

VICTORIA, TOWN OF  
County of Lunenburg.

Incorporation, Circuit Court of Lunenburg County, March 14, 1908.

Charter, 1916, c. 158.

Amended      1966, c. 17 (§§ 2-a [added], 4, 111, 120 [repealed])  
                  1968, c. 190 (§§ 32, 41, 50, 115 [repealed], 119, 133)  
                  1972, c. 668 (§§ 4, 5)  
                  1992, c. 257 (§ 133).

*Note: Some numbers were omitted in the article numbering sequence in Chapter 158 of the 1916 Acts of Assembly.*

ARTICLE I.

Corporation and Boundaries.

§ 1. Be it enacted by the general assembly of Virginia, That the inhabitants of the territory in Lunenburg County contained within the boundaries prescribed in § 2 hereof is, be, and shall continue to be a body politic and corporate, in fact and in name, under the name and style of the Town of Victoria; and as such shall have and exercise all the powers conferred by and be subject to all laws of the State of Virginia now in force, or that may hereafter be enacted for the government of towns of less than five thousand inhabitants, so far as the same are not inconsistent with the provisions of this act. (1916, c. 158)

§ 2. The boundaries of the town shall be as follows: Beginning at the southeast corner of lot number eight in block number thirty-five of plat of Victoria Land Company, incorporated, filed in the office of the clerk of Lunenburg County; thence in a northwesterly direction along Marshall avenue to a point forming right angles to property of Tidewater Townsite Corporation, plat of which is filed in the office of the clerk of the County of Lunenburg; thence in a westerly direction along the border of the property of the said Tidewater Townsite Corporation, shown in said plat, to Fifteenth street; thence in a southwesterly direction along Fifteenth street to Virginian Railway Company's tracks; thence in a southerly direction to a point intersecting Mecklenburg avenue, as shown on plat of the Tidewater Improvement Company, incorporated, plat of which is filed in the office of the clerk of Lunenburg County, said line being a straight line that will pass ten feet to west of property of G. W. Phelps; thence in a southwesterly direction along Mecklenburg avenue to where it intersects the county road; thence in a southwesterly direction along said county road, where it intersects Roanoke avenue as shown on the plat of the Tidewater Improvement Company, above referred to; thence in a southeasterly direction along said Roanoke avenue to where it ends; thence in an easterly direction along the line of the property of the Tidewater Improvement Company, incorporated, as shown on said plat on Thirteenth street; thence in a northwesterly direction along Thirteenth street to its end; thence in a straight line to county road; thence in a northwesterly direction along said county road to the southwest corner of lot number one, in block number seventeen, as shown on plat of Victoria Land Company, incorporated, above referred to; thence in a northwesterly direction along the border of the property of Victoria Land Company, incorporated, as shown on plat above referred to, to the point of

beginning. The boundary line of said town is plainly designated by a red line on plat filed with the petition upon which said town was formerly incorporated by an order of the circuit court of Lunenburg County, under an act approved March 14, 1908, entitled an act to provide for the incorporation by the courts of towns of more than two hundred and less than five hundred inhabitants, and conferring upon said towns, when incorporated, certain powers of taxation: the object of this act being to incorporate such territory as was incorporated by said order, and which is more particularly designated by a map made by A. D. Kaylor, town engineer, on January 20, 1915, and duly of record in Lunenburg circuit court clerk's office. (1916, c. 158)

§ 2-a. The powers set forth in §§ 15.1-841 to 15.1-907, inclusive, of the Code of Virginia as in force on January 1, 1965, are hereby conferred on and vested in the Town of Victoria. It is intended that the Town of Victoria shall have and may exercise all powers which, under the Constitution and laws of the Commonwealth, it would be competent for this charter to enumerate specifically, and no enumeration of particular powers shall be held to be exclusive, but in addition to this general grant. (1966, c. 17)

§ 3. Administration and government.—The administration and government of the said town shall be vested in one principal officer, to be denominated the mayor, and six councilmen, who shall constitute the town council, all of whom shall be electors of said town. (1916, c. 158)

§ 4. The mayor shall be elected for a term of two years. The members of council and mayor in office at the effective date of this amendment are hereby continued in office for the terms for which they were elected. On the first Tuesday in May 1972, there shall be elected by the electors of the town three councilmen from the town at large. On the first Tuesday in May 1974 and every two years thereafter, there shall be elected by the electors of the town three councilmen from the town at large, who shall serve for terms of four years each. The mayor and councilmen shall take office on the first day of July following their election. (1916, c. 158; 1966, c. 17; 1972, c. 668)

§ 5. The electors of the Town of Victoria shall be the actual residents of the town, who are otherwise qualified to vote for members of the general assembly. (1916, c. 158; 1972, c. 668)

§ 6. The municipal officers of said town shall in addition to said mayor, consist of a treasurer, sergeant, clerk of the council, and commissioner of the revenue, and such other officers as may be provided for by the town council, and the council may appoint such committees of the council and create such boards and departments of town government and administration with such powers and duties and subject to such regulations as it may seem fit, consistent with the provisions of this act and the general laws of this State. (1916, c. 158)

§ 7. A treasurer, clerk of the council, sergeant and commissioner of the revenue shall be appointed by the council at its first regular meeting in October in every odd numbered year, or as soon thereafter as may be, and shall assume the duties of their office on the first day of January next succeeding. Their term of office shall be for two years from the time fixed for their assuming the duties of their offices, and they shall serve until their successors shall have qualified. (1916, c. 158)

§ 8. The time of appointment of all other officers may be prescribed by the council, and they may be appointed for such term, not exceeding two years, as the council

shall provide, but all municipal officers shall serve until their successors shall have qualified, unless otherwise provided by the council. (1916, c. 158)

§ 9. The duties and compensation of all municipal officers, except as herein or hereafter by the general laws of the State defined or provided for, shall be defined and prescribed by the town council. (1916, c. 158)

§ 10. In addition to the power to appoint such officers as are herein expressly mentioned, the town council shall have the power and authority to appoint such officers and employees as the council may deem proper; and any committees of the council, any municipal board, the mayor of the town, and any head of a department of the town government may appoint such officers and employees as the town council may determine, the duties and compensation of which officers and employees shall be fixed by the council, except so far as the council may authorize such duties to be fixed by such committees or other appointing power, and may require of any of the officers and employees so appointed bonds, with sureties in proper penalty, payable to the town in its corporate name, with condition for the faithful performance of said duties. (1916, c. 158)

§ 11. All officers and employees appointed as provided in the preceding section may be removed by the town council at its pleasure, and where the appointment is by a committee or board, by a vote of such committee or board, or where such appointment is made by the mayor or head of a department, such removal may be by order of the mayor or head of department. (1916, c. 158)

§ 12. In case of a vacancy in any position so authorized to be filled in § 10 of this act, a qualified person may be appointed to fill such position for the unexpired term by the proper appointing power. (1916, c. 158)

§ 13. It shall be lawful for any officer appointed by the council, any committee, municipal board, mayor, or the head of any department to fill two or more of the offices whose incumbents are appointed by the council or by any appointing power designated by the council, subject to the same penalties, liabilities and requirements as to each of said offices as would apply to the incumbents thereof if held by different persons. (1916, c. 158)

§ 14. The mayor, councilmen and all municipal officers of said town shall, before entering upon the duties of their respective offices, to be sworn in accordance with the laws of the State of Virginia by anyone authorized to administer oaths under the law of the State. (1916, c. 158)

§ 15. When the mayor, councilmen, treasurer, sergeant and commissioner of the revenue take the oaths required of them, duplicate certificates of the court, or persons administering the same, stating the fact of their having been taken, shall be obtained by the person taking the same and be by him delivered for record as follows: one to the circuit court of Lunenburg County, and one to the clerk of the town council. When any other municipal officer takes the oath required of him, a certificate as aforesaid, shall be secured by him and delivered to the clerk of the town council. (1916, c. 158)

§ 16. If any person elected or appointed to any office in said town shall neglect to take such oath on or before the day on which he is to enter upon the discharge of the duties of his office, or shall, for twenty days after the beginning of his term of office, fail to file such bond with such security as may be required of him by the council of said town, he shall be considered as having declined said office, and the same shall be deemed

vacant, and such vacancy shall be filled as prescribed in this act or by the general laws of this State. (1916, c. 158)

§ 17. If any person having been an officer of said town, shall not within ten days after he shall have vacated or been removed from office, and upon notification or request of the clerk of the council, or within such time thereafter as the council may allow, deliver over to his successor in office all property, books, and papers belonging to the town or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the town a sum not exceeding five hundred dollars, to be sued for and recovered with costs; and all books, records and documents used in any office by virtue of any provision of this act, or of any ordinances or order of the town council, or any superior officer of said town, shall be deemed the property of said town and appertaining to said office, and the chief officer thereof shall be held responsible therefor. (1916, c. 158)

### ARTICLE III.

§ 18. The mayor.--The mayor shall be elected by the qualified electors of the town for the term of two years. His salary shall be fixed by the town council, and shall not be diminished during his term of office. All fees allowed him under the general laws of this State for the issuance of warrants, trial of cases, etc., shall be collected as other costs are collected and turned into the town treasury. (1916, c. 158)

§ 19. The mayor shall be the chief executive officer of the town and it shall be his duty to see that the bylaws and ordinances thereof are fully executed, and he shall preside over the meetings of the town council, voting only in case of a tie. (1916, c. 158)

§ 20. Every ordinance, or resolution having the effect of an ordinance, shall, before it becomes operative, be presented to the mayor. If he approves, he shall sign it, but if not, he may 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 (Sundays excepted), 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. (1916, c. 158)

§ 21. The mayor shall see that the duties of the various town 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 proceedings. (1916, c. 158)

