of persons for disorder upon such aircraft and until such persons as may be arrested by him shall have been placed in confinement or delivered to the custody of some other conservator of the peace or police officer.

Source: § 5-14.2

Comment: No change.

§ 5.1-22. Any person who interferes with or threatens to interfere with the operation of an aircraft carrying passengers for hire over the territory of this State shall be guilty of a misdemeanor and punished accordingly. Venue for the issuance of a warrant for the arrest of, and for trial of, any such person is hereby conferred upon any court having criminal jurisdiction in the political subdivision in this State where the aircraft took off prior to such offense, or where it lands subsequent to such offense, or over which the offense occurred.

Source: § 5-14.3

Comment: "Venue" has been substituted for "jurisdiction".

§ 5.1-23. The local police authorities of any city, incorporated town or county shall have jurisdiction on the premises of any airport or landing field operated hereunder, either individually or jointly. This section shall not repeal the provisions of any city charter in conflict herewith.

Source: § 5-37

Comment: This section on jurisdiction has been switched from Chapter 3 to Chapter 1. The Code Commission feels that the last sentence which has been added is necessary and self-explanatory.

§ 5.1-24. Any person violating any of the provisions of this chapter, or violating any of the rules or regulations promulgated pursuant thereto by the Commission, except as otherwise specifically provided, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars or imprisonment in jail not exceeding one month, or both, in the discretion of the judge or jury trying the case; provided, that any person (excepting any government, political subdivision of the State, or governmental subdivision or agency) establishing or operating an airport without first obtaining a permit as provided in § 5.1-8 shall, upon conviction, be fined not less than

one hundred nor more than five hundred dollars for each offense, and each day that the airport is operated without such permit shall be construed as a separate offense.

The making of any violation hereof a misdemeanor and the fines and penalties hereby imposed shall be cumulative with the injunctive powers conferred upon the Commission by § 5.1-10 and neither the prosecution hereunder, nor the imposition or payment of fines or penalties shall in any way limit the jurisdiction of the Commission to issue cease and desist orders, or injunctions, nor shall the issuance of, or pendency of a proceeding for, or the dismissal of a proceeding for, a cease and desist order, or injunction, or the dissolving of an injunction already issued, limit in any manner jurisdiction of the courts as to any misdemeanor hereunder, except that evidence produced before either such kind of tribunal may be used before the other only for purposes of establishing admissions of parties for impeachment of witnesses under applicable rules of evidence.

Source: § 5-11

Comment: Rewritten for clarity.

§ 5.1-25. A non-resident of this State may operate aircraft engaged in operations other than for hire or reward in accordance with rules and regulations promulgated by the Commission, provided such non-resident and the aircraft to be so operated shall have been licensed under federal law and shall have complied with the laws of the state in which such non-resident resides relative to aircraft and the operation thereof.

Source: § 5-12

Comment: No change.

CHAPTER 2.

Aviation Advisory Committee.

§ 5.1-26. The Advisory Committee on Aviation, consisting of seven members and hereinafter called "the Committee", is created in the Department of Corporations to consult and advise with the State Corporation Commission.

Source: § 5-15

Comment: No change.

§ 5.1-27. The members of the Committee shall be appointed by the Governor for terms of four years each, beginning on July first of the year of appointment; provided, however, no person shall be eligible to serve for or during more than two successive four year terms; but after the expiration of the remainder of an unexpired term to which appointed, two additional four year terms may be served by such a member if appointed thereto. An appointment to fill a vacancy shall be for the unexpired term.

Source: § 5-16

Comment: Provisions on incumbency unnecessary now because this section was changed in 1956 and therefore had to spell out when successive terms began. Since the terms are for four years, two full four-year terms will have passed since the 1956 enactment.

§ 5.1-28. The members of the Committee shall receive a per diem of twenty-five dollars for each day of attendance on meetings of the Commit-

tee and shall be reimbursed for their necessary and actual expenses incurred in the performance of their duties hereunder, the same to be payable out of the aviation funds of the State Corporation Commission.

Source: § 5-17

Comment: Increases per diem for conformity. It was ten dollars.

§ 5.1-29. The Committee shall elect its chairman and may elect one of its members as its secretary. The Committee may hire an Executive Secretary to act as a full or part time employee of the Committee. The Executive Secretary may receive a salary as authorized by the State Corporation Commission payable out of the aviation funds of the State Corporation Commission. It shall meet not less than four times each year, and may meet oftener upon the call of the chairman or any four members.

Source: § 5-18

Comment: The Committee presently has a paid Executive Secretary which is not provided for in this section. This corrects the situation.

§ 5.1-30. The Committee shall confer and advise with the Commission upon such matters as arise in the performance of its duties under the preceding chapter, and it shall perform such duties as the General Assembly prescribes.

Source: § 5-19

Comment: No change

CHAPTER 3

Municipal And County Airports And Other Air Navigation Facilities.

Article 1.

Acquisition, Establishment And Operation Generally; Outside Easements.

§ 5.1-31. All cities, incorporated towns and counties of the Commonwealth may acquire, by purchase, lease, gift, condemnation or otherwise, within or without the limits of any such city, town or county, whatever land may be reasonably necessary for the purpose of establishing, constructing, owning, controlling, leasing, equipping, improving, maintaining and operating airports for the use of airplanes; may acquire, establish, construct, enlarge, improve, maintain, equip, operate and regulate the use of such airports on landing fields, structures, air navigation facilities and other property incident thereto; may make, prior to such acquisition, investigation, surveys and plans and enter upon any lands or waters for such purposes; may construct, install, maintain and operate facilities for the servicing of aircraft, and for the accommodation and comfort of air travelers; may purchase and sell equipment and supplies as an incident to the operation of its airport properties; provided, that in the case of any county, the exercise of such authority beyond its territorial boundaries shall be only with the consent of the governing body of the political subdivision in which the power is sought to be exercised; provided, however, that no such city, town or county shall establish or operate any airport without first obtaining the permission of the State Corporation Commission, as now or hereafter provided by law.

Source: §§ 5-20 and 5-29

Comment: Sections 5-20 and 5-29 have been combined and rewritten. As they had appeared they were repetitive and ambiguous. This rewriting opens the way to the elimination of further repetition in Articles 1 and 2 of Chapter 3.

§ 5.1-32. Where necessary to provide unobstructed air space for the landing and taking off of aircraft utilizing airports or landing fields acquired or operated by any county, city or town under the provisions of this article, any such county, city or town may acquire, in the same manner as is provided for the acquisition of land for airport purposes, easements through or other interests or privileges with respect to lands or waters outside the boundaries of such airports or landing fields which are necessary to insure safe approaches to such airports or landing fields and the safe and efficient operation thereof; and may also acquire in like manner, for a term of years or perpetually, the right of easement to place and maintain suitable signs or markers or lights to adequately locate and mark objects or structures or uses of lands which are hazardous to aircraft using such airports or landing fields, including the right of ingress and egress to and from such airport hazards for the purpose of maintaining and repairing such signs, markers and lights.

Source: § 5-21

Comment: No change.

§ 5.1-33. Any lands, easements or privileges acquired, owned, controlled or occupied by any cities, incorporated towns and counties of the Commonwealth under the provisions of this article are hereby declared to be acquired, owned, controlled or occupied for a public purpose, and as a matter of public necessity; and such lands, easements and privileges so acquired, owned, controlled or occupied are hereby declared to be acquired, owned, controlled or occupied for public, governmental and municipal purposes, and to be within the definition of property acquired for a public use as such term is used in Section fifty-eight of the Constitution of Virginia.

Source: § 5-22 and § 5-30

Comment: These two sections have been combined and rewritten.

§ 5.1-34. Private property needed by any city, incorporated town or county for an airport or landing field shall be acquired by purchase, if the city, town or county is able to agree with the owners on the terms thereof. The cities, incorporated towns or counties are hereby granted full power to exercise the right of eminent domain in the acquisition of any lands, easements and privileges which are necessary for airport and landing field purposes. Proceedings for the acquisition of such lands, easements and privileges by condemnation may be instituted and conducted in the name of such county, city or town, and the procedure shall be mutatis mutandis the same as in the acquisition of land by condemnation proceedings instituted by railroads. No proceedings had under this article for acquiring by condemnation any easement, right or privilege over or with respect to land outside the boundaries of any airport or landing field shall be effective to acquire any easement, right or privilege inconsistent with the continued use of such land for the same purposes for which it had been used prior to such acquisition, or inconsistent with the maintenance, preservation and renewal of any structure or any tree or other vegetation standing or growing on said land at the time of such acquisition, provided that the right of condemnation granted herein shall be subject to the same provisions as are provided in § 25-233 concerning the condemnation of property belonging to a corporation possessing the power of eminent domain by another public service corporation.

Source: §§ 5-23 and 5-31

Comment: These two sections have been combined and rewritten.

§ 5.1-35. All powers, rights and authority granted to counties, cities and towns under this article may be exercised and enjoyed jointly by any two or more of such political subdivisions within or without the territorial limits of either or any of them, or if one or more of such political subdivisions be a county, then within such county or one of such counties, and the political subdivisions so acting jointly may enter into such agreements with each other as may be necessary or proper for the exercise and enjoyment of the joint powers hereby granted, and for joint action in carrying out the general purposes of this article.

Source: § 5-24

Comment: No change.

§ 5.1-36. The agreement provided for in § 5.1-35 may provide for the creation of a governing board or body empowered to have and exercise, on behalf of the several political subdivisions which are parties to such agreement, the powers, rights and authority conferred on such political subdivisions by this article. Such agreement shall specify the name of the board or body and its composition and prescribe its powers and duties which may include powers to establish, construct, manage, and operate an airport, acquire, hold and dispose of property but on behalf of the several political subdivisions, including the exercise on their behalf of the power of eminent domain. If any such board or body is created, all proceedings in connection with the establishment, construction, management and operation of the airport, including application for and issuance of any license required therefor, shall be in its name.

Source: § 5-24.1

Comment: No change.

§ 5.1-37. The powers herein granted to counties, cities and towns include the power to establish, maintain and operate airports and landing areas and other air navigation facilities in, over and upon any public waters of this State, or any submerged land under such public waters, within the limits or jurisdiction of or bordering on such counties, cities or towns.

Source: § 5-26

Comment: No change.

§ 5.1-38. The rights of any counties, cities or towns to zone property shall not be limited by the provisions of this article.

Source: § 5-27

Comment: Rewritten for clarity.

§ 5.1-39. No easements, rights or privileges acquired under the terms of this article by any county, city or town shall be employed or disposed of except to accomplish the purposes for which they were originally acquired. Upon the abandonment of any airport or landing field acquired pursuant to this article all easements, rights and privileges which shall have been so acquired over or with respect to adjacent lands shall thereupon terminate and revert back to the person from whom the easement, right or privilege was obtained or his successor in interest.

Source: § 5-28

Comment: No change, except to clarify what occurs when easement terminates.

§ 5.1-40. Any city, town or county acquiring land under the provisions of this article may individually, or jointly where so operated, lease the same, or any part thereof, to any individual or corporation desiring to use the same for the purpose of operating an airport or landing field, or for the purpose of landing or starting airplanes therefrom or for other aviation purposes, and on such terms and subject to such conditions and regulations as may be provided; and any city, town or county may enter into a contract in the form of a lease providing for the use of such land, or any part thereof, by the government of the United States for the use by the government of such land for aviation, mail delivery or other aviation purposes upon nominal or other rental or without consideration; provided that such lease to an individual or a corporation or to the government of the United States shall not be of any force, effect or validity until the same shall be approved by the State Corporation Commission.

Source: § 5-38

Comment: No change.

§ 5.1-41. The governing body, or other proper authority, of a city, incorporated town or county which has established an airport or landing field and acquired, leased or set apart property for such purpose, may construct, improve, equip, maintain and operate the same, or may vest jurisdiction for the construction, improvement, equipment, maintenance and operation thereof in any suitable officer, board or body of such city, town or county; provided, however, that no such city, town or county shall operate an airport without first obtaining the permission of the State Corporation Commission as now or hereafter provided by law.

Source: § 5-34

Comment: Changed wording to conform to § 5.1-31.

Article 2.

Funds For Acquisition, Operation, Etc.

§ 5.1-42. The purchase price or award for real property acquired for an airport or landing field may be paid for by the appropriation of moneys available therefor or wholly or partly paid from the proceeds of the sale of bonds of the city, town or county as the governing body of the city, town or county shall determine. Such city, town or county is hereby authorized to issue bonds for such purpose or purposes, subject, however, to the approval of such bond issue at a referendum thereon, if such approval is a prerequisite to the issuance of bonds by any such political subdivision of the State for public purposes generally.

Source: § 5-33

Comment: Rewritten for clarity.

§ 5.1-43. The expenses of such construction, improvement, equipment, maintenance and operation shall be paid by such political subdivision, from available funds, subject to all applicable constitutional provisions.

Source: § 5-35

Comment: Rewritten for clarity.

