

Formation of the Town of Appomattox - June 2, 1925

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At a Circuit Court continued and held for the County of Appomattox at the Court House thereof, June 2, 1925.

Present, **Hon. Robt. F. Hutcheson**

This day came **S. L. Ferguson, A. H. Clement** and **C. W. Smith** and others being more than twenty duly qualified voters of the thickly settled community known as Appomattox, in the County of Appomattox, and presented in open Court their petition with proper notice attached, stating the time and place of presenting said petition to the Court, and praying that said thickly settle community may be incorporated and made a body politic and corporate as provided by Chap. 116 of the Code of Virginia, as amended and it appearing to the Court from proof presented to the Court that said petition, with said notice of the time and place that it would be presented, has been duly published in full, in the Times-Virginian, a newspaper published in said County of Appomattox, once a week for four successive weeks, and a copy thereof posted at the front door of the Court House of said County for four successive weeks, and the Court being satisfied that it will be to the interest of the inhabitants of said town; that the prayer of said petition is reasonable; that the general good of the community mentioned in said petition will be promoted by the incorporation of said community by the name of "The Town of Appomattox" and that the number of inhabitants of said town exceeds two hundred and does not exceed five thousand, and that the area of land designed to be embraced within the town is not excessive, therefore, be it ordered by the Circuit Court of Appomattox as provided by Chapter 116 of the Code of Virginia, as amended, concerning Incorporation of towns by Courts, it appearing to the Court that all the provisions of said Chapter have been complied with, that The Town of Appomattox, in the County of Appomattox, shall be, and the same is hereby incorporated and made a body politic and corporate, by the name of THE TOWN OF APPOMATTOX, with all the powers and privileges and duties conferred and appertaining to towns under the General Law of the State of Virginia.

And it is further ordered by the Court that the Boundaries of said town shall be the same as described in the proposed Charter for said town, which is hereby granted as follows, to-wit:

"Beginning at a stake on the east side of the overhead bridge east of Appomattox; thence along the east side of the County road leading through the **Fleshman** estate N 28° E 1.58 chains; N 23° E 59 links; N 24½° W 69 links; N 31¾° W 1.75 chs. to culvert; N 2¼° E 84 links, N 16° E 63 links; thence along the east side of Maggie Street N 46½° E 14.24 chains to a fence post in **L. E. Smith's** line; thence with him N 16½° W 29.31 chs. to a fence post on the north side of Andersons Mill Road; thence along the northern boundary of said road S 87° W 3.21 chs; S 82½° W 2.41 chs. and S 71½° W 1.77 chs. to **B. M. Blackwell's** corner post; thence along his line N 84½° W 2.21 chs. to a gate post on **Woolridge's** outlet road; thence N 64° W 6.15 chs. to a stake in the line of a lot of **Lawson Isbell's** Estate; thence with the same N 23° W 7.25 chs. to a rock corner to **Peter Isbell**; thence through his and other lands N 65° W 55.21 chs. to a stake in **Juda Hood's** yard on the north side of the Virginia State Highway; thence N 61° W 2.24 chs. crossing

the intersection of roads to a fence post corner to **Nick Johnson & S. L. Ferguson**; thence their line S 21° W 1.43 chs. to a crook; thence S 5° W through **S. L. Ferguson** 16.69 chs to a stake in the Old Bent Creek Road, thence along said old road a part of the way S 22° W 1.72 chs. and S 38¼° W 15.04 chs. to a stake on the west side of the County road; thence along the west side of said road S 53½° W 5.17 chs. crossing the N & W Ry. on west side of the overhead bridge west of Appomattox, to a stake on the west side of the County road; thence along the west side of the road; S 48½° W 6.40 chs.; S 41½° W 2.21 chs.; S 45° W 1.00 chs. and S 54½° W 1.02 chs. to a stake in the line of the Presbyterian Manse lot near the intersection of Lee Grant Ave with the aforesaid road; thence S 52° E 1.77 chs. to a stake corner of the Manse lot; thence through **S. L. Ferguson**, S 41° E

