

AT THE REGULAR MEETING OF THE TOWN COUNCIL HELD IN THE
MAYORS OFFICE FRIDAY NIGHT, FEBRUARY 15, 1929.

Present, W.H. Carter, Mayor presiding. O.V. Hanger, W.W.
Hill, W.U. Brodie and W.H. Wood.

On motion of W.U. Brodie, seconded by W.H. Wood, O.V. Hanger
and W.W. Hill are appointed a committee to see Mr. Shelley with
reference to working the road through the town of Amherst on both
routes 13 and 18 either one of whom may act.

On motion of W.H. Wood, seconded by O.V. Hanger the question
of the shortage shown in the books of the town of Amherst by the
audit of A.S. Ware, Auditor, is hereby referred to the finance committee
who is to report on the advisability of releasing the Treasurer and
Clerk from the liability of the same.

On motion of O.V. Hanger, seconded by W.H. Wood, the
question of returning the delinquent tax tickets and a memorandum
of the same to be kept in the Clerks office is hereby referred to the
town attorney.

On motion of O.V. Hanger, seconded by W.H. Wood, the question
of whether or not the town should increase the pay of the Clerk and
Treasurer to \$250.00 per year is hereby referred to the financial
committee and if the same be recommended the increase pay shall
begin as on January 1, 1929.

The following bills are ordered paid:

W.M. Gannaway----- wood-----\$3.00.

Amherst Pharmacy-----\$_____

The Council Adjourned.

L. H. Hanger Clerk.

W. H. Carter Mayor

AT THE CALLED MEETING OF THE COUNCIL OF THE TOWN OF
AMHERST HELD FEBRUARY 21, 1929.

Present W.H. Carter, Mayor presiding, O.V. Hanger,
J.E. Watts, W.U. Brodie and W.H. Wood.

O.V. Hanger presented the following ordinance which was
unanimously adopted

" It is hereby ordered by a vote of the council and
approved by the mayor that the state highway commission be and is
hereby requested to maintain state highway routes number 13 and 18
through the town of Amherst, and to charge same against the amount
appropriated by the state for such purposes, which equals that expended
for an average five miles on either side of said town:

" And further, that should there be any additional work
necessary beyond that provided for by the state appropriation that
the mayor and town council be notified previous to the work being
done and it being authorized by ordinance of the council and approved
by the mayor."

The above ordinance was adopted by the council of the
town of Amherst at a meeting held February 21, 1929.

On motion of O.V. Hanger, seconded by W.H. Wood, the
bill of Miss Mary Dew Thornton for 50¢ was ordered paid.

*W. m. Durnaway was directed to investigate the
dry closets in the town.*
The Council adjourned.

[Signature] Clerk.

[Signature] Mayor.

AT THE CALL MEETING OF THE TOWN COUNCIL OF THE TOWN
OF AMHERST HELD IN THE MAYORS OFFICE FRIDAY NIGHT, MARCH 15, 1929.

Present W.H. Carter, Mayor, presiding. Councilmen present
W.W. Hill, O.V. Hanger, J.E. Watts and W.U. Brodie.

On motion of O.V. Hanger, seconded by W.W. Hill, the clerk
was directed to pay to Mrs. M.F. Peyton Johnson \$100.00 refund on loan
to install water.

On motion of O.V. Hanger, seconded W.W. Hill, the first week
in April is to be designated as clean up week by the Mayor of the Town
of Amherst for the Town of Amherst.

On motion of O.V. Hanger, seconded by W.U. Brodie, the Hill
Hdwe Corporation is hereby allowed and authorized and empowered to remove
the stalls from their property where now located and to build 5 or 6 for
the convenience of the people on the Rose lot next to the jail.

On motion of W.U. Brodie, seconded by W.W. Hill, O.V. Hanger
and J.E. Watts are appointed a committee to appear before the Board of
Supervisors to ask for an appropriation for building a rest room in the
Town of Amherst.

On motion of O.V. Hanger, seconded by W.W. Hill, Mrs M.E.
Kegley is granted a permit for building a bungalow on her property to be
wired and plumbed according to law.

On motion of W.U. Brodie, seconded by O.V. Hanger it is
authorized that a street light be placed on or near the corner at the
intersection of the streets between the high school and M.E. Kegleys.

The clerk was directed to pay bill of A.R. Watts of 70¢.

The Council adjourned.

L. N. Snodgrass Clerk.

W. H. Carter Mayor.

At a regular meeting of the Town Council of the Town of Amherst held
in the mayor's office May 10, 1929.

Present: W. H. Carter, Mayor, presiding.

Councilmen present: W. H. Wood, W. W. Hill, W. U. Brodie, James Watts
and O. V. Hanger.

A communication was received from the Home Demonstration Club which was
read. This communication was signed by 29 citizens .

" Whereas -Believing it is to the best interest of the town, both for
Health and Appearance that the streets and vacant lots be kept free from trash

and garbage-and that such accumulation shall be removed at least once a month :-

Therefore be it resolved that a committee be appointed to appear before the Council of the town of Amherst and petition the council to make such appropriation as shall be necessary to pay to have the said garbage and trash remove, once a month.