§ 5.1-44. The governing body of such city, town or county, or a board created under § 5.1-36, may adopt regulations not in conflict with

the rules and regulations adopted and promulgated by the State Corporation Commission from time to time and establish fees or charges for the use of such airport or landing field or may authorize an officer, board or body of such city, town or county having jurisdiction to adopt such regulations and establish such fees and charges.

Source: § 5-36

Comment: Rewritten for clarity.

§ 5.1-45. The governing body of any city, town or county to which this chapter is applicable may appropriate or cause to be raised by taxation in such city, town or county a sum sufficient to carry out the provisions of this chapter.

Source: § 5-39

Comment: Changed word "article" to "chapter" and rewritten for clarity.

§ 5.1-46. Any county, city or town in this State may accept, receive and receipt for federal moneys, and other moneys, except as provided in § 5.1-48, either public or private, for the acquisition, construction, enlargement, improvement, maintenance and operation of airports and landing fields and other air navigation facilities, and is authorized and empowered to comply with the provisions of the laws of the United States and any rules and regulations made thereunder for the expenditure of federal moneys in connection with such airports, landing fields and air navigation facilities.

The governing body of any county, city or town is authorized to designate the Division of Aeronautics of the Department of Corporations as its agent to accept, receive and receipt for federal moneys granted in its behalf for such purposes, and as such agent to contract for the acquisition, construction, enlargement, improvement, maintenance, equipment or operation of any such airports, landing fields or other air navigation facilities. Any such governing body may enter into an agreement with the Division prescribing the terms and conditions of such agency in accordance with federal laws, rules and regulations and applicable laws of this State.

Source: § 5-25

Comment: Added reference to Section 5.1-48 which also pertains to this subject.

Article 3.

Federal Airport Act.

§ 5.1-47. Notwithstanding any other provision of law no county, city or town, whether acting alone or jointly with another county, city or town or with the State, shall submit to the Federal Aviation Agency of the United States any project application under the provisions of section nine (a) of the Act of Congress approved May thirteen, nineteen hundred forty-six, being Public Law three hundred seventy-seven, Seventy-ninth Congress, known and hereinafter designated as the "Federal Airport Act", or any amendment thereof, unless the project and the project application have been first approved by the State Corporation Commission.

Source: § 5-39.1

Comment: Updates name of Federal Agency.

§ 5.1-48. No such county, city or town shall directly accept, receive, receipt for, or disburse any funds granted by the United States under the Federal Airport Act, but it shall designate the State Corporation Commission as its agent and in its behalf to accept, receive, receipt for and disburse such funds. It shall enter into an agreement with the Commission prescribing the terms and conditions of such agency in accordance with federal laws, rules and regulations and applicable laws of this State. Such moneys as are paid over by the United States government shall be retained by the State or paid over to such county, city or town under such terms and conditions as may be imposed by the United States government in making such grant.

Source: § 5-39.2

Comment: No change.

CHAPTER 4.

State Highway Commission.

§ 5.1-49. The State Highway Commission is authorized to build roads to airports and landing fields open to public use, and may pay out of highway funds the cost of such roads. Such Commission may, in cooperation with the Division of Aeronautics of the Department of Corporations and either on an actual cost or contract basis, construct, maintain and improve airports, landing fields and other aviation facilities licensed for public use, the actual cost thereof to the State Highway Commission to be paid by the Division of Aeronautics.

Source: § 5-40

Comment: No change.

§ 5.1-50. In order to further the interests of national security, the State Highway Commission may, at the request of the Army and Navy Departments, Public Roads Administration or other agency of the United States, construct and maintain, or cooperate with any such federal agency in the construction and maintenance of flight strips, airfields, and roads leading thereto from public highways. To carry out this purpose the Commission, acting through the State Highway Commissioner, may acquire in the name of the Commonwealth by gift or purchase or by the exercise of the power of eminent domain such real property, or interest therein, including the rights in the air above real property, as may be needed for such flight strips, airfields and roads. The exercise of the power of eminent domain hereby conferred shall be in the same manner and pursuant to the same procedure that is now, or may hereafter be, provided by law for the acquisition of real property by the State Highway Commissioner for highway purposes, and in order that the construction work may proceed without delay, the Commission may, in the same manner and under the same conditions and procedure as is provided in the case of real property needed for highway purposes, enter upon and take possession of such real property as may be needed for the purposes of this section, and proceed with the construction work prior to the acquisition of title to the property in condemnation proceedings. In carrying out the purposes of this section, the Commission may expend only such funds as may be provided for such purposes by the federal government.

If requested to do so by the federal agency which provided the funds with which the Commission acquired the property for any such flight strips, airfields or roads, the Commission may authorize and direct the

State Highway Commissioner to convey, by deed executed in the name of the Commonwealth, such property to the United States to be used in the interests of national security. If title to such property is retained by the Commonwealth, the Commission may authorize any agency of the United States to use such property to further the interest of national security. Whenever the Commission finds that property heretofore or hereafter acquired by it for any such flight strips, airfields or roads is no longer needed for the purpose for which it was acquired, it may sell the same for such consideration as it deems adequate to any private person, firm or corporation and may authorize and direct the State Highway Commissioner to execute a deed in the name of the Commonwealth conveying such property to the purchaser. The proceeds from any such sale shall be paid into the Treasury of Virginia to the credit of the highway fund unless the terms of any grant to the Commission or the Commonwealth provide otherwise, in which case such proceeds shall be disposed of in accordance with the terms of such grant.

Source: § 5-41

Comment: No change.

CHAPTER 5.

Special Fund For Administration of Aviation Laws.

§ 5.1-51. All funds accumulated from any special sales tax, excise tax or use tax, now or which may hereafter be imposed under the laws of this State on aviation motor fuel purchased or used in this State in the propulsion of aircraft, and all funds heretofore or hereafter accumulated from any fees for licensing or registering of airmen, aircraft and airports, now or hereafter imposed under the laws of this State, and all funds heretofore, and which may hereafter be, appropriated to the State Corporation Commission for the purpose of the promotion and development of aviation and airports, including the expense of the administration by the Commission through the Division of Aeronautics of the laws pertaining to aviation, as now or as may be hereafter enacted, and the jurisdiction for the administration thereof conferred on the Commission, are hereby constituted a special fund for the administration of the aviation laws, heretofore or hereafter enacted, insofar as the administration has been, or shall be, imposed upon the Commission, for the construction, maintenance and improvement of airports and landing fields and for the promotion of aviation in the interest of operators and in the interest of the public.

Source: § 5-42

Comment: Dropped reference to date, since procedure outlined herein has been in effect since July 1, 1948 and any "on and after" date is unnecessary.

§ 5.1-52. Such special fund, after reasonable and necessary cost of administration of such aviation laws by the Commission, through the medium of the Division of Aeronautics, and by the Commission directly, or otherwise, as may be determined, shall be expended and disbursed by order of the Commission, through the medium of warrants drawn by the Comptroller, for the construction, maintenance and improvement of airports and landing fields, to which the public now has, or which it is proposed shall have, access, and for the promotion of aviation in the interest of operators generally.

Source: § 5-43

Comment: No change.

§ 5.1-53. The special fund created and provided for in § 5.1-51 shall be so set up on the books of the Comptroller as to segregate the amounts paid into the fund as a direct tax upon aviation motor fuel purchased by operators of airplanes and aircraft, and no portion of such fund, accumulated in the manner hereinbefore provided, shall ever be used for any other purpose than for the administration of the aviation laws and the construction, maintenance and improvement of airports and landing fields, and no portion of the same shall be covered into the general fund of the State treasury, such funds derived in the manner aforesaid being hereby irrevocably appropriated for promotion of aviation in the interest of operators and of the public, as provided in this chapter, and to the extent necessary only, for the administration of this and other aviation laws.

Source: § 5-44

Comment: No change.

§ 5.1-54. Only such portion of the salaries and other compensation of members of the personnel of the Commission as are proportionate to the time devoted to the administration of this and other aviation laws, shall be charged against the special fund.

Source: § 5-45

Comment: No change.

§ 5.1-55. No part of such special fund shall be used for recurring expenditures on any airport or landing field under this chapter; except that recurring expenditures may be made where the Division of Aeronautics deems such expenditure to be necessary for the preservation of the safety of the public.

Source: § 5-46

Comment: The addition of the proviso was requested by the Division of Aeronautics.

CHAPTER 6.

Virginia Airports Authority.

§ 5.1-56. The following words or terms whenever used or referred to in this chapter, shall have the following respective meanings unless a different meaning clearly appears from the context:

(a) "Airport" shall mean any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, easements and together with all airport buildings and facilities located thereon.

(b) "Air navigation facility" shall mean any airport ground or air navigation facility — other than one owned and operated by the United States — used in, available for use in, or designed for use in aid of air navigation, including any structures, buildings, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities, or devices, and any combination of any or all of such facilities, used or useful as an aid, or constituting an advantage or convenience, to the safe taking-off, navigation, and landing of aircraft, in the safe and efficient operation or maintenance of an airport, in the safe, efficient and convenient handling or processing of aviation passengers, mail or cargo, or in the servicing or maintenance of aircraft or ground equipment.

(c) "Airport hazard" shall mean any structure, object or natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking-off at an airport or is otherwise hazardous to such landing or taking-off of aircraft.

(d) "Person" shall mean any individual, corporation, government, political subdivision of the State or governmental subdivision or agency, business trust, estate, trust, partnership, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity.

Source: § 5-47

Comment: Definition of "person" changed to conform with Uniform Commercial Code.

§ 5.1-57. (a) There is hereby created as a political subdivision of the State a public body corporate and politic to be known as the Virginia Airports Authority, the governing body of which shall consist of: (1) Five persons who shall as far as practicable be from different areas of the State, appointed by the Governor initially for terms of one, two, three, four and five years, respectively, and thereafter for terms of five years, except that appointments to fill vacancies shall be for the unexpired terms; (2) a member of the State Corporation Commission, designated by the Commission.

(b) Whenever the Authority shall acquire ownership or jurisdiction over an airport or airports previously operated by an agency of the United States, there may be a member appointed to the Authority by the President of the United States. Such member shall have the powers and duties of other members of the Authority only with respect to the airport or airports so acquired.

(c) There may be a member of the Authority from any county or city wherein the Authority acquires or constructs an airport, to be elected by the governing body of the county or city and to serve at its pleasure; provided, that such member shall have the powers and duties of other members of the Authority only with respect to such airport; provided further that if the Authority acquires an airport which was constructed by one political subdivision but is located in another, the political subdivision which constructed the airport, rather than the political subdivision in which it is located, shall be represented on the Authority.

(d) Members of the Authority shall receive from revenues of the Authority, the sum of twenty dollars as compensation for their services for each day spent in the performance of their duties, and shall be entitled to be reimbursed for their necessary expenses incurred therein.

(e) There shall be elected a chairman and vice-chairman from among the members of the Authority. The Authority may employ such officers, agents, and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. The Authority may delegate to one or more of its agents or employees such powers and duties as it may deem proper.

(f) Members of the Authority may be removed from office in the manner provided in Article 3 (§ 15.1-63 et seq.) of Chapter 2 of Title 15.1 of the Code of Virginia.

Source: § 5-48

Comment: Updates Code reference.

§ 5.1-58. The Authority shall have all the powers necessary or convenient to carry out the purposes of this chapter including, but not limited to, the power:

(a) To sue and be sued; to have a seal; and to cession.

(b) To execute such contracts and other instruments and take such other action as may be necessary or convenient to carry out the purposes of this chapter.

(c) To plan, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate, and protect airports and air navigation facilities, within this State and within any adjoining state, including the acquisition, construction, installation, equipment, maintenance, and operation at such airports of buildings and other facilities for the servicing of aircraft or for the comfort and accommodation of air travelers, and the purchase and sale of supplies, goods, and commodities as an incident to the operation of its airport properties. For such purposes the Authority may, by purchase, gift, devise, lease, condemnation or otherwise, acquire property, real or personal, or any interest therein, including easements in airport hazards or land outside the boundaries of an airport or airport site, as are necessary to permit the removal, elimination, obstruction-marking, or obstruction-lighting of airport hazards or to prevent the establishment of airport hazards, or for the enlargement of an airport constructed or acquired under this subsection (c); provided, however, such power of eminent domain shall not extend to the taking of any radio or television towers or installation in existence on June twenty-seven, nineteen hundred fifty-eight.

(d) To acquire, by purchase, gift, devise, lease, existing airports

(e) To establish or acquire and maintain airports in, over, and upon any public waters of this State or any submerged lands under such public waters; and to construct and maintain terminal buildings, landing floats, causeways, roadways, and bridges for approaches to or connecting with any such airport, and landing floats and breakwaters for the protection thereof. The State hereby consents to the use of all lands owned by it, including lands lying under water, which are deemed by the Authority to be necessary for the construction, establishment, improvement, extension, enlargement or operation of any airport project.

(f) To construct, or permit the construction of, for sale or lease, on such terms and conditions as the Authority may deem proper, industrial, commercial or recreational facilities and approaches thereto and appurtenances thereof, on any lands of the Authority not acquired by eminent domain and not needed for operational use of an airport owned or operated by it; provided, that any such factory or manufacturing facility shall be so constructed as not to constitute an airport hazard. In the exercise of the powers conferred by this paragraph, the Authority shall comply with any applicable zoning restrictions of the political subdivision in which any airport or facility is, or is proposed to be located.

