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The history and present status of the government of Hampton, Virginia

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THE HISTORY AND PRESENT STATUS OF THE GOVERNMENT
OF
HAMPTON, VIRGINIA

BY

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A THESIS
SUBMITTED TO THE GRADUATE FACULTY
OF THE UNIVERSITY OF RICHMOND
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PREFACE

This thesis traces the governmental development of the City of Hampton, Virginia. Some historical data is given concerning the settlement of the area which is now Hampton and of its history as a part of Elizabeth City County before its incorporation as a town. From this point on the emphasis is placed upon the evolution of the government of the Town of Hampton and later the City of Hampton. Some critical comment on the structure and organization of the government is scattered throughout the paper but it is mainly concentrated in one Chapter which deals with Hampton's present government.

The author wishes to thank Mr. L. D. James, City Manager of Hampton and Mr. Francis Jones, Clerk of the Hampton School Board, for their help in obtaining information for this thesis and Dr. Spencer D. Albright and Dr. R. C. McDanel of the University of Richmond for their suggestions and criticism.

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INTRODUCTION

This paper deals only with the organization of the government of Hampton. It does not dwell upon the people who have become a part of the history of Hampton, but only with the development of the actual structure of the government.

At first an attempt is made to give the proper background by quickly tracing the history of the area from the time of the landing of the first white man until Hampton was incorporated as a town. Chapter II traces the organizational development and evolution of the town of Hampton until its incorporation as a city. In Chapter III the evolution of the government of the city of Hampton is traced. Chapter IV contains a critical analysis of the present governmental organization and certain suggestions for the improvement of this organization. In the final chapter there is a discussion of the current proposals for consolidation of the Lower Peninsula of which the city of Hampton is a part.

CHAPTER I

The History of Kecoughtan Until 1887

Before the arrival of the white settlers the region composed of the present Hampton, Elizabeth City County and Warwick County was known as Kecoughtan, meaning the "inhabitants of the great town." The name Kecoughtan came to apply more to this general region than to the inhabitants of the region. This area was well fitted for settlement by white people. It had a large open field containing two or three thousand acres of land ready for cultivation and seafood was abundant.¹

When Captain John Smith and his colony were established in Jamestown they stopped at Kecoughtan several times and were treated well by the Indians. In October, 1609, they established a stockade known as "Algeraune Fort" on the site of the present Fort Monroe. In the summer of 1610 they established two more forts on what is now called the Hampton

1. Lyon G. Tyler, History of Hampton and Elizabeth City County, Virginia, p. 9.

²
River.

Kecoughtan grew in importance as a community of white people until in July, 1619, the General Assembly meeting in Jamestown included Elizabeth City Corporation in the four corporations it established. Elizabeth City Corporation included a large part of Kecoughtan.³ In this same year of 1619 the community was important enough to send two burgesses to the General Assembly meeting at Jamestown.⁴ According to a census taken in February, 1624, Elizabeth City Corporation then had a population of three hundred and forty-nine people.

In June of 1624 the King revoked the charter of the London Company. This company had had complete control over the colony and had allowed the settlers a great amount of freedom in governing themselves. However, the King did not interfere with the plan of government that the company had established for the colony.⁵ In 1629 the first court commissioners were appointed for Elizabeth City Corporation. This date can be taken as the formal beginning of the history of the county.⁶

2. Ibid., pp. 12-14.

3. Ibid., p. 15.

4. Marion L. Starkey, The First Plantation, A History of Hampton and Elizabeth City County, Virginia, p. 10.

5. Tyler, op. cit., p. 17.

6. Starkey, op. cit., p. 11.

In 1634 the Virginia colony was divided into eight shires or counties and Elizabeth City was one of these eight. The administration of the counties was in the hands of the court established in 1629 and of a sheriff.⁷ The royal governor appointed all of the important county officials. In practice he generally followed the recommendation of the eight county justices in filling vacancies in their own number and he appointed the sheriff from a list of three names that the court yearly submitted to him.⁸ Practically all of the local government was in the hands of the county court. This court had the combined powers and duties of our modern three separate branches of government. The justices passed the laws, were in charge of enforcing the laws, and they heard both civil and criminal court cases. They laid the levy and had charge of all public works. They appointed all of the subordinate officials such as constables, patrols, surveyors and inspectors.

The sheriff carried out all of the orders of the court. He did everything from collecting the taxes to the giving of punishment. He received a commission from all of the levies that he collected and he received fees for performing certain

7. Ibid., pp. 12-14.

8. Ibid., p. 18.

other of his duties. The clerk of the court had the duty of keeping all of the county records.⁹

For the entire colonial period and for a good while thereafter Hampton had no separate political identity from its county. The town came to be the center of business and activity in the county.¹⁰

In 1680 the General Assembly of Virginia passed an act condemning fifty acres of land in each of the counties to become towns and centers of trade. The towns were to be the colony's sole places of import and export. The site chosen for the town in Elizabeth City County was a part of Captain Thomas Jarvis' property bordering on Hampton River. The property was vested in trustees and divided into half acre lots to be sold for homes and business places. This law was soon suspended because it was distasteful to both the English merchants and Virginia planters. Before the law was suspended several people did buy lots and build houses in the town. This act was revived in 1691 only to be suspended again. In 1699 that part of the act that applied to the sale of lots and the soundness of their tenure was reenacted.¹¹

9. Ibid., p. 19.

10. Ibid., p. 10.

11. Tyler, op. cit., pp. 28-29.

In 1705 the General Assembly named several ports, including Hampton, to be

forth with laid out by the common consent of the burgesses and justices of the county wherein such port shall be, fifty acres of land, which land so laid out shall be appropriated, and is by virtue hereof appropriated to a town for every such port respectively.

According to this act the town in Elizabeth City County was to be called Hampton and

to have Wednesday and Saturday in each week for market day and the tenth day of October and four following days, exclusive of Sundays for their fair. 12

In these days it seems that the town's main function was thought of as that of a port and market for the people of the surrounding country. Later in the history of Hampton the town enlarged its functions to include more services and conveniences for its citizens.

In 1716 Hampton had a hundred houses and did the greatest business of any port in Virginia.¹³ In 1735 Hampton was the only port of entry for the entire customs district, including both the north and south sides of the James River.¹⁴ Since

12. William Waller Hening, The Statutes at Large, III, p. 415.

13. Tyler, op. cit., p. 31.

14. Ibid., p. 37.

this river was one of Virginia's best harbors the town had become a place of great importance to the colony. By 1759 the population of Elizabeth City County had reached four thousand two hundred and eighty-four.¹⁵

In December, 1749, the General Assembly passed an act appointing seven men to be trustees of the town of Hampton. This act empowered these trustees

to make such rules and orders for the regular building of houses as to them shall seem best and to settle and determine all disputes concerning the bounds of the said lots.