§ 22. The mayor shall have power to remove any officer appointed by him, and to suspend any municipal officer or employees, other than the councilmen, whether elected by the people or appointed by the council or by 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 a reasonable notice to the officer complained of and an opportunity be afforded him to be heard in his defense. (1916, c. 158)

§ 23. The mayor shall communicate to the town annually at the beginning of each fiscal year, January first or oftener, if he be required by the council, 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. (1916, c. 158)

§ 24. 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. (1916, c. 158)

§ 25. In case a vacancy shall occur in the office of mayor, the vacancy shall be filled by the appointment by the town council of anyone eligible to such office. (1916, c. 158)

§ 26. Of the town council generally.--The town council, in addition to the mayor, shall be composed of six members, who shall be elected by the popular vote of the qualified electors of the town. (1916, c. 158)

§ 27. The town council shall, by ordinance, fix the time of their stated meetings, and no business shall be transacted at a special meeting unless two-thirds of all members of the council be present, but that for which it shall be called. (1916, c. 158)

§ 28. The town council may be convened at any time upon the call, in writing, of the mayor or any three members thereof, but if all members of the council shall be present at such meetings, any action taken or resolution or ordinance passed at such meeting shall be valid though there should have been no call in writing for said meeting or such call be irregular, or not served upon all the members of the council. Service of the notice of a call of any special meeting shall be had upon all the members of the council and the mayor, who do not sign the call. Such notice may be served by delivering a copy of such call in writing to the party in person, or, if he be not found at his usual place of abode or his usual place of business in the town, if any, by delivering such copy and giving such information of its purport to his wife or any person found at his usual place of abode, who is a member of his family and over the age of sixteen years, or who is in his employment; and if he be not found at his usual place of abode or place of business, if any, within the town, or any such person be found at his usual place of abode, by leaving such copy posted at the front door of the said place of abode, or place of business. (1916, c. 158)

§ 29. The mayor and three councilmen, or in the absence of the mayor, four councilmen, shall constitute a quorum for the transaction of business, except as herein otherwise provided. But no vote shall be reconsidered or rescinded at any special

meeting, unless at such special meeting there be present as large a number of the council as were present when such vote was taken. (1916, c. 158)

§ 30. The meeting of the town council shall be open to the public except when by a recorded vote of two-thirds of those members present the council shall declare that the public welfare requires secrecy; but the journal of their proceedings shall at all times be open to inspection by citizens of the town. (1916, c. 158)

§ 31. The town council shall have authority to adopt rules for the regulation of their proceedings, and to appoint such officers and committees as they deem proper; but no tax shall be levied or corporate debt contracted, unless by a vote of two-thirds of the council, which vote shall be by yeas and nays, and recorded in the journal; nor shall any ordinance be passed or resolution adopted having for its object the appropriation of money exceeding the sum of one hundred dollars except by the recorded affirmative vote of a majority of all members elected to the council. (1916, c. 158)

§ 32. A journal shall be kept of the proceedings of the town council, and at the request of any member present the yeas and nays shall be recorded on any question. At the next regular meeting the journal of proceedings of the previous meeting shall be approved and signed by the person who was presiding when the previous meeting adjourned, or if he be not then present, by the person presiding when said journal was approved. (1916, c. 158; 1968, c. 190)

§ 33. The clerk of the council shall keep said journal and shall record the proceedings of the council at large thereon, and keep the same properly indexed. (1916, c. 158)

§ 34. The town council shall judge of the election, qualifications and returns of its members; may compel the attendance of absent members, and fine them for disorderly behavior, and, with the concurrence of two-thirds, expel a member. (1916, c. 158)

§ 35. If any person returned as a member of the council shall be adjudged by the council disqualified or expelled, a new election to fill the vacancy shall be held at the same place, on such day as the council may prescribe. (1916, c. 158)

§ 36. Any vacancy in the town council occurring otherwise than mentioned in § 34 and § 35 above, during the term for which a member of the said council has been elected, shall be filled by the council, by the appointment of anyone eligible to such office, such appointment to be for the unexpired term of the office to be filled. (1916, c. 158)

§ 37. If any member of said council be voluntarily absent from its meetings consecutively for three months, his seat may be declared vacant by the council and the unexpired term filled according to law. (1916, c. 158)

§ 38. The council shall have power to suspend and remove all other officers whether they be elected or appointed, for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in his defense; and no removal of any town officer by the mayor, other than an officer appointed by him, shall be final until the same shall be ratified by the town council. (1916, c. 158)

§ 39. The town council shall have, subject to the provisions of this act and the general laws of this State, not in conflict therewith the management and control of the

fiscal and municipal affairs of the town and of all property, real and personal, belonging to the town. (1916, c. 158)

§ 40. The town council shall have all power and authority that is now or may hereafter be granted to the councils of towns by the general laws of this State and by this act; and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the State to town councils, but not herein specified. (1916, c. 158)

§ 41. For carrying into effect the powers granted by this act and the general laws of this State, not in conflict therewith, the town council may make ordinances and bylaws, and prescribe fines and other punishments for violation thereof, lay taxes and levies, keep a city guard, appoint a collector of taxes and levies, and such other officers as they may deem proper, define their powers, prescribe their duties and compensations, and take from any of them a bond, with surety, 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 said duties; but no general ordinance, or bylaw or regulation having the effect of a general ordinance, shall become operative until posted in the town at such places at least three in number, as may be deemed proper, this to include additions to the town code. (1916, c. 158; 1968, c. 190)

§ 42. Where not otherwise provided for by the laws of this State the town council shall by ordinance provide for any irregular elections not herein or by the State laws provided for, and appoint the necessary officers to conduct the same. (1916, c. 158)

§ 43. The town council shall have the power and authority to prevent hogs, dogs and other animals from running at large in said town, and may subject the said animals to such confiscation, regulations and taxes as they may deem proper; and to prohibit and punish the abuse or cruel treatment of horses and other animals in said town. (1916, c. 158)

§ 44. The town council shall have the power and authority to protect the persons and property of the inhabitants of the town and others within the town, restrain and punish drunkards, vagrants and street-beggars; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gambling houses; to prevent and punish betting at cards or other games, regardless of the amount won or lost, or making or having any interest in any wager therein; to prevent and punish lewd or indecent conduct or exhibitions in said town, to expel therefrom persons guilty of such conduct who have not resided therein as much as one year; to prevent and punish disorderly conduct and the use of profane and abusive language; and for any violation of such ordinance may impose fines and other punishments in addition to those prescribed by the laws of the State. (1916, c. 158)

§ 45. The town council shall have the power and authority to prevent the coming into town of persons having no ostensible means of support and of persons who may be dangerous to the peace and safety of the town. (1916, c. 158)

§ 46. The town council shall have the power and authority, when any felony has been committed or attempted to be committed in the town and may in their discretion, offer such reward as they think right, not to exceed one hundred dollars, for the arrest and conviction of such criminals said reward to be paid out of the contingent fund of the town when duly approved and ordered to be paid. (1916, c. 158)

§ 47. The town council shall have the power and authority to establish a market or markets in and for said town, and appoint proper officers therefor; to provide suitable buildings and grounds therefor; to prescribe the time for holding markets and to regulate the same, and to make and enforce such regulations as may be necessary and proper to prevent huckstering, forestalling and regrating. (1916, c. 158)

§ 48. The town council shall have the power and authority to provide for the weighing or measuring of hay, coal, or any other article for sale, and regulate the transportation thereof through the streets. (1916, c. 158)

§ 49. The town council shall have the power and authority to lay off public grounds and provide, erect and keep in order all buildings proper for the town; to provide a prison house and work house, and employ managers, physicians, nurses and servants for the same, and prescribe regulations for their government and discipline, and persons therein. (1916, c. 158)

§ 50. The town council may make appropriations of public funds, or personal property, or of any real estate to any organization, institution or association within or without its limits, not controlled in whole or in part by any church, and to any public free school of the County of Lunenburg which is used or attended by the children of residents of the town, whether located within or without the town. (1916, c. 158; 1968, c. 190)

#### ARTICLE VI.

§ 51. Sale of ardent spirits.--Whereas, the State of Virginia, in an election held on September 22, 1914, on the question of State-wide prohibition, voted for State-wide prohibition, and thus far, as a whole, is soon to be no license territory; and whereas the Town of Victoria is not no license territory; now, therefore, no person, firm or corporation shall, within the Town of Victoria, sell or offer for sale any ardent spirits, or other liquor or mixture thereof which is intoxicating, or solicit orders for the same, or act as agent for the sale or distribution, and the transmission of such orders; or have in his possession for personal or other use more than one quart at one time; or advertise the sale, distribution giving away or dispensing of the same in any local paper published in the said town, or by the circulation of hand-bills or circulars therein; nor shall any carrier, private or public, bring into, deliver, or distribute in the said town any spirituous or vinous intoxicating liquor regardless of the name by which it may be called; nor shall any person receive the same from any such carrier; nor shall any person bring into said town any such liquors except for his own use and then not more than one quart at any time, and this act shall apply to all packages of such intoxicating liquors, whether broken or unbroken. Any person, or public or private carrier, violating the provisions of this section of this act shall be fined not less than twenty-five nor more than five hundred dollars for each offense; and upon a second conviction, such person so convicted shall be likewise fined and also sentenced to confinement in jail not less than thirty days nor more than ninety days; and upon the second conviction of a carrier, private or public, the person or agent of such carrier, guilty of the second violation of such provisions, shall be confined in jail as aforesaid. And the place of delivery of such liquors shall be held to be the place of sale. But this section of this act shall not be deemed in force until published for four weeks consecutively in some newspaper published in the Town of Victoria, or if none, then in some newspaper published in the County of Lunenburg, or some adjoining county. And the mayor of the said town or any member of the town council, or any citizen of the said town shall have the right to have this section of this act published as



soon as this act shall have been passed and become operative. But nothing in this provision of this act shall apply to licensed druggists and pharmacists, or other agencies designated by general laws for the purpose, who shall receive and dispense ardent spirits, as by general laws defined, so long as such ardent spirits are received and dispensed in strict compliance with general prohibition laws of the State, unless such druggists and pharmacists or other agencies, shall be further restricted or prohibited by ordinance or resolution hereafter duly passed by the town council of the Town of Victoria. (1916, c. 158)