Source: § 5-49

Comment: No change.

§ 5.1-59. The Authority is hereby vested with the power of eminent domain and may exercise the same for the purposes set forth in paragraph (c) of § 5.1-58 in the manner and to the extent permitted to railroads

by Title 25 of the Code of Virginia, provided, however, such power of eminent domain shall not extend to the taking of any radio or television towers or installation in existence on June twenty-seven, nineteen hundred fifty-eight. If the owner, lessee or occupier of any property to be condemned or otherwise acquired shall refuse to remove his property therefrom or give up possession thereof, the Authority may proceed to obtain possession in any manner provided by law. The authorized agents and employees may enter upon any lands, waters, and premises in the State for the purpose of making surveys, soundings, drillings and examinations as they may deem necessary or convenient for the purposes of this chapter, and such entry shall not be deemed a trespass, nor shall an entry for such purpose be deemed an entry under any condemnation proceedings which may be then pending. The Authority shall make reimbursement for any actual damage resulting to such lands, waters and premises as a result of such activities.

Source: § 5-50

Comment: No change.

§ 5.1-60. Except as may be limited by the terms and conditions of any grant, loan or agreement authorized by § 5.1-70 the Authority may, by sale, lease, or otherwise, dispose of any airport, air navigation facility or other property, or portion thereof or interest therein, acquired pursuant to this chapter. Such disposal by sale, lease, or otherwise, shall be in accordance with the laws of this State governing the disposition of other public property, except that in the case of disposal to another authority, a municipality or an agency of the State or federal government for use and operation as a public airport, the sale, lease, or other disposal may be effected in such manner and upon such terms as the commissioners of the Authority may deem in the best interest of aviation.

Source: § 5-51

Comment: No change.

§ 5.1-61. The Authority is hereby authorized to provide for the issuance, at one time or from time to time, of revenue bonds of the Authority for the purpose of paying all or any part of the cost of any one or more airport projects or of any portion or portions thereof. The principal of and the interest on such bonds shall be payable solely from the funds provided in this chapter for such payment. Any bonds of the Authority issued pursuant to this chapter shall not constitute a debt of the State, or any political subdivision thereof other than the Authority, and shall so state on their face. Neither the commissioners of the Authority nor any person executing such bonds shall be liable personally thereon by reason of the issuance thereof. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding six per centum per annum, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the Authority, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form and the manner of execution of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the State. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless

be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The bonds may be issued in coupon or in registered form or both, as the Authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, for the reconversion into coupon bonds of any bonds registered as to both principal and interest, and for the interchange of registered and coupon bonds. The Authority may sell such bonds in such manner, either at public or private sale, and for such price as it may determine will best effect the purposes of this chapter, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per centum per annum computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding, however, from such computations the amount of any premium to be paid on redemption of any bonds prior to maturity.

The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the airport project or projects for which such bonds shall have been issued, and shall be disbursed in such manner and under such restrictions, if any, as the Authority may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, the surplus shall be deposited to the credit of the sinking fund for such bonds, or may be applied to the payment of the cost of any additional airport project or projects.

Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds may be issued under the provisions of this chapter without obtaining the consent of any department, division, commission, board, bureau or agency of the State, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this chapter.

Source: § 5-52

Comment: No change.

§ 5.1-62. In the discretion of the Authority any bonds issued under the provisions of this chapter may be secured by a trust agreement by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the State. Such trust agreement or the resolution providing for the issuance of such bonds may pledge or assign the revenues to be received, but shall not convey or mortgage any airport project or any part thereof. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties

of the Authority in relation to the acquisition of property and the acquisition, construction, establishment, improvement, extension, enlargement, equipment, maintenance, repair, operation and insurance of the airport project or projects in connection with which such bonds shall have been authorized, the rates and fees to be charged, the custody, safeguarding and application of all moneys, and conditions or limitations with respect to the issuance of additional bonds. It shall be lawful for any bank or trust company incorporated under the laws of the State which may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of the operation of the airport project or projects.

Source: § 5-52.1

Comment: No change.

§ 5.1-63. The Authority is hereby authorized to fix, revise, charge and collect rates, fees and other charges for the use of or for the services and facilities furnished by each airport project and the different parts thereof, and to contract with any person, partnership, association or corporation desiring the use of any part thereof, and to fix the terms, conditions, rents and rates of charges for such use. Such rates, fees and other charges shall be so fixed and adjusted so that revenues of the Authority, together with any other available funds, will be sufficient at all times to pay (a) the cost of maintaining, repairing and operating such airport project or projects and (b) the principal of and the interest on such bonds as the same shall become due and payable, and to create reserves for such purposes. Such rates, fees and other charges shall not be subject to supervision or regulation by any other commission, board, bureau or agency of the State. The revenues derived from the airport project or projects in connection with which the bonds shall have been issued, except such part thereof as may be necessary to pay such cost of maintenance, repair and operation and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or such trust agreement in a sinking fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made, the revenues or other moneys so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the Authority. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such resolution or such trust agreement, such sink-

ing fund shall be a fund for all such bonds without distinction or priority of one over another.

Source: § 5-52.2

Comment: No change.

§ 5.1-64. All moneys received pursuant to the authority of this chapter, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this chapter. The resolution authorizing the bonds of any issue or the trust agreement securing such bonds shall provide that any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this chapter and such resolution or trust agreement may provide.

Source: § 5-52.3

Comment: No change.

§ 5.1-65. Any holder of bonds issued under the provisions of this chapter or any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights herein given may be restricted by such trust agreement or the resolution authorizing the issuance of such bonds, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the State or granted hereunder or under such trust agreement or resolution, and may enforce and compel the performance of all duties required by this chapter or by such trust agreement or resolution to be performed by the Authority or by any officer thereof, including the fixing, charging and collecting of rates, fees and other charges.

Source: § 5-52.4

Comment: No change.

§ 5.1-66. Bonds issued by the Authority under the provisions of this chapter are hereby made securities in which all public officers and public bodies of the State and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the State for any purpose for which the deposit of bonds or obligations of the State is now or may hereafter be authorized by law.

Source: § 5-52.5

Comment: No change.

§ 5.1-67. The Authority is hereby authorized to provide for the issuance of revenue refunding bonds of the Authority for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this chapter, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the Authority, for the additional purpose of constructing improvements, extensions, or enlargements of the airport project or projects in connection with which the bonds to be refunded shall have been issued. The Authority is further authorized to provide by resolution for the issuance of its revenue bonds for

the combined purpose of (a) refunding any bonds then outstanding which shall have been issued under the provisions of this chapter, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and (b) paying all or any part of the cost of any additional airport project or projects or of any portion or portions thereof. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of the Authority in respect of the same shall be governed by the provisions of this chapter insofar as the same may be applicable.

Source: § 5-52.6

Comment: No change.

§ 5.1-68. (a) In connection with the operation of an airport or air navigation facility owned or controlled by the Authority, the Authority may enter into contracts, leases, and other arrangements with any person or persons (1) granting the privilege of using or improving the airport or air navigation facility or any portion or facility thereof or space therein consistent with the purposes of this chapter; (2) conferring the privilege of supplying goods, commodities, things, services, or facilities at the airport or air navigation facility; and (3) making available services to be furnished by the Authority or its agents at the airport or air navigation facility.

In each case the Authority may establish the terms and conditions and fix the charges, rentals, or fee for the privilege or service, which shall be reasonable and uniform for the same class of privilege or service at each airport and shall be established with due regard to the property and improvements used and the expenses of operation to the Authority; provided that in no case shall the public be deprived of its rightful, equal, and uniform use of the airport, air navigation facility, or portion of facility thereof.

(b) Except as may be limited by the terms and conditions of any grant, loan, or agreement authorized by § 5.1-70 the Authority may by contract, lease, or other arrangements, upon a consideration fixed by it, grant to any qualified person, for a term not to exceed thirty years, the privilege of operating, as agent of the Authority or otherwise, any airport owned or controlled by the Authority; provided that no person shall be granted any authority to operate an airport other than as a public airport or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport which the Authority might not have undertaken under subsection (a) of this section.

Source: § 5-53

Comment: No change.

§ 5.1-69. The Authority is authorized to adopt, amend, and repeal such reasonable resolutions, rules, regulations, and orders as it shall deem necessary for the management, government, and use of any airport or air navigation facility owned by it or under its control. No rule, regulation, order, or standard prescribed by the Authority shall be inconsistent with, or contrary to, any law of this State or act of the Congress of the United States or any regulation promulgated or standard established pursuant thereto concerning such airport or the operation of aircraft. The Authority shall keep on file at the principal office of the Authority for public inspection a copy of all its rules and regulations.

Source: § 5-54

Comment: No change.

§ 5.1-70. The Authority is authorized to accept, receive, receipt for, disburse, and expend federal and State moneys and other moneys, public or private, made available by grant or loan or both, to accomplish, in whole or in part, any of the purposes of this chapter. All federal moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are consistent with State law; and all State moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the State.

Source: § 5-55

Comment: No change.

§ 5.1-71. The exercise of the powers granted by this chapter will be in all respects for the benefit of the people of the State, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of airport projects by the Authority will constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon any airport project or any property acquired or used by the Authority under the provisions of this chapter or upon the income therefrom, and any bonds issued under the provisions of this chapter, their transfer and the income therefrom (including any profit made on the sale thereof) shall at all times be free from taxation within the State; provided that the exemption hereby granted shall not be construed to extend to persons conducting on the premises of an airport businesses for which local or State taxes would otherwise be required. When the bonds or other obligations of the Authority issued in connection with the acquisition, construction or improvement of an airport or air navigation facility have been paid off, or at an earlier date if the Authority deems it financially feasible, the Authority shall enter into negotiations with the governing body of the political subdivision in which such airport or facility is located and may agree with such governing body on sums to be paid to the county or city in lieu of taxes. In case of disagreement as to the value of the property an appeal shall lie to the State Corporation Commission whose determination of the value of such property and the ratio of assessed to true values of property in such political subdivision shall be final.

Source: § 5-56

Comment: No change.

§ 5.1-72. The Authority may, to the extent permitted by law, enter into agreements with agencies or authorities in this State or from adjoining states or with an agency or authority of the United States for joint action pursuant to the provisions of this chapter. Each such agreement shall specify its duration, the proportionate interest which each participating authority or agency shall have in the property, facilities and privileges of the joint undertaking; the apportionment of the costs of the undertaking among the participating authorities or agencies; the disposition of all property, facilities and privileges jointly owned upon termination of such agreement or any renewal thereof; the payment or assumption of any indebtedness arising out of such joint operation which remains unpaid upon the disposal of all assets or upon the termination of the agreement or any renewal thereof; and such other provisions as may be necessary to insure efficient operation of the joint undertaking.

Source: § 5-57

Comment: No change.

§ 5.1-73. The agreement shall specify the composition of the governing body of the joint agency or authority created under § 5.1-72; provided, however, that the membership thereof from this State shall be the same as the membership of the Authority created by § 5.1-57. Each joint authority shall select officers for such terms as are fixed by the agreement and shall have the power to employ such agents and employees as it may require and as are reasonably necessary in carrying out the purposes of this chapter. Subject to the limitations and restrictions hereinafter set forth such joint authority shall have all powers set forth in § 5.1-58.

Source: § 5-58

Comment: No change.

§ 5.1-74. Eminent domain proceedings shall not be instituted by any joint authority except by majority vote of each component agency or authority of such joint authority. If so instituted, any property or rights acquired thereunder shall be held by such agencies or authorities jointly, according to the terms of the agreement creating the joint authority.

Source: § 5-59

Comment: No change.

§ 5.1-75. The joint authority shall not dispose of any airport, airport navigational facility or real property under its jurisdiction except by majority vote of each component agency or authority, provided, however, that this restriction shall not be construed to apply to any disposition of property contemplated or permitted by § 5.1-58.

Source: § 5-60

Comment: No change.

§ 5.1-76. Whenever the Authority shall acquire ownership and jurisdiction over any airport or airports previously operated by an agency of the United States, the Authority is hereby authorized to enter into an agreement with such agency of the United States, as a condition of the acquisition of the airport, for the provision, necessary and appropriate use, maintenance and operation of such airport facilities as may be required by the United States or any specified agency or agencies thereof.

Source: § 5-61

Comment: No change.

3. All acts and parts of acts, all sections of the Code of Virginia, and all provisions of municipal charters inconsistent with the provisions of this act are, except as otherwise provided, repealed to the extent of such inconsistency.

4. The repeal of Title 5 effective as of July 1, 1966, shall not affect any act or offense done or committed, or any penalty or forfeiture incurred, or any right established, accrued or accruing on or before such date, or any prosecution, suit or action pending on that date. Except as in this act otherwise provided, neither the repeal of Title 5 of the Code of Virginia nor the enactment of Title 5.1 shall apply to offenses committed prior to July 1, 1966, and prosecutions for such offenses shall be governed by the prior law, which is continued in effect for that purpose. For the purposes of this act, an offense was committed prior to July 1, 1966 if any of the essential elements of the offense occurred prior thereto.

