

Act of the Virginia Legislature establishing Appomattox County, taken from the Acts of the Assembly 1844-45, page 38. Transcribed and reproduced from a copy of the original document by the Appomattox County Historical Society.

Chap. 41. - An ACT establishing the county of Appomattox out of parts of the counties of Buckingham, Prince Edward, Charlotte and Campbell.
[Passed February 8, 1845]

1. *Be it enacted by the general assembly*, That so much of the counties of Buckingham, Prince Edward, Charlotte and Campbell, as is contained within the following boundary lines, to wit: Beginning at the mouth of David's creek on James river; thence a straight line to the head of Holleday creek; thence down the same as it meanders, to Appomattox river; thence down the same to the Cut banks; thence a straight line to the mouth of Cabin branch on Vaughan's creek; thence up the said creek to its head; thence a straight line to Merryman's or Land's; thence along the public road leading by M'Kinney's old store to the fork of the Lynchburg road, about a mile north of the Red house; thence a straight line to the old mill formerly owned by William Harvey; thence along the Lynchburg road to the mill formerly owned by Samuel Branch esquire, on Falling river; thence up the said river to the mouth of Reedy creek; thence a straight line to Hunter's old tavern (now Glover's); thence a straight line to Sterling C. Anderson's; thence a straight line to the mouth of Scott's branch, about a mile below the mouth of Joshua's creek on James river; and thence down the said river to the beginning, shall form one distinct and new county, and be called and known by the name of Appomattox county.

2. The governor shall commission as justices of the peace in and for the said county of Appomattox, the justices now in commission and residing in those parts of Buckingham, Prince Edward, Charlotte and Campbell counties respectively, who will be in Appomattox county after the commencement of this act, who shall be commissioned in point of seniority according to the dates of their present commissions; all of whom shall (before entering upon and exercising any of the duties of said office) take the several oaths, and within the time now required by law of persons commissioned as justices of the peace, which oaths may be administered by any justice of the peace remaining in commission in and for either of the counties of Buckingham, Prince Edward, Charlotte or Campbell; and the justice of the peace administering such oaths, shall grant a certificate of the same to be delivered to the justice qualified, who shall file the same in the clerk's office of Appomattox county, there to be recorded, and the clerk shall preserve the original in said office.

3. A court for the county of Appomattox shall be holden by the justices thereof on the Thursday after the first Monday in every month after the same shall have been organized, in like manner as is provided by law for other counties, and as shall be by their commissions directed.

4. The permanent place for holding the courts of the county of Appomattox, now required by law to be holden for the several counties within this commonwealth, shall be at the place called and known as "Clover Hill," the present residence of captain John Raine, in the upper end of the (now) county of Prince Edward. And the county court for the county of Appomattox, shall

provide a lot or lots of land at said place, not exceeding two acres, (unless more be furnished by donation, in which case the justices may take and hold the same, provided the same shall not exceed five acres, and a full and satisfactory title be made thereto,) upon which to erect the courthouse and such other necessary public buildings and fixtures as the convenience of the county requires under existing laws for holding courts and conducting business incident thereto, in the manner now required by law, "where land shall not be already provided and appropriated for that purpose;" and the said court shall cause said buildings and fixtures to be constructed at the charge of the county of Appomattox, by levy, in the manner now prescribed by law, unless there shall be donations in land or otherwise for such purposes. The title to any land purchased for valuable consideration, or furnished in free gift, for the site of a courthouse and other public buildings and fixtures for said county, shall be made in fee simple to any four or more justices of the peace for said county of Appomattox and their successors in office, in trust, for the use and benefit of the said county of Appomattox.

5. The justices of the peace commissioned and qualified as aforesaid for the said county of Appomattox, shall meet at the house now the residence of captain John Raine, at Clover Hill in the now county of Prince Edward as aforesaid, on the Thursday after the first Monday in May next; and a majority of them being present, shall proceed to the appointment of a clerk of the county court of said county, and a surveyor for the said county of Appomattox, and shall also appoint at the same time the necessary number of school commissioners for the said new county, or at some early day thereafter, if at that time they shall not be fully informed as to such commissioners, and shall cause all of the said appointments to be entered of record; and thereafter shall make appointments to said offices, and such others as the laws of the land may require to be filled at the time and in the mode prescribed by law for the appointment of such officers; shall nominate to the governor suitable persons, to be commissioned; as sheriff and coroner of the said new county, and fix upon a place in said county for holding the courts thereof, until the necessary buildings shall be constructed at the said Clover Hill, the residence of captain John Raine as aforesaid.

6. It shall be lawful for the sheriffs of the counties of Buckingham, Prince Edward, Charlotte and Campbell, respectively, to collect by distress or other lawful mode, any public dues or officers' fees which may remain unpaid by such of the inhabitants of the said counties respectively, as will be in the county of Appomattox at the time when this act shall commence and be in force, and shall be accountable for the same in like manner as if this act had never been passed.

7. The courts of the counties of Buckingham, Prince Edward, Charlotte and Campbell, respectively, shall have and retain jurisdiction of all actions and suits depending before them on the Thursday after the first Monday in May next, and shall try and determine the same and award execution thereon when necessary, except in cases wherein both parties reside within the new county; which last mentioned cases, (together with the papers thereto appertaining,) shall, after that day, be removed to the courts of the county of Appomattox, and there tried and determined, and execution awarded thereon when necessary.