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16.41 chs. to a stake and poplar pointer in Swimming Pool Branch near its head; thence down the branch S 13¼° E 1.53 chs.; S 19½° 1.66 chs.; S 29¼° E 2.36 chs.; S 7½° E 1.58 chs.; S 17¼° W 2.00 chs.; S 3½° W 1.63 chs.; S 35¾° E 3.69 chs.; S 1½° E 55 links to an Iron Fence post in **W. J. LeGrand's** line; thence continuing thru swimming pool and down branch S 3¾° E 5.90 chs.; S 6° W 4.54 chs.; S 16° E 9.00 chs.; S 6° E 3.35 chs.; S 12½° E 2.50 chs.; and S 5° E 2.32 chs. to Purdum's Branch thence up Purdum's Branch N 52¾° E 5.31 chs.; N 62° E 1.00 chs.; N 72½° E 8.65 chs.; N 61½° E 3.50 chs. and N 84° E 3.13 chs. to **Alex Bingham's** line; thence with him and **B. G. Anderson** S 42° E 5.54 chs. to a stake on the east side of the Red House Road; thence along the east side of said road N 6½° E 1.85 chs. to the fork of the Evergreen Road; thence along the south side of said road S 40° E 1.00 chs.; S 55½° E 1.00 chs.; S 76° E 3.00 chs.; S 69¼° E 1.00 chs.; S 64½° E 2.00 chs. and S 61° E 5.59 chs. to **Tom Tibbs** corner iron pin; thence with **Fannie Coleman's Estate & L. E. Smith** N 51° E 29.58 chs. to a fence post on **L. E. Smith** outlet road; thence through **L. E. Smith** S 85° E 14.11 chs. to a stake on the east side of the overhead bridge, east of Appomattox; thence N 28° E crossing the N & W Ry 2.14 chs. to the beginning. Included in these lines are 642 acres, or a small fraction over one square mile.

1. There shall be elected by the qualified voters of said town every two years on the second Tuesday in June, one elector thereof, who shall be denominated the Mayor and six electors, who shall be denominated the Councilmen of said town; The Mayor and Councilmen shall constitute the Council of said town. The town Council shall elect a Treasurer, Comr. of the Revenue and shall have authority to employ a town Clerk, a Sergeant, and the same person may serve in one or more of such capacities, and whenever deemed wise, a health or sanitary officer, and such other officers as it may deem wise and necessary for the proper conduct of the government of said town, and appoint Committees and Boards, and prescribe and fix their duties, and shall have the power to fix the salary and compensation of said Treasurer, town Clerk, Sergeant and such other officers, including that of the Mayor and the town Council, if any be deemed necessary, but such compensation shall be fixed by said Council before the officer chosen or elected shall assume the duties of his Council.

2. The Electoral Board of the County of Appomattox shall not less than 15 days before any election in said town appoint one Registrar and three Judges of election for said town, and the said Judges of election shall also act as Commissioners of Election. The said Registrar shall, before any election in said town register all voters who are residents of said town and who shall have previously registered in the County, or who are eligible and qualified to register in said County of Appomattox. The said Registrar shall be governed as to his qualifications and powers

and in the performances of his duties, by the General Laws of this Commonwealth so far as the same may be applicable.

3. A list of such registered voters shall be placed by the Registrar in the hands of the Judges of election, who shall at the time and in the manner prescribed by law, open a poll at the place designated by an ordinance of said town Council or by the Judges of election, the polling place shall be at the Court House until changed by ordinance of the town Council, and in the manner of receiving the ballots and of canvassing the vote, shall conform to the General Law; and for the purpose of canvassing the vote, the Judges of the election shall meet at the Clerk's Office of the County of Appomattox, and acting as Commissioners of election, shall canvass the vote and declare the result. The Clerk of said County shall be ex-officio Clerk of said Board of Canvassers so constituted, and two of whom shall constitute a quorum, and said Clerk shall immediately make out in pursuance of the determination of the Commissioners, a certificate of election for each of the persons having the highest number of votes for Mayor, and Councilmen, respectively, and for any other officer in said town, voted for at such election, or in case of a tie, who have been decided by lot to have been elected, and deliver the

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same to the person elected upon his making application therefore.

4. The persons so elected shall enter upon the duties of their office on the first day of September, next succeeding their election, and shall continue in the office until their terms have expired, and their successors shall have been elected and qualified. In case of a vacancy in the office of Mayor, or Councilmen, elected by the electors of said town, caused by death, resignation or otherwise, such vacancy shall be filled by a majority vote of the town Council for the unexpired term.