§ 52. Prevention of disease and protection of health.--The town council shall have the power and authority to secure the inhabitants of the town from contagious diseases; to establish, erect and maintain and regulate hospitals and pest houses; to appoint a health officer for, and to organize a board of health for the town, with the authority for the prompt and efficient performance of his and its duties. Such hospitals and pest houses may be established by the town within or without the corporate limits of the town. (1916, c. 158)

§ 53. The council of the town may establish in or near the town hospitals and quarantine grounds, subject to such regulations as are not contrary to law, and if the council cannot agree on the terms of purchase with the owner of land needed for such purpose they may acquire title to the same by condemnation proceedings in the mode prescribed by the general statutes of this State. Provided, however, that where the council desires to locate a hospital or quarantine ground outside the corporate limits, it shall first obtain the consent thereto of the board of supervisors of Lunenburg County. (1916, c. 158)

§ 54. The town council shall have the power and authority to prevent injury or annoyance from anything dangerous, offensive, or unhealthy, to provide by general ordinances what are nuisances, to cause the abatement of any nuisance so declared to be by the general laws of this State or the general ordinances of the town, and to require and compel the abatement and removal of such nuisances within said town by or at the expense of the owners of the ground whereon the same may be or of the persons responsible therefor. (1916, c. 158)

§ 55. The town council shall have the power and authority to regulate slaughter-houses, soap and candle factories and the exercise of any dangerous, offensive or unhealthy business, trade or employment within the town, and to prevent and prohibit the erection of such houses and factories, and the exercise of such business, trades and employments within the town. (1916, c. 158)

§ 56. If any ground in said town shall be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers thereof, shall permit any offensive or unwholesome substance to remain or accumulate thereon, the council may cause the substance to be removed therefrom, and may collect the expense of so doing from the said owner or owners, occupier or occupiers, or any of them (except in case where such nuisance is caused by the action of the town authorities or their agents, in which case the town shall pay the expense of abating the same), by distress and sale in the same manner in which taxes levied upon real estate for the benefit of said town are authorized to be collected; provided that reasonable notice shall be first given to said owners or their agents. In case of nonresident owners, who have no agents in said town, such notice shall

be given by publication for not less than two weeks in any newspaper published in said town. (1916, c. 158)

#### ARTICLE VIII.

§ 57. Police force.--The town council shall have the power and authority to appoint a chief of police and such additional police officers and privates as it may deem necessary or proper, to prescribe rules and regulations for the government thereof, to prescribe uniforms and badges of officers therefor, and to prescribe their rate of pay; and in addition thereto the mayor, or in his absence, the president pro tempore of the council, or in the absence of both, any councilman, shall have the power and authority whenever the regular police force of the town is, in the judgment of such person deemed, inadequate to meet the needs of the occasion, to appoint and swear in such additional or special policemen as he may deem requisite for a term of service not to exceed ten days, and at such compensation as the council may fix for special policemen, or if no compensation be fixed by the council, then at one and one-half dollars per day. The duties and powers of such special policemen shall be the same as that of private or the regular police force. (1916, c. 158)

§ 58. Until the town council shall appoint a chief of police the town sergeant shall perform the duties of such office. (1916, c. 158)

§ 59. The police force shall be under the control of the mayor for the purpose of enforcing peace and order and executing the laws of the State and ordinances of the town. They shall also perform such other duties as the council may prescribe. For the purpose of enabling them to execute their duties and powers, each policeman is hereby made a conservator of the peace and endowed with all the powers of a constable in criminal cases, and all other powers which under the laws of the State may be necessary to enable him to discharge the duties of his office. Their pay, uniforms, and the rules and regulations for said police shall be prescribed by the council. (1916, c. 158)

§ 60. The officers and privates of the police force of the town shall be invested with all the power and authority which belongs to the office of constable at common law in taking cognizance of and enforcing the criminal law of the Commonwealth of Virginia, and the ordinances and regulations of the town respectively; and it shall be the duty of each and every one of such policemen to use his best endeavors to prevent the commission within the said town of offenses against the laws of the Commonwealth and against the ordinances and regulations of the town, to observe and enforce all such laws, ordinances and regulations, to detect and arrest offenders against the same, with and without warrants, to preserve the good order of the town, and to secure the inhabitants thereof from violence, and the property therein from injury. The sergeant or any police officer shall have a right to arrest without a warrant any person suspected of having in his possession a larger quantity of intoxicating liquors than by this act allowed, and he shall also have the right, upon a search warrant from the mayor or any councilman, and in the urgent cases without any warrant, to search any building or any premises within the town suspected by him of having therein or thereon a larger quantity of intoxicating liquors than by this act allowed, and in the case of the necessity of assistance in making such arrest, he shall have the right to call to his aid bystanders or other persons in said town, who, for a refusal to render such assistance, without good cause for such refusal, shall be fined not less than five nor more than twenty-five dollars, in the discretion of the mayor or the councilman trying the case. (1916, c. 158)

§ 61. The policemen of the town, other than the sergeant, shall have no power or authority in civil matters, but they shall in all other cases execute such warrants or summons as may be placed in their hands by the mayor or any councilman of said town, or any other properly constituted authority, and shall make due return thereof. The criminal jurisdiction of the policemen of the town shall extend one mile beyond the corporate limits of the town. (1916, c. 158)

#### ARTICLE IX.

§ 62. Fire department and prevention of fire.--The town council shall have the power and authority to establish and maintain a fire department for the town, and all powers necessary for the government, management, maintenance, equipment and direction of such fire department and the premises, property and equipment thereof. The council may make ordinances as it may deem proper for the prevention and extinguishment of fires, for the regulation of the conduct of persons in attendance at fires, in relation to the powers and duties of the officers and men of the fire department, to require citizens to render assistance to the fire department in case of need, and in relation to the acquisition, use, maintenance and preservation of real estate, personal property, fire apparatus and equipment necessary or proper for the use of the fire department. (1916, c. 158)

§ 63. The town council may appoint a chief engineer, to be designated the chief of the fire department, and as assistants thereto so many fire wardens as the council may direct, to be known by such designation as the council may determine, and may employ or authorize to be employed such firemen, stationmen, horsemen and ladder men as it may deem proper; and may prescribe their rate of pay. (1916, c. 158)

§ 64. The said engineer and fire wardens and the commanders of such fire companies as may be formed under the general laws of this State shall constitute the fire department of the town; and the said fire department and the firemen, stationmen, horsemen and ladder men employed by the town and the members of fire companies formed under the general laws of this State shall have such powers and duties and be subject to such regulations as are provided by the general laws of the State and by the ordinances of the town. (1916, c. 158)

§ 65. The principal engineer shall have command over the fire wardens and firemen, et cetera, employed by the town, and at fires over the commanders of any fire companies formed under the general laws of this State, and over all other persons who may be present.

At fires he shall appoint the station operations of all persons, companies, apparatus and equipment for the purpose of extinguishing the fire, removing things from any building on fire or in danger thereof, guarding the same, and suppressing all tumult and disorder.

He or the warden in command may direct the pulling down or destroying of any fence, house or other thing which he may judge necessary to be pulled down or destroyed, to prevent the further spreading of the fire, and for this purpose may require such assistance from all present as he shall judge necessary. (1916, c. 158)

§ 66. The owner of the property so destroyed shall be entitled to recover from the town the amount of the actual damage which he may have sustained by reason of the same having been pulled down or destroyed under such direction; but no person shall recover compensation for property which would have been destroyed by the fire, if the

same had not been pulled down or destroyed under such direction, but only for what could have been saved with ordinary care and diligence, had no such direction been given. (1916, c. 158)

§ 67. The grade of the fire wardens shall be designated by the council as first, second, and in like order, and in the absence of the principal engineer the first warden shall have his powers and perform his duties; in the absence of both, the second warden shall have the same powers, and perform the same duties, and so on. (1916, c. 158)

§ 68. The town council may, in their discretion, authorize or require the fire department to render aid in cases of fire occurring beyond the limits of the town, and may prescribe the condition on which such aid may be rendered. (1916, c. 158)

§ 69. The town council shall have the power and authority to make regulations for the purpose of guarding against danger from accidents by fire, and among other things may from time to time designate such portions and parts of the town as they may deem proper within which buildings of wood may not be erected. They may prohibit the erection of wooden buildings in any portion of the town without their permission, and shall, on petition of the owner or owners of at least one-half of the ground included in any square of the town, prohibit the erection on said square of any building or buildings, or addition to any building, unless the outer walls thereof be made of brick and mortar, or stone and mortar, and may provide for the removal of such buildings or addition which shall be erected contrary to such prohibition at the expense of the builder or owner thereof; and if any such building shall have been commenced before said petition can be acted on by the council, or if any building in process of erection or already built, or any part thereof, appears clearly to be unsafe, the council may cause such building to be taken down after reasonable notice to the owner, or may cause any part of such building, dangerous from liability to fire, to be rendered safe, and may prescribe the material to be used in roofing or repairing roofs, and pass such ordinances and bylaws as they may deem necessary to carry out this provision, affixing such penalties as are not in conflict with this act, and which said fines shall be a lien on the property condemned, to be collected as other taxes or fines. (1916, c. 158)

§ 70. The town council shall have the power and authority to regulate the keeping or storage of gunpowder or other combustibles within the town, and to provide magazines for the same, and direct the location of all buildings for the storage thereof; to regulate the sale and use of gunpowder and other combustible material; to regulate the exhibition of fireworks and the discharge of firearms, the use of lights and candles in barns, stables and other buildings, and to restrict the making of bonfires in streets, alleys and yards. (1916, c. 158)

