

**ACTS**

*Journal*

OF THE

**GENERAL ASSEMBLY**

OF

**VIRGINIA,**

PASSED AT THE SESSION OF 1836-37,

COMMENCING 5TH DECEMBER, 1836, AND ENDING 31ST MARCH, 1837,

IN THE

SIXTY-FIRST YEAR OF THE COMMONWEALTH.

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**RICHMOND:**

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1837.

trustee or directors of the several towns within this commonwealth, and for supplying vacancies in the same," as is of a public and general nature, shall be regarded as the law in relation to the town of Hannansville hereby established.

8. This act shall be in force from its passage.

Commencement.

CHAP. 308.—AN ACT to incorporate the town of Hillsborough, in the county of Loudoun, and for other purposes.

(Passed March 24, 1837.)

1. *Be it enacted by the general assembly*, That it shall be lawful for the freeholders, and housekeepers who shall have been resident in the town of Hillsborough, in the county of Loudoun, three months next preceding every election to be held under the authority of this act, to meet at some convenient place in said town (of which place of meeting at least ten days previous notice shall be given), annually on the first Saturday in May, and then and there nominate and elect by *viva voce* vote, seven fit and able men, being freeholders or housekeepers and inhabitants of said town, to serve as mayor, recorder and common councilmen for the same; and the persons elected, shall within one week after their election, proceed to choose by *viva voce* vote (which shall be entered of record) out of their own body one mayor and one recorder, the remaining five shall be common councilmen, whose several authorities as mayor, recorder and common councilmen, shall continue until a new election shall have taken place, and those elected shall have qualified.

Mayor, recorder and common council, where, when and how to be elected.

2. *Be it further enacted*, That the mayor, recorder and common councilmen so elected, and their successors, shall (so soon as they shall have qualified) be, and they are hereby made a body politic and corporate, by the name and style of "*The Mayor, Recorder and Common Council of the town of Hillsborough*," and by that name and style shall have perpetual succession, with capacity to sue and be sued, plead and be impleaded, in any of the courts of law or equity of this commonwealth having competent jurisdiction, and authority to have and use a common seal, and shall have power to purchase, receive and hold lands, tenements, goods and chattels, either in fee simple or any less estate therein, and the same to give, grant, let, sell or assign again.

Town incorporated.

3. *Be it further enacted*, That the powers and duties of the said corporate authorities, and all others concerned in the affairs of said town, their rights and remedies, shall be to all intents and purposes the same, and shall be exercised under the same rules and regulations as prescribed in the act, entitled, "an act to incorporate the town of Waterford, in the county of Loudoun," passed March the twenty-second, eighteen hundred and thirty-six, except as is herein otherwise provided and directed, and that the reduction of the nine persons required to be elected by said act, to seven in this act, shall cause a corresponding reduction in the given number of common councilmen, together with the mayor and recorder, required to form a quorum or to perform any specific duty.

Powers and duties of corporate authorities.

Acts 1836-6, p. 361.

Exception.

4. *Be it further enacted*, That for the first election of the seven persons who are to serve as mayor, recorder and common councilmen, it shall be the duty of Joshua Osburn, James M'Ilhany and S. B. T. Caldwell, or any two of them, to attend as commissioners in said town, and conduct the election, and declare who are elected

Who to superintend elections of officers.

as aforesaid; and thereafter, it shall be the duty of the said mayor, recorder and common council for the time being, to appoint three persons as commissioners to superintend the election of the said seven persons to serve as mayor, recorder and common councilmen, whose duty and powers shall be the same as in the eleventh section of the act aforesaid, passed on the twenty-second day of March, eighteen hundred and thirty-six, is prescribed.

And whereas, in pursuance of the act, entitled, "an act incorporating the Hillsborough aqueduct company," passed January the twentieth, eighteen hundred and thirty, water has been conducted into said town, and it being thought advisable that the future management and control of the aqueduct should be in the hands of the corporate authorities of said town, but being the property of others, the said corporate authorities cannot control the same: Therefore,

Power over water and fixtures.