5. The Mayor shall be the chief executive officer of the town, and it shall be his duty to see that the by-laws and ordinances thereof are fully executed, and he shall preside over the meetings of the town Council, voting only in case of a tie.

6. Every ordinance, or resolution having the effect of an ordinance, shall before it becomes operative, be presented to the Mayor. If he approve, he shall sign it, but if not, he shall return it to the Clerk of the Council; and the Council shall enter the objection at length on its journal and proceed to reconsider it. If after such reconsideration two-thirds of all the members elected to the Council shall agree to pass the ordinance or resolution, it shall become operative, notwithstanding the objections of the Mayor. If any ordinance or resolution shall not be returned by the Mayor within five days (Sunday excepted), and after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office, or that of the Council, shall expire within said five days.

The Mayor shall have the power to veto any particular item or items of an appropriation, ordinance or resolution; but such veto shall not affect any item or items to which he does not object. The item or items objected to shall not take effect except in the manner provided in this section as to ordinances or resolutions not approved by the Mayor.

7. The Mayor shall see that the duties of the various city officers, members of the police and fire departments, whether elected or appointed, are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their office; and may examine

them or their subordinates on oath; but the evidence given by persons so examined shall not be used against them in any criminal prosecution.

8. The Mayor shall have power to remove any officer appointed by him, and to suspend any municipal officer or employee, other than the Councilmen, whether elected by the people or appointed by the Council of any appointing power designated by the Council, for misconduct in office or neglect of duty to be specified in the order of suspension. On the suspension of any officer not appointed by the Mayor, the Mayor shall report the same to the town Council at their next stated meeting for their consideration, but in no case shall the suspension or removal by the Mayor of an officer not appointed by him be final unless ratified by the Council, after reasonable notice to the officer complained of and an opportunity be afforded him to be heard in his defense.

9. The Mayor shall communicate to the town Council annually, at the beginning of each fiscal year, or oftener, if he be required, a general statement of the condition of the town in relation to its government, finances and improvements, with such recommendations as he may deem proper; and may from time to time communicate to the council such suggestions and recommendations as he shall deem proper.

10. In case of the absence or inability of the Mayor, the President Pro Tempore of the Council, to be chosen by a majority of the Council present at a legal meeting, or in his absence or inability some other member of the Council chosen in the same manner, shall possess the same power and discharge the municipal duties of the Mayor during such absence or inability.

11. Every person elected a Councilman of said town shall take an oath faithfully to execute the duties of his office, to the best of his judgment; the person elected Mayor shall take the oath prescribed by law for state officers, and the person elected

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Treasurer shall likewise take the same form of oath as the Mayor and shall give bond, with Corporate surety, in a penalty to be fixed by the town Council, payable to the town by its corporate name, and with condition for the faithful discharge of his duties, and it shall be his special duty to collect all taxes and levies of the town, receive all fines, for the violation of the town ordinances, receive all license fees and tax imposed by the town Council, issue all licenses, and keep accurate accounts of the same and publish a statement of all collections and disbursements once a year, and such other duties as may be impose upon him by the Council of said town, and not in conflict with the General Law of the State of Virginia.

12. In addition to the powers conferred by Chapter 121 of the Code of Virginia, Edition of 1919, and Act of Amendatory thereto, and by other General Provisions of the Laws of Virginia, the Council of said town, shall have power to lay off streets, walks, and alleys, construct, alter, improve and light the same and have them kept in good order, and assess the adjacent owner or owners with such amount as it may deem best for local improvements to the extent permitted by the Constitution of Virginia and the General Law of this state, to lay off public grounds and provide all buildings proper for the town; to provide a prison house and workhouse, and employ managers, physicians, nurses and servants for the same if necessary, prescribe regulations for their government and discipline and for the persons therein; to prescribe the time for holding markets and regulate the same; to prevent injury or annoyance from anything dangerous, offensive, or unhealthy, and cause any nuisance to be abated; to regulate the keeping of gun

powder and other combustibles, and provide magazines for the same; to provide in or without the town water works and places for the interment of the dead; to prevent the pollution of the water and injury to the water works, for which purpose their jurisdiction shall extend five miles above the same, to make regulations for the protection of the public health, for which purpose their jurisdiction shall extend for one-half mile in all directions from the corporate limits of the said town of Appomattox; to make regulations concerning the building of houses in the town; to make regulations for the purpose of guarding against danger from accident by fire, and on the petition of the owners of not less than two-thirds of the ground included in any square, to provide building regulations therein; to provide for the weighing or measuring of hay, coal and any other articles for sale, and regulate the transportation thereof through the streets; protect the property of the town and its inhabitants, and preserve peace and good order therein. For carrying into effect these and other powers, they may make ordinances and by-laws; and prescribe fines or other punishments for violation thereof, keep a town guard, appoint such other officers as they may deem proper, define their powers, prescribe their duties and compensation, and take from any of them a bond, with sureties, in such penalty as to the council may seem fit, payable to the town by its corporate name, and with condition for the faithful discharge of the said duties.