The Home Demonstration Club pledges its support and cooperation in seeing that the removal of all trash and garbage is properly done."

On motion the communication was laid over until the next meeting night and the Chairman of the Street Committee was instructed to look into the cost and disposition of the rubbish.

O. V. Hanger offered the following Ordinance:

BE IT ORDAINED by the Council of the Town of Amherst : That it shall be unlawful for any one to park their car, truck, automobile, wagon or buggy on the street commencing at the southern corner of W. H. Woods store extending to the north corner of the Harrison lot.

Any one violating this ordinance shall be subject to a fine of not less than \$2.50 or more than \$10.00.

On motion this ordinance was adopted by the following vote:

Ayes; Wood, Hill, Brodie, Watts, Hanger

The application of H. E. Perkins to put up a filling station on the Albert Harrison lot was taken up and after thorough investigation and discussion and after viewing the premises the application was rejected, which application was as follows:

To the Town Council of the Town of Amherst:

Gentlemen:

I, H. E. Perkins, do hereby make application to you for a permit to install a service station in the town of Amherst at the property now owned by the heirs of Mrs. Fannie Harrison, deceased, situated on Main Street adjoining the storehouse of Mrs. E. M. Mays, for the purpose of selling gasoline, oils and automobile supplies and for the purpose of using the present dwelling house for an undertaking establishment.

I desire to erect a shed or covering extending from the said dwelling house to the street under which I desire to install gas tanks, and also desire to fix an entrance and outlet to said shed over the sidewalk, and hereby make application for permit for such purposes. I will make a fire proof roof over the said shed, either out of tin or some fireproof roofing.

Respectfully submitter.

H. E. Perkins 666

Amherst, Va. May 3, 1929.

On motion the clerk is directed to write a letter to every user of town water advising them that all water bills are due on the first of each month and if not paid by the 10th of each month the water will be cut off and a charge of \$1.00 will be made for cutting the water on.

On motion the council adjourned.

L. H. Shrader Clerk

W. H. Carter Mayor

At a call meeting of the Town Council held on May 24, 1929 .

Present: W. H. Carter, Mayor, presiding.

Councilmen present: W. H. Wood, W. W. Hill, and J. E. Watts .

Upon the application by the Carnival Company for a liscense to exhibit in thw town of Amherst for one week upon motion of W. HL Wood seconded by J. E. Watts the clerk was directed to issue said liscense for the sum of \$100.00 per week.

The council adjourned.

L. H. Shrader Clerk

W. H. Carter Mayor

At a call meeting of the Town Council held on Friday Night, June 28, 1929.

Present: W. H. Carter, Mayor, presiding.

Councilmen present: W. U. Broadie, O. V. Hanger, W. H. Wood, W. W. Hill and J. E. Watts.

Upon the motion of O. V. Hanger, seconded by W. H. Wood, Mr. L. C. Gregory is granted a permit to build an addition to his filling station to be build either of brick or of metal.

On motion of O. V. Hanger seconded by W. H. Wood Mr. J. P. Cunningham, Chief of the fire department is hereby authorized and directed to enter into a contract with the Ajax Shows to run a carnival on L. H. Shrader's lot at a price not to be less than \$50 per week, the proceeds to go to the fire department. The said carnival to be relieved from paying any liscense tax to the Town of Amherst.

The coucil adjourned.

L. H. Shrader Clerk.

W. H. Carter Mayor

At a call meeting of the Town Council held September 16, 1929,

Present: W. H. Carter, Mayor, presiding.

Councilmen present: W. H. Wood, W. W. Hill, W. U. Broadie and J. E. Watts.

Upon the motion of W. U. Broadie, seconded by W. W. Hill, W. M. Gannaway is authorized and directed to arrange for disposing of trash and rubbish for period of three months beginning with the fourth Tuesday in September and on each fourth Tuesday thereafter for three months.

On motion of W. U. Broadie and by an unanimous vote which was resolved that the citizens be notified that they will be requested to put their outhouses in sanitary and fly proof condition by March 1, 1930.

The application of Dr. Edward Sandidge for a building permit for the erection of a building on the Harrison lot was presented and W. U. Broadie moved that the permit be granted and a vote being taken resulted as follows:

Ayes: W. U. Broadie, J. E. Watts and W. W. Hill.

Noes: W. H. Wood.

The council adjourned.

L. H. Snider Clerk

W. H. Carter Mayor

At a call meeting of the town council held in the mayor's office October 1, 1929 at 8 o'clock P. M.

Present: W. H. Carter, presiding.

Councilmen present: J. E. Watts, W. W. Hill and W. U. Broadie.

On motion of W. W. Hill, seconded by W. U. Broadie the following resolution was unanimously adopted.

Be it resolved that R. G. Shelton, Judge of the juvenile and domestic relations court for the county of Amherst in the State of Virginia is hereby appointed and elected a justice of the peace for the town of Amherst and hereby clothed and empowered and given all of the powers and rights of a justice of the peace and a mayor for the trial of all violation of town ordinances and other matters coming under his jurisdiction within the said town of Amherst.

The council adjourned.

L. H. Snider Clerk

W. H. Carter Mayor

At a called meeting of the town council held in the Mayor's office Tuesday the twelveth day of November 1929.