#### ARTICLE X.

§ 71. Water and sewers and other public utilities.--The town council shall have power and authority to acquire or otherwise obtain control of or establish, maintain, operate, extend and enlarge waterworks, gasworks, electric plants, and other public utilities within or without the limits of the town; and to acquire within or without the limits of the town by purchase, condemnation or otherwise whatever land may be necessary for acquiring, establishing, maintaining, operating, extending and enlarging said waterworks, electric plants, and other utilities, and the right-of-way, rails, pipes, poles, conduits and wires connected therewith or any of the fixtures or appurtenances thereof; provided, that said town shall not have the right to acquire by condemnation the

steam and electric plants, gasworks, and waterworks, or water-power fixtures and appurtenances, or any part thereof, owned and operated in whole or in part on August 1, 1915, by any manufacturing or public service corporation, for the purpose of acquiring, establishing, operating or enlarging its electric plant or waterworks. (1916, c. 158)

§ 72. The town council shall have the power and authority to prevent the pollution of the water and injuries to waterworks, for which purpose their jurisdiction shall extend to five miles above the same. (1916, c. 158)

§ 73. The town council shall have the power and authority to protect from injury the waterworks, gasworks and electric works of the town, whether within or without the town by ordinances prescribing adequate penalties of the injury thereof. (1916, c. 158)

§ 74. The town council shall have the power and authority to require owners or occupiers of the real estate within the corporate limits of the town which may front or abut on the line of any sewer or water pipeline or conduit to make connections therewith, and to use sewer pipes and conduits and water furnished by the town, under such ordinances and regulations as the council may deem necessary to secure the proper sewerage and to improve and secure good sanitary conditions; and shall have the power to enforce the observance of all ordinances and regulations by the imposition and collection of fines and penalties, to be collected as other fines and penalties under the provisions of this act. (1916, c. 158)

§ 75. The town council shall have the power and authority to fix and impose the charges and dues to be paid by the owners or occupiers of the properties or persons served thereby for tapping or using such sewers, pipes or conduits and for the use of water supplied by the town, to make and pass all such ordinances and to enforce the same as may be necessary and proper to compel the payment of said fees and charges by the imposition and collection of reasonable fines and penalties, to be collected as are other fines and penalties under the provisions of this act; and to pass ordinances prohibiting the use of the town sewerage or water system through any such connections the fees and charges for which have not been paid, and the use of the town sewerage through any connections with any property and of the delivery of water supplied by the town on or to any property when the fees and charges for the use of the town sewerage system through connections with such property or for water delivered by the town on such property or the delivery of town water to any person delinquent in the payment of the fees and charges for such connections, for the use of the town sewerage system or for water supplied to him by the town. (1916, c. 158)

#### ARTICLE XI.

§ 76. Streets, et cetera, and cemeteries.--All streets, cross streets and alleys and walkways which have already been laid off and opened according to the plats of the several subdivisions of the town, to-wit, the plat or survey of the Tidewater Townsite Corporation, the Tidewater Improvement Company, the Victoria Land Company, and the survey and plat of A. D. Kaylor, made in 1915, and all streets, cross streets and alleys and walkways, that have heretofore been opened and used as such, 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 and walkways of the town. (1916, c. 158)

§ 77. 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 a 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 or walkway 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; and all streets, alleys and walkways hereinafter laid out in the division or subdivision into lots of any portion of the territory within the corporate limits of the town shall be made to conform to existing streets, alleys and walkways, both in widths and their courses and directions. (1916, c. 158)

§ 78. The town council shall have the authority to open, close, alter, improve, widen or narrow streets, avenues, alleys and walkways; to have them kept in good condition and properly lighted; to prevent the cumbering of the streets, sidewalks, alleys, lanes or bridges of the town in any manner whatever; to prevent the building of any structure, obstruction or encroachment over, under or in any street, sidewalk or alley in said town; and to plant or permit to be planted along said streets shade trees. (1916, c. 158)

§ 79. The town council shall have the power and authority to adopt ordinances authorizing owners or occupants of property abutting upon any street or alley in the town, within such limitation as they may prescribe, to construct and maintain, upon and over such street or alley, awnings, fire escapes, shutters, signs, cornices, gutters, down spouts and bay windows and other appendages to buildings; but such permission so granted shall be held and deemed to be a license merely and shall be revocable at the pleasure of the town or the general assembly of Virginia and said permission shall not be construed to relieve the said owners of any negligence on their part. (1916, c. 158)

§ 80. The town council shall have the power and authority in their discretion to establish and maintain parks, playgrounds and boulevards and cause the same to be laid out, equipped and beautified. (1916, c. 158)

§ 81. The town council shall have the power and authority in particular districts or along particular streets to prescribe and establish building lines, or to require property owners in certain localities or districts to leave a certain percentage of the lots free from buildings; to regulate the height of buildings and to make regulations concerning the building of houses in the town. (1916, c. 158)

§ 82. The town council shall have the power and authority to prevent the riding or driving of horses or other animals and automobiles, motorcycles and other wheeled vehicles at an improper speed; throwing stones or engaging in any employment or sport on the streets, sidewalks or public alleys, dangerous or annoying to passengers. (1916, c. 158)

§ 83. The town council shall have the power and authority to impose taxes and assessments upon the abutting land owners for making and improving the walkways upon then existing streets, and improving and paving then existing alleys, and for either the construction, or for the use of sewers; but the same when imposed shall not be in excess

of the peculiar benefits resulting therefrom to such abutting land owners. All such taxes and assessments upon abutting land owners for the improving of walkways, improving and paving alleys, and for constructing sewers, shall be made in accordance with the provisions of the general laws of this State. (1916, c. 158)

§ 84. No street, gas, railway, water, steam or electric heating, electric light or power company, cold storage, compressed air, viaduct, conduit, telephone or bridge company, nor any corporation, association, person or partnership engaged in these or like enterprises shall be permitted to use the streets, alleys, or public grounds of the town, without the previous consent of the corporate authorities of the town. (1916, c. 158)

§ 85. No person or corporation shall occupy or use any of the streets, avenues, parks, bridges or any other public places or public property of the town, or any public easement of the town of any description, in a manner not permitted to the general public, without having first obtained the consent thereto of the town council or a franchise therefor; and any person, upon conviction of so doing before the mayor or any councilman of the town, shall be fined not less than five dollars nor more than fifty dollars, each day's continuance thereof to be a separate offense, such fine to be recovered in the name of the town and for its use; and such occupancy shall be deemed a nuisance and the mayor or councilman trying the case shall have power to cause the said nuisance to be abated, and to commit the offenders and all their agents and employees engaged in such offense, to the town prison until such order shall be obeyed. (1916, c. 158)

§ 86. The town council shall have the power and authority to make and enforce ordinances to secure the safe and expeditious use of the streets and alleys of the town, to regulate traffic thereon, and for the protection of persons and property thereon or near thereto. (1916, c. 158)

§ 87. In every case where a street or alley in said town has been or shall be encroached upon by a fence, building, porch, projection, or otherwise, in addition to being a nuisance subject to abatement, as herein provided, it shall be the duty of the town council to require the owner, if known, or if unknown, the occupant of the premises encroaching, to remove the same within a reasonable time, and if such removal be not made within the time prescribed by the council, to cause the encroachment to be removed and collect from the owner, or if the owner be unknown, from the occupant, all reasonable charges therefor, with costs, by the same process that they are herein empowered to collect taxes. No encroachment upon any street or alley, however long continued, shall constitute any adverse possession to or confer any rights upon the person claiming thereunder as against the town. (1916, c. 158)

§ 88. The town council shall not take or use any private property for streets or other public purposes without making to the owner thereof just compensation for the same, but in cases where the town council cannot by agreement with the owner or owners thereof, obtain title to any land needed for streets or any municipal building or other public purposes, it shall be lawful for the council to acquire the same by condemnation proceedings in accordance with the general laws of this State. (1916, c. 158)

§ 89. The town council shall have the power and authority to provide places for the interment of the dead in or near the town, and to acquire the lands necessary therefor. The said council shall also have the power to prescribe and enforce all needful rules and regulations, not inconsistent with the laws of the State, for the use, protection and ornamentation of the cemetery; to set aside, at their discretion, by metes and bounds, a

portion thereof for the interment of strangers and the indigent poor; to divide the remainder into burial lots and sell or lease the same, and to execute all proper deeds or other writings in evidence of such sale or lease and to prescribe what class or condition of persons shall be admitted to interment in the cemetery. The money from such sale or lease of burial lots shall be invested, used and employed for the use, protection, preservation and ornamentation of said cemetery. The cemetery, when established and enclosed, shall be exempt from all State, county and municipal taxation. (1916, c. 158)

#### ARTICLE XII.

§ 90. Town officers.--The town council, except as herein provided, shall fix the compensation of the treasurer, sergeant, clerk of the council and commissioner of the revenue of the town, and they shall, before entering upon the duties of their several offices, give bond, with surety, to be approved by the town council, in such sum as the council shall prescribe. The giving of bond by said officers shall be entered upon the records of the council and the original bond shall be filed with the clerk of the council. Until and unless the amount of the bond required of said officers shall be otherwise fixed by the council, the bond of the treasurer shall be in the sum of two thousand dollars, of the sergeant two thousand dollars, and of the clerk of the council and commissioner of the revenue each one thousand dollars. (1916, c. 158)

§ 91. The treasurer shall receive all money belonging to the town, and unless it be otherwise provided by the town council shall collect all property and license taxes, levies and assessments which may be levied by the town council, and such other moneys due the town as the council may direct, and perform such other duties as the council shall prescribe. (1916, c. 158)

