

[Alexandria 1778 12 3, Church 903P, Record Group 78, The Library of Virginia]

Dec 1778

A458 [This line added after the petition was submitted.]

To the Honorable the Speaker of the General Assembly, the Petition of
the Inhabitants of the Town of Alexandria Humbly Sheweth

That from the present number and daily increase of the Inhabitants, and the great improvements made and continuing to be made in the said Town, many necessary regulations for the well ordering and governing the same are wanting; and that they conceive that many very great advantages would arise to them from an incorporation of the Town; they therefore humbly pray that the same may be made an incorporate Town, to be Governed by one Mayor, one Recorder, four Alderman and Six Common Councilmen, elective annually by the Inhabitants of the Town; and that the bounds thereof may be extended and Begin at the Mill dam to be made at the head of the Race, now cutting to the Mill of Robert Adams Esq. on Four Mile Creek, thence down the said Creek, the several courses thereof to the River Potomac, thence down the River to the mouth of Great Hunting Creek, thence up the same several Courses thereof to the place where the Colchester Road Crosses the said Creek, and from thence by a Straight line to the place of beginning. And that for the purpose of Electing the Officers aforesaid it may be made lawful for the Freeholders, and other Inhabitants of the said Town as shall have been resident one Year within the same, and have property therein to value of Two Hundred pounds Publicly to meet in some convenient place within the Town, yearly on the first Monday in April in every Year, and then and there to nominate, elect & choose by Ballot, Twelve fit and able men inhabitants of the said Town, being freeholders therein, to serve as Mayor, Recorder, Aldermen and Common Council Men for the same, and that the Twelve Freeholders Elected may and shall within one Week after their Election, proceed to choose out of their own body by ballot, one Mayor, one Recorder, and four Aldermen and that the [illegible] shall [illegible] Council Men wh[illeg.] Authority shall continue for one year or untill the succeeding members are chosen and qualified for their offices, and no longer, unless reelected and that the Mayor, Recorder, Aldermen and Common Council Men, when so elected, and they which hereafter shall be Mayor, Recorder, Aldermen and Common Council Men and their successors, be, and forever hereafter shall be one body Corporate and Politic in Deed, by the name of Mayor and Commonality of the Town of Alexandria in the Commonwealth of Virginia, and that they by the said name one body Corporate & Politic in Deed and in name be fully created, constituted and Confirmed, and that by the same Name they may have Perpetual Succession; and that they and their Successors by the same name be, and at all times hereafter shall be, Persons able and Capable in Law to have, get, receive and possess Lands, tenements, rents, liberties, jurisdictions, Franchises, hereditaments to them and their Successors in fee simple or for term of life, lives, years or otherwise, and also Goods, Chattels and other things of what nature, kind or Quality soever _____

and also to give, grant, lett, sell and assign the same Lands, tenements, hereditaments, Goods & chattels, and to do and execute all other things about the same by the name aforesaid. And also that they shall be forever hereafter, persons able and Capable in Law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all or any the Courts or other places, and before any Judges, Justices and other persons whatsoever, within the said Commonwealth, in all manner of actions, suits, Complaints, Plead causes and matters whatsoever, and of what nature or kind soever. _____

And that the Mayor and Commonality of the said Town may, forever hereafter, use one Common Seal for the sealing of all business touching the Corporation, and the same from time to time at their Will and Pleasure to change and alter. _____

And that such person who shall be Elected first Mayor of the Town, shall, within one week, after his Election, before the Eldest Majistrate then in the County of Fairfax, take an Oath, or if Conscienciously Scrupulous of Swearing an Oath, make Solemn Affirmation for the due execution of his office and that every Mayor Succeeding the first Mayor shall be so qualified for his Office before the Mayor for the time

being. &

and that the Recorder, Aldermen and Common Council Men, who shall be hereafter Elected for the said Town and all other officers hereafter made and appointed to any office therein, before they or any of them shall be admitted to execute their respective offices, shall, before the Mayor for the time being, take an Oath, or if Conscientiously Scrupulous of Swearing an Oath, make solemn Affirmation, for the due execution of their Offices respectively, and that he Mayor of the said Town for the time being empowered to take & Administer the same

And that it may be provided that no person shall exercise the office of Mayor within the said Town for more than one year within any two years, but that after the intervention of one year, he may again be eligible to that office _____

And that the Mayor, Recorder, Aldermen and Common Council Men of the said Town for the time being, be made amenable to their Successors for all moneys and other property by them received for the use of the Corporation, and shall within one Month, after the expiration of their Authority for the Year make out and deliver over to their Successors a just and fair State of their accounts.