Present: W. H. Carter, Mayor, presiding.

Councilmen present: J. E. Watts, W. H. Wood and W. U. Broadie.

On the motion of W. H. Wood seconded by W. U. Broadie the following ordinance was unanimously adopted.

Be it resolved by the council of the town of Amherst that the ordinance levying the liscense tax for the year 1922, and 1923 be and the same is hereby renewed for the year ending June 30, 1930 and the same ordinance levying the tax of seventy cents and the captation tax for the year beginning September 1, 1927 and ending August 31, 1928 be and the same is hereby renewed for the year beginning September 1, 1929 and ending August 31, 1930.

On motion of W. H. Wood, seconded by J. E. Watts the clerk is hereby authorized to employ Mrs. Robbie D. Ware to make off the list of taxable property and persons in the town of Amherst and to pay her \$20 for the same.

On motion of W. H. Wood, seconded by J. E. Watts the following budget is unanimously adopted. Beginning September 1, 1929 and ending August 31, 1930.

Estimated revenue--	\$7500
Proposed Expenditures	
Interest on Bonds-----	\$2200
Salries-----	\$1700
Lights-----	\$ 800
Pumping-----	\$ 600
Sinking Fund-----	\$1000
Streets-----	\$ 300
Miscellaneous-----	\$ 300
Outstanding Obligations-----	\$ 500
Total-----	\$7300

Total levy proposed for said town of Amherst-70 cents (no encrease.)

The clerk is directed to publish the said budget in the Amherst New Era-Progress for one time setting forth that the council will meet on the second Friday night in December 1929 at 7:30^{am} o'clock in the mayor's office for the purpose of having a public hearing on said budget.

On motion of W. U. Broadie and seconded by W. H. Wood and unanimous vote the clerk is authorized and directed to arrange with the Appalacian Power and Electric Company to install ^{street lights} as heretofore designated by a previous resolution of the council, but the same to be without cost to the town.

The council adjourned.

[Handwritten signature]

W. H. Carter Mayor.

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At the regular meeting of the town counsel held in the Mayor's office Friday night, December 13, 1929.

Present: W. H. Carter, Mayor, presiding.

Councilmen present: J. E. Watts, W. U. Brodie, W. W. Hill and W. H. Wood.

Pursuant to the advertising published in the Amherst New Era-Progress for a public hearing on Friday night, December 13, 1929 at 7:30 o'clock on the budget for the town of Amherst and the purposed tax levy of 70 cents the said counsel after due consideration unanimously passed the following resolution: Be it resolved by the counsel of the town of Amherst that a levy of 70 cents be made on all real and personal property within the town of Amherst on the \$100 value thereof as shown by the commissioners books and that the following budget be adopted for the year beginning September 1, 1929 and ending August 31, 1930.

Estimated revenue	\$7500
Proposed expenditures	
Interest on bonds	2200
Salries	1700
Lights	800
Pumping	600
Sinking fund	1000
Streets	300
Miscellaneous	300
Outstanding Obligations	500
Total	7300

On motion of J. E. Watts, seconded by W. U. Brodie, L. H. Shrader is directed to place to the sinking fund for the Town of Amherst \$1000.

On motion of W. W. Hill, seconded by W. H. Wood the previous arrangement to remove garbage is continued for three months. On motion of W. U. Brodie, seconded by W. W. Hill it having been heretofore directed that six street lights be installed in the Town of Amherst but said resolution not being on record the clerk is hereby authorized to have six street lights installed in the Town of Amherst as designated by the street committee, one on court green near Evans' office, one near Mr. Kegley's, two on road leading to fairground, one near W. H. Carter's residence, one near Jim Watts' residence.

On motion of J. E. Watts, seconded by W. U. Brodie and by unanimous vote it is ordered that water meters be installed in all garages and filling stations where automobiles are washed.

The clerk is authorized to collect from the Appalachian Electric

Power Company \$5.00 per month for services of town sergeant which is due to date.

The following accounts having been paid were approved:

Thomas Whitehead (Attorney's fee)	\$100
Hudson Morgan Electric Company	58.78
Mrs. I. Paul Wailes (Premium on bond)	30.00
J. R. Goodwin (Hired truck)	3.00
Brown & Morrison (For tax tickets)	13.61
Barker Jennings Hdw. Co.	1.10
Badger Meter Co. (Water meters)	32.26
Hill Hardware Corp.	13.30

The council adjourned.

L. H. Shrader Clerk

W. H. Carter Mayor.

At a called meeting of the town council held Monday night, December 30, 1929 in the Mayor's office.

Present: W. H. Carter, Mayor, presiding.

Councilmen present: J. E. Watts, W. W. Hill, W. U. Brodie and W. H. Wood.

Mr. T. E. Adams applied to have the liscense reduced on moving pictures in the town of Amherst, and by unanimous vote of the council the liscense remained the same. The council appointed J. E. Watts, and W. H. Wood to have a water line installed to the property of Harding Saunders. On motion of W. H. Wood, seconded by W. W. Hill, Mrs. L. H. Shrader is elected the town auditor whose duty it is to keep the town books at a salary of \$150 per year beginning with January 1, 1929. She having already kept the books one year today. L. H. Shrader is to continue to be clerk and treasurer of the town of Amherst at a salary of \$100 per year.