The trustees were given the right to replace any of their number who should die or be removed from office.¹⁶ There seems to have been very little democracy in the local government of Virginia at this time. The Virginia local government, where the governor of the colony and the small number of justices in the counties and the trustees in the towns had complete authority, contrasts sharply with the town meetings of old New England.

During the Revolutionary War many of the small vessels of the Virginia Navy were built in Hampton and Hampton became

15. Ibid., p. 36.

16. Samuel Shepherd, The Statutes at Large of Virginia, I, p. 323.

the headquarters of the Virginia Navy.¹⁷ During the war Hampton was attacked by a squadron of the British Navy, but the squadron was repulsed by a group of the militia and some of the regulars. After this there was no fighting in Hampton but the nearby waters and country saw a great deal of action.¹⁸ The main effect of American independence on Hampton, as well as all of the other seaports of Virginia, was the interruption of its prosperous trade. Before the Revolution these ports' main trade had been with the West Indies and at the end of the war England cut off this trade. This had a very serious effect upon Hampton and the town made very little progress for many years.¹⁹ County government in Virginia remained the same after American independence except that the county justices and sheriff were appointed by the elected state governor instead of by a royal governor.²⁰ The people still had very little direct voice in their local government.

In 1791 the population of Elizabeth City County was three thousand four hundred and fifty people. In 1830 the population of the county had increased to five thousand and thirty-three

17. Tyler, op. cit., p. 41.

18. Ibid., p. 43.

19. Ibid., p. 44.

20. Starkey, op. cit., p. 50.

people. In 1830 the population of Hampton was eleven hundred and twenty. Hampton contained

one hundred and thirty houses, four churches, one academy and one private school, six dry goods stores, ten grocery stores, two taverns, and three castor oil manufacturers. 21

Shoemaking, blacksmith's work carpentering and shipbuilding were the most prevalent mechanical pursuits in the town. By 1860 the population in Elizabeth City County had increased to five thousand seven hundred and ninety-eight and the population of Hampton was up to eighteen hundred and forty-eight people. 22

The war of 1812 showed the importance of having a permanent fort at Point Comfort and the present Fort Monroe was established by the federal government in 1819. Fort Monroe became a resort of some note and at various times through the years several hotels of some fame have been built there. The resorts along with the government personnel stationed at the fort had a favorable effect upon the business of Hampton and Elizabeth City County. 23

The state's present school system was adopted by the General Assembly in 1846 but it was left up to the council in the

21. Tyler, op. cit., pp. 50-51.

22. Ibid.

23. Ibid., p. 48.

cities and incorporated towns and to a popular vote in the counties whether it would be put into operation. Elizabeth City County decided favorably for the school system and in 1851 the county was divided into three school districts. Hampton²⁴ comprised school district number three.

Hampton was made a town corporate by an act passed by the General Assembly on March 15, 1849. This act called for the meeting of all of the free white males, with six months residence, annually on the first day in June to nominate and elect seven trustees for the town. These trustees were to choose one of their number to act as their presiding officer. They were to meet regularly and they had the authority to

establish and regulate markets, to improve streets, to provide for the prevention of fires and the organization of fire companies, to maintain order, license and regulate shows and other public exhibitions. 25

The trustees were to appoint the necessary town officers and to give them proper compensation and to make ordinances or regulations that they "deemed necessary for the good of the town",²⁶ and to enforce these regulations by fines. The trustees were to vest in two of their number the authority of

24. Ibid.

25. Acts of the General Assembly, 1849, p. 219. Hereafter cited as Acts.

26. Ibid.

justice of the peace. The legislature limited the levy imposed by the trustees on real property to fifty cents on a hundred dollars assessed valuation. They were to appoint a town sergeant²⁷ or a town collector to take care of collecting the taxes.

In May of 1849 the General Assembly amended the act of March 15, to make the trustees take office on June 9, 1849. The amendment also provided that the election of the trustees should be in the county courthouse and under the supervision of the county sheriff.²⁸ On December 15, 1849, the General Assembly repealed the act incorporating Hampton²⁹ and the trustees were done away with and their duties reverted to the county court. The reason for the repeal of this act is not clear because of the lack of records. Apparently the leaders in the court of Elizabeth City County opposed the incorporation and were successful in their fight to have it repealed.

The General Assembly again passed an act incorporating Hampton as a town on May 11, 1852. This act provided that the officers of the town should consist of seven trustees who would compose the council, four of whom composed the necessary quorum to act. They were to hold office for one year or until their

27. Ibid., pp. 217-222.

28. Ibid., p. 259.

29. Ibid., p. 190.

successors had been elected and qualified. The council had the power to levy a tax of one dollar on every male tithable and twenty cents on every one hundred dollars of the assessed value of the real estate in the town. The act appointed three men as commissioners to hold an election on the first Monday in May, 1853, for the said officers.³⁰ This act did not give the trustees as much authority as they had had under the act passed in March, 1849. An example of this is the cutting of the tax levy allowed on real estate from fifty cents on a hundred dollars valuation to twenty cents. This act was repealed by the General Assembly on March 27, 1860.³¹

Most of the Hampton families abandoned the town early in the Civil War because of the nearness of the powerful federal Fort Monroe. Because of this mass exodus local government in Hampton and Elizabeth City County practically ceased during the war. Hampton was burned by the Confederates³² and all of the local records were destroyed.³³ Because of this it is difficult to get a clear and detailed picture of the local

30. Ibid., 1852, p. 289.

31. Ibid., 1860, p. 318.

32. Tyler, op. cit., p. 51.

33. Starkey, op. cit., p. 12.

government for the period before 1865.

In 1870 the General Assembly created the County Board of Supervisors and this body assumed all of the duties of the old county courts except the purely judicial. The Board of Supervisors levied the county taxes, appointed superintendents of the poor, looked after the county roads and buildings, and performed other duties that had belonged to the county courts.³⁴ Of course, Hampton as a part of the county was governed by the Board of Supervisors.

34. Ibid., p. 88.

CHAPTER II

Hampton as a Town, 1887-1908

On May 23, 1887, the General Assembly passed another act to "Incorporate the Town of Hampton in Elizabeth City County." This action was taken in accordance with Article VIII of the Virginia Constitution which gives the General Assembly authority to enact general laws for the organization and government of cities and towns, and the authority to grant any special form of government, to the cities or towns, that is in accordance with the Constitution.

Section One of this act provided that the town of Hampton in Elizabeth City County be made a town corporate by the name of Hampton and that it

shall exercise all the powers, rights and privileges and immunities, and be subject to all of the provisions of chapter fifty-four of the Code of Virginia of 1873 as they now exist or may hereafter be enacted.