13. All streets, cross streets, roads and walkways, which have already been laid off and opened to the public by the proper authorities and now used by the public as such, and all streets, cross streets, alleys, roads, and walkways, which may have heretofore been opened and used as such according to law, or which may at any time be located surveyed and opened in said town, or any extension of the same, within the corporate limits of the town, shall be and they are hereby established as public streets, alleys, roads and walkways of the town.

14. Any street, alley, or walkway heretofore or hereafter reserved or laid out in the division or subdivision into lots of any portion of the territory within the corporate limits of the town, by a plan or plat of record, shall be deemed and held to be dedicated to public use as and for public street, alley or walkway, as the case may be, of the town unless it appears by said record that the street, alley or walkway so reserved is designated for private use, and whenever any street, sidewalk, alley, walkway,

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or lane in the town shall have been opened and used as such by the public for the period of five years the same shall thereby become a street, alley, walkway or lane for public purposes, unless notice of the contrary intention on the part of the land owner be given in writing to the Mayor of the town, who shall report the receipt of such notice to the Council that it may be spread on the journal; and the Council shall have the same authority and jurisdiction over, and right and interest therein, as they have by law over the streets, alleys, walkways and lanes laid out by them.

15. The Council of said town, four members shall constitute a quorum for the transaction of business, may adopt rules for the regulation of their proceedings, but no tax shall be levied or corporate debt contracted, unless by a vote of two-thirds of the Council which vote shall be taken by the yeas and nays, and recorded on the journal, and such debt shall not be for more than fifty per cent of one years tax of said town, and in no event shall the tax rate on real and personal property, exceed Fifty cents per year on the Hundred Dollars value of property, except and until said question has been submitted to the Electors of said town, and carried by a two-thirds vote of those voting, which election shall be ordered by the town Council and conducted in accordance with the provisions of the Code of Virginia in reference to special elections. The Mayor shall

preside over the Council, and when he is absent they may appoint one of their number President Pro Tempore. A journal shall be kept of their proceedings, and at the request of any member present, the yeas and nays shall be recorded on any question. At the next meeting, the proceedings shall be read and signed by the person who was presiding when the previous meeting adjourned, or if he be not present, by the person presiding when they were read.

16. In addition to the State tax on any license, the Council of said town may, on anything for which a license is so required in said town, or deemed necessary by the Council, impose a tax for the privilege of doing the same, and require a license to be obtained therefore, but said license shall in no case exceed that imposed by the State of Virginia, for like privileges, where the State imposes a license, and said Council may, in any case in which they see fit, require from the person or corporation or firm so licensed, bond, with sureties in such penalty, and with such condition as they may deem proper, or make other regulations concerning the same. They may also impose a tax and require a license to be obtained on all automobiles operated in said town, owned by persons, firms, or corporations, living within said town, and for the privilege of keeping in the town for hire any automobiles, auto-bus, truck or over wheeled carriage.

17. The Council of said town shall have the power and authority to organize and maintain one or more fire companies, to restrain and punish drunkards, vagrants and street beggars; to prevent vice and immorality, obscenity, and profanity; to preserve peace and good order, to prevent and quell riots, disturbances and disorderly assemblages, to suppress houses of ill fame and gambling houses, to prevent lewd, indecent and disorderly conduct or exhibitions in said town, and to expel therefrom persons guilty of such conduct; to prevent, forbid and punish the storing, transporting, selling, making and giving away of intoxicating liquors and beverages; to control and regulate the sale of, and control the firing of guns, pistols and other firearms and fireworks in the said town; to regulate the use speed and parking of cars and vehicles on the streets of said town, the running of horses; and the running at large in the limits of said town, hogs, cows, horses, mules and other animals, and other disorders, and may make such rules and regulations, and fix such punishment for the violation thereof, and prohibit and punish the doing of all other things prohibited by State Law, as may be deemed proper, and not in conflict with the Statute Laws of the State of Virginia.