On motion of J. E. Watts seconded by W. H. Wood be it resolved by the council of the town of Amherst that upon Mrs. W. F. Gregory's filing with the clerk L. H. Shrader a deed conveying to the town of Amherst the right to use the road from his house on what is known as Chapelle's Hill to Kenmore road to be known as Kenmore Street going towards the water reservoir then L. H. Shrader, clerk shall issue a certificate accepting same as Chappelle Street for the use and benefit of the Town of Amherst said street to be about 60 feet wide.

The above resolution was adopted by the unanimous vote of the council.

On motion of W. U. Brodie, seconded by W. W. Hill, Thomas Whitehead, Town

Attorney is hereby authorized and designated by the council of the town of Amherst to take up with the Southern Railway Company and demand for the town of Amherst better services and depot accomodations and ~~side~~ facilities in the town of Amherst. The above motion was carried by unanimous vote. The clerk, L. H. Shrader is hereby directed, authorized and instructed to tear out all tax tickets and liscense tickets now due the town of Amherst by Edward Meeks and to deliver the same to Thomas Whitehead, town attorney for collection. The above resolution was carried by unanimous vote of the council. On motion of W. W. Hill, seconded by W. U. Brodie and by a unanimous vote of the council the following ordinance was unanimously adopted and the clerk is directed to have 100 copies of the same printed in book form, the cost of the same to be approved by W. W. Hill, chairman of the finance committee.

ORDINANCE

D 300, 12/10/29. Do not copy.

ORDINANCE

Be it Ordained by the Council for the Town of Amherst that in pursuance of Section 37 of an Act of the General Assembly of Virginia approved March 20, 1924, entitled, "An act to define ardent spirits, etc.," the said Town Council does ordain and enact:

SEC. 1 (1-2) The definition of ardent spirits and persons as enumerated and set forth in Sections 1 and 2 of said act are hereby adopted as if set forth herein.

SEC. 2. (3) It shall be unlawful for any person in this state to manufacture, transport, sell, keep or store for sale, offer, advertise or expose for sale, give away or dispense, solicit in any way, or receive orders for, or aid in procuring ardent spirits as set forth in the aforesaid act.

SEC. 3 (4) It shall be unlawful for any person to attempt to do any of the things prohibited by this ordinance or to aid or abet another in doing or attempting to do any of the things prohibited herein and on a prosecution for the violation of any provisions of this ordinance the defendant may be adjudged guilty of an attempt or of being an accessory, and the punishment shall be the same as if defendant was solely guilty of such violation.

SEC. 4 (5) Any person who shall manufacture ardent spirits shall be guilty of a misdemeanor and shall be punished by fine of not less than \$250.00 nor more than \$5,000.00 and by confinement in jail not less than six months nor more than twenty-four months, and he shall be sentenced to work out the term of his confinement on the public roads of this state. Any person who shall violate any of the provisions of Sections 2 and 3 of this ordinance other than the manufacture of distilled ardent spirits, and any person, except a common carrier, who shall act as an agent or employee of a manufacturer or seller or person in keeping, storing, offering, or exposing for sale such ardent spirits, or acts as an agent or employee of the purchaser in purchasing such ardent spirits, except as herein provided, shall be deemed guilty of a misdemeanor for the first offense, and for any subsequent offense shall be guilty of a misdemeanor and punished by a fine of not less than \$250.00 nor more than \$5,000.00 and confinement in jail not less than six months nor

more than twenty-four months, and he shall be sentenced to work out the term of his confinement on the public roads of this state.

SEC. 5. (6) Any person who shall violate any of the provisions of this ordinance, except as otherwise herein provided, shall be deemed guilty of a misdemeanor and be fined not less than \$50.00 nor more than \$500.00, and be confined in jail not less than one nor more than six months, except that the sale of ardent spirits or the transportation thereof in excess of one gallon shall be punished by a fine of not exceeding \$500.00 and confined in jail not less than three nor more than twelve months. The penalty for any subsequent offense committed after the first conviction shall be a fine of not exceeding \$500.00 and imprisonment in jail for not less than three months nor more than twelve months, but where, upon the trial of any charge for violation of this ordinance, it shall appear to the court trying the case that there has been no intention of the violation of any provision thereof, but an unintentional or inadvertant violation thereof, the court may, in its discretion, omit the jail sentence.

But the court shall not suspend the sentence of any person convicted of the sale of ardent spirits, or the transportation thereof in quantities exceeding one gallon, or for any second or subsequent conviction of any offense against the prohibition law of this state or of this ordinance.

SEC. 6. (8) Whenever a fine is prescribed for the violation of this ordinance and such fine, and the costs incident to the prosecution and conviction, are not paid, the defendant shall be sentenced to the State Convict Road Force for a period of not less than three, nor more than six months, and if the ordinance prescribes a jail sentence and such sentence be imposed, then the defendant shall be sentenced to the State Convict Force for the period of such jail sentence and for the additional period of not less than three months nor more than six months as herein provided.