5. Whenever in Title 5.1 any of the conditions, requirements, provisions or contents of any section, article or chapter of Title 5, as such title existed prior to July 1, 1966, are transferred in the same or in modified form to a new section, article or chapter of Title 5.1, and whenever any such former section, article or chapter of Title 5 is given a new number in Title 5.1, all references to any such former section, article or chapter of Title 5 appearing elsewhere in the Code of Virginia than in Title 5.1 shall be construed to apply to the new or renumbered section, article or chapter containing such conditions, requirements, provisions or contents or portions thereof.

6. It is the intention of the General Assembly that this act shall be liberally construed to effect the purposes set out herein, and if any clause, sentence, paragraph or section of this act shall ever be declared unconstitutional, it shall be deemed severable, and the remainder of this act shall continue in full force and effect.

7. This act shall become effective on July 1, 1966.

TABLE OF COMPARABLE SECTIONS

Titles 7 and 7.1

Title 7	This Report	Title 7	This Report
7-1	7.1-1	7-21	7.1-17
7-1.1	7.1-2	New	7.1-18
7-2	7.1-3	7-22	7.1-19
7-3	7.1-4	7-23	7.1-20
7-4	7.1-5	7-24	7.1-21
7-5	7.1-6	7-25	7.1-22
7-6	7.1-7	7-25.1	7.1-23
7-7	7.1-8	7-25.2	7.1-24
7-8	7.1-9	7-25.3	7.1-25
7-9	7.1-10	7-26	7.1-26
7-10	7.1-11	7-27	7.1-27
7-11	deleted	7-28	7.1-28
7-12	deleted	7-29	7.1-29
7-13	deleted	7-30	7.1-30
7-14	deleted	7-31	7.1-31
7-15	deleted	7-32	7.1-32
7-16	deleted	7-33	7.1-33
New	7.1-12	7-33.1	7.1-34
7-17	7.1-13	7-34	7.1-35
7-18	7.1-14	7-34.1	7.1-36
7-19	7.1-15	7-35	7.1-37
7-20	7.1-16	7-36	7.1-38

TABLE OF CONTENTS

TITLE 7.1.

Boundaries, Jurisdiction and Emblems of the Commonwealth.

- Chapter 1. Boundaries and Compacts with Adjoining States, §§ 7.1-1 through 7.1-10.
2. Coast Survey, § 7.1-11
 3. Jurisdiction over Lands Acquired by the United States, §§ 7.1-12 through 7.1-25.
 4. Seals and Flag of the Commonwealth, §§ 7.1-26 through 7.1-36.
 5. Song and Floral Emblem of the Commonwealth, §§ 7.1-37 through 7.1-38.

A BILL to revise, rearrange, amend and codify the general laws of Virginia relating to boundaries, jurisdiction and emblems of the Commonwealth; to that end to repeal Title 7 of the Code of Virginia, which title includes Chapters 1 to 5 and §§ 7-1 to 7-36, inclusive, of the Code of Virginia, as amended, which title relates to boundaries, jurisdiction and emblems of the Commonwealth; to amend the Code of Virginia by adding thereto, in lieu of the foregoing title, chapters and sections of the Code repealed by this act, a new title numbered 7.1, which title includes new chapters numbered 1 to 5, inclusive, and new sections numbered 7.1-1 to 7.1-38, inclusive, relating to boundaries, jurisdiction and emblems of the Commonwealth; to prescribe when such revision and recodification shall become effective, and to repeal all acts and parts of acts in conflict with the provisions of this act.

Be it enacted by the General Assembly of Virginia :

1. That Title 7 of the Code of Virginia, which title includes Chapters 1 to 5 and §§ 7-1 to 7-36, inclusive, of the Code of Virginia, as amended, is repealed.
2. That the Code of Virginia be amended by adding thereto, in lieu of the title, chapters and sections of the Code of Virginia herein repealed, a new title numbered 7.1, new chapters numbered 1 to 5, inclusive, and new sections numbered 7.1-1 to 7.1-38, inclusive, which new title, chapters and sections are as follows :

CHAPTER 1.

Boundaries and Compacts With Adjoining States.

§ 7.1-1. The charter of the tenth of April, sixteen hundred and six, granted by James the first, in the fourth year of his reign, having authorized the first plantation at any place upon the coast of Virginia between the thirty-fourth and forty-first degrees of north latitude; and granted the territory from the seat of the plantation (which under this charter was begun at Jamestown), for fifty miles along the coast towards the west and southwest, as the coast lay, and for fifty miles along the coast, towards the east and northeast, or towards the north, as the coast lay, together with all the islands within one hundred miles directly over against the sea-coast, and all the territory from the same fifty miles every way on the sea-coast, directly into the mainland for the space of one hundred miles: The second charter of James, dated the twenty-third of May, sixteen hundred and nine, in the seventh year of his reign, having granted all the territory from the point of land called Cape or Point Comfort, all along the sea-coast to the northward two hundred miles, and from the said point of Cape Comfort all along the sea-coast to the southward two hundred miles, and all that space and circuit of land lying from the sea-coast of the precinct aforesaid, up into the land, throughout from sea to sea, west and northwest, and also all the islands lying within one hundred miles along the coast of both seas of the precinct aforesaid: The third charter of James, dated the twelfth of March, sixteen hundred and eleven-twelve, in the ninth year of his reign, having granted all the islands in any part of the seas within three hundred leagues of any territory granted in the former patents: Under the treaty of peace between Great Britain and France in the year seventeen hundred and sixty-three, a line drawn along the middle of the river Mississippi having become Virginia's western boundary; And the people of Virginia, when they adopted their Constitution or form of government, on the twenty-ninth of June, seventeen hundred and seventy-six, having by the twenty-first section thereof

ceded, released, and confirmed to the people of Maryland, Pennsylvania, North and South Carolina, such parts of the territory of Virginia as were contained within the charters erecting those colonies, with all the rights in those parts which might theretofore have been claimed by Virginia, except the free navigation of the rivers Potomac and Pocomoke, with the property of the Virginia shore or strands bordering on either of the said rivers, and all improvements thereon; and having at the same time laid down in the said section that the western and northern extent of Virginia should in all other respects stand as fixed by the said charter of James the first, granted in sixteen hundred and nine, and by the treaty of peace between Great Britain and France in seventeen hundred and sixty-three, unless by act of the legislature one or more territories should thereafter be laid off, and governments established, westward of the Alleghany Mountains: The General Assembly of Virginia does hereby declare that the territory of this Commonwealth and the boundaries thereof remain as they were after the Constitution was adopted on the twenty-ninth of June, seventeen hundred and seventy-six, except so much thereof as constitutes the territory of West Virginia and its boundaries, and except also as limited by the following sections of this chapter.

Source: § 7-1

Comment: No change.

§ 7.1-2. (1) The jurisdiction of this State shall extend to and over, and be exercisable with respect to, waters offshore from the coasts of this State as follows:

(a) The marginal sea to its outermost limits as said limits may from time to time be defined or recognized by the United States of America by international treaty or otherwise.

(b) The high seas to whatever extent jurisdiction therein may be claimed by the United States of America, or to whatever extent may be recognized by the usages and customs of international law or by any agreement, international or otherwise, to which the United States of America or this State may be party.

(c) All submerged lands, including the subsurface thereof, lying under said aforementioned waters.

(2) The ownership of the waters and submerged lands enumerated or described in subsection (1) of this section shall be in this State unless it shall be, with respect to any given parcel or area, in any other person or entity by virtue of a valid and effective instrument of conveyance or by operation of law.

(3) Nothing contained herein shall be construed to limit or restrict in any way:

(a) The jurisdiction of this State over any person or with respect to any subject within or without the State which jurisdiction is exercisable by reason of citizenship, residence or for any other reason recognized by law; and

(b) The jurisdiction or ownership of or over any other waters or lands thereunder, within or forming part of the boundaries of this State. Nor shall anything herein be construed to impair the exercise of legislative jurisdiction by the United States of America over any area to which such jurisdiction has been validly ceded by this State and which remains in the ownership of the United States of America.

(4) Nothing in this section shall alter the geographic area to which any statute of this State applies if such statute specifies such area precisely in miles or by some other numerical designation of distance or position. However, nothing in any such statute or in this section shall be construed as a waiver or relinquishment of jurisdiction or ownership by this State over or in any area to which such jurisdiction or ownership extends by virtue of this section or any other provision or rule of law.

Source: § 7-1.1

Comment: No change.

§ 7.1-3. The General Assembly of Virginia having, on the second of January, seventeen hundred and eighty-one, resolved that this Commonwealth would on certain conditions yield for the benefit of the United States all her right to the territory northwest of the river Ohio; having, after the act of Congress of the thirteenth of September, seventeen hundred and eighty-three, passed a formal act on the twentieth of December, seventeen hundred and eighty-three, authorizing the transfer to the United States of all right, as well of soil as of jurisdiction, which this Commonwealth had to the territory, subject to the terms and conditions contained in the act of Congress; the deed of cession having been made accordingly, and an act of Assembly having afterwards been passed on the thirtieth of December, seventeen hundred and eighty-eight, whereby, after referring to an ordinance for the government of the territory, passed by Congress on the thirteenth of July, seventeen hundred and eighty-seven, and reciting a particular article declared in the ordinance to be part of the compact between the original states and the people and states in the territory, the article of compact was ratified and confirmed: It is hereby declared that such cession is to be deemed and taken according to the true intent and meaning of the acts and deed aforesaid, and subject to all the terms and conditions therein expressed.

Source: § 7-2

Comment: No change.

§ 7.1-4. The boundary line between Virginia and North Carolina having been run part of the way by Joshua Fry and Peter Jefferson, commissioners from Virginia, together with others from North Carolina; and after the inhabitants of this Commonwealth and those of North Carolina had settled themselves farther westward than the line was so run, the General Assembly of Virginia having, at October session, seventeen hundred and seventy-eight, passed an act under which Thomas Walker and Daniel Smith were appointed commissioners on the part of this State to meet others on the part of North Carolina, and extend and mark the line between Virginia and North Carolina, which commissioners on the part of this State made a report of the line run under the act; and the line so run, commonly called and known by the name of Walker's line, having been established as the boundary between North Carolina and this Commonwealth, first by the legislature of that State, and then, on the seventh of December, seventeen hundred and ninety-one, by an act of the General Assembly of this State: It is hereby declared that the line so run by Fry and Jefferson, and afterwards extended by Walker and Smith as before mentioned, constitutes the boundary line between Virginia and North Carolina; but the claims for lands lying between Walker's line and the line commonly called Henderson's line, are to be decided in favor of the oldest title, whether derived from this Commonwealth or from the State of North Carolina.

Source: § 7-3

Comment: No change.

§ 7.1-5. The boundary line between the States of Virginia and Tennessee shall be and remain the same as established by the Supreme Court of the United States in the case of Tennessee v. Virginia, 190 U.S.64, 23 S. Ct. 827, 47 L.Ed. 956, so much of the boundary line as lies in the city of Bristol being established by an act of Assembly approved February 9, 1901, entitled "An act to accept the cession by the State of Tennessee to the State of Virginia, of a certain narrow strip of territory claimed as belonging to the State of Tennessee, and described as lying between the northern boundary line of the city of Bristol, in the county of Sullivan, State of Tennessee, and the southern boundary line of the city of Bristol, in the county of Washington, State of Virginia, being the northern half of the main street of the said two cities," which line outside of the city of Bristol is marked by monuments as described in the decree in the above styled cause.

Source: § 7-4

Comment: No change.