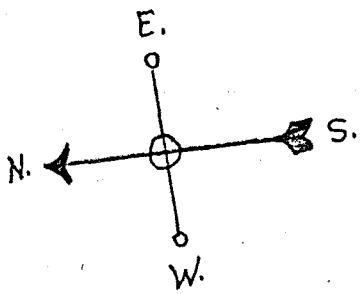
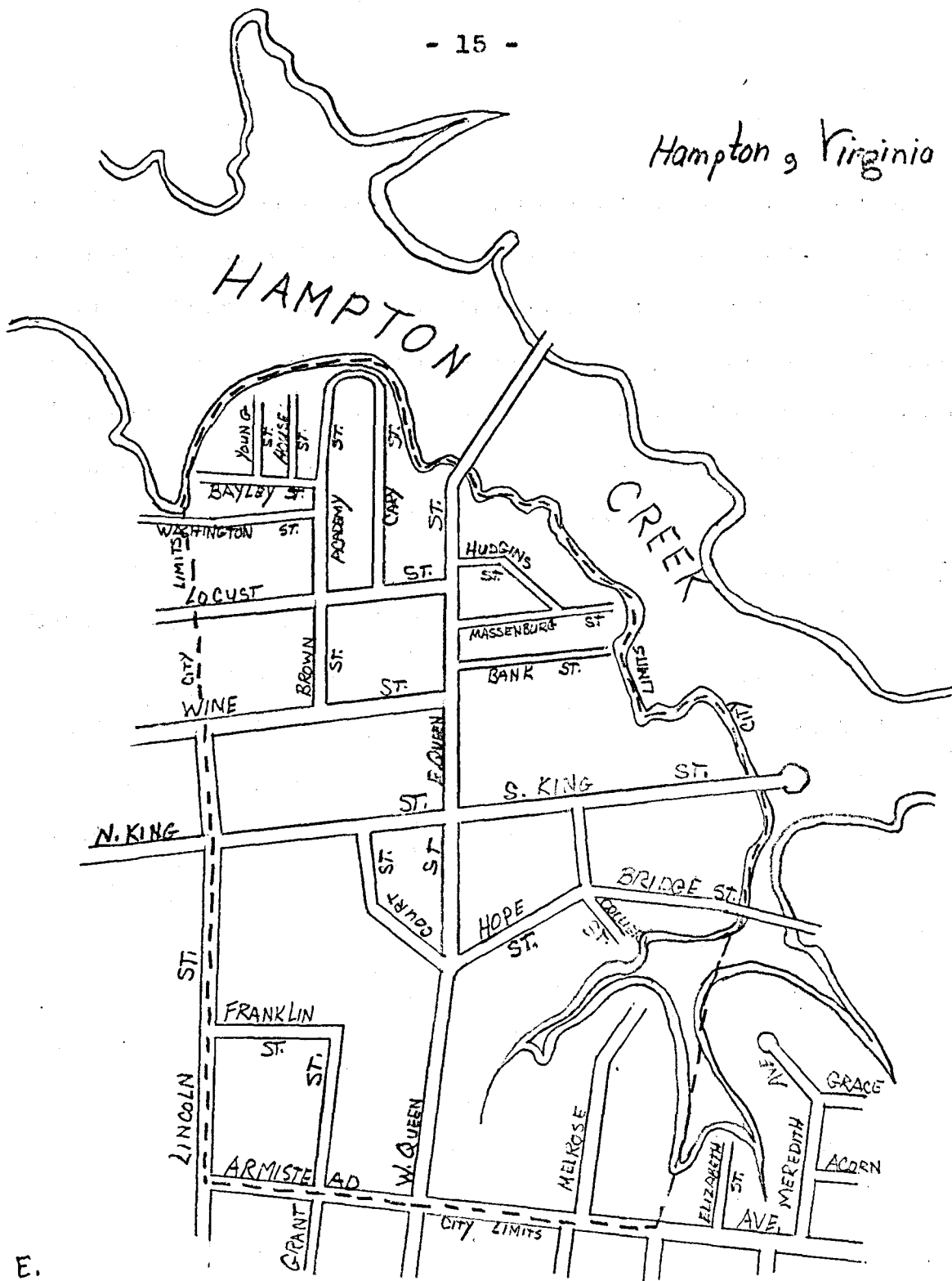
35

Section Two set up the boundaries of the town as shown on the map on the following page. Section Three divided the town into three wards as shown on the map. Section Four provided for the election of two councilmen from each ward. The first election was to take place on the fourth Thursday of May, 1887, and the elections were to be held every two years after that. The councilmen were to elect either from their own number or from the citizens of the town a mayor. The councilmen and mayor constituted the council of the town. They took office on the first of July, 1887. The town became a separate magisterial district of the county and the town elections continued to be conducted by the same officers that were provided to conduct county and district elections. The voters voted for the two councilmen from their own ward only. It became the duty of the council to provide ballot boxes and to receive and deposit the ballots cast. ³⁶ The state code provided that the electors of town officers should be actual residents thereof and qualified to vote for members of the General Assembly. ³⁷ The councilmen and mayor received no salary but did receive fees provided for by law when acting in their capacity of "conservators of the peace."

36. Ibid., p. 487.

37. Virginia State Code of 1887, p. 487.

Hampton, Virginia



The council's power of taxation was limited to a levy of fifty cents on the one hundred dollars assessed valuation and the corporate debt for current expenses was limited to an amount that could be paid within one year from the town's regular levies. For permanent improvements such as streets, fire equipment, etc., the council was given authority to issue bonds to an amount not exceeding ten thousand dollars. The faith and property of the town were pledged for prompt payment of both the principal and interest of such bonds.

The town council was to elect a town sergeant from the electors of the town.³⁸ The state code stated that sergeants of towns shall have the same powers and discharge the same duties, as constables, within the corporate limits of the town and one mile beyond the same.³⁹

The town council was to elect from the electors of the town a town clerk. His duties were given in the act as follows:

keep the records of the proceedings of the council, to provide the requisite books and stationery, to make out a list of the property and persons to be taxed within the limits of the town, and fix the valuation of the same as determined by the

38. Ordinances of the Town of Hampton, Virginia, pp. 7-9. Hereafter cited as Ordinances.

39. Starkey, op. cit., p. 89.

officers of the state for state taxation, to issue tickets for taxes levied by the council, which tickets he shall deliver to the treasurer of the town when ordered by the council, and perform such other duties and execute such bonds with such security as the council may prescribe. 40

The treasurer of the county was also the treasurer of the town and was liable to the town on his bonds for any loss due to his acts. His duties were to collect and disburse the town levies as ordered by the council.