§ 92. As moneys and revenues belonging to the town are received by the treasurer or other officer, whose duty it is to collect the same, he shall promptly pay over the same to the town by depositing the same in some depository or depositories approved and established by the resolution of the town council subject to the order of "the Town of Victoria"; and until and unless the council shall otherwise provide, the Virginian Bank of Commerce and the Bank of Victoria shall be taken and considered to be regularly approved and established depositories of the Town of Victoria. (1916, c. 158)

§ 93. All disbursements of town moneys shall be by check or order of the Town of Victoria signed by the treasurer and countersigned by the clerk of the council, unless the treasurer and clerk of the council be the same person, in which event the said checks and orders shall be countersigned by the mayor. (1916, c. 158)

§ 94. All moneys received on special assessments shall be held as a special fund, to be applied to the payment of the matter for no other purpose whatsoever. The treasurer may for greater convenience deposit such special fund in one of the regular depositories of the town to the order of Town of Victoria for such special fund, and the same shall be disbursed upon check or order of the Town of Victoria for such fund, signed and countersigned as provided in § 93 hereof. (1916, c. 158)

§ 95. The treasurer shall report to each stated meeting of the council the amount of cash then on deposit to the order of the town and in what depositories deposited. (1916, c. 158)

§ 96. On or before the first day of January of each year the treasurer shall make his final settlement with the town council at which time he shall make up a statement of all moneys collected by him on account of town levies, license, taxes, penalties and all



other sources since his last final settlement with the town council, and also lists of insolvents and delinquents as herein prescribed.

The treasurer shall also on the first day of January of each year make up a statement of all municipal license taxes, levies, other revenues and moneys of the said town collected or received by him since his last final settlement, verify the same by affidavit, and file the same with the mayor; and shall at the same time pay over to the town the full amount of moneys not heretofore paid into the treasury, such payment to be made as provided in § 95 hereof; but nothing herein shall be taken to relieve the treasurer of the duty to pay into the treasury the moneys and revenue of the town when and as collected.

The mayor or chairman of the finance committee of the town council may call upon the treasurer once in every thirty days after the first of January in each year for a statement of the amount of moneys collected by him for the town and such treasurer shall within five days from the receipt of such call deliver such statement to the mayor and pay into the treasury as above prescribed, the amount collected and not formally so paid in.

All statements by the treasurer provided for shall be verified by affidavit; and if the treasurer fail to make any such statement, within the prescribed time, he shall forfeit his commissions on all sums that should have been or were embraced in such statement which prior to the date for such statement had not been paid into the town treasury. (1916, c. 158)

§ 97. At the end of each fiscal year when the treasurer makes his final settlement with the council, and oftener if required, he shall make a full and detailed statement of the financial condition of the town and of all receipts and disbursements and expenditures for the preceding fiscal year.

Such annual statements shall be published in some newspaper published in the town and shall exhibit:

First. (a) Cash on hand at the beginning of the year, and in what depositories deposited.

(b) Cash revenue received during the year, itemizing under general heads the sources from which received.

(c) Expenditures actually made during the year, showing under general heads the purpose for which expended.

(d) Cash balance on hand at end of the year, showing in what depositories deposited.

(e) Accounts approved and allowed by the council outstanding and unpaid at the beginning of the year.

(f) Accounts approved and allowed by the council outstanding and unpaid at the end of the year.

Second. (a) Revenue due and unpaid to the town at the beginning of the year, showing under general heads from what source accruing.

(b) Revenue assessed or otherwise accruing to the town during the year, showing under general heads from what source accruing.

(c) Revenue collected during the year, showing separately collections from revenue accruing during the year, and from revenue due and unpaid at the beginning of the year.

(d) By separate items levies, license taxes, water and sewerage charges, and other accounts declared insolvent and uncollectable by the council.

(e) Revenue due and unpaid to the town other than that included in "d" above, at the end of the fiscal year, showing under general heads the sources from which due.

Third. (a) The known indebtedness of the town, bonded and otherwise.

(b) The amount of the sinking fund for the bonded debt showing how invested or where deposited.

But the form and matter of such statements may be altered or changed by the town council, provided only that the information that would be contained in the statements above mentioned be given. (1916, c. 158)

§ 98. The treasurer shall pay over to the town the full amount of moneys of the town collected or received by him without any deduction for or on account of any commissions or salary due him from the town, and shall receive from the town payment of any such commissions or salary as the salary of other officers of the town are paid. (1916, c. 158)

§ 99. The treasurer of the town shall keep all accounts and account books of the town. Such books shall be kept regularly posted up to date and shall exhibit (a) accurate and detailed statements of all moneys received and expended; (b) a schedule of the property owned by the town and the income derived therefrom, and the expense of maintenance and operation therefor; (c) separate accounts with each appropriation made by the town council by budget or otherwise; (d) the purpose of each payment of public money; (e) a separate account with each department of the city government; (f) and such other accounts as may be necessary to show a complete financial statement of the town or may be required by the council. Such books and accounts shall always be subject to the inspection of the mayor or any member or committee of the town council. (1916, c. 158)

§ 100. The treasurer is expressly prohibited from using directly or indirectly the moneys or warrants of the town in his custody, or keeping them for his own use or benefit, or that of any person or persons whomsoever, and any violations of this provision shall subject him to immediate removal from office.

No person shall be allowed to qualify as treasurer a second time, unless and until he shall have satisfactorily settled his account as treasurer for the preceding term; and if such settlement be not made on or before the regular time for entering into the duties of his office for another term, the office shall be considered vacant, and the vacancy shall be filled as herein provided.

The treasurer of the Town of Victoria and his bondsmen shall be liable to the same penalties and criminal punishment for the treasurer's returning false lists of real estate, persons or property as delinquent for the nonpayment of municipal levies, for the nonpayment to the town of moneys received by him for the town and for all other acts of misfeasance and nonfeasance by the treasurer as such treasurer, as is provided by the laws of Virginia for county and city treasurers.

If the treasurer does not pay the revenue into the treasury of the town as provided in this act, he shall be charged with a penalty thereon at the rate of fifteen per centum per annum, from the time the same was so payable.

It shall be the duty of the mayor of the town to forthwith proceed against the treasurer and his sureties in the name of the Town of Victoria for the recovery of the amounts due from such treasurer. (1916, c. 158)

§ 101. The town sergeant shall perform the duties, receive the compensation, and be subject to the liabilities prescribed by this act, the ordinances, bylaws and regulations of the town council and by the laws of this State and also shall have the powers and discharge the same duties as constable within the corporate limits of the town, and to the distance of one mile beyond the same, and be subject to the same liabilities touching all process lawfully directed to him as constables are subject to under the laws of this State. (1916, c. 158)

§ 102. The town council shall have the power and authority to prescribe for the town sergeant such general and other duties as it may see fit. (1916, c. 158)

§ 103. In all civil and criminal cases arising under the State laws he shall receive the same fees as are provided by law for constables, and in all cases arising under the town ordinances, where not otherwise provided, he shall receive the same fees as constables receive in similar cases arising under the State laws; but in the event the sergeant receives a salary or allowance out of the treasury he shall not receive any fees for services in a criminal case for the violation of a town ordinance from the State, county or city, but all such fees shall be paid by the party against whom judgment is rendered. (1916, c. 158)

§ 104. The sergeant shall be collector of all fines and penalties imposed for the violation of town ordinances, bylaws, rules and regulations, and of delinquent town levies, and by all levy tickets declared delinquent by the town council and allowed the treasurer in his settlement with the town council shall be turned over to the sergeant to collect; and for that purpose he shall have all the powers and authority, and be subject to the same liabilities and penalties as are prescribed for county treasurers in the collection of State taxes and county levies, and may be proceeded against in the same manner, so far as applicable. (1916, c. 158)

§ 105. The sergeant shall pay over to the treasurer monthly, or oftener, if he thinks proper, all moneys which come into his hands for taxes or levies or otherwise belonging to the town. He shall, as of July first and January first of each year, make up reports to the council in writing, of all moneys collected by him for the town and the disbursements thereof, verify the same by affidavit and file the same with the mayor, to be transmitted to the council. (1916, c. 158)

§ 106. The clerk of the council shall attend the meetings of the council and keep a record of its proceedings, and keep such record properly indexed. He shall have the custody of the corporate seal of the town and affix the same whenever required so to do by the laws of the State or the ordinances, bylaws, regulations of the council. He shall keep all papers that by the laws of this State, the provisions of this act or the ordinances, bylaws and regulations of the council are required to be filed with or kept by him. (1916, c. 158)

§ 107. The clerk of the council shall immediately after the close of each session of the town council make out and present to the mayor a transcript of every ordinance, resolution, or order concerning any public improvement, or concerning the payment of money, or of legislative character passed by the council at such session.

He shall, in like manner, transmit to the treasurer a transcript of all ordinances, resolutions, or orders appropriating money, or authorizing the payment of money or the issue of bonds or notes.

He shall, in like manner, give notice to all parties presenting communications or petitions to the town council of the final action of the council on such communication or petition.

He shall publish such reports and ordinances as the town council are by this act or the laws of this State required to publish, and such other reports and ordinances as they may direct; and shall, in general, perform such other acts and duties as are required of him by the laws of this State and as the council may, from time to time require of him. (1916, c. 158)

§ 108. The clerk of the council shall make out quarterly an itemized statement of all accounts authorized to be paid by the council and cause the same to be posted at some public place in the town and published in some newspaper published in the town. (1916, c. 158)

§ 109. The commissioner of the revenue shall perform all the duties in relation to the assessment of property for the purpose of levying the town taxes or levies, shall see to it that all persons, firms and corporations chargeable with a town license tax are assessed with such license tax, tax all dogs within the corporate limits which are assessable for taxation, and shall perform such other duties in relation to the assessments of property and other subjects of taxation as may be ordered by the town council.