§ 7.1-6. The General Assembly of Virginia having, on the eighteenth of December, seventeen hundred and eighty-nine, passed an act authorizing a convention to be held in the district of Kentucky, to consider and determine whether it was expedient for the people of the said district that the same should be erected into an independent state on the terms and conditions set forth in eight articles, the first of which was, that the boundary between the proposed State and Virginia should remain the same as then separated the district from the residue of the Commonwealth of Virginia: The convention so held having approved of the erection of the district into an independent State on those terms and conditions, and having according to the act fixed a day posterior to the first day of November, seventeen hundred and ninety-one, on which the authority of this Commonwealth and of its laws, under the exceptions aforesaid, should cease and determine over the proposed State, and the articles become a solemn compact mutually binding on the parties, and unalterable by either without the consent of the other; the State so formed within the jurisdiction of Virginia with the consent of the legislature thereof, having upon the first day of June, seventeen hundred and ninety-two, by virtue of an act of Congress, approved the fourth of February, seventeen hundred and ninety-one, been admitted by the name of Kentucky into this Union, as a member of the United States: Commissioners having afterwards been appointed to adjust the boundary line between Virginia and Kentucky, who agreed that the boundary line between such States should be and remain as follows: "To begin at the point where the Carolina, now Tennessee line, crosses the top of the Cumberland mountain, near Cumberland Gap; thence northeastwardly along the top or highest part of the said Cumberland mountain, keeping between the head waters of Cumberland and Kentucky rivers on the west side thereof, and the head waters of Powell's and Guest's rivers, and the Pound fork of Sandy, on the east side thereof, continuing along the said top or highest part of said mountain, crossing the road leading over the same at the little Paint Gap, where by some it is called the Hollow mountain, to where it terminates at the west fork of Sandy, commonly called Russell's fork; thence with a line to be run north forty-five degrees east, till it intersects the other great principal branch of Sandy, commonly called the northeastwardly branch; thence down the said northeastwardly branch to its junction with the main west branch and down main Sandy to its confluence with the Ohio:" And by an act of the General Assembly of Virginia, passed the thirteenth of January, eighteen hundred, the boundary line between this State and Kentucky having been established, as laid down by the commissioners, whose report is set forth

in the act: It is hereby declared that the line so laid down, except such part as constitutes the boundary line between West Virginia and Kentucky, remains the true boundary line between Virginia and Kentucky; but all claims to lands founded on entries in any surveyor's office of the State of Kentucky, made after the separation thereof from this State, and before the thirteenth day of January, eighteen hundred, which, by means of the establishment of the boundary line above mentioned, have fallen into this State, shall be as valid as if such entries had been made in the proper surveyors' offices of this State. It is also hereby declared, that the articles set forth in the act of the eighteenth December, seventeen hundred and eighty-nine, remain a solemn compact mutually binding on the States of Virginia and Kentucky, and unalterable by either without the consent of the other, by which articles it was stipulated thirdly, that all private rights and interests of lands within Kentucky, derived from the laws of Virginia, prior to the separation, shall remain valid and secure under the laws of Kentucky, and be determined by the laws existing in Virginia when the act passed; fourthly, that the lands within Kentucky, of non-resident proprietors, should not in any case be taxed higher than the lands of residents at any time prior to the admission of Kentucky to a vote by its delegates in Congress, where such non-residents reside out of the United States; nor at any time either before or after such admission, where such non-residents reside within this Commonwealth, within which this stipulation should be reciprocal; or where such non-residents reside within any other of the United States, which should declare the same to be reciprocal within its limits; fifthly, that no grant of land or land warrant issued by Kentucky, should interfere with any warrant issued from the land office of Virginia, which should, on or before the first day of September, seventeen hundred and ninety-one, be located on land within Kentucky, liable thereto at the date of that act; eighthly, that in case of any complaint or dispute should at any time arise between Virginia and Kentucky, concerning the meaning or execution of the foregoing articles, the same should be determined by six commissioners, of whom two should be chosen by each of the parties, and the remainder by the commissioners so first appointed.

Source: § 7-5

Comment: No change.

§ 7.1-7. Commissioners appointed by the General Assembly of the State of Maryland, and also of the State of Virginia, having met at Mount Vernon, in Virginia, on the twenty-eighth day of March, in the year seventeen hundred and eighty-five, and mutually agreed to a compact; the said compact having been confirmed, first by the General Assembly of Maryland, and afterwards, on the third day of January, seventeen hundred and eighty-six, by an act of the General Assembly of Virginia: It is hereby declared that the said compact remains obligatory, except so far as it may have been superseded by the provisions of the Constitution since formed for the United States; and it shall be faithfully observed and kept by this government and all its citizens, so far as may not be incompatible with the said Constitution. Amongst the articles of the said compact are the following:

“Seventh, The citizens of each State, respectively, shall have full property in the shores of Potowmack river adjoining their lands, with all emoluments and advantages thereunto belonging, and the privilege of making and carrying out wharves and other improvements, so as not to obstruct or injure the navigation of the river; but the right of fishing in the river shall be common to, and equally enjoyed by, the citizens of both States: Provided, that such common right be not exercised by the citizens

of the one State to the hindrance or disturbance of the fisheries on the shores of the other State; and that the citizens of neither State shall have a right to fish with nets or seines on the shores of the other;

“Eighth, All laws and regulations which may be necessary for the preservation of fish, or for the performance of quarantine in the river Potowmack, or for preserving and keeping open the channel and navigation thereof, or of the river Pocomoke, within the limits of Virginia, by preventing the throwing out ballast, or giving any other obstruction thereto, shall be made with the mutual consent and approbation of both States;

“Tenth, All piracies, crimes, or offenses committed in that part of Chesapeake bay which lies within the limits of Virginia, or that part of the said bay where the line of division from the south point of Potowmack river (now called Smith’s point) to Watkin’s point, near the mouth of Pocomoke river, may be doubtful, and on that part of Pocomoke river within the limits of Virginia, or where the line of division between the two States upon the said river is doubtful, by any persons not citizens of the Commonwealth of Virginia, against the citizens of Maryland, shall be tried in the court of the State of Maryland, which hath legal cognizance of such offense. And all piracies, crimes, or offenses committed on the before mentioned parts of Chesapeake bay and Pocomoke river, by any persons, not citizens of Maryland, against any citizens of Virginia, shall be tried in the court of the Commonwealth of Virginia, which hath legal cognizance of such offense. All piracies, crimes, and offenses committed on the said parts of Chesapeake bay and Pocomoke river, by persons not citizens of either State, against persons not citizens of either State, shall be tried in the court of the Commonwealth of Virginia, having legal cognizance of such offenses. And all piracies, crimes, and offenses committed on the said parts of Chesapeake bay and Pocomoke river, by any citizen of the Commonwealth of Virginia, or of the State of Maryland, either against the other, shall be tried in the court of that State of which the offender is a citizen. The jurisdiction of each State over the river Potowmack, shall be exercised in the same manner as is prescribed for the before-mentioned parts of Chesapeake bay and Pocomoke river, in every respect, except in the case of piracies, crimes, and offenses committed by persons not citizens of either State, upon persons not citizens of either State, in which case the offenders shall be tried by the court of the State to which they shall first be brought. And if the inhabitants of either State shall commit any violence, injury, or trespass, to or upon the property or lands of the other, adjacent to the said bay or rivers, or to any person upon such lands, upon proof of due notice to the offender to appear and answer, any court of record, or civil magistrate of the State where the offense shall have been committed, having jurisdiction thereof, may enter the appearance of such person, and proceed to trial and judgment, in the same manner as if legal process had been served on such offender; and such judgment shall be valid and effectual against the person and property of such offender, both in the State where the offense shall have been committed, and also in the State where the said offender may reside; and execution may be issued by the court or magistrate giving such judgment, in the same manner as upon judgments given in other cases; or upon a transcript of such judgment, properly authenticated, being produced to any court or magistrate of the State where such offender may reside, having jurisdiction within the State or county where the offender may reside, in cases of a similar nature, such court or magistrate shall order execution to issue upon such authenticated judgment, in the same manner, and to the same extent, as if the judgment had been given by the court or magistrate to which such transcript shall be exhibited.

“Eleventh, Any vessel, entering into any port of the river Potowmack, may be libelled or attached for debt by process from the State in which such vessel entered. And if the commercial regulations of either State shall be violated by any person carrying on commerce in Potowmack or Pocomoke rivers, the vessel owned or commanded by the person so offending, and the property on board may be seized by process from the State whose laws are offended, in order for trial. And if any person shall fly from justice in a civil or criminal case, or shall attempt to defraud creditors by removing his property, such person, or any property so removed, may be taken on any part of Chesapeake bay, or the rivers aforesaid, by process of the State from which such person shall fly, or property be removed; and process from the State of Virginia may be served on any part of the said rivers, upon any person, or property of any person not a citizen of Maryland, indebted to any citizen of Virginia, or charged with injury having been by him committed; and process from the State of Maryland may be served on any part of the said rivers, upon any person, or property of any person, not a citizen of Virginia, indebted to a citizen of Maryland, or charged with injury by him committed. And in all cases of trial in pursuance of the jurisdiction settled by this compact, citizens of either State shall attend as witnesses in the other, upon a summons from any court or magistrate, having jurisdiction, being served by a proper officer of the county where such citizen shall reside.”

The General Assembly of the State of Virginia, and the General Assembly of the State of Maryland, having appointed the Hon. Jeremiah S. Black, of Pennsylvania, the Hon. James B. Beck, of Kentucky, and the Hon. Charles A. Jenkins, of Georgia, arbitrators to settle and determine the true line of boundary between the States of Virginia and Maryland, and a majority of said arbitrators having ascertained and determined the said true line of boundary, and having, on January sixteenth, eighteen hundred and seventy-seven, made an award as to the same in words following, to-wit: “January sixteenth, Anno Domini, eighteen hundred and seventy-seven, the undersigned, being a majority of the arbitrators to whom the States of Virginia and Maryland, by acts of their respective legislatures, submitted the controversies concerning their territorial limits, with authority to ascertain and determine the true line of boundary between them, having heard the allegations of the said States, and examined the proofs on both sides, do find, declare, award, ascertain, and determine that the true line of boundary between the said States, so far as they are coterminous with one another, is as follows, to-wit:

“Beginning at the point on the Potomac river where the line between Virginia and West Virginia strikes the said river at low-water mark, and thence, following the meanderings of said river, by the low-water mark, to Smith’s point, at or near the mouth of the Potomac, in the latitude thirty-seven degrees, fifty-three minutes, eight seconds, and longitude seventy-six degrees, thirteen minutes, forty-six seconds; thence crossing the waters of the Chesapeake bay, by a line running north sixty-five degrees, thirty minutes east, about nine and a half nautical miles, to a point on the western shore of Smith’s island, at the north end of Sassafras hammock, in latitude thirty-seven degrees, fifty-seven minutes, thirteen seconds, longitude seventy-six degrees, two minutes, fifty-two seconds; thence across Smith’s island, south, eighty-eight degrees, thirty minutes east, five thousand six hundred and twenty yards to the centre of Horse hammock, on the eastern shore of Smith’s island, in latitude thirty-seven degrees, fifty-seven minutes, eight seconds, longitude seventy-five degrees, fifty-nine minutes, twenty seconds; thence south seventy-nine degrees, thirty minutes east, four thousand eight hundred and eighty yards, to a point marked ‘A’ on the accompanying map, in the middle of Tangier sound, in

latitude thirty-seven degrees, fifty-six minutes, forty-two seconds, longitude seventy-five degrees, fifty-six minutes, twenty-three seconds, said point bearing from Jane's island light, south, fifty-four degrees west, and distant from that light three thousand five hundred and sixty yards; thence south ten degrees, thirty minutes, west four thousand seven hundred and forty yards, by a line dividing the waters of Tangier sound to a point where it intersects the straight line from Smith's point to Watkins' point, said point of intersection being in latitude thirty-seven degrees, fifty-four minutes, twenty-one seconds; longitude seventy-five degrees, fifty-six minutes, fifty-five seconds, bearing from Jane's island light south, twenty-nine degrees west, and from Horse hammock, south, thirty-four degrees, thirty minutes east; this point of intersection is marked 'B' on the accompanying map; thence north eighty-five degrees, fifteen minutes, east, six thousand seven hundred and twenty yards along the line above mentioned, which runs from Smith's point to Watkins' point until it reaches the latter spot, namely, Watkins' point, which is in latitude thirty-seven degrees, fifty-four minutes, thirty-eight seconds, longitude seventy-five degrees, fifty-two minutes, forty-four seconds; from Watkins' point the boundary line runs due east seven thousand eight hundred and eighty yards, to a point where it meets a line running through the middle of Pocomoke sound, which is marked 'C' on the accompanying map, and is in latitude thirty-seven degrees, fifty-four minutes, thirty-eight seconds, longitude seventy-five degrees, forty-seven minutes, fifty seconds; thence by a line dividing the waters of Pocomoke sound, north forty-seven degrees, thirty minutes, east five thousand two hundred and twenty yards, to a point in said sound marked 'D' on the accompanying map, in latitude thirty-seven degrees, fifty-six minutes, twenty-five seconds, longitude seventy-five degrees, forty-five minutes, twenty-six seconds; thence following the middle of the Pocomoke river by a line of irregular curves, as laid down on the accompanying map, until it intersects the westward protraction of the boundary line marked by Scarborough and Calvert, May twenty-eight, eighteen hundred and sixty-eight, at a point in the middle of Pocomoke river, and in the latitude thirty-seven degrees, fifty-nine minutes, thirty-seven seconds, longitude seventy-five degrees, thirty-seven minutes, four seconds; thence by the Scarborough and Calvert line, which runs five degrees, fifteen minutes north of east, to the Atlantic ocean; the latitudes, longitudes, courses, and distances here given have been measured upon the Coast Chart, number thirty-three, of the United States coast survey, (sheet number three, Chesapeake bay,) which is herewith filed as part of this award, and explanatory thereof; the original charter line is marked upon the said map and shaded in blue; the present line of boundary, as ascertained and determined, is also marked and shaded in red, while the yellow indicates the line referred to in the compact of seventeen hundred and eighty-five, between Smith's point and Watkins' point; in further explanation of this award, the arbitrators deem it proper to add that:

“First, The measurements being taken and places fixed according to the coast survey, we have come as near to a perfect mathematical accuracy as in the nature of things is possible; but in case of any inaccuracy in the described course of length of a line, or in the latitude or longitude of a place, the natural objects called for must govern;

“Second, The middle thread of Pocomoke river is equi-distant as nearly as may be, between the two shores, without considering arms, inlets, creeks, or affluents as parts of the river, but measuring the shore lines from headland to headland;

“Third, The low-water mark on the Potomac, to which Virginia has a

right in the soil, is to be measured by the same rule; that is to say, from low-water mark at one headland to low-water at another, without following indentations, bays, creeks, inlets, or affluent rivers;

“Fourth, Virginia is entitled not only to full dominion over the soil to low-water mark on the south shore of the Potomac, but has a right to such use of the river beyond the line of low-water mark as may be necessary to the full enjoyment of her riparian ownership, without impeding the navigation or otherwise interfering with the proper use of it by Maryland, agreeably to the compact of seventeen hundred and eighty-five: In testimony whereof we have hereunto set our hands the day and year aforesaid.