The act of incorporation forbade the county from taxing residents of the town, either directly or indirectly, for road purposes. The town was given the use of the courthouse and jail of Elizabeth City County but the judge of the county court retained control over the courthouse. 41

The election provided for in the act of incorporation was held on May 26, 1887, and the six councilmen were elected. 42 The council had its first meeting on June 10 at which time it elected a mayor and made other plans for organizing the government. 43 At the next council meeting on July 5, 1887, the

40. Acts, 1887, p. 488.

41. Ibid., pp. 486-488.

42. Starkey, op. cit., p. 89.

43. Minutes of the Meetings of the Council of the Town of Hampton, Virginia (minutes kept in the office of the City Clerk of Hampton, Virginia), June 10, 1887. Hereafter cited as Council Minutes.

council adopted chapters one through five of the town ordinances. Section One of Chapter One of the ordinances set the time for the regular meetings of the council. Section two provided for the appointment of eight committees by the mayor. The committees and their duties were as follows:

1. A finance committee,

whose duty it shall be to make out the annual license tax bill and report the same to the council, and shall ascertain the requirements for the ensuing fiscal year, and shall recommend the yearly levy upon the real and personal property in the said town necessary to meet the expenses of the town government, including the interest upon any loans that may be contracted. It shall also be the duty of the finance committee to examine and report to the council the condition of the town finances as ascertained by an examination of the treasurer's and of the town clerk's accounts at least every six months. All matters relating to the finances of the town shall be first referred to the finance committee for an examination and report.

2. A committee on ordinances to propose ordinances that seem necessary and to which all proposed ordinances must be presented.

3. A committee on streets, "to whom shall be referred all matters relating to the streets, footways, bridges and lights."

44. Ibid., July 5, 1887.

4. A committee on pumps, wells and waterworks to take care of matters relating to the town's water supply.
5. A committee on the fire department having charge of all matters relating to the fire department.
6. A committee on health whose duty was to do what it could to preserve the health of the town.
7. A police committee,
whose duty it shall be to make a code of rules and regulations for the government of the police force and attach penalties and fines for the violation of same.
8. A building committee to regulate building in the town.
45

Chapter Two of the ordinances stated that the treasurer of Elizabeth City County shall be the ex-officio treasurer of Hampton and required the town clerk and town sergeant to put up bond of two thousand five hundred dollars for the faithful performance of their duties. ⁴⁶ Chapter Three made it the duty of the mayor to see that all of the laws and ordinances were carried out. The mayor was given power to suspend subordinate officers. The mayor was instructed to hold court daily, except Sundays, to try civil and criminal cases arising under the ordinances of the town or such cases as he may be author-

45. Ordinances, pp. 19-21.

46. Ibid., pp. 21-22.

ized to try under state law. The mayor was ex-officio chief of police. He was to report monthly to the council all fines collected during the preceding month and he was to pay to the treasurer monthly all money collected.⁴⁷ The following excerpt from the minutes of the council meeting of May 5, 1904, gives a typical example of the mayor's report:

The Mayor submitted his report for the month of April, 1904, which gave the name and offense of all persons tried by him for violation of town ordinances, also the amount of fine and cost assessed against each person, his report also showed that he had collected the following amount in said month.

For - Fines.....	\$8.00
For - Fees for arresting.....	2.50
For - Jail fees.....	2.00
Total.....	\$12.50

Which being accompanied with the treasurer's receipt for \$12.50, was on motion received and ordered placed on file.

48

Chapter Four of the ordinances gave the duties of the town clerk. He was to attend all meetings of the council, keep the town records and a separate book for town ordinances, assess a license tax on all firms which the law requires and keep a list of all persons and property to be taxed in the town.⁴⁹

47. Ibid., pp. 22-23.

48. Council Minutes, May 5, 1904.

49. Ordinances, pp. 23-24.

Chapter Five gave the powers and duties of the town sergeant. He was to execute warrants and other processes, inform the mayor of all violations of town ordinances, endeavor to prevent commission of crime and perform all other duties required by the council. He was also to be the assistant chief of police and have the power to inspect and prevent nuisances in the town.

50

The council meeting on July 18, 1887, approved a motion calling for a ten thousand dollar bond issue to be issued in bonds of one hundred dollar denominations. This money was to be used for permanent improvements such as streets, lights and fire fighting equipment.

51

At their meeting on September 13, 1887, the council set the following salaries for officers of the town:

Police	\$30.00 per month	
Lamp Lighter	10.00 per month	
Town Sergeant	30.00 per month	52

In this paper it is impossible to go into all of the ordinances or actions of the council but an effort will be made to deal with certain of the ordinances that have a bearing on the government organization.

- 50. Ibid., pp. 24-25.
- 51. Council Minutes, July 19, 1887.
- 52. Ibid., September 13, 1887.

Chapter Fourteen of the town ordinances dealt with the finances and revenue of the town. Section One provided for an annual estimate by the finance committee in March or April of funds necessary for the ensuing year. Section Two provided that all town officers authorized to receive money for the town make a return of it to the treasurer on the first day of each month and receive a receipt for it. Section Three stated that as soon as possible after the passage of the annual tax bill the council shall by ordinance

appropriate the resources and funds of the town to the credit of the several departments, first providing invariably for the payment of interest upon the town debt.

53

Section Four provided that

a copy of the appropriation ordinance shall be delivered to the treasurer immediately after its passage, and the treasurer shall thereupon open his books on account with each of the several departments or subjects in accordance therewith.

54

Section Five stated that all bills presented to the council should state upon their face what department contracted the bill and must have the approval of at least one member of the committee of that department. Section Six provided that when the council ordered a bill paid the town clerk should certify

53. Ordinances, pp. 38-40.

54. Ibid.

the same to the treasurer. Section Seven required the treasurer to report to the council without paying the bill if the department does not have funds to pay the bill. Section Eight gave the mayor and standing committees authority to make emergency expenditures of funds not exceeding twenty-five dollars a month. Section Nine provided for the payment of the interest and principal of town bonds and notes by the treasurer as they mature. Section Ten provided for the action to be taken in case of the loss of a city bond.

55

Chapter Twenty of the town ordinances set up a sinking fund for the retirement of bond issues. Each year an amount equal to two per cent of the town debt was ordered appropriated to the sinking fund.

56

Chapter Twenty-one of the ordinances provided that

resolutions, motions, and ordinances having for their object the appropriation of money for any purpose other than those specified in the regular appropriation for the current year, shall be referred to the finance committee, to ascertain if there be in the hands of the treasurer any money in excess of what will be required to meet the amount allotted to the several departments of the town government during the said current year, and the finance

55. Ibid.

56. Ibid., p. 46.

committee shall report the result of its investigation at the next regular meeting of the council.

57

Chapter Forty-one of the ordinances provided that all orders for purchases by a department be signed by the chairman of the committee for that department and that no bill be passed for payment unless accompanied by the order of the chairman of that committee.