SEC. 7 (9) If any person shall unlawfully manufacture, transport, or sell any ardent spirits as herein defined, and at the time of such manufacture, transporting or selling, or aiding or assisting in any manner such act, shall carry on or about his

person, or have on or in any vehicle which he may be using to aid him in any such purchase, or have in his possession actual or constructive, at or within 100 yards of any place where any such intoxicating liquor is being unlawfully manufactured, transported, or sold, any firearm, dirk, bowie-knife, razor, slung-shot, metal knucks, or any weapon of like kind, he shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than \$250.00 nor more than \$5,000.00 and be confined in jail not less than six months nor more than twenty-four months, and he shall be sentenced to work out the term of his confinement on the public roads of this state.

All persons manufacturing, transporting or selling, or aiding or abetting in any such act with knowledge of the possession by anyone or more of their number of the deadly weapons as above set forth shall be deemed principals as to the crime and punished as such.

All such fire-arms, dirks, bowie-knives, razors, slung-shots, metal knucks, or any weapon of like kind shall be confiscated as now provided by law.

SEC. 8. (12) The possession by any person of ardent spirits at any place other than his permanent bona-fide home shall be unlawful, and the possession at such home shall be unlawful unless the ardent spirits shall have been lawfully acquired from a person or persons authorized by law to furnish the same, or wine manufactured in the home in any violation of the provisions of law. Upon a prosecution of a person for the unlawful possession of ardent spirits, such possession shall be prima facie evidence of unlawful possession by the person or persons occupying the premises, and the burden shall be upon the accused to satisfy the judge trying the case that he lawfully acquired possession of such ardent spirits.

SEC. 9. (13) Nothing in this ordinance shall prevent one from keeping and possessing ardent spirits in his permanent bona-fide home for the personal use of himself, his family, his servants, or his guests, if such ardent spirits shall have been lawfully acquired from a person or persons authorized by law to furnish

giving or serving such ardent spirits to a guest in said home when the quantity given or served is not sufficient to produce intoxication, and such gift or service is in nowise a shift or device to evade the provision of this ordinance, but the word "home" as used herein shall be the permanent residence of the person and his family, not including the curtilage or outbuildings, and shall not be construed to include a rooming house, a club, a fraternity house, lodge-room or rooms, or place of common resort, or room of a guest in a hotel or boarding house or rooming house or apartment house. Nothing in this ordinance shall be construed to mean that a person may not have a home in town or city and another in the country.

SEC. 10. (14) Giving or selling ardent spirits to a minor or selling ardent spirits to a student on the campus or school grounds of any of the schools or educational institutions of this state, or the employment or use of such minor or student in the selling or transportation of such ardent spirits is hereby declared to be a misdemeanor and the punishment shall be imposed as stated in Section 7 of this ordinance.

SEC. 11. (15) It shall be unlawful for any person to grind or transport malt in this Town or any substitute for the same, by whatever name it may be called, to be used in the manufacture of ardent spirits, and the burden of proof shall be upon any person grinding or transporting malt to show that such malt is not to be used in violation of this ordinance.

SEC. 12. (16) It shall be unlawful for any person to sell, give away, transport, distribute, or have in his possession any malt, malted grain, or any mixture thereof, other than in a private home, and all officers charged with the duty of enforcing the prohibition laws of this state or the United States are authorized to seize any such malt, malted grain, or mixture thereof wherever found, other than in a private home, without a warrant, and to destroy the same. Any person violating the provision of this section shall be deemed guilty of a misdemeanor.

SEC. 13. (17) Any person who shall take a drink of ardent spirit, or shall offer a drink to another, whether accepted or not,

in any railway station, or at any boat landing, or in any day coach or Pullman car, or in any passenger train, or in any street car, hack, jitney, or public conveyance, or automobile, or in any street, alley, highway, or any other public place whether of like kind or not, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than \$10.00 and not more than \$100.00.

SEC. 14. (18) Any person, who, being intoxicated as defined in this ordinance, shall appear in any public place in the State of Virginia shall be fined not less than \$5.00 nor more than \$10.00

SEC. 15. (19) It shall be unlawful for any person, firm, or corporation other than public service corporations, to ship or transport into the Town of Amherst, distilling apparatus or material for the manufacture of the same, or to manufacture distilling apparatus for the purpose of manufacturing whiskey, beer, or any other ardent spirits, and any person, firm, or corporation found with material in possession acquired for use in the manufacture of distilling apparatus, shall be deemed prima facie guilty of manufacturing such apparatus, and upon conviction thereof shall be fined not less than \$50.00 nor more than \$1,000.00, or confined in jail not less than sixty days nor more than twelve months, or both, in the discretion of the court, and such material shall be declared contraband and confiscated. Nothing in this section shall prevent merchants and regular dealers from handling and offering for sale cheap copper, copper tubing, or other metal stock usually carried by such dealers.

SEC. 16. (21) Any person who shall lease or rent or cause to be leased or rented to another person for the purpose of manufacture or selling ardent spirits, any land, house, apartment, or other premises, or knowingly permit such land, house, apartment, or other premises to be so used shall, for the first offense, be fined not less than \$100.00 nor more than \$500.00 and be confined in jail not less than one nor more than six months, and for the second or subsequent offenses shall be guilty of a misdemeanor and punished as provided in Section 7 of this ordinance.