For the performance of his duties, the commissioner of the revenue of the town shall be vested with all the power and authority that county commissioners of the revenue are vested with, and shall have the power to propound interrogatories to each person subject to taxation, and may use such other evidence as he may be able to procure. Such interrogatories shall be answered under oath, and any applicant refusing to answer such interrogatories under oath shall be fined not less than five nor more than one hundred dollars for each offense. (1916, c. 158)

§ 110. It shall be the duty of the commissioner of revenue to assess for taxation all persons and property subject to municipal taxation whether the same shall have been omitted from assessment by the commissioner of revenue for Lunenburg County or not. (1916, c. 158)

§ 111. The commissioner of revenue shall keep his office in some convenient place in the town, and shall keep therein such books, schedules and records, and in such manner as the town council may prescribe, which books, records and other papers shall be subject to the inspection of the mayor, the members of the town council, and any committee or agent thereof, and of the collector of town taxes. He shall receive for his services such compensation as the town council may from time to time direct. (1916, c. 158; 1966, c. 17)

§ 112. Finances, assessment and collection of revenue.—The town council, within the limits of the Constitution of this State and in accordance with the provisions of the general laws thereof, may, in the name of and for the use of the town, contract loans or cause to be issued certificates of debts, notes or bonds. (1916, c. 158)

§ 113. The town council shall have the power and authority, without reference thereof to a vote of the people, to issue certificates of indebtedness, revenue bonds or other obligations issued in anticipation of the collection of the revenue of the town for the then current year; provided, that such certificates, bonds or other obligations mature within one year from the date of their issue, and be not past due, and do not exceed the revenue for such year. (1916, c. 158)

§ 114. The town council shall have the power and authority without reference to a vote of the people to provide by ordinances for the issue of new bonds for the redemption and liquidation of any lawfully issued bonds when they fall due, become subject to call, or can for any reason be refunded or redeemed. Said new bonds shall not exceed in amount the original bonds to be redeemed, liquidated or refunded, may be registered or coupon, and shall be sold to the highest bidder for cash; provided, no such new bonds shall bear a higher rate of interest than six per centum per annum; and provided, further, that the proceeds of the sale of the new bonds so issued shall be used only in the payment of the old bonds which are subject to call, redemption, or can otherwise be refunded or redeemed. Such bonds shall be payable in lawful money of the United States; and a sinking fund shall be created and maintained, sufficient to redeem such bonds at maturity, and shall be applied to such redemption and to no other purpose. (1916, c. 158)

§ 115. (1916, c. 158; repealed, 1968, c. 190)

§ 116. All bonds, and other evidences of indebtedness of the town shall be signed by the mayor and countersigned by the clerk of the council, and to all bonds the clerk of the council shall affix the corporate seal of the town and attest the same. (1916, c. 158)

§ 117. The town council shall have the power and authority to provide by a special tax and levy for the payment of the interest on all bonds at maturity or sooner. (1916, c. 158)

§ 118. All contracts for the erection of public improvements and buildings within the jurisdiction of the town where the estimated costs thereof exceeds three hundred dollars, and in all cases where practicable, shall be let to the lowest responsible bidder, all things considered, and notice shall be given at least twenty days before the work is finally let by advertisement in one or more newspapers published in the town; and the party to whom any contract is let shall give bond as the council may require, but in no event shall any member have any interest in such contract. (1916, c. 158)

§ 119. For the execution of their powers and duties, the town council shall have the power and authority to raise annually by levies, taxes and assessments, in said town, such sums of money as they shall deem necessary therefor and in such manner as they may deem expedient in accordance with the provisions of this act and the laws of this State and of the United States. The levy so ordered may be upon any or all of the following subjects of taxation:

(a) Male persons in the town above the age of twenty-one.

(b) Any property, real and personal, in the town not specifically exempt from State taxation.

(c) Such other subjects of taxation as may at the time be assessed with the State taxes or county levies against persons residing therein and not specifically exempted from municipal taxation; and

(d) Such other subjects of taxation as at the time said levy is ordered may be subject to municipal taxation by the laws of this State. (1916, c. 158; 1968, c. 190)

§ 120. (1916, c. 158; repealed, 1966, c. 17)

§ 121. Such municipal capitation tax or levy so ordered, shall not exceed one dollar per poll, and the payment thereof shall not be prerequisite to voting in any municipal county or State election. Such capitation tax or levy may be collected at the same time and in the same manner, by distress or otherwise, that levies on personal property are collectible; but such municipal capitation tax or levy shall not be a lien upon

nor collectible by legal process from the personal property which may be exempt from levy or distress under the poor debtor's law. All persons exempt by the Constitution of Virginia from the payment of State capitation taxes shall be exempt from the payment of said municipal capitation tax. (1916, c. 158)

§ 122. The town council may exempt from all municipal taxation bonds and other obligations of indebtedness issued by the town. (1916, c. 158)

§ 123. The town council may levy a lower rate of taxation for a period of not exceeding ten years upon land added to its corporate limits than is imposed on similar property within the corporate limits at the time such land is added. (1916, c. 158)

§ 124. The assessment of real and personal property in the town for the purpose of municipal taxation shall be the same as the assessment for the purpose of State taxation, whenever there shall be a State assessment of such property; but where the commissioner of revenue for the town knows of property that has been omitted by the commissioner of revenue of the county from his books, the commissioner of revenue of the town may by the same proceedings as are provided for county commissioners of revenue in similar cases assess such omitted property, real or personal, for taxation. (1916, c. 158)

§ 125. All municipal taxes shall be uniform upon the same class of subjects within the town, and shall be levied and collected under general laws and ordinances. (1916, c. 158)

§ 126. The town council in addition to the State taxes on licenses, may when anything for which a license is so required is to be done within the town, impose a tax for the privilege of doing the same and require a license to be obtained therefor; and in any case in which they see fit may require from the person licensed, bond with sureties, in such penalty and with such condition as they may deem proper, or make other regulations concerning the same; and within the limitations of the Constitution of this State and of the United States, may levy a license tax on any other business or thing done or carried on in the town, whether a license tax is required therefor by the State or not; provided, however, the town council shall not impose any license tax, fine or other penalty upon any person for selling farm and domestic products within the limits of the town, and outside of and not within the regular market houses and sheds of the town; provided, such products are grown or produced by such person.

All license taxes heretofore imposed by the town council of the Town of Victoria, on persons firms or corporations for the privilege of doing something for which the State may, but does not require a license tax, are hereby ratified and no action shall lie for the recovery of such license tax so paid. (1916, c. 158)

§ 127. Within the limitations of the Constitution of this State and the United States, the town council may levy a license tax on any person, firm or corporation whether his or its principal place of business or office is within or without the town, if said person or corporation does, or offers to do, business within the town, and upon the agent of any insurance, oil, fertilizer, laundry or other company or person where such agent does, or offers to do, business within the town, whether the principal office or place of business of such agent be within or without the town. (1916, c. 158)

§ 128. The council may grant or refuse license to owners or keepers of wagons, drays, carts, hacks, automobiles, motorcycles and other wheeled carriages kept or employed in the town for hire, and may require the owners or keepers of wagons, drays and carts, automobiles, motorcycles and other wheeled carriages kept or employed in the

town for hire, and may require the owners or keepers of wagons, drays and carts, automobiles, motorcycles and other wheeled vehicles using them in the town, to take out license therefor, and may assess and require taxes to be paid thereon, and subject the same to such regulations as they may deem proper, and may prescribe their fees and compensation. (1916, c. 158)

§ 129. The town council shall have the power to lay a license tax upon the keeping of any stable, cowhouse, privy or dry closet permitted within the town, and to provide for the keeping in a cleanly condition at the expense of the town, the places so licensed, and to make reasonable rules and regulations with reference thereto.

The council shall also have the power and authority to provide for the removal by employees of the town of garbage and rubbish, and fix and collect charges therefor, and the penalties for the nonpayment of such charges. (1916, c. 158)

§ 130. The town council shall have the power to levy a tax on dogs kept within the town. (1916, c. 158)

§ 131. The town council shall fix the rates for water and lights supplied by the city for its works, the time when such rates shall be paid, and the penalties for the nonpayment thereof. (1916, c. 158)

§ 132. The town council may levy a tax on water and gas and for the use of sewers. (1916, c. 158)

§ 133. The town treasurer or other officer whose duty it is to collect town taxes shall commence to receive the town levies on or before the first day of November of each year, or as soon thereafter as the person may receive copies of the commissioner of the revenue's books, and continue to receive the same up to the fifth day of December.

Any person failing to pay any town levies to the treasurer or other such officer by the fifth day of December of the year in which assessed, shall incur penalties and interest provided by ordinance adopted pursuant to the provisions of § 58.1-3916 of the Code of Virginia.

It shall be the duty of the treasurer or other officer after the fifth day of December to notify each person, resident within the town chargeable with levies, who has not paid the same, or upon the agent, if any, of such person resident within the town, for payment thereof; and upon the failure or refusal of such person or agent to pay the same he shall forthwith proceed to collect the same by levy, distress or otherwise.