58

The town's finances were so organized as to do away with any possibility of corruption in the handling of money but it was unwieldy. All bills had to eventually be approved by the council before payment and this was a slow process. More efficiency would have resulted if an administrative office responsible to the council had had the power to authorize the payment of bills falling within a regular appropriation.

On February 29, 1892, the General Assembly passed an act to amend the act to incorporate the town of Hampton. One section of this act gave the council of the town the power

to open or extend, widen or narrow, grade, curb, and pave the streets, sidewalks and public alleys in said town,

59

and to make ordinances necessary to prevent animals from

57. Ibid., p. 47.

58. Ibid., pp. 70-71.

59. Acts, 1892, p. 705.

running at large in the town. Another section of this act said that

whenever any sidewalk or footway along any street or public alley is curbed and paved, it should be done at the proper cost and expense of the owner or occupant of the lot along the front or side or sides of which such footway or sidewalk extends,

60

and a special assessment was to be made on such persons equal to the actual cost of the curbing. This act also prescribed that the clerk of the town should keep an account of such special assessments as would be made under this act.

61

The General Assembly approved an act on January 30, 1900, entitled "An Act Extending and Defining the Boundaries of the Town of Hampton, upon Conditions." This act provided for a special election to be held on the second Tuesday of February, 1900, at which all qualified voters of Elizabeth City County who owned real estate in the area proposed for annexation by the town of Hampton of assessed value of five hundred dollars or more or who owned personal property to the amount of five hundred dollars could vote on the question of annexation. If annexation was turned down the act provided that the town council by a two thirds vote could order a new election on the

60. Ibid., p. 706.

61. Ibid., pp. 705-706.

62
third Tuesday of April, 1901. Annexation was carried out under this act and a fourth ward was added to the town.

On June 6, 1901, the council adopted Chapter Forty-seven of the town ordinances which made the committee on fire department fire wardens of the town.
63

On May 15, 1903, the General Assembly approved an act relating to the election of councilmen, the mayor, and the treasurer of Hampton. As under the original act of incorporation two councilmen were to be elected from each ward but the day of election was changed from the fourth Thursday of May, every two years, to the second Tuesday in June, every two years. Under this act the mayor was to be elected on the same day as the councilmen but instead of being elected by the councilmen as under the original act he was to be elected by all of the electors of the town. This made the mayor's position stronger and probably improved the administration of the government. Under this new act the councilmen and mayor took office on the first day of September instead of the first day of July. This act also provided for the election by the qualified voters of the town of a town treasurer from among the electors of the town. He was to be elected and take office on the same day

62. Ibid., 1900, pp. 223-227.

63. Ordinances, p. 83.

as the mayor and councilmen. He was to give bond as security and take over all of the duties that the county treasurer had performed for the town. He received no salary but he did receive a commission of five per cent of all money collected, except on the proceeds of bonds issued by the town on which he received a commission of two per cent, and on money loaned by the town and subsequently collected he received five per cent of the interest collected only.⁶⁴ It was more to the interest of the town to have its own treasurer rather than to have to depend upon the county treasurer. However, since the treasurer was made an elective officer he had no responsibility to the mayor and the administration was not efficient.

An act of the General Assembly which became law without the governor's signature on December 26, 1903, changed the date for the mayor and council to take office from September the first to November the first. The town treasurer was still to take office on the first day of September. There seems to have been no particular reason for the treasurer to take office a month before the councilmen and mayor. This act also provided for any vacancy which might occur in the council or the office of mayor or treasurer by giving the council authority to fill such a vacancy for the unexpired term. In this act

64. Acts, 1903, pp. 487-488.

the legislature also settled a dispute which had arisen between the county treasurer and the treasurer elected by the town under the act of May 15, 1903. Alonza A. Patrick had been duly elected treasurer of Hampton but had failed to qualify by the first day of September. The county court then appointed him to fill the vacancy but the county treasurer refused to turn over to him the books, papers and money belonging to the town of Hampton. The Supreme Court of Appeals of Virginia refused a writ of mandamus to compel the county treasurer to deliver the records and money. The legislature confirmed Alonza A. Patrick as the treasurer of Hampton and ratified and confirmed his acts as de facto treasurer of Hampton. ⁶⁵

At the town council's regular meeting on the first day of May, 1906, the mayor appointed three members from the council to form a committee of nine, with three citizens of the town appointed by the Merchants Association of the town, and three citizens of the county residing in areas near the town and to be appointed by the other six members of the committee, ⁶⁶ to be a committee on annexation to report to the council. At the council meeting on January 3, 1907, this committee reported with certain recommendations in favor of annexation.

65. Ibid., 1903, pp. 900-901.

66. Council Minutes, March 1, 1906.

After some debate the council voted to refer the recommenda-
tion to the committee on ordinances.⁶⁷ On February 7, 1907,
this committee reported against the recommendations of the
annexation committee and the report of the ordinance commit-
tee was adopted by a five to two vote of the council.⁶⁸

At the meeting of the council held on October 3, 1907,
another ordinance on annexation was offered to the council.
The ordinance was referred to the ordinance committee with
instructions to report at the next regular meeting.⁶⁹ Although
there is no particular written evidence to show it, there must
have been a great deal of agitation for annexation since the
matter had been turned down by the Hampton council in February.
At the council meeting on November 7, 1907, the ordinance com-
mittee submitted both a majority and a minority report. How-
ever, neither of these reports were opposed to annexation.
The majority report recommended that no action be taken until
after the state legislature convened in January because it
was quite possible that the legislature would take some action
favorable for Hampton's plans of annexation. If annexation
should take place under the then existing state laws the people
in the area annexed would have to continue paying taxes to the

67. Ibid., January 3, 1907.

68. Ibid., February 7, 1907.

69. Ibid., October 3, 1907.

county even after they became part of the town and were paying town taxes. The majority of the committee expected the people in the area to oppose annexation as long as it meant a double tax for them and they hoped that the legislature meeting in January would take some action to do away with this double tax. They were in favor of waiting to see if the legislature would take such action in order to avoid any long and costly legal action because of the opposition of the citizens in the area proposed for annexation. The minority report recommended immediate action to annex the area. The council rejected the majority report and adopted the minority report.

The council then adopted an ordinance to extend the corporate limits of the town of Hampton. The annexation was to take in three separate tracts. The ordinance set forth the following reasons for annexation:

1. The town is congested and needs room for expansion. There is at present no room in the town for more building which is needed by the town.
2. The people in the area proposed for annexation already receive many of the benefits of the town without paying for the cost of these benefits. Many of these people depend upon the town for earning their livelihood and they receive a certain amount of fire and police protection from the town.
3. Annexation is necessary in order that the streets

and sewers in the area proposed for annexation be properly developed. The area is adjacent to the town and so situated that, in order for its streets and sewers to be properly laid out it must be planned in conjunction with the streets and sewers of the town and this can be done only if they are planned by the town government.