18. The Council of said town shall cause to be made up and entered on their journal an account of all sums lawfully chargeable on the town, which ought to be paid within one year, and order a town levy of so much as in their opinion is necessary to be raised in that way in addition to what may be received for the license and from other sources, but

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in no event shall said levy exceed Fifty cents on the Hundred Dollars worth of property, unless said question be first submitted to the electors of said town and carried by a two-third vote of those voting, which election shall be ordered by the town council and conducted in accordance with the provisions of the Code of Virginia, in reference to Special elections. The levy so ordered may be upon any property therein, and on such other subjects as may at the time be assessed with State taxes, owned by persons, firms and corporations in said town, except where prohibited by State Law.

19. In consideration that the said town shall work and keep in order all streets, alleys and roads within its corporate limits, except State Highways, the residents and property therein shall

be exempt from the payment of all county and district road taxes heretofore or hereafter charged and levied against the same, and for this purpose the Council of said town may impose a tax on all property mentioned under section 18 hereof, not to exceed 35¢ on the Hundred Dollars (\$100.00) value thereof, which shall be in addition to the tax or levy authorized in Secs. 15 and 18 hereof, and the town of Appomattox shall constitute a separate road district in the County of Appomattox.

20. The said Council shall also have power to impose a Special license tax on all shows, performances and exhibitions which may be given in said town (except for schools, religious and literary entertainments) and the jurisdiction of the corporation authorities of said town for the purpose of imposing and collecting said license tax on shows, performances and exhibitions shall extend one mile beyond the corporate limits thereof.

21. The Mayor and all members of the Council, shall be clothed with all the powers and authority of a Justice of the Peace in civil and criminal matters within the corporate limits of the town, and shall have power to issue process, hear and determine all prosecutions, cases and controversies which may arise under the by-laws and ordinances and issue executions for the collection of said fine, and appeals may be taken to the Circuit Court of the County of Appomattox, from their decision in both civil and criminal matters, in the same manner and upon the same terms and be tried in the same way as appeals from the decision of a Justice of the Peace are taken and tried in like cases, except that no appeal shall be granted from the decision of the Mayor or Councilman trying same, imposing a fine for the violation of any of the ordinances or by-laws of said town for offences not made criminal by the common law of Statutes of Virginia, until and after bond be given by the person so fined, with security approved by the Mayor or Councilman imposing the same, conditioned to pay all fines, costs and damages that may be awarded by the Court on appeal, the penalty of said bond to be double the sum sufficient to pay all such fines, costs and damages.

All criminal and civil writs and process issued by the Mayor or any Councilman under the General Laws of the State of Virginia, shall run in the name of the "Commonwealth of Virginia", and all criminal and civil writs issued by the Mayor or member of the town Council for violation of or under ordinances of the said town, shall run in the name of "The Town of Appomattox," and writs and process issued in the name of The Town of Appomattox, shall conform as near as may be to the forms for similar writs and process issued under the General Laws.

22. The Council of said town shall not have authority to create any bonded debt in the name of the town, unless the question be first submitted to a vote of the electors of said town and carried by a two-third vote of the electors voting thereon, said election to be called and held as provided by the Laws of Virginia, for such purposes.

23. For carrying into effect the powers granted by this Charter and the General Laws of this State, the town Council may make ordinances and by-laws, and prescribe fines and other punishment for the violation thereof, but no general ordinance or by-law or regulation having the effect of an ordinance shall become operative until published in some newspaper published in the town, or until publicly posted in the town

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at such place or places as the Council may direct, but any ordinance establishing a town code shall be taken as duly published when copies thereof, have been printed and made available for the public.

24. The Town of Appomattox shall have the use of the jail of the County of Appomattox to aid the constituted authorities of said town in maintaining peace and good order, and generally for the enforcement of its ordinances and by-laws, unless for good cause the Judge of said County shall prohibit such use.

And the Court doth further order that the first election for town officers provided for in said Charter, shall be held on Tuesday, the 18th day of August, 1925, at the Court House of Appomattox County, which is located within said town, notice of which election shall be posted by the Sheriff of Appomattox County at the front door of the Court House, and at least three other public places within the said town.

- *END* -