And your petitioners further humbly pray, that the Mayor, Recorder and Aldermen of the said Town for the time being, shall be justice of the peace, and be empowered to act, within the said Town, as fully and amply as any justice or Justices of the peace, can or may do, with in the County. And that they, or any four or more of them (whereof the Mayor and Recorder for the time being shall be Two) shall and may for ever hereafter have power and authority to hear and enquire into all, and all manner of Treasons, Murders, Manslaughters and all manner of Felonies and other crimes and offences Capital and Criminal whatsoever arising within the said Town, according to the Laws of this Commonwealth with power also to hearby Determine all petty larcenies, Routs, riots, and unlawful Assemblies held or committed within the same and to try & punish all persons that shall be Convicted for drunkenness, Swearing, breaking the peace, and such like offences [illeg.] committed within the said Town, [illegible] of this Commonwealth [illeg.]quire in the County Courts, and punishable by capital Fine, imprisonment or whipping: with power also to award process against all rioters and breakers of the peace, and to bind them and all other Offenders and persons of evil fame therein to the peace or good behavior, as any Justice or Justices of the peace can do; and that the Fines and americiaments to be imposed for the said offences or any of them may inure to the use of the said Corporation only.

And that they or any four or more of them (whereof the Mayor and Recorder for the time being shall be two) be empowered to have jurisdiction of, and to hear and determine all Suits and actions personal arising within the said Corporation, for any Sum of Sums of money, claim demand, personal Goods and chattels, so that the sum or sums of money, claim, demand, or the value of the personal Goods and chattels exceed not Ten pounds current money, without the Solemnity of the jury, and to give Judgement and award execution against the Body or Goods and Chattels of the Debtor or party against whom such Judgement shall be given and, at their discretion to Compel, the Debtor to put in Bail or otherwise, and that all causes and matters arising within the said Town, under Fifty Shillings or the value thereof, be Cognizable and finally determinable, by any one Justice for the said Town, in the same manner and sums not exceeding Twenty five Shillings are now recoverable in the County. and that they may be empowered, or any four or more of them (whereof the Mayor and Recorder for the time being shall be two) with the proper Officers, to hold and keep Court of Record quarterly or oftener as they see Occasion, for the inquiring into, hearing and determining of the Pleas and matters aforesaid, and upon their own view, or after a Legal procedure in some of those Courts, to cause all nuisances and encroachments in the streets of the said Town to be removed, and to punish the parties concerned as the law and usage in such cases shall require.

And that the Town Constable for the time being, be empowered to serve, levy and return all process issuing from the said Court, or from any one or more Justices for the said Town and as fully and amply as the

Sheriff

Sheriff or any Constable can within the County.

And your Petitioners further pray, that the Mayor, Recorder and Aldermen, for the time being [torn] shall be justices of the peace in the said Town, and be impowered and authorized, without any further or other commission, to be Justices of the peace within the said Town forever; and that the Mayor and Record[torn] and all that shall hereafter be Mayors and Recorders of the said Town for the time being, shall, without any further or other commission, be justices of the Peace of the County of Fairfax, and shall have full power and the same authority in any matter or cause, arising without the town, and within the body of the County as any Justice of the County now has, or hereafter shall, or may have.

And that the said Mayor, Recorder, Aldermen and Common Council Men of the said Town shall when elected, and their Successors shall and may forever hereafter, hold and keep within the said Town, two Market days in every Week of the Year, the one on Wednesday and the other upon Saturday, in such place or places as it shall or may be appointed, for that purpose by the Commonality or their Successors from time to time and may forever hereafter nominate, and from time to time appoint the Clerk of the Market who shall have assize of Bread, Wine, Beer, wood and other things and do, execute and perform all things belonging to the Office of Clerk of the Market within the said Town. And also may forever hereafter nominate and from time to time; appoint a Town Constable; Clerk of the Court and all and other Officer and Officers that may and shall hereafter be necessary within the Corporation for Carrying into execution and the Lawful Ordinanc[torn] orders and regulations of the Mayor and Commonality within the same. And the Clerk of the Market, Town Constable, Clerk of the Court and other Officers, when hereafter nominated and appointed, from time to time to remove from their Officers for incapacity, misconduct, corruption or other proper caus[torn] [illegible] allow [illegible] each of them such [illegible] Fees for executing the business in their several Offices as the Mayor Recorder Aldermen and Common Council Men for the time being shall deem reasonable and Sufficient. __