4. Some of the area proposed for annexation is already built up to the point where it needs more police and fire protection than the county is able to provide.

5. Annexation will not alter the debt to be paid by the remainder of the county since the citizens of the town still pay county taxes. If the type of government of the town is changed so as to change this, the town will assume that part of the county debt which the court thinks is proper and equitable.

6. The tax rate on real property in any area annexed by Hampton will not be increased for five years unless a majority of the people of the annexed area approve of an increase.

7. Any taxes which the town receives from any annexed area for five years following annexation will be used only for the benefit of the annexed area.

8. All county levies imposed on persons and property in any territory annexed for the current fiscal year in which said annexation is made shall be paid to the county.

9. After annexation takes place the council will form the annexed area into new wards of the town or attach territory to the proper old ward and appoint councilmen from the new wards to serve until the next election.

10. The town attorney was instructed to proceed at once with the legal process of annexation.⁷⁰

The council at its meeting on January 2, 1908, passed a motion to endorse the bill on city government which was to be presented to the General Assembly.⁷¹

An act to provide for the organization and government of incorporated communities which have no corporation courts, contain less than ten thousand inhabitants, and are hereafter declared to be cities of the second class

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was adopted by the General Assembly on January 23, 1908. This act provided for the incorporation of communities of between five thousand and ten thousand residents as cities. According to the act the charter and ordinances of any town thus becoming a city would remain in effect in so far as they did not conflict with this act. The officers of the town would be the officers of the city until their successors were elected and

70. Ibid., November 7, 1907.

71. Ibid., January 2, 1908.

72. Acts, 1908, p. 3.

duly qualified. The Mayor of such a city was to be the ex-officio president of the council and could vote only in case of a tie. He was to act as the police justice of the city. The mayor's salary could not exceed one thousand dollars a year but he was to receive the fees which the state law allowed a justice of the peace when he was hearing civil cases. The act provided that in case of annexation the court would order more councilmen to represent the annexed area and the council would elect these new councilmen to serve until a regular election. The treasurer of a second class city must execute a bond with a penalty not greater than the city revenue for one year and not less than one half of one year's revenue. There should be a commissioner of the revenue and if the town did not already have this officer the court was to appoint one to serve until his successor was elected and qualified. The Commissioner of the Revenue had the duties of making out the tax roles and delivering them to the city treasurer. He was also to issue licenses and perform such other duties as the council prescribed. There was to be a city sergeant. Elections were to be held on the second Tuesday in June. The terms of the mayor and councilmen were to begin on the first day of September and to last for four years. Other officers were to be elected on the first Tuesday after the first Monday in November and to take office on the first day in January for a term of

four years. The council had the power to remove the city officers by a two-thirds vote. These second class cities were to remain under the jurisdiction of the county court as before their incorporation as a city. The city was to be divided into wards by the council. There was to be one jail for the city and county with the county sheriff in charge. County officers were to have the same power in the city as before the incorporation. Such cities were to be a separate magisterial and school district of the county and the county continued to levy the school and district tax on property in the corporate limits. The cities incorporated under this act were authorized to borrow money to an amount not exceeding eighteen per cent of the assessed valuation of the real property in the city, and to tax property, real, personal and mixed at a rate not exceeding seventy cents on one hundred dollars assessed valuation. They also had power to issue certain licenses.

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On February the sixth, the town mayor appointed a three man committee from the council to meet with a similar committee from the county board of supervisors and other interested citizens to consider questions necessary to annexation in preparation to laying the problem before the judge. The object of this committee was to iron out differences between the

73. Ibid., pp. 3-9.

town and county to prevent any court fight. The city attorney was instructed to present the case to the court.⁷⁴

On March the third Judge Thornton, holding a special term of court announced that he would enter the order of annexation agreed upon by the council and the board of supervisors. In order to show that annexation was expedient witnesses testified that they thought it necessary in order to permanently improve the roads. The judge's order contained a provision that the road between the Hampton Bridge and the normal school should be paved by the town within eighteen months.⁷⁵ There was very little opposition to the annexation and those who did oppose it did so because they were convinced that the dual government would be costly.⁷⁶ Immediately after the order of annexation the town prepared a petition asking that the court order a census to be taken in order that the town could become a second class city as provided by law.⁷⁷

The council meeting on March the fifth, formed the annexed area into four new wards and attached a part of the new territory to the old third ward. There were now a total of eight

74. Council Minutes, February 6, 1908.

75. Newport News Times Herald, March 3, 1908.

76. Ibid., March 4, 1908.

77. Ibid., March 5, 1908.

wards. Eight councilmen were elected by the council to represent the four new wards. Five new policemen were elected. An ordinance was passed authorizing the necessary legal steps to have the town of Hampton declared a city of the second class.⁷⁸

On March the seventeenth, Judge Portlock, sitting in the Circuit Court of Elizabeth City County, granted the application of the town council of Hampton and appointed enumerators to take the correct census of the inhabitants within the new corporate limits. Under the law passed on January 23, 1908, it was provided that taxes from the annexed territory would be paid into the general treasury of the city, if it was a city of the second class. If not a city of the second class all of the taxes collected from the annexed area for a period of five years after the annexation became effective would have to be spent on the annexed area.⁷⁹

On March 30, 1908, the enumerators, that had been appointed on the seventeenth, reported to the court and it was found that the new corporate limits of Hampton contained five thousand four hundred and seventy-two "bona fide legal inhabitants."