SEC. 17. (22) The keeping, storing, or giving away of ardent spirits, or any shift or any device whatever to evade the provisions of this ordinance shall be deemed unlawful within the provisions of this ordinance and shall be punished as unlawful selling is punished.

SEC. 18. (24) It shall be unlawful for any person to use any automobile or other vehicle for the illegal transportation of ardent spirits without the consent of the owner, lienor, or holder of reservation of title of such automobile or other vehicle, and for a violation of this section any person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined the sum equal to the fair cash value of such automobile or other vehicle at the time of such seizure to be ascertained by the court. In default of the payment of said fine said person shall be committed to the road force of this state for a period of not less than three months nor more than six months.

SEC. 19. (27) Any person who shall transfer, alienate, or encumber in any manner his estate, real or personal, with intent to evade any provisions of this ordinance, and all persons aiding and abetting in such evasion shall be deemed guilty of a misdemeanor, for the first offense (shall be fined not less than \$50.00 nor more than \$500.00, and be confined in jail not less than one or more than six months), and for every subsequent offense shall be punished as provided in Section 7 of this ordinance.

SEC. 20. (31) If there be complaint on oath that ardent spirits are being manufactured, sold, and kept stored or in any manner held, used, or concealed in a particular house or other place in violation of law, the judge of the municipal court or assistant judge to whom complaint is made, if satisfied there is reasonable cause for such belief, shall issue a warrant to search such house or other place for ardent spirits provided that whenever such a warrant is issued for the search of any baggage room, house, or other place, the property of a public service corporation, such warrant shall describe with reasonable certainty the baggage, container, or package to be searched. If any person shall knowingly and willfully make any false complaint under this section, he shall be guilty of a misdemeanor and fined not less than \$50.00 nor more than \$200.00 for each offense.

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SEC. 21. (32) The provisions of this ordinance shall not be construed to prevent any person from manufacturing for domestic consumption at his home, but not to be sold, dispensed, or given away except as herein provided, wine or cider from fruit of his own raising, or to prevent the manufacture from fruit of cider for the purpose of making vinegar not to be used as a beverage, and non-intoxicating cider containing not more than one per cent of alcohol by volume for use or sale.

SEC. 22. (35) The judge of the Municipal Court shall have the right to try all cases arising under this ordinance and to impose the penalties prescribed herein, with the right of appeal to the accused from any judgment rendered against him to the Circuit Court for the County of Amherst.

SEC. 23. (37) Whenever the violation of the prohibition law of this state is made a felony and the punishment therefore is confinement in the penitentiary or whenever under a prosecution for a second or subsequent offense against such ordinance for such act or acts as would have constituted a felony, had the offense been prosecuted and conviction had by and for the Commonwealth, under the terms and provisions of the prohibition laws of the State, then in such cases such offenses shall under this ordinance be misdemeanors and shall be punishable by a fine of not less than \$250.00 nor more than \$5,000.00 and by confinement in jail of less than six months nor more than twenty-four months; and the person thus punished shall be sentenced to work out the term of his confinement on the public roads of this state.

SEC. 24. (38) Whenever a person is convicted under this ordinance for an offense punishable by confinement in jail, he shall be required to work out his term of confinement on the public roads of this state unless the court shall be satisfied that his physical condition be such upon the testimony of two reputable physicians, after careful examination, as to make such work permanently injurious to his health, and in every such case the judge shall, after consultation with the State Commissioner of Highways by letter or otherwise, name in his order the camp to which the person convicted is to be sent.

SEC. 25. (40) It shall be unlawful for any person to give ardent spirits to any person of intemperate habits or addicted to the use of any narcotic drugs except on the prescription of a physician.

It shall be unlawful for any person or persons to send or use a female in the purchase or sale of ardent spirits, or to deliver the same, whether gift, purchase, or sale, and upon conviction for a violation of this section the penalty shall be imposed as provided for under Section 5 of this ordinance.

SEC. 26. (41) In addition to the penalties imposed by this ordinance for the violation of any of its provisions, the court may in its discretion, after conviction is had, for the first offense, and shall after every subsequent conviction require the defendant to execute bond, with approved security, in the penalty of not less than \$500.00 nor more than \$5,000.00 conditioned that the said defendant will not violate any of the provisions of this ordinance for the term of one year. And if such bond shall not be given, the defendant shall be committed to jail until it is given, or until he is discharged by the court provided he shall not be confined for a longer period than six months.

SEC. 27. (41 1-2) No person shall be excused from testifying for the prosecution as to any offense committed by another under this ordinance by reason of his testimony tending to incriminate himself, but the testimony given by such person on behalf of the prosecution when called to the stand by the court or the attorney for the Commonwealth, shall, in no case, be used against him, nor shall he be prosecuted as to the offense as to which he testified.

SEC. 28 (44) When, in any case prosecuted under this ordinance, the accused claims the benefit of any exception in or to any section of this ordinance the burden shall be upon him to prove that he comes within the exception.

SEC. 29. (46) The Commonwealth's attorney of the County shall be notified a reasonable time before the hearing of a case in order that he may attend.