“J. S. Black, of Pennsylvania,

“Charles J. Jenkins, of Georgia.”

And the General Assembly of Virginia, having approved and confirmed the award by the act of March the fourteenth, eighteen hundred and seventy-eight, and the act having declared that so soon as such award is also approved, accepted, confirmed, and ratified by the General Assembly of the State of Maryland, and by the Congress of the United States, thereupon, and immediately thereafter, the award and survey, matter and thing therein contained, shall be obligatory on the State and the citizens thereof, and should be forever faithfully and inviolably observed and kept by the State and all its citizens according to the true intent and meaning of the same; and the award and survey, matter and thing therein contained, having been so approved, accepted, confirmed and ratified by the General Assembly of the State of Maryland and by the Congress of the United States: It is hereby declared that the award and survey, matter and thing therein contained, are obligatory on this State and the citizens thereof, and shall be forever observed and kept by the State and all of its citizens according to the true intent and meaning of the same, and to that end the faith of the State stands pledged.

The documents in relation to the boundary between the States of Maryland and Virginia, which were obtained under the resolution adopted by the General Assembly of Virginia, on the twentieth day of March, eighteen hundred and thirty-two, and the report relative to the boundary, referred to in the subsequent resolution of the twenty-first of February, eighteen hundred and thirty-five, and the award with the map and other papers accompanying the same, made under the act of March twenty-eight, eighteen hundred and seventy-four, and the act of February tenth, eighteen hundred and seventy-six, amendatory thereof, and approved and confirmed by the act of March fourteenth, eighteen hundred and seventy-eight, shall be preserved in the executive department as contemplated by the resolutions, and by the last-mentioned act.

CROSS REFERENCE: But see § 28.1-203 for subsequent compact.

Source: § 7-6

Comment: No change.

§ 7.1-8. It shall be lawful when the laws of Virginia, in the opinion of the legally constituted authorities of Virginia, are violated by citizens of Maryland in the waters of Virginia, and when the laws of Maryland, in the opinion of the legally constituted authorities of Maryland, are violated by citizens of Virginia in the waters of Maryland, that the offender can be pursued by the legally constituted authorities of the State where

the offense was committed up to and across the boundary line between the States into the waters of the State where the offender resides, to a distance not exceeding ten miles, and if a capture is made in the continuous pursuit, the offender, vessel, and property shall be taken to the State where the offense was committed, to be dealt with under the laws of that State. This section shall continue in force as long as a similar statute is in force in the State of Maryland.

CROSS REFERENCE: See § 19.1-94.

Source: § 7-7

Comment: No change; cross-referenced to § 19.1-94 involving pursuit and arrest.

§ 7.1-9. That portion of the District of Columbia which, by an act of the General Assembly of Virginia, passed the third day of December, seventeen hundred and eighty-nine, was ceded to the United States, and all the rights and jurisdiction therewith ceded over the same, having, with the assent of the people of the county and town of Alexandria, ascertained, as prescribed by an act of Congress, approved the ninth of July, eighteen hundred and forty-six, been ceded and forever relinquished to this State, in full and absolute right and jurisdiction, as well of soil as of persons residing or to reside therein: It is hereby declared, that the same is now re-annexed to this Commonwealth and constitutes a portion thereof, subject to such reservation and provisions respecting the public property of the United States, as Congress has enacted in its act of recession.

Source: § 7-8

Comment: No change.

§ 7.1-10. Whereas there has been passed by the Congress of the United States Public Law two hundred eight-Seventy-ninth Congress, approved October thirty-first, nineteen hundred forty-five, entitled "An act to establish a boundary line between the District of Columbia and the Commonwealth of Virginia, and for other purposes", Title I of the act being as follows:

"Section 101. The boundary line between the District of Columbia and the Commonwealth of Virginia is hereby established as follows:

"Said boundary line shall begin at a point where the northwest boundary of the District of Columbia intercepts the high-water mark on the Virginia shore of the Potomac River and following the present mean high-water mark; thence in a southeasterly direction along the Virginia shore of the Potomac River to Little River, along the Virginia shore of Little River to Boundary Channel, along the Virginia side of Boundary Channel to the main body of the Potomac River, along the Virginia side of the Potomac River across the mouths of all tributaries affected by the tides of the river to Second Street, Alexandria, Virginia, from Second Street to the present established pierhead line, and following said pierhead line to its connection with the District of Columbia-Maryland boundary line; that whenever said mean high-water mark on the Virginia shore is altered by artificial fills and excavations made by the United States, or by alluvion or erosion, then the boundary shall follow the new mean high-water mark on the Virginia shore as altered, or whenever the location of the pierhead line along the Alexandria water front is altered, then the boundary shall follow the new location of the pierhead line.

"Section 102. All that part of the territory situated on the Virginia side of the Potomac River lying between the boundary line as described

in section one hundred one and the mean high-water mark as it existed January twenty-fourth, seventeen hundred ninety-one, is hereby ceded to and declared to be henceforth within the territorial boundaries, jurisdiction, and sovereignty of the State of Virginia: Provided, however, That concurrent jurisdiction over the said area is hereby reserved to the United States.

“Section 103. Nothing in this act shall be construed as relinquishing any right, title, or interest of the United States to the lands lying between the mean high-water mark as it existed January twenty-fourth, seventeen hundred ninety-one, and the boundary line as described in section one hundred one; or to limit the right of the United States to establish its title to any of said lands as provided by Act of Congress of April twenty-seventh, nineteen hundred twelve (37 Stat. 93); or the jurisdiction of the courts of the United States for the District of Columbia to hear and determine suits to establish the title of the United States in all lands in the bed, marshes, and lowlands of the Potomac River, and other lands as described by said act below the mean high-water mark of January twenty-fourth, seventeen hundred ninety-one; or to limit the authority to make equitable adjustments of conflicting claims as provided for in the act approved June fourth, nineteen hundred thirty-four (48 Stat. 836).

“Section 104. The ‘present’ mean high-water mark shall be construed as the mean high-water mark existing on the effective date of this act.

“Section 105. The United States Coast and Geodetic Survey is hereby authorized, empowered, and instructed to survey and properly mark by suitable monuments the said boundary line as described in section one hundred one, and from time to time to monument such sections of said boundary line as may be changed as provided for in section one hundred one; and the necessary appropriations for this work are hereby authorized.

“Section 106. The provisions of sections two hundred seventy-two to two hundred eighty-nine, inclusive, of the Criminal Code (U.S.C.A., title eighteen, sections four hundred sixty-one to four hundred sixty-eight) shall be applicable to such portions of the George Washington Memorial Parkway and of the Washington National Airport as are situated within the Commonwealth of Virginia. Any United States Commissioner specially designated for that purpose by the District Court of the United States for the Eastern District of Virginia shall have jurisdiction to try and, if found guilty, to sentence persons charged with petty offenses against the laws of the United States committed on the above-described portions of the said parkway or airport. The probation laws shall be applicable to persons so tried. For the purposes of this section, the term ‘petty offense’ shall be defined as in section three hundred thirty-five of the Criminal Code (U. S. C. A., title eighteen, section five hundred forty-one). If any person charged with any petty offense as aforesaid shall so elect, however, he shall be tried in the said district court.

“Section 107. The State of Virginia hereby consents that exclusive jurisdiction in the Washington National Airport (as described in section one (b) of the act of June twenty-ninth, nineteen hundred forty (fifty-four Stat. six hundred eighty-six)), title to which is now in the United States, shall be in the United States. The conditions upon which this consent is given are the following and none other: (one) There is hereby reserved in the Commonwealth of Virginia the jurisdiction and power to levy a tax on the sale of oil, gasoline, and all other motor fuels and lubricants sold on the Washington National Airport for use in over-the-road vehicles such as trucks, busses, and automobiles, except sales to the United States: Provided, that the Commonwealth of Virginia shall have no juris-

diction or power to levy a tax on the sale or use of oil, gasoline, or other motor fuels and lubricants for other purposes; (two) there is hereby expressly reserved in the Commonwealth of Virginia the jurisdiction and power to serve criminal and civil process on the Washington National Airport; and (three) there is hereby reserved in the Commonwealth of Virginia the jurisdiction and power to regulate the manufacture, sale, and use of alcoholic beverages on the Washington National Airport (as described in section one (b) of the act of June twenty-ninth, nineteen hundred forty (fifty-four Stat. six hundred eighty-six)).

“Subject to the limitation on the consent of the State of Virginia as expressed herein exclusive jurisdiction in the Washington National Airport shall be in the United States and the same is hereby accepted by the United States.

“This act shall have no retroactive effect except that taxes and contributions in connection with operations, sales and property on and income derived at the Washington National Airport heretofore paid either to the Commonwealth of Virginia or the District of Columbia are hereby declared to have been paid to the proper jurisdictions and the Commonwealth of Virginia and the District of Columbia each hereby waives any claim for any such taxes or contributions heretofore assessed or assessable to the extent of any such payments to either jurisdiction.

“Any provision of law of the United States or the Commonwealth of Virginia which is to any extent in conflict with this act is to the extent of such conflict hereby expressly repealed.

“Section 108. This title shall not become effective unless and until the State of Virginia shall accept the provisions thereof.”

Whereas, the boundary line as established by such act of Congress is acceptable and satisfactory to the Commonwealth of Virginia; and whereas, it is desirable that the Commonwealth consent that exclusive jurisdiction over the Washington National Airport, subject to the reservations and conditions prescribed in section one hundred seven of such act of Congress, shall be in the United States; now, therefore,

(1) The boundary line between the District of Columbia and the Commonwealth of Virginia is hereby established as set out in the act of Congress above quoted.

(2) The Commonwealth of Virginia hereby accepts the provisions of Title I of the act of Congress, such acceptance to be effective upon the nineteenth day of February, nineteen hundred forty-six.

(3) The Commonwealth of Virginia consents that exclusive jurisdiction over the Washington National Airport, subject to the reservations and conditions prescribed in section one hundred seven of the act of Congress above quoted, shall be in the United States, and the powers reserved to the Commonwealth of Virginia in such section one hundred seven shall be vested, reside and remain in this Commonwealth.

FOOTNOTE: References to U.S.C.A. Title 18 are changed by revision to:
Title 18:

Old Section	New Section
451	7
452	1111
453	1112
454	1111, 1112
455	113
456	1113
457	2031

Old Section	New Section
458	2032
459	2198
460	2198, 3286, 3614
461	1115
462	114
463	2111
464	81, 1363
465	81, 1363
466	661
467	662, 3435
467a	1025
468	13
541	1

Source: § 7-9

Comment: No change.

CHAPTER 2.

Coast Survey.

§ 7.1-11. Any person employed in the coast survey under any act of the Congress of the United States, may, for the purpose of effecting the objects of such survey, enter upon lands within the State, remove the fences, cut down trees, or do any other matter or thing necessary to effect such survey.

This section shall not limit any right of a person to recover damages to persons or property.

Source: § 7-10

Note: No change. By request of the U. S. Coast and Geodetic Survey this section has been retained. The remaining sections in this chapter had dealt with damages and appear archaic and unnecessary. See Federal Tort Claims Act, 28 U.S.C.A. Sections 1291, 1346, 1402, 1504, 2110, 2401, 2402, 2411, 2412, 2671-2680 and 33 U.S.C. Section 853.

CHAPTER 3.

Jurisdiction Over Lands Acquired By The United States.

§ 7.1-12. The following word or term, whenever used or referred to in this chapter, shall have the following respective meaning unless a different meaning clearly appears from the context:

“Person” means an individual, corporation other than municipal corporation, business trust, estate, trust, partnership or two or more of any of the foregoing having a joint or common interest.

Source: Uniform Commercial Code.

Comment: Used to clarify and give uniformity in following sections.

§ 7.1-13. The United States, having by consent of the General Assembly purchased, leased, or obtained jurisdiction over various parcels of land in this State for the erection of forts, magazines, arsenals, dock-yards and other needful buildings, for national cemeteries, for conservation of forests and natural resources, and for various other purposes, and the transfers of the property and jurisdiction authorized by the several acts of the Assembly under which the cessions were made being subject to certain terms and conditions therein expressed, and under certain re-

strictions, limitations and provisions therein set forth, it is hereby declared that this State retains concurrent jurisdiction with the United States over the said places, so far as it lawfully can, consistently with the acts of Assembly before-mentioned, and its courts, magistrates and officers may take such cognizance, execute such process, and discharge such other legal functions within and upon the same as may not be incompatible with the true intent and meaning of such acts of Assembly.