And your Petitioners further humbly pray that in case the Mayor for the time being shall within the Year and during the time of his Mayoralty misbehave himself or misgovern in that office, that the Recorder Aldermen and Common Council Men, be impowered to remove such Mayor from his office of Mayoralty, and in case the Recorder or any of the Aldermen or Common Council Men of the said Town shall misbehave himself or themselves in their respective offices or places, that the others be impowered to remove him or them or any of them. and that it be provided that no Mayor, Recorder, Aldermen, or Common Council Man of the said Town be removed from his Office unless Seven of the Common Council assembled concur therein. and lest there should be a failure of Justice or Government in the said Town, that upon such removal of the Mayor for the time being or if from any other cause or causes, the Mayor's Office at any time hereafter shall become vacant within the year, that the Eldest Alderman shall succeed thereto, and in case of [illegible] vacancys that they be filled by the Aldermen in a regular succession of Seniority. And that upon the removal at any time hereafter of one or more of the Aldermen for the time being, or if from any other cause there be one or more vacancys in that office, within the Year, that every such vacancy or vacancys shall from time to time be supplied and filled from the Common Council Men by a regular rotation of Seniority. And in case of such removal of one or more Common Council Men for the time being, or if from any other cause one or more vacancys, at any time, hereafter be within the Year in the office of Common Council Man that the defect or defects shall from time to time, be supplied from the body of the Freeholders within the Corporation by Ballot of the Mayor, Recorder, Aldermen and Common Council Men. And upon removal of the Recorder for the time being from his Office, or upon the becoming vacant of that Office at any time hereafter from any other cause within the Year, that it shall from time to time so often as it shall happen, be lawful for the Mayor, Aldermen and Common Council Men by Ballot, to Elect one person to serve therein, either out of their own body or the Freeholders of the Corporation at large.

And

And also that it may be provided that the authority of the persons so succeeding to, or elected into, any of the Offices as aforesaid, shall continue until the members of the next Year are chosen and Qualified for their offices, unless removed as aforesaid and no longer. and in order to prevent any disputes from arising hereafter, concerning the Seniority of the Aldermen and also of the Common Council Men, that the Seniority of the Aldermen and also of the Common Council Men be collected from, and determined by the greater number of those Votes from which they immediately enjoy their respective Offices. And that if any of the Inhabitants of the said Town shall be hereafter nominated, elected and chosen to the office of Mayor, Recorder, Alderman, or Common Council Man as aforesaid and having notice of his or their election, and shall refuse to undertake & execute that office, to which he is so chosen, that then and so often, it shall and may be Lawful for the Mayor, Recorder, Aldermen and Common Council Men, for the time being, Seven of them unanimously Concurring therein, according to their discretion to impose moderate Fines upon such refusers, so as the Mayors Fine exceeds not Forty pounds, The Aldermen Thirty pounds, Recorders thirty pounds, and Common Council Men's Twenty pounds, to be levied by distress and Sale by warrant under the Common Seal, or by other lawful ways, to the use of the said Corporation. and in such cases that others may be Chosen to supply the defects of such refusers. __

And that the Mayor recorder and one of the Aldermen for the time being, may from time to time as often as they shall find occasion, Summon a Common Council of the said Town, and that no assembly or meeting of the Inhabitants, shall be deemed and counted a Common Council, unless the Mayor, Recorder and at least two Aldermen, and four Common Council Men for the time being be present.