When making an arrest for the violation of any of the provisions of this ordinance, or other prohibition laws of the State, the officer making such arrest, if the defendant is convicted, shall be paid a fee of \$10.00 to be taxed as a part of the cost against such defendant, and if two or more officers unite in making such arrest the fee shall be divided among them.

SEC. 30. (49) It shall be unlawful for any person to obstruct the lawful exercise of the duties of any officer charged by the law with enforcing this ordinance, and it shall likewise be unlawful for any person holding an official position in the State of Virginia to give information to any person charged with, or suspected of a violation of this ordinance, of any proceedings or contemplated proceedings, or of the intentions of any officer to search any such person's premises whether with or without a warrant; and it shall likewise be unlawful to conceal or destroy evidence before or after it shall have been lawfully captured by any person otherwise than as permitted by this ordinance.

SEC. 31. (50) If in any house, building, car, or other place as hereinbefore mentioned, the sale, offering, storing, or exposing for sale or ardent spirits is carried on clandestinely, or in such manner that the person or persons engaged therein cannot be seen or identified by the officer or officers charged with execution of a warrant under any section of this ordinance, any such officer may, whenever it is necessary, for the arrest or identification of the person or persons offending, or of seizing such ardent spirits, break open and enter such house, building, car, or other place, or any room or part of any of them.

SEC. 32. (52) All officers charged with the enforcement of this ordinance shall have at all times the right without warrant, and free of charge of admission, to enter any public dance hall, or dance hall for which there is a charge for admission, either by way of admission charge, club charges, or other dues and to all rooms or apartments therein except such as are used exclusively by women, or to any other place of public entertainment or gathering wherever such officer shall have reasonable cause to believe that this ordinance is being violated.

SEC. 33. (53) Nothing in this ordinance shall be construed as prohibiting any person from purchasing or transporting ardent spirits contrary to the provisions of this ordinance, when acting as agent of the authorities charged with the enforcement of this ordinance in the detection and conviction of violators thereof, nor to prevent the commissioner from ordering the transportation of ardent spirits from one point to another within the Town.

SEC. 34. (54) Whoever, not being an officer, agent, or employee of the United States or State of Virginia or Town of Amherst, charged with the enforcement of the prohibition laws of Virginia, shall falsely represent himself to be such officer, agent, or employee, and in such assumed character shall arrest or detain any person, or shall in any manner search the person, buildings or other property of any person, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$1,000.00, or imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 35. (59) It shall be unlawful for any person to sell medicine containing alcohol, toilet, medicinal, and antiseptic preparations and solutions containing alcohol or flavoring extracts or patent or proprietary medicines, or preparations for beverage purposes in the guise of flavoring extracts or medicines and a sale of any of them for beverage purposes shall be punished as prescribed by this ordinance, but a sale of any of them without the permit required by Section 59 of the above-mentioned act of the General Assembly shall be deemed a misdemeanor, and for the first offense be punishable by fine not less than \$10.00 nor more than \$100.00, and for any subsequent

offense, by fine not less than \$50.00 nor more than \$500.00.

It shall be unlawful for any person to purchase any of the articles enumerated in the preceding paragraph under representation to the vendor that the same is intended for bona-fide use as a toilet, medicinal, or antiseptic preparation or flavoring extract. Any purchase upon such misrepresentation shall be deemed a misdemeanor and punished by fine of not less than \$10.00 nor more than \$100.00.

It shall be unlawful for any person to sell any such preparation, solution, extract, or medicine as enumerated in this section to any person who is intoxicated, or who is known by the person selling it to be a person of intemperate habits. And any violation of this provision shall be punished as unlawful selling of ardent spirits is punished; provided that any such medicinal preparation may be sold to a person of intemperate habits by a licensed druggist under the same conditions that whiskey and brandy may be sold by a druggist as prescribed by law.

Wherever in any prosecution under this section it appears from the evidence that the defendant has sold any of the preparations enumerated in this section in a quantity exceeding the normal or usual purchase or has made more than one sale to the same person within a period of twenty-four hours, this shall be prima facie evidence that the defendant knowingly sold such preparation (solution, extract, or medicine), for beverage purposes and the burden shall be upon him to rebut said presumption to the satisfaction of the court.

SEC. 36. (63) It shall be unlawful for any person but a licensed pharmacist to sell, dispense, or give away to the consumer the extract, essence, or tincture of Jamaica ginger and such pharmacist only upon the prescription of a regular licensed physician, and then only upon the same conditions as ardent spirits are sold under the law.

SEC. 37. (77) If any section or provision of this ordinance or any part of any section shall be declared unconstitutional by the Supreme Court of Appeals of Virginia or the Supreme Court of the United States, the parts so declared unconstitutional shall

cease to be operative but the remainder of the act and every section or part thereof not so declared unconstitutional shall continue to be the law of the State.

SEC. 38. (80) Any person who has drunk enough ardent spirits to so affect his manner, disposition, speech, muscular movement, general appearance, or behavior as should be apparent to observation shall be deemed, for the purposes of this ordinance, to be intoxicated, and if he shall continue to use ardent spirits as a beverage during the period of one year, so as to produce the above results from time to time, he shall be deemed a person of intemperate habits within the meaning of this act.