5. *Be it enacted*, That it shall be lawful for the mayor, recorder and common councilmen of the town of Hillsborough, by and with the consent of the Hillsborough aqueduct company, first had and obtained in due form of law, and made of record in the county court of the county of Loudoun, to exercise the same power and control over the water and fixtures of said aqueduct company, as is given to the said company by the act aforesaid, or which the said corporate authorities might exercise over the same had said water been conducted into said town, and the fixtures thereof constructed by them; and for that purpose may make, adopt and enforce such by-laws, rules and regulations as may to them seem proper: *Provided*, That such by-laws, rules and regulations be not contrary to the constitution and laws of the United States, or of this commonwealth. And any contract made with, or consent obtained from said aqueduct company, or any duly authorized agent in their behalf, for the surrender of said water, fixtures and other works connected therewith, shall be considered valid and binding upon both parties, being admitted to record as aforesaid.

Regulations therefor.

Limits of town extended.

6. *Be it further enacted*, That it shall be lawful for the mayor, recorder and common councilmen of the town of Hillsborough, to extend the limits thereof westwardly, so as to include within the town the lot and buildings thereon owned by F. A. Davisson: *Provided*, That the said Davisson shall consent thereto.

Charter under control of legislature.

7. *Be it further enacted*, That it shall be competent to the general assembly, at all times, to amend or repeal this act, as to them shall seem expedient.

Commencement.

8. This act shall be in force from the passing thereof.

CHAP. 309.—An ACT allowing further time to the owners of lots in the town of Lewisburg, in the county of Greenbrier, to build on and improve the same.

(Passed January 13, 1837.)

Time allowed owners to improve lots.

1. *Be it enacted by the general assembly*, That the further time of ten years, to be computed from the passing of this act, shall be, and is hereby allowed to the owners of lots in the town of Lewisburg, in the county of Greenbrier, to build on and improve the same, hereby remitting all penalties and forfeitures which may have accrued under the act of assembly for establishing the said town, or under any amended act in relation to the same.

Fines, &c. remitted.

Commencement.

2. This act shall be in force from and after the passing thereof.

CHAP. 310.—An ACT to amend the act, entitled, “an act providing for a supply of water in the town of Lexington, in the county of Rockbridge.”

(Passed March 30, 1837.)

1. *Be it enacted by the general assembly*, That it shall be lawful for the trustees of the town of Lexington, in the county of Rockbridge, to cause to be levied and collected, a tax, annually, on all new buildings and improvements which may have been made, erected and constructed, within the limits of said town, since the nineteenth day of December, in the year eighteen hundred and thirty-two, the date of the passing of the act, entitled, “an act providing for a supply of water in the town of Lexington, in the county of Rockbridge,” of the persons who respectively own and occupy the same, according to the value of such new buildings and improvements, in a fair and rateable proportion with the other real property in said town, now taxed or authorized to be taxed for the purpose of supplying said town with water; and also to levy and collect a tax, in like manner, on all new buildings and improvements which may hereafter be made, erected and constructed within the limits of said town, although the amount of taxes thereby raised may be more than five hundred dollars, as in said cited act is limited, and the same to apply, together with any moneys now remaining on hand, arising from former taxation or otherwise, as prescribed by the act aforesaid, to the payment of the debts and other expenses incurred, or which may arise in relation to the water conducted into said town, and to the repairs of any works constructed for that purpose, in the manner and for the time prescribed in the above cited act, passed on the nineteenth day of December, eighteen hundred and thirty-two.

Power to levy and collect taxes on new buildings.

2. This act shall be in force from the passing thereof.

Commencement.

CHAP. 311.—An ACT to establish the town of Marshall, in the county of Marshall.

(Passed March 21, 1837.)

1. *Be it enacted by the general assembly*, That not exceeding the quantity of thirty acres of land, the property of Richard Simms, lying on Big Wheeling creek, in the county of Marshall, about twelve miles east of the city of Wheeling, in the county of Ohio, so soon as the same shall be laid off into lots with convenient streets and alleys, shall be, and the same is hereby established a town, by the name of Marshall.

Town of Marshall established.

2. *Be it further enacted*, That John Parriott, Zadock Masters, Jacob Keller, Isaac Davis and William Holliday, gentlemen, be and they are hereby appointed trustees thereof, who shall, before they enter upon the duties of their appointment, take an oath or make solemn affirmation (as also their successors,) before some justice of the peace for the county of Marshall or Ohio, to execute the same faithfully and impartially, according to the best of their skill and judgment.

Trustees.

3. *Be it further enacted*, That the trustees of said town, or a majority of them, shall, so soon as convenient, under their own superintendence, cause the said land to be laid off into lots, streets and alleys thereof; and may for that purpose employ a competent surveyor.

Town to be laid off.

4. *Be it further enacted*, That the trustees of said town, or a majority of them, shall be and they are hereby empowered to make

Power to make by-laws, &c.