Should it come to the knowledge of the treasurer or other such officer that any such person or persons owing such levies is moving or contemplating moving from the town prior to the fifth day of December, he shall have the power to collect the same by levy, distress or otherwise at any time after such levy bills have come into his hands. (1916, c. 158; 1968, c. 190; 1992, c. 257)

§ 134. There shall be a lien upon all real estate within the town for town taxes and levies assessed thereon, and interest on such taxes and levies at the rate of six per centum per annum, from the fifteenth of December, in the year in which same may have been assessed, for the period of five years, unless sooner paid. (1916, c. 158)

§ 135. Municipal capitation taxes or levies levied by the town council shall be a lien upon all the real estate owned by the person against whom such tax or levy is assessed from the time of such assessment; and if such tax be not paid, real estate may be subjected to sale for the payment thereof, and all costs and expenses at the same time and in the same manner that such real estate would be subject to sale for the payment of taxes

and levies assessed thereon, or in any other manner provided by the laws of this State; and it is hereby expressly provided that such real estate may be sold for such capitation taxes or levies due and unpaid though they be not three years past due. (1916, c. 158)

§ 136 Any goods or chattels in the town belonging to the person or estate assessed with town levies or taxes, may be distrained therefore by the treasurer or other officer whose duty it is to collect the same. In all cases property subject to levy or distress for municipal taxes and levies shall be liable to levy or distress in the hands of any person for town taxes and levies thereon

When the treasurer or other such officer has to levy or distrain and sell, or levy or distrain without selling, he shall receive a fee of sixty cents to be collected with the town levies or taxes levied or distrained for. (1916, c. 158)

§ 137. The treasurer or other officer whose duty it is to collect town taxes or levies may distrain for municipal levies and license taxes for which he has accounted to the town council at any time within one year after June fifteenth next succeeding the year for which such levies or license taxes were assessed. (1916, c. 158)

§ 138. The goods or chattels of the tenant, or other person, claiming under the party or estate assessed with municipal levies on land, may be distrained if found on the premises, but not for an amount exceeding the rent contracted to be paid by such tenant for said premises, nor until the property of the landlord subject to distress, within the town, shall have been exhausted. (1916, c. 158)

§ 139. Any real estate in the corporate limits of said town belonging to the person or estate assessed with town taxes or levies due on such real estate, may be rented or leased by the treasurer or other officer whose duty it is to collect town taxes and levies, either on the premises or at some public place in the town, after giving not less than fifteen days' notice by printed or written notice posted at the front door of the courthouse of the circuit court of Lunenburg County, and at three or more places in the neighborhood of the real estate to be leased. Such lease shall be for a term not exceeding one year, and for cash sufficient to pay the levies due on the real estate so rented, and the costs and charges of advertising and leasing.

When a lease is effected the treasurer or other such officer leasing such real estate, shall put the lessee in possession thereof, and for such purpose shall have like powers as those exercised by a sheriff acting under a writ of possession.

When real estate is advertised for leasing for the town taxes and levies thereon and there is any tenant in possession of the property so advertised, then the treasurer or other collecting officer making the lease, shall serve upon such tenant at least five days prior to the day of leasing, a copy of the notice of leasing.

When the treasurer or other such officer advertises and leases, or advertises without leasing, a parcel of real estate under this section, he shall receive a fee of sixty cents to be paid as a part of the cost of this proceeding. (1916, c. 158)

§ 140. Any payment of taxes or levies by the tenant, unless under an express agreement by which the tenant is bound to pay such taxes, shall be a credit against the person to whom he owes the rent. (1916, c. 158)

§ 141. No deed of trust or mortgage upon goods or chattels shall prevent the same from being distrained and sold for town taxes or levies against the grantor in said deed while such goods and chattels remain in the grantor's possession; nor shall any such deed



prevent the goods and chattels conveyed from being distrained and sold for town taxes or levies thereon, no matter in whose possession they may be found. (1916, c. 158)

§ 142. The officer of the town whose duty it is to collect the town taxes and levies, shall have all the powers to levy upon and distrain goods and chattels of the tax debtor or any other person therefor that may be given by the laws of this State to the officer of a town whose duty it is to collect town levies and taxes. (1916, c. 158)

§ 143. When the treasurer or other officer whose duty it is to collect town taxes and levies, cannot find sufficient goods or chattels to distrain for municipal levies and taxes, any person indebted to or having in his hands estate of the party assessed with such levies or taxes may be applied to for payment thereof out of such debt; and a payment by such person of the said levies or taxes, either in whole or in part, shall entitle him to charge or credit for so much on account of such debt or estate against the party so assessed. If the person applied to does not pay so much as may seem to the treasurer or other such officer ought to be recovered on account of the debt or estate in his hands, the treasurer or other such officer shall, if the sum due for such taxes or levies does not exceed twenty dollars, procure from the mayor or any councilman of the town or from a justice of the peace a summons directing such person to appear before the mayor or some councilman of the town or some justice of the peace at such time and place as may seem reasonable; and if the sum due exceed twenty dollars, shall procure from the clerk of the circuit court of Lunenburg County a summons directing such person to appear before the said court on the first day of the next term thereof; and from the time of the service of any such summons, the said taxes and levies shall constitute a lien on the debt so due from such person, or on the estate in his hands.

If such summons be returned executed, and the person summoned do not appear, judgment shall be entered against him for the sum due for such taxes and levies, and for the fees of the clerk, mayor, councilman, or justice and of the officer who executes the summons.

If the person so summoned appear, he shall be interrogated on oath, and such evidence may be heard as may be adduced, and such judgment shall be rendered as, upon the whole case, shall seem proper. (1916, c. 158)

§ 144. The treasurer or other officer whose duty it is to collect town taxes and levies after ascertaining which of the taxes and levies assessed in town cannot be collected, shall not later than the fifteenth day of June, in each year, make out lists of such as cannot be collected upon forms similar to those prescribed for county treasurers, with the names of the persons chargeable with such town taxes and levies placed thereon alphabetically, and such lists shall be of four classes:

1st. A list of property on the commissioner's land book improperly placed thereon or not ascertainable, with the amount of the municipal levies charged thereon.

2nd. A list of other real estate which is delinquent for the nonpayment of the municipal levies thereon.

3rd. A list of such municipal levies assessed other than on real estate, as he is unable to collect, including the capitation levies included in list number four below.

4th. A list of such municipal capitation taxes or levies as he is unable to collect.

At the foot of each list, subscribe the following oath: "I....., of the Town of Victoria, in Lunenburg County, who is charged with the duty of collecting the taxes and levies of said town, do swear that the foregoing list is, I verily believe, correct and just;

that I have received no part of the town levies mentioned in the said list; and that I have used due diligence to find property within my town liable to distress for the said levies, but have found none." (1916, c. 158)

§ 145. Each of the said lists shall be presented to and examined by the town council, together with the tax or levy tickets corresponding thereto; and if the said council be satisfied of the correctness of the lists, and that the taxes or levies are correctly extended, or having corrected them, if erroneous, it shall credit the treasurer or other officer charged with the collection thereof with the amount thereof; and thereafter the treasurer or other such officer shall be under no liability for failure to collect the same, and such delinquent tax or levy tickets shall be delivered to the town sergeant for collection. (1916, c. 158)

§ 146. The original of the lists whereof credit may be allowed, shall be preserved in the office of the clerk of the town council. Within one month after the said lists are allowed, the said clerk shall transmit to the auditor of public accounts a copy of the list of real estate appearing thereby to be delinquent, showing the amount of delinquency of each lot, and a copy of the list of capitation taxes or levies appearing thereby to be delinquent.

The said clerk shall at the time he certifies said lists to the auditor of public accounts, make two other copies of the same, one of which he shall deliver to the clerk of the circuit court of Lunenburg County to be delivered by him to the treasurer of Lunenburg County as hereinafter provided, and the other of which he shall deliver to the clerk of the circuit court of Lunenburg County to be recorded by him as hereinafter provided. (1916, c. 158)

§ 147. When the clerk of the circuit court of Lunenburg County delivers to the treasurer of said county a list of real estate delinquent for the nonpayment of State taxes and county levies, he shall also deliver to said treasurer the said copy of real estate delinquent for the nonpayment of municipal levies and capitation taxes of the Town of Victoria. Upon receipt of which lists the county treasurer shall proceed to post and distribute copies of such lists and advertise for sale the real estate so delinquent as is provided by the laws of this State in the case of real estate delinquent for the nonpayment of State taxes and county levies and capitation taxes. (1916, c. 158)

§ 148. After such lists of such delinquent municipal levies and capitation taxes are delivered to the treasurer of Lunenburg County, he shall have the authority to receive payment thereof, and for all collections thereof he shall receive a commission of ten per centum, and unless the amount for which said lands are so delinquent and such municipal capitation taxes, together with the interest, costs and charges shall have been previously paid to such treasurer, he shall proceed to sell such real estate so delinquent at the same time and place, and in the same manner, as real estate delinquent for the nonpayment of State taxes and county levies. (1916, c. 158)

§ 149. The sale by the treasurer of Lunenburg County of lots of land in the Town of Victoria shall be of each lot separately, or such undivided interest therein as shall be sufficient to satisfy the State taxes, county levies and municipal levies thereon, with interest, costs and charges as provided by law, and its proportion of expense. (1916, c. 158)

§ 150. All proceedings in anywise connected with the sale of land in the Town of Victoria for the nonpayment of municipal levies thereon, the duties of the treasurer of

Lunenburg County with reference to such sales, reports of such sales, confirmation of such sales, rights of purchasers at such sale, right of redemption of land so sold, duties of the clerk of the circuit court of Lunenburg County as to such sales, the making of deeds to purchasers at such sales, and all other matters, shall be the same as are provided by the laws of this State as to sales of lands delinquent for the nonpayment of State taxes. (1916, c. 158)

§ 151. It shall be the duty of the clerk of the circuit court of Lunenburg County to lay a copy of the treasurer's report of such sales before the council of the Town of Victoria at the next meeting thereof after the clerk has certified such report to the auditor of public accounts, and the town council shall charge the said treasurer with whatever is due on account of said sales for municipal levies, less a commission of ten per centum, and his sureties on his official bond shall be liable therefor. (1916, c. 158)

§ 152. When any real estate is offered for sale for the nonpayment of State taxes, county levies or municipal levies of the Town of Victoria, as provided in this act, and the laws of this State, and no person bids the amount chargeable thereon, the treasurer shall purchase the same in the name of the auditor of public accounts for the benefit of the State and county or the town, respectively, unless such real estate has been previously purchased in the name of the auditor, in which case it shall be sold for such price as it will bring.