SEC. 39. (81) Any bell boy, elevator boy, or employee of any hotel or place of public entertainment who shall procure for, or assist in procuring, or who shall give any information or direction to any guest or patron of said hotel or house of public or private entertainment, or other person by which said guest or other person may secure ardent spirits, or any person in charge of or employed in connection with any car, hack, jitney, or other public conveyance or automobile who shall procure for, or assist in procuring, or who shall give any information or direction by which any person may secure ardent spirits in violation of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction be fined not less than \$10.00 nor more than \$50.00 and be confined in jail or committed to the reformatory for not less than one nor more than six months.

SEC. 40. (82) Any proprietor of any hotel or house of public or private entertainment who shall knowingly permit any bell boy, elevator boy, or other employee, or who shall himself, procure ardent spirits or give direction and information by which ardent spirits may be secured by any guest, patron, or other person, or when duly notified that any bell boy or employee has been convicted of a violation of any of the provisions of this ordinance shall fail at once to discharge said employee permanently, shall be guilty of a misdemeanor, and when convicted shall be fined not less than \$100.00 nor more than \$500.00, and for any subsequent offense shall be fined not less than \$100.00 nor more than \$500.00 and be confined in jail not less than one nor more than six months.

SEC. 41. (83) It shall be unlawful for any keeper of a hotel, boarding house, rooming house, or apartment house, even though he may reside in said hotel, boarding house, rooming house, or apartment house, to keep in said hotel, boarding house, rooming house, or apartment house, or on the premises connected therewith, any ardent spirits, except for the use of himself and family, and under a permit as required by said act approved March 20, 1924, and not to be sold, dispensed, or given away by any shift or device whatsoever, and if the keeper of any hotel, boarding house, rooming house, or apartment house shall knowingly permit ardent spirits to be sold, kept, stored, dispensed, given away, or used in any part of said hotel, boarding house, rooming house, or apartment house, or on the premises thereof, except on the prescription of a physician and except as provided in this ordinance, he shall be deemed guilty of a misdemeanor and fined not less than \$50.00 nor more than \$500.00, and be confined in jail not less than one nor more than six months and may be proceeded against in equity as provided by said act.

SEC. 42. (84) If any keeper of a hotel, boarding house, pool room, billiard room, bowling alley, store, or other place requiring license, whether said license were granted by the court or not, or any employee with his knowledge, consent, connivance, or acquiescence shall keep, store, dispense, or use contrary to the provisions of this ordinance any ardent spirits, in addition to the penalty prescribed for the violation of this ordinance, the license of such place shall be revoked for one year for the first offense, and for the second offense no such license shall be granted at the same place, or to the person convicted, for a period of two years; provided that where the place is run under a lease, by a person or persons other than the true owner of the building, nothing herein shall operate to prohibit the issuance of a license to a new lessee who was not in any way connected as employee or otherwise with the former business therein conducted at the time of the revocation of the license.

SEC. 43. (88) All houses, buildings, tents, club, fraternity and lodge rooms, cars and places of every description, including drug stores where ardent spirits are manufactured, stored, sold, and vended, dispensed, bartered, given away, furnished,

or used contrary to law by any scheme or device whatever, shall be held, taken, and deemed common nuisances. Any person who shall maintain, or aid and abet, or knowingly be associated with others in maintaining such common nuisances shall be guilty of a misdemeanor and judgment shall be given that such house, building, tent, boat-house, car, or other place, or any room or part thereof, be closed up, but the court may, upon the owner giving bond in the penalty of not less than \$500.00 and with security to be approved by the court, conditioned that the premises shall not be used for unlawful purposes, or any violation of the provisions of this ordinance, turn the same over to its owner. The punishment prescribed for violation of this section shall be a fine of not less than \$50.00 nor more than \$500.00 and confinement in jail not less than one nor more than six months.

SEC. 44. All fines collected by the judge of the Municipal Court under this ordinance shall be paid over to the Town Treasurer as other fines are now paid, and all fees and costs collected by said Court shall be distributed by him to the officers entitled thereto.

Adopted: December 30, 1929.

W. H. CARTER, Mayor.

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of Acts 1924.

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The council adjourned.

W. H. Carter Mayor.

L. H. Shrader Clerk

At the regular meeting of the town council held in the Mayor's office, Friday night, March 14, 1930.

Present: W. H. Carter, Mayor, presiding.

Councilmen present: W. U. Brodie, J. E. Watts and W. W. Hill.

On motion of W. W. Hill, seconded by W. U. Brodie, Mr. J. P. Cunningham Chief of the fire department was hereby directed and authorized to purchase for the fire department 200 feet of hose the same to be paid for out of the funds by L. H. Shrader, Treasurer.

On motion of W. U. Brodie, seconded by W. W. Hill the county is hereby relieved from the payment of a water tax for the benefit of the jail doing the will and the pleasure of the town council.

On motion of W. W. Hill, seconded by W. U. Brodie W. M. Gannaway/^{is}directed and instructed to extend the water line out to R. H. McCraw's property by using one inch pipe, one fourth of the cost of which is to be paid for by Mr. R. H.