Source: § 7-17

Comment: No change.

§ 7.1-14. Whenever the United States desires to acquire title to, or to lease land, whether under water or not, belonging to the State for the site of a lighthouse, beacon, life-saving station, or other aid to navigation, and application is made by a duly authorized agent of the United States, describing the site required for any of the purposes aforesaid, the Governor of the State shall have authority to convey or to lease as the case may be, the site to the United States, provided, that no single parcel shall contain more than ten acres. And it is hereby declared that the title to the land so conveyed or leased to the United States, and the possession thereof, shall revert to the State, unless the construction of a lighthouse, beacon, life-saving station, or other aid to navigation be begun within two years after such conveyance or lease is made, and be completed within ten years thereafter; or, if completed, the use of the site for the purpose for which it is granted or leased be discontinued for five years consecutively after such construction is completed.

It is expressly provided, however, that, in case of any such lease or conveyance of any such property, there is hereby reserved in the Commonwealth of Virginia, over all lands therein embraced, the jurisdiction and power to levy a tax on oil, gasoline and all other motor fuels and lubricants thereon owned by others than the United States and a tax on the sale thereof, on such lands, except sales to the United States for use in the exercise of essentially governmental functions. There is further expressly reserved in the Commonwealth the jurisdiction and power to serve criminal and civil process on such lands and to license and regulate, or to prohibit, the sale of intoxicating liquors on any such lands and to tax all property, including buildings erected thereon, not belonging to the United States and to require licenses and impose license taxes upon any business or businesses conducted thereon. For all purposes of taxation and of the jurisdiction of the courts of Virginia over persons, transactions, matters and property on such lands, the lands shall be deemed to be a part of the county or city in which they are situated. Any such conveyance or lease as herein provided for shall be deemed to have been made upon the express condition that the reservations of power and limitations hereinabove provided for are recognized as valid by the United States, and, in the event the United States shall deny the validity of the same as to all or any part of such lands, then, and in that event, the title and possession of all or any such part of such lands shall immediately revert to the Commonwealth. Over all lands leased or conveyed to the United States by the Governor pursuant to the authority herein conferred, the Commonwealth hereby cedes to the United States the power and jurisdiction to protect such lands and all property of the United States thereon from damage, depredation or destruction, to regulate traffic on the highways thereon and all necessary jurisdiction and power to operate and administer such lands and property thereon for the purposes for which the same may be conveyed to the United States, but the jurisdiction and power hereby ceded to the United States shall not be construed as being

in any respect inconsistent with or as in any way impairing the jurisdiction and powers hereinabove specifically reserved to the Commonwealth.

This section is subject to the provision of § 7.1-18.

Source: § 7-18

Comment: No change.

§ 7.1-15. The conditional consent of the Commonwealth of Virginia is hereby given to the acquisition by the United States, or under its authority, by purchase, lease, condemnation, or otherwise, of any lands in Virginia, whether under water or not, from any person for sites for customs houses, courthouses, arsenals, forts, naval bases, military or naval airports or airplane landing fields or for any military or naval purpose. The conditions upon which this consent is given are as follows:

That there is hereby reserved in the Commonwealth, over all lands so acquired by the United States for the purposes aforesaid, the jurisdiction and power to levy a tax on oil, gasoline and all other motor fuels and lubricants thereon owned by others than the United States and a tax on the sale thereof, on such lands, except sales to the United States for use in the exercise of essentially governmental functions. There is further expressly reserved in the Commonwealth the jurisdiction and power to serve criminal and civil process on such lands and to license and regulate, or to prohibit, the sale of intoxicating liquors on any such lands and to tax all property, including buildings erected thereon, not belonging to the United States and to require licenses and impose license taxes upon any business or businesses conducted thereon. For all purposes of taxation and of the jurisdiction of the courts of Virginia over persons, transactions, matters and property on such lands, the lands shall be deemed to be a part of the county or city in which they are situated. Any such acquisition by or conveyance or lease to the United States, as is herein provided for, shall be deemed to have been secured or made upon the express condition that the reservations of power and limitations hereinabove provided for are recognized as valid by the United States, and, in the event the United States shall deny the validity of the same, as to all or any part of such lands, then and in that event, the title and possession of all or any such part of such lands conveyed to the United States by the Commonwealth shall immediately revert to the Commonwealth. Over all lands acquired by or leased or conveyed to the United States pursuant to the conditional consent herein conferred, the Commonwealth hereby cedes to the United States concurrent jurisdiction, legislative, executive and judicial, with respect to the commission of crimes and the arrest, trial and punishment therefor, and also cedes to the United States the power and jurisdiction to protect such lands and all property of the United States thereon from damage, depredation or destruction, to regulate traffic on the highways thereon and all necessary jurisdiction and power to operate and administer such lands and property thereon for the purposes for which the same may be conveyed to the United States, but the jurisdiction and power hereby ceded to the United States shall not be construed as being in any respect inconsistent with or as in any way impairing the jurisdiction and powers hereinabove specifically reserved to the Commonwealth. The jurisdiction and powers hereby ceded shall not apply to lands acquired for the purposes enumerated in § 7.1-17. Whenever the United States shall cease to use any of such lands so acquired for any of the purposes hereinabove set forth, the jurisdiction and powers herein ceded shall as to the same cease and determine, and shall revert to the Commonwealth.

Nothing herein contained shall affect any special act heretofore or hereafter passed ceding jurisdiction to the United States.

This section is subject to the provision of § 7.1-18.

Source: § 7-19

Comment: Uses "person" for conformity; updates Code reference; "one or more" purposes seems incorrect and is deleted, as in § 7.1-16.

§ 7.1-16. The unconditional consent of the Commonwealth of Virginia is hereby given to the acquisition by the United States, or under its authority, by purchase, lease, condemnation, or otherwise, of any lands in Virginia, from any person for sites for post offices, or for services incidental to postal work; provided, however, there is hereby expressly reserved in the Commonwealth the jurisdiction and power to serve criminal and civil process on such lands.

Whenever the United States shall cease to use any of such lands so acquired for the purposes hereinabove set forth, the jurisdiction and powers herein ceded shall as to the same cease and determine, and shall revert to the Commonwealth.

This section is subject to the provision of § 7.1-18.

Source: § 7-20

Comment: Same as § 7.1-15. "One or more" seems incorrect and is deleted. Now conforms to § 7.1-22.

§ 7.1-17. The conditional consent of the Commonwealth of Virginia is hereby given to the acquisition by the United States, or under its authority, by purchase or lease, or in cases where it is appropriate that the United States exercise the power of eminent domain, then by condemnation, of any lands in Virginia from any person, for soldiers' homes, for the conservation of the forests or natural resources, for the retirement from cultivation and utilization for other appropriate use of sub-marginal agricultural lands, for the improvement of rivers and harbors in or adjacent to the navigable waters of the United States, for public parks and for any other proper purpose of the government of the United States not embraced in § 7.1-15.

Over all lands heretofore or hereafter acquired by the United States for the purposes mentioned in this section, the Commonwealth hereby cedes to the United States the power and jurisdiction to regulate traffic over all highways maintained by the United States thereon, to protect the lands and all property thereon belonging to the United States from damage, depredation or destruction and to operate and administer the lands and property thereon for the purposes for which the same shall be acquired by the United States. The Commonwealth hereby reserves to herself all other powers and expressly and specifically reserves the jurisdiction and power to levy a tax on oil, gasoline and all other motor fuels and lubricants, on such lands, not belonging to the United States, and a tax on the sale thereof on any part of any lands acquired by the United States for the purposes embraced in this section. The Commonwealth hereby further reserves expressly and specifically the jurisdiction and power to tax, license and regulate, or to prohibit, the sale of intoxicating liquors on any such lands so acquired; to tax all property, including buildings erected thereon, not belonging to the United States; to require licenses and impose license taxes upon any business or businesses conducted thereon. For all purposes of taxation and of the jurisdiction of the courts

of Virginia over persons, transactions, matters and property on such lands, the lands shall be deemed to be a part of the county or city in which they are situated. The above powers enumerated as expressly and specifically reserved to the Commonwealth shall not be construed as being in any respect inconsistent with or impaired by the powers herein ceded to the United States.

The Commonwealth hereby reserves unto herself over all such lands exclusive governmental, judicial, executive and legislative powers, and jurisdiction in all civil and criminal matters, except insofar as the same may be in conflict with the jurisdiction and powers of the United States.

This section is subject to the provision of § 7.1-18.

Source: § 7-21

Comment: Same as § 7.1-15.

§ 7.1-18. On and after the effective date of this act, except as provided in paragraph (2) of § 7.1-21, the Commonwealth hereby reserves unto herself over all lands conveyed pursuant to this chapter exclusive governmental, judicial, executive and legislative powers, and jurisdiction in all civil and criminal matters, except insofar as the same may be in conflict with the jurisdiction and powers of the United States.

Source: Taken partially from last paragraph of § 7.1-17.

Comment: This offers reasonable restrictions on future conveyances of land under this chapter, which the Code Commission felt necessary.

§ 7.1-19. The respective jurisdiction and powers of the Commonwealth and the United States over all lands within the Shenandoah National Park, as it is now constituted or may hereafter be extended, shall be as follows:

(a) **Criminal And Police Jurisdiction.** — The United States shall have exclusive jurisdiction, legislative, executive and judicial, with respect to the commission of crimes, and the arrest, trial and punishment therefor, and exclusive general police jurisdiction thereover.

(b) **Sale of Alcoholic Beverages.** — The United States shall have the power to regulate or prohibit the sale of alcoholic beverages on such lands; provided, that, if the sale of alcoholic beverages is prohibited by general law in the Commonwealth outside of such lands, no such alcoholic beverages shall be sold on the lands contained in the Park area; and provided further, that if the general laws of the Commonwealth permit the sale of alcoholic beverages, then the regulations of the United States relating to such sales on such lands shall conform as nearly as possible to the regulatory provisions in accordance with which such sales are permitted in the Commonwealth outside of such Park lands. Nothing in this subsection shall be construed as reserving in the Commonwealth power to require licenses of persons engaged in the sale of intoxicating beverages on such lands, nor the power to require that any sales be made through official liquor stores.

(c) **Service of Civil and Criminal Process.** — The Commonwealth shall have jurisdiction to serve civil process within the limits of the Park in any suits properly instituted in any of the courts of the Commonwealth and to serve criminal process within such limits in any suits or prosecutions for or on account of crimes committed in the Commonwealth but outside of the Park.

(d) Tax on Alcoholic Beverages. — The Commonwealth shall have jurisdiction and power to levy a nondiscriminatory tax on all alcoholic beverages possessed or sold on such lands.

(e) Tax on Motor Vehicle Fuels And Lubricants. — The Commonwealth shall have jurisdiction and power to tax the sales of oil and gasoline, and other motor vehicle fuels and lubricants for use in motor vehicles. This subsection shall not be construed as a consent by the United States to the taxation by the Commonwealth of such sales for the exclusive use of the United States.

(f) Tax on Businesses. — The Commonwealth shall have jurisdiction and power to levy nondiscriminatory taxes on private individuals, associations and corporations, their franchises and properties, on such lands, and on their businesses conducted thereon.

(g) Jurisdiction of Courts. — The courts of the Commonwealth shall have concurrent jurisdiction with the courts of the United States of all civil causes of action arising on such lands to the same extent as if the cause of action had arisen in the county or city in which the land lies outside the Park area, and the State officers shall have jurisdiction to enforce on such lands the judgments of the State courts and the collection of taxes by appropriate process.

(h) Voting Residence. — Persons residing in or on any of the lands embraced in the Park shall have the right to establish a voting residence in Virginia by reason thereof, and the consequent right to vote at all elections within the county or city in which the land or lands upon which they reside are located upon like terms and conditions, and to the same extent as they would be entitled to vote in such county or city if the lands on which they reside had not been deeded or conveyed to the United States.

(i) Fugitives. — All fugitives from justice taking refuge in the Park shall be subject to the same laws as refugees from justice found in the Commonwealth of Virginia.

Source: § 7-22

Comment: No change.

§ 7.1-20. (1) Waste and unappropriated lands. — The Governor is authorized to execute in the name of the Commonwealth deeds conveying, subject to the jurisdictional and other limitations and reservations contained in §§ 7.1-17 and 7.1-22, to the United States such title as the Commonwealth may have in waste and unappropriated lands entirely surrounded by lands owned by the United States, when the same are certified as being vacant and unappropriated by a duly authorized agent of the United States and are described by metes and bounds descriptions filed with the Secretary of the Commonwealth and with the clerk of the court in the county wherein such unappropriated land is situated.

(2) Marsh lands in certain counties. — The Governor is authorized to execute, in the name and on behalf of the Commonwealth, a deed or other appropriate instrument conveying to the United States, without any consideration but subject to the jurisdictional limitations and reservations contained in §§ 7.1-17 and 7.1-22, such right, title and interest in or easement over and across the marshes lying along the sea side of the counties of Accomack and Northampton as may be necessary and proper for the construction, operation and maintenance of a canal or channel for small boats over and through such marsh lands.