Therefore it is ordered by the court that

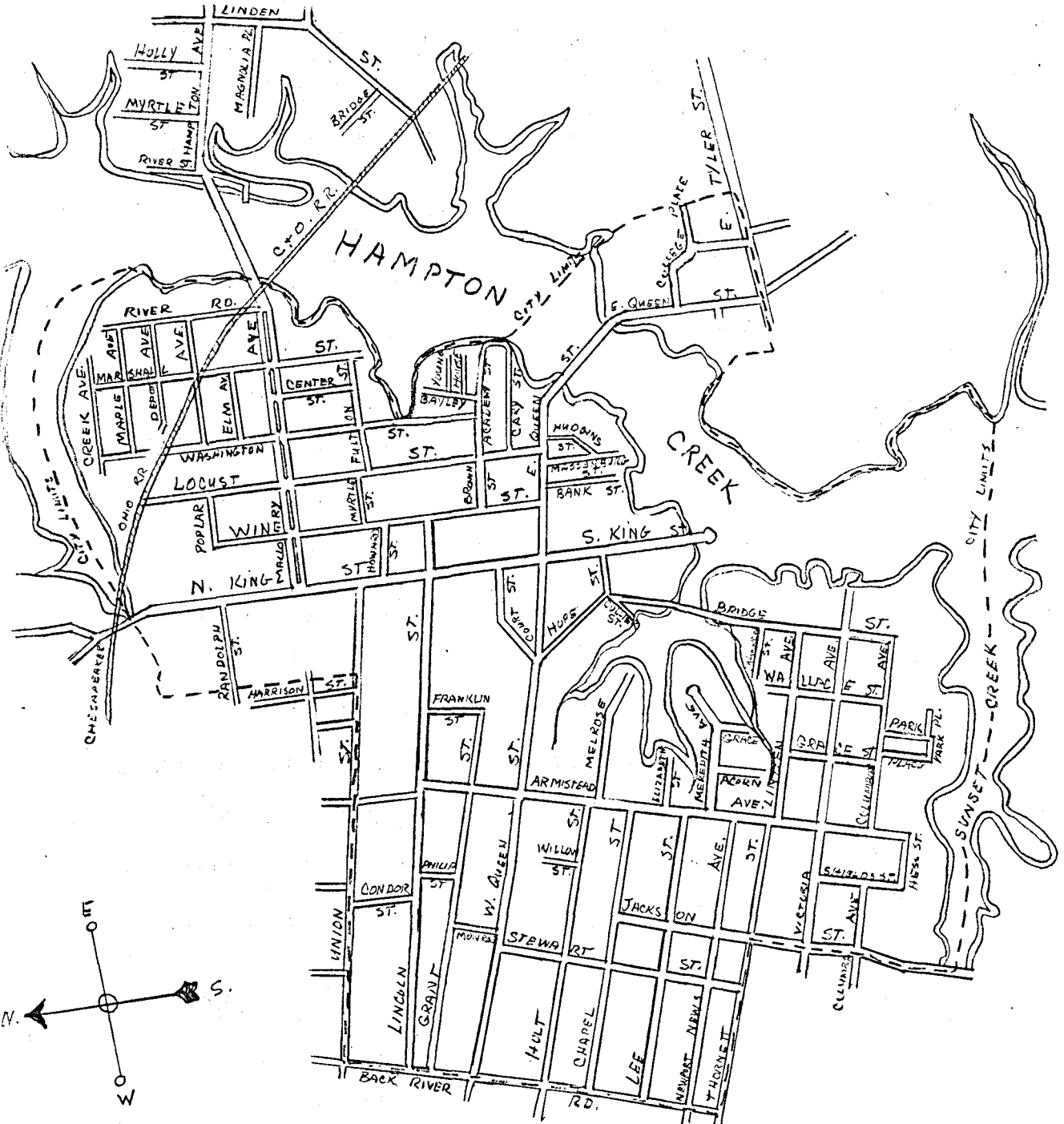
78. Council Minutes, March 5, 1908.

79. Times Herald, March 18, 1908.

from and after this day, the said incorporated community heretofore known as the town of Hampton, Virginia, shall be and be known as the City of Hampton, Virginia, and entitled to all of the privileges and immunities, and subject to all of the responsibilities and obligations pertaining to cities, as provided by statute.

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City of Hampton, Virginia



CHAPTER III

Governmental Changes of the City of Hampton (1908-1949)

Few changes took place in the government of Hampton due to its incorporation as a second class city. The town charter remained in force and officers remained the same as provided by the act of the legislature of January 23, 1908. The town had not had a commissioner of the revenue and the circuit court appointed one as provided by the act of January 23rd.

In 1914 the legislature set Hampton's tax limit at eighty cents on the one hundred dollars valuation of its real and tangible property and allowed only a corporate debt for current expenses that could be repaid in one year. ⁸¹ In 1916 the tax ⁸² limit was raised to one dollar and fifteen cents.

According to the provisions of Section One Hundred Seventeen

81. Acts, 1914, p. 43.

82. Ibid., 1916, p. 208.

of the Virginia Constitution allowing the General Assembly to grant a special form of government at the request of any city or town, the council of the city of Hampton in 1920 requested the General Assembly of Virginia to grant Hampton a special form of government and on March 16, 1920, the General Assembly approved a new charter for the city. Section One of the new charter outlined the boundaries of the city which were the same as those set in 1908. Section Two made the city a separate magisterial district, a separate school district, and a separate election district of Elizabeth City County. The courthouse of Elizabeth City County was made the voting place of this election district and the elections were to be conducted by the same officers. It became the duty of the council to provide ballot boxes and to provide for receiving and depositing the ballots cast for city officers. Section Three abolished all wards. Section Four provided for a council of five members to be elected on the second Tuesday in June, 1920, on a ticket at large and to serve for a term of four years starting September first. In this first election the three candidates receiving the highest number of votes were to serve four years and the other two candidates to serve two years. The first council was to meet within ten days after the certification of their election to organize for the purpose of electing a city manager, and if practical he was to be elected prior to September 1, 1920, when

his services were to begin. The council was to elect one of its members to preside over its meetings and to serve as ex-officio mayor. The mayor was to have the same powers and duties of the other members of the council and was to be entitled to a vote on all matters but was to have no veto. The council and those officers required by the constitution of the state to be elected by popular vote were to be the only elective officers, and the council was to fill any vacancies in its number. The councilmen's salary was set at one hundred dollars per year and the salary of the ex-officio mayor at two hundred dollars per year. Section Five made it the duty of the council to elect a city manager, a city clerk, a city attorney, and a police justice. The council was to meet at least twice a month and a majority of its members constituted a quorum. A special meeting could be called by any member of the council or the city manager upon at least twelve hours notice to each member. Council members were prohibited from interfering with the city manager in appointments and were to deal with the administrative service solely through the city manager. Section Six instructed the council to elect a city clerk, a city attorney, and a police justice prior to the first day of October, 1920, and each of these officers was to serve for a term of four years. All officers provided for in this act were to execute bond conditioned upon "the faithful dis-

charge of their official duties" and they were to qualify before the circuit court of Elizabeth City County. A vacancy in any office was to be filled by the council for the unexpired term. The president of the council was to preside at meetings of the council and perform the duties conferred upon him by the charter or by the council in pursuance of the charter, and he was to be the official head of the city for ceremonial, military, and legal purposes. However, he had none of the administrative or judicial functions or other powers of a mayor under the general laws of the state. In case of absence of the mayor the council had the power to appoint a president pro tempore to perform his duties.

The council was to choose a city clerk from the electors of the city. His duties were to keep a record of the proceedings of the council, to provide the proper books and stationery, to keep a book with accounts of any special or local assessments (which was to be open at all times to the public), and to perform other duties prescribed by the council. The compensation of the city clerk was at the discretion of the council and before entering upon his duties he was required to execute a bond in the penal sum of one thousand dollars payable to the city of Hampton. The office of city clerk and commissioner of the revenue could be held by the same person at the discretion of the council.