A list of real estate so purchased in by the treasurer, showing in whose name sold, the amount of taxes, county levies, municipal levies, costs and charges certified by oath, shall be returned by him to the circuit court of Lunenburg County at the time he returns his report of sales of delinquent lands as is provided by law. If the court finds said list to be correct, or having corrected the same, where there are errors, it shall confirm the same and direct its clerk to transmit a copy thereof to the town council of the town of Victoria at their next meeting,. On the receipt of said copy, the town council of the Town of Victoria shall credit the treasurer with the amount of town levies chargeable on such real estate so purchased in the name of the auditor. (1916, c. 158)

§ 153. When any real estate in the Town of Victoria is sold for less than the aggregate amount of taxes, county levies and municipal levies thereon, what may remain after the Commonwealth's lien for its taxes and interest is satisfied, shall go ratably to the county and Town of Victoria. (1916, c. 158)

§ 154. Where town levies of the Town of Victoria are paid to the auditor of public accounts in redemption of any delinquent real estate in said town, he shall immediately thereafter, account for and pay over the same to the treasurer of the town. (1916, c. 158)

§ 155. The clerk of Lunenburg County shall pay over to the treasurer of the town all levies of the Town of Victoria received by him under the provisions of this act and the general laws of this State within ten days after collecting the same, and take and file receipts therefor in his office. (1916, c. 158)

§ 156. So soon as the clerk of the circuit court of Lunenburg County shall receive from the clerk of the town council of Victoria, copies of the lists of the real estate within the Town of Victoria delinquent for the nonpayment of town levies thereon and of persons delinquent for the nonpayment of municipal capitation taxes he shall record and index the same in a book to be kept for such purpose, without waiting for a sale to be had thereof. Such book shall be furnished by the Town of Victoria and shall conform as near as may be to the book in which real estate delinquent for the nonpayment of State taxes

and county levies and State capitation taxes. For recording such lists and indexing the same, the said clerk shall be entitled to a fee of five cents per name to be paid by the Town of Victoria. (1916, c. 158)

#### ARTICLE XIV.

§ 157. Enforcement of laws and ordinances, et cetera.--The mayor of the Town of Victoria and each member of the council thereof shall be clothed with all the powers and authority of a justice in civil matters within the corporate limits of the town, and in criminal matters within said limits and one mile beyond the same; and shall have the power to issue process, hear and determine all prosecutions, cases and controversies, which may arise under the bylaws and ordinances of the town; impose fines and inflict punishment when and wherever they are authorized by the said bylaws and ordinances and issue executions for the collection of said fines; and may, upon the failure of the offender to pay the fine or penalty recovered and costs, order the offender to be confined in the county jail of Lunenburg County or the prison of the town for a term not exceeding ninety days, and compel said offender to work on the streets or other public improvements of the said town. (1916, c. 158)

§ 158. Appeals may be taken to the circuit court of Lunenburg County from the decisions of the mayor and councilman on 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 are taken, and tried in like cases, except that no appeal shall be granted from the decision of the mayor or the member of the town council trying the same, imposing a fine for the violation of any of the ordinances or bylaws of said town for offenses not made criminal by the common law or the statutes of Virginia until and after bond be given by the person so fined, with security approved by the mayor or member of the council imposing the same, conditioned to pay all fines, costs and damages that may be awarded by the said court on appeal; the penalty of said bond to be double the sum sufficient to pay all such fines, costs and damages. Should the decision of the mayor or councilmen rendering the same be affirmed, in whole or in part, the said court shall enter judgment against the said principal and surety for the amount so affirmed, with costs, before the mayor or member of the council trying the same, and the costs of the appeal and execution shall be issued thereon in the name of the town against both principal and surety. (1916, c. 158)

§ 159. In any case in which a judgment is rendered by the mayor or any member of the council for a fine, going in whole or in part, to the Commonwealth, or for a fine going, in whole or in part, to the Town of Victoria, the mayor or the member of the town council rendering said judgment may, of his own motion, or at the instance of the attorney for the Commonwealth, or of the mayor of the town, commit the defendant to jail until the fine and costs are paid, or until the costs are paid where there is no fine; or the mayor or any member of the town council may issue a capias profine before or after the return of a writ of fieri facias. (1916, c. 158)

§ 160. In any case in which a judgment is rendered by the mayor or any councilman of said town upon a trial for a misdemeanor under the general laws of the State of Virginia or upon any trial for the violation of a town ordinance, in which a fine is imposed upon the defendant, or in which the defendant is required to pay the costs, and the same are not paid, the mayor or the member of the council, as the case may be, may, in his discretion, take security for the payment of such fine and costs or for the costs

alone, where there is no fine, such payment to be made within thirty days from the day of trial.

It shall be sufficient to bind such surety that the mayor or councilmen before whom such case is tried, endorse on the warrant the name of the surety, amount for which he is bound, and the date of the endorsement; but if no security is given, the defendant may be committed to jail until such fine and costs, or such costs alone are paid, but said commitment to jail shall not exceed ninety days.

If security be given, in case the fine imposed be for a misdemeanor under the laws of the State of Virginia, if the same is not paid to the clerk of the circuit court of Lunenburg County, the said clerk shall issue execution against the person against whom the judgment is rendered, as well as against the surety in the manner provided by section seven hundred and nineteen of the Code of Virginia, and in case such fine be imposed for the violation of a town ordinance, if payment is not made to the proper collecting officer, of such town, the mayor or some councilman of said town shall issue execution in the name of the town against the person against whom the judgment is rendered, as well as against the surety for the amount of the fine with costs.

But in case the bond is not given, as provided in this section, the mayor or any councilman, as the case may be, may commit the defendant to jail until the fine and costs are paid, or until the costs are paid, where there is no fine, unless sooner discharged by due course of law. (1916, c. 158)

§ 161. 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 or process issued by the mayor or the members of the town council for the violation of or under ordinances of the said town, shall run in the name of "The Town of Victoria," and writs and process issued in the name of the Town of Victoria shall conform as near as may be to the form for similar writs and process issued under general State laws. (1916, c. 158)

§ 162. Whereby the provisions of this act or the general laws of this State, the council has authority to pass an ordinance, bylaws or regulations on any subject, it may prescribe any penalty not exceeding five hundred dollars or confinement in jail not exceeding six months, or both, for the violation thereof, and any other form of punishment provided for by the laws of this State for the punishment of misdemeanors; and when, as in this act or by the ordinances, bylaws and regulations of the town council or by general law provided, any offender shall be sentenced to serve a term in prison or be imprisoned for failure to pay any fine or penalty and the costs of trial, or the costs of trial, where there is no fine or penalty, imposed upon him for the violation of a town ordinance, such an offender may be compelled to work on the streets or other public improvements or works of the town, unless physically incapable of so doing; and such offender shall be credited on the amount of such fine, penalty or costs with the sum of fifty cents for each day that he so works. If any person imprisoned refuses to so work as herein provided during the term of his imprisonment, he may be subjected to such reasonable corporal punishment as may be prescribed by the town council by ordinance. Such corporal punishment shall be administered by the town sergeant or such police officer as the town council shall designate. (1916, c. 158)

§ 163. The town council shall have the power and authority to establish a chain gang and require offenders against town ordinances to work therein; and may provide

that when any person is sentenced to serve a term in jail for the violation of any town ordinance or to be imprisoned for the nonpayment of a fine or penalty imposed for the violation of a town ordinance, he may be required to work in such chain gang upon the streets or other public works or improvements of the town.

The jailer of the County of Lunenburg is hereby authorized to receive into his jail, and there keep until released in accordance with law, any person regularly committed to his jail for the violation of any town ordinance, regulation or bylaws; and unless otherwise provided by town ordinances any sentence of imprisonment imposed or order for confinement in prison for the nonpayment of any fine, penalty or costs imposed by the mayor of the town or any councilmen for the violation of a town ordinance, regulation or bylaw, may be either in the town prison or in the county jail of Lunenburg County as such officer imposing such sentence or making such order shall designate. (1916, c. 158)

§ 164. The jailer of Lunenburg County, or the person in charge of the prison of said town, is authorized to receive into the said jail or prison, without mittimus or warrant, all persons apprehended by the sergeant or any police officer of said town for violation of the rules, regulations, bylaws or ordinances, or disturbing the peace of said town, and shall be authorized to retain such person in custody until the morning of the second day, at which time they shall be discharged, unless regularly committed to his custody by a mittimus or warrant, in which case the officers so receiving said parties shall be entitled to fees provided to be paid when a person is committed under a warrant or mittimus of a justice of the peace. (1916, c. 158)

§ 165. The town sergeant and police officers and policemen of the town shall have the power to arrest without warrant and carry before the mayor or any councilman, to be dealt with according to law, any and all persons who shall violate any town ordinance, bylaw, rule or regulation in their presence; and it shall be their duty to swear out warrants of arrest for any person or persons where they have reason to believe that any violation of the ordinances, bylaws, rules and regulations of the town council has been committed by such person or persons. (1916, c. 158)

#### ARTICLE XV.

§ 166. All ordinances now in force in the Town of Victoria, not inconsistent with this act, shall be and remain in force until altered, amended or repealed by the town council. (1916, c. 158)

§ 167. The present officers of the town shall be and remain in office until the expiration of their several terms; but where any such officers are holding over after the expiration of the regular terms for which elected or appointed, the town council shall proceed as soon as may be to fill such offices for a term to expire on October 1, 1916. (1916, c. 158)

§ 168. All acts or part of acts in conflict with this act are hereby repealed, insofar as they affect the provisions of this act. (1916, c. 158)

§ 169. Inasmuch as the necessities of the town require prompt action, an emergency exists rendering it necessary that this act shall go into operation at once, therefore this act shall be in force from its passage. (1916, c. 158)