Source: § 7-23

Comment: Update Code references; deletes “of America” for conformity.

§ 7.1-21. (1) In addition to the jurisdiction and powers over certain lands ceded to the United States by §§ 7.1-14, 7.1-15 and 7.1-17, there is hereby ceded to the United States concurrent jurisdiction over crimes and offenses committed on lands acquired since March twenty-eighth, nineteen hundred and thirty-six, and hereafter acquired by the United States in Virginia by purchase, lease, condemnation or otherwise, for sites for customs houses, courthouses, arsenals, forts, naval bases, military or naval airports, or airplane landing fields, veterans hospitals, or for any military or naval purpose, and there is hereby ceded to the United States such additional jurisdiction and powers over lands acquired by the United States in Virginia by purchase or condemnation as hereinafter provided.

(2) Whenever the head or other authorized officer of any department or independent establishment or agency of the United States shall deem it desirable that such additional jurisdiction or powers be ceded over any lands in Virginia acquired or proposed to be acquired by the United States under his immediate jurisdiction, custody or control, and whenever the Governor and Attorney General of Virginia shall agree to the same, the Governor and Attorney General shall execute and acknowledge a deed in the name of and under the lesser seal of the Commonwealth ceding such additional jurisdiction. The deed shall accurately and specifically describe the area and location of the land over which the additional jurisdiction and powers are ceded and shall set out specifically what additional jurisdiction and powers are ceded, and may set out any reservations in the Commonwealth of jurisdiction which may be deemed proper in addition to those referred to in subsection (6) hereof.

(3) In the event that the United States does not desire to accept all or any part of the jurisdiction and powers ceded by §§ 7.1-14, 7.1-15 and 7.1-17 the deed shall set out specifically the jurisdiction and powers which it is desired not to accept.

(4) No such deed shall become effective or operative until the jurisdiction therein provided for is accepted on behalf of the United States as required by section three hundred and fifty-five of the Revised Statutes of the United States. The head or other authorized officer of a department or independent establishment or agency of the United States shall indicate such acceptance by executing and acknowledging such deed and admitting it to record in the office of the clerk of the court in which deeds conveying the lands affected would properly be recorded.

(5) When such deed has been executed and acknowledged on behalf of the Commonwealth and the United States, and admitted to record as hereinbefore set forth, it shall have the effect of ceding to and vesting in the United States the jurisdiction and powers therein provided for and none other.

(6) Every such deed as is provided for in this section shall reserve in the Commonwealth over all lands therein referred to the jurisdiction and power to serve civil and criminal process on such lands and in the event that the lands or any part thereof shall be sold or leased to any person, under the terms of which sale or lease the vendee or lessee shall have the right to conduct thereon any private industry or business, then the jurisdiction ceded to the United States over any such lands so sold or leased shall cease and determine, and thereafter the Commonwealth shall have all jurisdiction and power she would have had if no jurisdiction or power had been ceded to the United States. This provision, however, shall not apply to post exchanges, officers' clubs and similar activities on lands acquired by the United States for purposes of national defense. It is further provided that the reservations provided for in this subsection shall

remain effective even though they should be omitted from any deed executed pursuant to this section.

(7) Nothing contained in this section shall be construed as repealing any special acts ceding jurisdiction to the United States to acquire any specific tract of land.

Source: § 7-24

Comment: Updates code references; "person" again conforms to other sections.

§ 7.1-22. If the United States shall cease to be the owner of any lands, or any part thereof, granted or conveyed to it by the Commonwealth, or if the purposes of any such grant or conveyance to the United States shall cease, or if the United States shall for five consecutive years fail to use any such land for the purposes of the grant or conveyance, then, and in that event, the right and title to such land, or such part thereof, shall immediately revert to the Commonwealth.

All deeds, conveyances or title papers for the transfer of title of lands to the United States shall be recorded in the county or corporation wherein the land or the greater part thereof lies, but no tax shall be required on any such instrument made to the United States by which they acquire lands for public purposes.

The jurisdiction ceded by §§ 7.1-14, 7.1-15 and 7.1-17 shall not vest until the United States shall have acquired the title of record to such lands, or rights or interest therein, by purchase, condemnation, lease or otherwise. So long as the lands, or any rights or interest therein, are held in fee simple by the United States, and no longer, such lands, rights or interest, as the case may be, shall continue exempt and exonerated, from all state, county and municipal taxes which may be levied or imposed under the authority of this State.

Source: § 7-25

Comment: Updates sections only.

§ 7.1-23. Whenever any land in Virginia has been or is conveyed to the United States with a provision in the deed that upon abandonment or use for any purpose other than that stated in the deed such land shall revert to the Commonwealth of Virginia, and if any such land is abandoned or is no longer used for the purpose for which conveyed, the Governor is hereby authorized to convey to the political subdivision in which such land is situated, all right, title and interest of the Commonwealth in and to such land. This section shall not affect any lease made under Chapter 321 of the Acts of 1952.

Source: § 7-25.1

Comment: Deletes "of America" for conformity.

§ 7.1-24. Whenever the United States government has exclusive jurisdiction over property located in the Commonwealth of Virginia, and leases such property, or part thereof, to any political subdivision to be used by it for a public purpose, such exclusive jurisdiction shall cease and determine as to the property so leased and the Commonwealth of Virginia and the United States government shall have concurrent jurisdiction over such property so long as such lease continues. At the termination of such lease the jurisdiction of the Commonwealth shall cease and the United States shall have exclusive jurisdiction thereof.

Source: § 7-25.2

Comment: No change.

§ 7.1-25. Chapter 196 of the Acts of 1964, relating to relinquishment by the United States of jurisdiction over lands located in a city having a population of not less than one hundred and fourteen thousand and not more than two hundred thousand, is incorporated in this Code by this reference.

Source: § 7-25.3

Comment: No change.

CHAPTER 4.

Seals And Flag of The Commonwealth.

§ 7.1-26. The great seal of the Commonwealth of Virginia shall consist of two metallic discs, two inches and one-fourth in diameter, with an ornamental border one-fourth of an inch wide, with such words and figures engraved thereon as will, when used, produce impressions to be described as follows: On the obverse, Virtus, the genius of the Commonwealth, dressed as an Amazon, resting on a spear in her right hand, point downward, touching the earth; and holding in her left hand, a sheathed sword, or parazonium, pointing upward; her head erect and face up-turned; her left foot on the form of Tyranny represented by the prostrate body of a man, with his head to her left, his fallen crown near by, a broken chain in his left hand, and a scourge in his right. Above the group and within the border conforming therewith, shall be the word "Virginia", and, in the space below, on a curved line, shall be the motto, "Sic Semper Tyrannis". On the reverse, shall be placed a group consisting of Libertas, holding a wand and pileus in her right hand; on her right, Aeternitas, with a globe and phoenix in her right hand; on the left of Libertas, Ceres, with a cornucopia in her left hand, and an ear of wheat in her right; over this device, in a curved line, the word "Perseverando".

Source: § 7-26

Comment: No change.

§ 7.1-27. The lesser seal of the Commonwealth shall be one and nine-sixteenths inches in diameter, and have engraved thereon the device and inscriptions contained in the obverse of the great seal.

Source: § 7-27

Comment: No change.

§ 7.1-28. The seals of the Commonwealth described in §§ 7.1-26 and 7.1-27 shall be kept and used as provided by law, and at least three clear impressions thereof shall be kept and displayed by the State Librarian in some suitable place in the State Library, for public inspection.

Source: § 7-28

Comment: No change.

§ 7.1-29. Former seals of the Commonwealth, which were required to be cancelled by quartering the same with two straight lines crossing at right angles at the center of the disc, and cut at least as deep as the figures thereon, shall be safely kept in the office of the Secretary of the Commonwealth and at least three clear impressions thereof filed with the State Librarian to be by him duly indexed and safely kept in a suitable place.

Source: § 7-29

Comment: No change.

§ 7.1-30. 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.

CROSS REFERENCE: See §§ 58-52 and 58-53.

Source: § 7-30

Comment: No change.

§ 7.1-31. 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 a 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 such lesser seal, except upon commissions appointing notaries, inspectors of tobacco and other commodities, commissioners of wrecks, and commissioners in other states for taking acknowledgments, 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.

CROSS REFERENCE: See §§ 58-52 and 58-53.

Source: § 7-31

Comment: No change.

§ 7.1-32. 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 embroidered, to show on both sides alike, the coat-of-arms of the State, as described in § 7.1-26 for the obverse of the great seal of the Commonwealth; and there shall be a white silk fringe on the outer edge, furthest from the flagstaff. This shall be known and respected as the flag of Virginia.

Source: § 7-32

Comment: No change but updates Code reference.

§ 7.1-33. The Governor shall regulate the size and dimensions of the flag 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.

Source: § 7-33

Comment: No change.

§ 7.1-34. The Director of the Department of Purchases and Supply shall have available at all times flags of the Commonwealth of Virginia, to be offered for sale to the public in such manner as the Director may determine.

Such flags shall be of good quality, shall conform to the specifications therefor prescribed in § 7.1-32, and shall be offered in the various sizes prescribed by the Governor pursuant to § 7.1-33.

The prices to be charged for such flags shall be at cost as determined by the Director.

Source: § 7-33.1

Comment: No change except to update code references.

§ 7.1-35. During the sessions of either house of the General Assembly the flag of the Commonwealth shall be kept raised over the Capitol, or other place of session, and the Director of the Division of the Budget shall see that the same be done.

Source: § 7-34

Comment: Reference to Director of the Division of Grounds and Buildings has been changed in accordance with present organization.

§ 7.1-36. The display of the flag of the Commonwealth of Virginia at each public school within the Commonwealth hereby is authorized and encouraged. Such flag shall be of a size to be determined by the Governor in accordance with § 7.1-33 of the Code, and initially shall be furnished by the State of Virginia for each school upon request therefor by the local school board having jurisdiction directed to the Governor; provided, however, that such request shall be accompanied by a statement from the local school board that it will furnish and maintain a flagstaff or pole, and the ropes, pulleys and other equipment needed for flying such flag. The flagpole may be attached to the building or the flag may be flown from a pole located within the school grounds. It shall be the duty of each teacher in a school employing one teacher only, or the principal of each school employing more than one teacher, to see that the flag is flown from the flagstaff or pole during school hours of each day in the year, from the hour of opening until the hour of closing the school under his charge, except upon such days as injury to the flag would be likely to result from flying it by reason of inclement weather conditions. The flag of the Commonwealth may be flown on the same flagstaff or pole as the flag of the United States and immediately thereunder. If a separate flagstaff or pole be provided for the flag of the Commonwealth, such flag shall be flown to the immediate left of the flag of the United States. It shall also be the duty of each teacher in every school to instruct thoroughly every pupil coming under his charge as to the history of the flag and the principles for which it stands, specifically including the Bill of Rights.

Source: § 7-34.1

Comment: No change except to update code sections.

CHAPTER 5.

Song and Floral Emblems of The Commonwealth.

§ 7.1-37. The song "Carry Me Back to Old Virginia", by James A. Bland, as set out in the House Joint Resolution 10, adopted by the General Assembly of Virginia at the Session of 1940, is declared to be the official song of the Commonwealth.

Source: § 7-35

Comment: No change.

§ 7.1-38. The flower commonly known as American Dogwood (*Cornus florida*) is declared to be the floral emblem of the Commonwealth.

Source: § 7-36

Comment: No change.

3. All acts and parts of acts, all sections of the Code of Virginia, and all provisions of municipal charters inconsistent with the provisions of this act are, except as otherwise provided, repealed to the extent of such inconsistency.

4. The repeal of Title 7 effective as of July 1, 1966, shall not affect any act or offense done or committed, or any penalty or forfeiture incurred, or any right established, accrued or accruing on or before such date, or any prosecution, suit or action pending on that date. Except as in this act otherwise provided, neither the repeal of Title 7 of the Code of Virginia nor the enactment of Title 7.1 shall apply to offenses committed prior to July 1, 1966, and prosecutions for such offenses shall be governed by the prior law, which is continued in effect for that purpose. For the purposes of this act, an offense was committed prior to July 1, 1966 if any of the essential elements of the offense occurred prior thereto.

5. Whenever in Title 7.1 any of the conditions, requirements, provisions or contents of any section, article or chapter of Title 7, as such title existed prior to July 1, 1966, are transferred in the same or in modified form to a new section, article or chapter of Title 7.1, and whenever any such former section, article or chapter of Title 7 is given a new number in Title 7.1, all references to any such former section, article or chapter of Title 7 appearing elsewhere in the Code of Virginia than in Title 7.1 shall be construed to apply to the new or renumbered section, article or chapter containing such conditions, requirements, provisions or contents or portions thereof.

6. It is the intention of the General Assembly that this act shall be liberally construed to effect the purposes set out herein, and if any clause, sentence, paragraph or section of this act shall ever be declared unconstitutional, it shall be deemed severable, and the remainder of this act shall continue in full force and effect.

7. This act shall become effective on July 1, 1966.