8. The said county of Appomattox shall be in and attached to the same judicial circuit with the county of Buckingham, and the circuit superior courts of law and chancery thereof shall be

holden on the eighteenth day of May, and on the eighteenth day of October in every year, and be of the same militia brigade district with the county of Buckingham.

9. The said county of Appomattox shall belong to the same electoral district for the purpose of choosing electors of president and vice-president of the United States, and to the same congressional district as the county of Buckingham, and the provisions of law now in force in reference to the time, place and manner of comparing the polls of the several counties and ascertaining the aggregate vote of said congressional district, shall be also applicable to said county of Appomattox.

10. The several parts of the counties of Buckingham, Campbell, Prince Edward and Charlotte, out of which the said county of Appomattox shall be composed, shall belong to the same senatorial districts to which they now belong. The qualified voters shall vote, and the rules and regulations relative to the time, place and manner of comparing the several polls, and collecting the aggregate vote of said senatorial districts, respectively, shall prevail, as now, except that separate polls shall be held at the courthouse of said county of Appomattox, for the voters entitled to vote in elections of senator in each of said senatorial districts. The said county of Appomattox shall be entitled to one delegate in the house of delegates of the general assembly of Virginia, to be chosen by the qualified voters of said county in like manner as the delegates from the other counties of the state are chosen; and after the establishment and organization of said county of Appomattox, the county of Buckingham shall be entitled to choose but one delegate. And all separate elections heretofore authorized to be holden in the counties of Buckingham, Prince Edward, Charlotte and Campbell, and falling within the boundary of the county of Appomattox, shall be conducted for said county in the same manner as heretofore for said counties, respectively, until it shall be ascertained whether any or either of them are unnecessary for the said county of Appomattox; and upon that fact being represented to the general assembly, may be discontinued. And in the case of such separate elections so falling within said boundary, it shall be the duty of the court of the county of Appomattox, whenever requisite, to appoint as many persons as may be necessary to perform the duties of sheriff at the several places of holding separate elections for the said county of Appomattox, who shall attend to compare the polls, and to do and perform such other duties as are required by law in that behalf, and who shall be liable to the same penalties as are now imposed by law on sheriffs and their deputies for failing or refusing to hold separate elections, or other omissions of duty. And shall also appoint as many commissioners as are required by law to superintend the said separate elections for the said county of Appomattox.

11. The courts of quarterly sessions for the said county of Appomattox shall be holden in the months of March, May, August and November in every year.

12. *Be it further enacted*, That the county surveyors of the counties of Buckingham, Prince Edward, Charlotte and Campbell, and the new county of Appomattox, shall be and they are hereby appointed commissioners to run and mark the lines between the said counties, as designated by this act, (any three or more of whom may act for that purpose,) which, when run and marked, shall be taken and held as the dividing lines between the said new county of Appomattox and the several counties from which it was taken. The said commissioners (or any three or more of whom as aforesaid) are hereby required to make report of their proceedings in

the matter, in writing, to the county court of each of the counties from which the said new county of Appomattox is taken, and also to the county court of said new county; which reports shall be recorded in the clerk's office of each of said counties, and in all controversies which may arise touching said lines, shall be conclusive evidence. The county courts of each of said counties shall allow such of said commissioners as act in this behalf a reasonable compensation for their services, to be paid out of the county levy of each of said counties in equal portions.

13. *And be it further enacted*, That not exceeding thirty acres of land, now occupied by captain John Raine, in the now county of Prince Edward, lying on the stage road leading from or through said county to the town of Lynchburg, at the place called and known as Clover Hill, the proposed seat of justice for the said new county, so soon as the same shall be laid off into lots, with convenient streets and alleys, with back and cross streets if necessary, shall be and the same is hereby established a town by the name of Clover Hill.

14. *Be it further enacted*, That John Johns and colonel Thomas H. Flood of the county of Buckingham, colonel Z. E. Cheatham and Joel M'Kinney of the county of Campbell, Thomas A. LeGrand and Samuel D. M'Dearman of the county of Prince Edward, Jesse Jennings and doctor E. M. W. Durphy of the county of Charlotte, gentlemen, shall be and they are hereby appointed trustees of the said town of Clover Hill, who shall (as also their successors in office) before they enter upon the duties of their appointment, respectively take an oath, or make solemn affirmation, before some justice of the peace of either of the counties aforesaid, from which the said new county is taken, "to execute the same, faithfully and impartially, according to the best of their skill and judgment," any three or more of whom may form a quorum for the transaction of business, under the authority of this act, and the act herein referred to and made a part of this act. The justice of the peace before whom such oath or affirmation may be administered, shall grant a certificate of the same to each trustee, who shall deliver the same to the clerk of the county court of the county of Appomattox, which clerk shall record the same in his office, and return the original to the trustee whom it may concern, as his authority before the board of trustees for acting as such.

15. *And be it further enacted*, That from and after the second section thereof, all the provisions of the act, entitled "an act to establish the town of Jackson in the county of Botetourt," passed the eighteenth day of March in the year eighteen hundred and forty-one, shall apply to and be in force as to the town of Clover Hill, hereby established, as fully and effectually as if the same words in said act contained were in this act repeated.

16. This act shall commence and be in force from and after the first day of May eighteen hundred and forty-five.