And your Petitioners further humbly pray that the Mayor, Recorder, Aldermen and Common Council Men for the time being, may from time to time, forever hereafter, at their Common Council, have power to make and that they be empowered to make, ordain, Constitute and Establish, such and so many good and reasonable Laws, ordinances, [illeg.] Constitutions (not [illegible] to the Laws of this Commonwealth [torn]ven of them at such Common Council assembled (whereof the Mayor, Recorder and at least two Aldermen for the time being are to be allways present) shall deem necessary and convenient for the good Government of this Town And the same Laws, ordinances, orders and Constitutions when made to put in use and execution by the Proper Officers of the said Town and at their pleasure to revoke, alter and make anew as occasion shall require and also to impose such mulets and americiaments upon the breakers of such Laws and Ordinances (as to them in their discretion shall be thought reasonable) which mulets and also all the Fines and americiaments, to be sett or imposed by virtue of the powers granted, shall be levied as above is directed in case of Fines to the use of the said Corporation; with power to the Common Council aforesaid to mitigate, remit or release such Fines and mulets. And further that it may be provided that no law ordinance, order, or Constitution, hereafter to be made by the Mayor, Recorder, Aldermen and Common Councilmen, for the time being, in Common Council assembled be deemed and be binding and valid, and that no Laws, ordinances, Order or Constitution. when Lawfully made, be revoked or altered, nor any Fine Mulet or americiament, be imposed for the breach or any Law, ordinance order or Constitution, unless Seven of the Common Council assembled concur therein. __

And also that it be further provided that no person or persons hereafter shall have right of electing to any office or place judicial or Ministerial within the said Town unless they be of the age of Twenty one years or upwards and are Freeholders within the said Corporation, or unless they, being of full age as aforesaid, have been resident within the said Town one year at least, and have property therein in money or other Stock to the value of Two Hundred pounds. And that no person or persons shall hereafter have right of being elected to the office of Mayor, Recorder, Alderman or Common Council man within the said Town unless he be of the Full Age of Twenty-one Years, resident within the same, and have an Estate of inheritance or Freehold therein. __

And also

And also that none of the liberties or Franchises granted unto the said Town shall be Seized nor any advantage taken, against the said Town for the non-using or waving the execution of the same. [Torn] present Charter shall be in all Courts of Law and equity be construed and taken most favourably and beneficially for the Corporation. And your petitioners as in duty bound, will ever pray ye. ____

Samuel Simmons, p order	Michael Pratt	Jno Winterbury	Richard Arell
James Collins, p order	John Harper	John Lott, p order	Robert M'Crea
Thomas Reed	Lawrence Hooff	Wm Bushby	William Hartshorne
Mich. Gretter	James Stuart	W.M. Knight	R. Hooe
Philip Jackson	Ralph Langdon	William Munday	
Rich M. Gerrard	John Gretter	Cy ^s Copner	George Swan
Dennis Ramsay	Robert Anderson	Lewis Westin	Thomas Fleming
Robert Muir	Tobias Zimmerman	Thos Fletcher	
George Row	Ludwig Zimmerman[?]	William Hunter	D. Arell
	[German script]	Richard Sanford	James Hendricks
Rob ^t Hay	Thomas West	Washer Blunt	James Adam
John Finly	Thomas Moxley	Charles Jones	Ed Ramsey
Jno Clements	Joel Cooper	Jos. Watson	Guy Evans
John Shaw	Will ^m Ward	John Mills	John Bowling
	Robert Lyle	Isaac Gostling	Thomas Wilkinson
Henry Rozier, p order	Michael Barnett p order	Edw Sanford	Ethan Lynn
Engelfurt Ricker	Jam. Kelly	Val. Peers	W ^m Rumney
Jas. Muir	Henry Stroman	Edw ^d Owens	W ^m Herbert
John Harper Sen.	Oliver Price	Wm. Duvall	Robert Allison
	J. Muslers	Charles Alexander	Robert Mease
	R. Sungymurth	Geo. Duncan	
	Peter Wise	Roger Chew	J. Allison
	Peter Dow	John Langden	Michael Thorn
	Colin M. Iver	Rich ^d Conway	James Lawrason
	James McDonald	John Lomax	W ^m Paton
	George Nack	Charles Bryan	John Butcher
	Jno. Oliphant	James Chapman	Jacob Cox
		Robert Adam	Nat Mooney
	Thomas Rose	George Gilpin	M Tandy
	Thos. Kirkpatrick	James Parsons	Jos. Cavarly
	Gerard T. Corin		John Hoan p o[torn]

[reverse]
deferred to next session
Assembly
reasonable