

CONSERVATION: HISTORIC RESOURCES.

RELIGIOUS AND CHARITABLE MATTERS; CEMETERIES: CEMETERIES.

In 1930, General Assembly appropriated money for perpetual care of Confederate plots and, in other legislation, funded care of cemeteries containing graves, markers and monuments of Confederate dead. "Plot," as used in 1930 legislation, does not include permanent markers and monuments.

The Honorable Frederick M. Quayle

Member, Senate of Virginia

October 6, 1998

You ask whether the term "plot," as used by the 1930 Session of the General Assembly in its enactment of Chapter 177 of the 1930 Acts of Assembly,¹ includes permanent markers and monuments.

Chapter 177 provides, in part:

1. Be it enacted by the general assembly of Virginia, That the sum of thirty thousand dollars (\$30,000.00) is appropriated to place the seven and one-half acres, more or less, of Confederate plots in Oakwood cemetery at Richmond, Virginia, in perpetual care of the government of the city of Richmond. Five thousand dollars (\$5,000.00) of this amount must be expended to put these plots of Confederate dead in the order they should be, and the remainder of the said sum is to be paid the city of Richmond to forever preserve and maintain perpetual care of these plots of Confederate dead.^[2]

The primary object in interpreting an act of the General Assembly is to ascertain and give effect to the legislative intent underlying the act.³ "The ascertainment of legislative intention involves appraisal of the subject matter, purposes, objects and effects of the [act], in addition to its express terms."⁴ Neither Chapter 177 nor any other enactment of the 1930 Session of the General Assembly defines the term "plot." Therefore, unless a contrary legislative intent is manifest, words used in an act should be given their common, ordinary and accepted meanings in use at the time of the act.⁵ In 1930, the term "plot" was defined to mean "[a] small extent of ground."⁶ The definition of the term did not include markers or monuments laid or erected upon the ground.

Statutes dealing with the same subject matter should, to the extent possible, be read together to determine legislative intent.⁷ The 1930 Session of the General Assembly also enacted Chapter 439⁸ to appropriate money from the state treasury to aid Confederate memorial associations "in caring for the cemeteries and graves of the Confederate soldiers and sailors buried in the cemeteries ... specified, and in erecting and caring for markers and monuments to the memory of said soldiers and sailors."⁹ Thus, the 1930 Session of the General Assembly clearly intended to fund the care of cemeteries containing "plots of Confederate dead" in Chapter 177,¹⁰ and to fund

the care of cemeteries containing the graves, markers and monuments of Confederate soldiers and sailors in Chapter 439.¹¹

Therefore, I am of the opinion that the definition of the term "plot," as used by the 1930 Session of the General Assembly in Chapter 177, does not include permanent markers and monuments.

¹1930 Va. Acts ch. 177, at 462.

²*Id.* at 462-63.

³See *Turner v. Commonwealth*, 226 Va. 456, 459, 309 S.E.2d 337, 338 (1983); *Vollin v. Arlington Co. Electoral Bd.*, 216 Va. 674, 222 S.E.2d 793 (1976); *Bott v. Hampton Roads San. Comm.*, 190 Va. 775, 58 S.E.2d 306 (1950).

⁴*Vollin v. Arlington Co. Electoral Bd.*, 216 Va. at 679, 222 S.E.2d at 797.

⁵See Op. Va. Att'y Gen.: 1991 at 296, 298; 1990 at 233, 234; 1989 at 155, 155.

⁶A Dictionary of the English Language 547-48 (1893).

⁷*Prillaman v. Commonwealth*, 199 Va. 401, 405-06, 100 S.E.2d 4, 7-8 (1957).

⁸1930 Va. Acts ch. 439, at 940.

⁹*Id.* § 1, at 941.

¹⁰1930 Va. Acts, *supra* note 1, at 463.

¹¹1930 Va. Acts, *supra* note 8, at 941.