The council was to choose a city attorney from the electors of the city. The city attorney was to be the legal advisor to the city and was to render all the professional service required of him by the council, the mayor, or the city manager. His salary was to be set by the council.

A police justice was to be chosen by the council from the electors of the city. He had all the powers and duties of a justice of the peace in both civil and criminal matters and it was his duty to enforce the laws of the state and city and he was given exclusive original jurisdiction of all offences against the city ordinances. He was to hold court every day except Sunday and was required to give bond in the penal sum of one thousand dollars. The council was to set his salary but it was not to exceed eight hundred dollars per year. In addition to his salary he might receive those fees allowed by law for the hearing of civil cases. He was to collect all fees allowed for the violation of state and local laws, and all such fees were to be paid into the city treasury monthly.

A city manager was to be chosen by the council solely upon the basis of executive and administrative ability. The city manager's salary was to be set by the council and he was to serve at the will of the council; however, he was not to be removed within twelve months from the date of assuming his duties except for "incompetency, malfeasance or neglect of

duty." In case of removal within this twelve month period he could demand written charges and a public hearing, but the action of the council was final. The city manager was responsible for the efficient administration of the affairs of the city. It was his power and duty

(a) To see that the laws and ordinances are enforced;

(b) Except as otherwise provided in this act, to appoint all heads of departments and all subordinate officers and employees, with the power to discipline and remove any officer or employee so appointed, provided that so long as the city fire department shall remain a volunteer department, he shall appoint all paid officers and employees of the fire department from a list recommended by that department;

(c) To exercise supervision and control over all departments and divisions created hereunder, or that may be hereafter created by the council;

(d) To attend all regular meetings of the council, with the right to take part in the discussion, but having no vote. He shall be entitled to notice of all special meetings;

(e) To recommend to the council for adoption such measures as he may deem necessary or expedient;

(f) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed; and, upon knowledge of any violation thereof, to call the same to the attention of the city attorney, whose duty it shall be forthwith to take such steps as are necessary to protect and enforce the same;

(g) To act as budget commissioner, and as such to prepare and submit to the council an annual budget, and also to

make an annual report to the council, in writing, of the receipts and disbursements on the part of the city, and an annual statement showing the general condition of the city's affairs;

(h) To keep the council at all times fully advised as to the financial condition and needs of the city;

(i) To perform all such other duties as may be prescribed by this act, or to be required of him by ordinance or resolution of the council.

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A city treasurer, a city commissioner of the revenue and a city sergeant were to be elected at the general election of state officers on the Tuesday after the first Monday in November, 1921, and their term of office was to begin on the first day of January, 1922, and was to continue for four years. Before entering upon the duties of his office the city treasurer was required to execute a bond with a penalty not to exceed the amount of city revenues to be received by him annually nor less than fifty per cent of this amount. It was his duty to collect and have custody of all funds belonging to the city and pay out these funds "on the order of the council, attested by the city clerk." His compensation consisted of a commission of five per cent of all monies collected from taxes, levies, assessments, fines and penalties up to forty thousand dollars; three per cent of all such amounts collected between forty

thousand and sixty thousand dollars and one per cent on all amounts in excess of sixty thousand dollars. He was to receive a commission of one fourth of one per cent on proceeds of bonds issued by the city or money borrowed by the city or received from other sources. He was to receive five per cent of the interest collected upon money collected or invested by the city and subsequently paid back.

The commissioner of the revenue was required to give bond in the penal sum of two thousand dollars payable to the city before entering upon the duties of his office. It was his duty to issue all state and city licenses and perform other duties required by general law and by city ordinances. He was to assess all property and persons taxable within the city for state and city purposes and to keep such taxes and levies on a book kept for that purpose, a copy of which, with city taxes and levies extended, he was to deliver to the city treasurer, and another copy, with state taxes and levies extended, he was to deliver to the treasurer of Elizabeth City County. A copy was also to be delivered to the commissioner of the revenue of Elizabeth City County so that he could extend on it the taxes and levies for county and district purposes. He was to receive such compensation as the general law prescribed and the council allowed for extending the city taxes and levies.

The city sergeant was required to execute bond in the

penal sum of one thousand dollars payable to the Commonwealth of Virginia before assuming the duties of his office. He was to perform such duties as required by the general law and the ordinances of the city, and receive such compensation as might be provided by the general law and as the council might allow him.

The council had the power to pass ordinances exercising all powers which the state might exercise under the constitution except those that are denied cities by the General Assembly.

It was given the power:

- (a) To purchase, hold, sell and convey all real and personal property necessary for its uses and purposes;
- (b) To erect and keep in order all necessary public buildings, and to establish and regulate public squares, parks,
- (c) To secure and protect the inhabitants from contagious, infectious or other dangerous diseases;
- (d) To direct the location of all buildings for storing explosives or combustible substances;
- (e) To prevent vice and immorality; . . .
- (f) To make such regulations and orders as will protect its citizens from unsafe houses or walls,
- (g) To provide for the regular and safe construction of houses in the city for the future;
- (h) To open or extend, widen or narrow, curb and pave, the streets, sidewalks and public alleys in the city; to take care of, supervise and control the said streets,
- (i) To pass all by-laws, rules and ordinances not repugnant to the Constitution and laws of the State, which it may deem necessary for the good order and government of the city,

(j) To impose special or local assessments for local improvements, and enforce payment thereof; subject, however, only to the limitations prescribed by the Constitution of Virginia as may be in force at the time of the imposition of such special or local assessments, and as may be vested in it under the general laws of the State.

(k) To acquire, by purchase, condemnation, or otherwise, or to construct or lease, and operate, its own plant, machinery and equipment for supplying its inhabitants, streets, grounds and buildings, with water, light, power and fuel;

(l) To enforce the payment of fines and costs upon conviction for violation of any of the ordinances of the city, by imprisonment in the city jail where such fines and costs cannot be otherwise collected.

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The council was given control of the revenue of the city. The revenue was to be derived from taxes upon property owned or taxable within the corporate limits but the rate of city taxation was not to exceed one dollar and fifteen cents on each one hundred dollars valuation on real and tangible property and not to exceed the limit imposed by the state on other property. The council could impose and collect license taxes for the city (on a list of enumerated activities and objects), and was given authority to enforce its license power by fine or imprisonment.

Section Twenty of the charter provided that there would be a lien of all real estate for the city taxes assessed there-

84. Ibid., pp. 330-332.

on and for all local assessments made according to law. Such unpaid taxes or assessments were to be kept in a book kept for that purpose by the city treasurer. The city treasurer was to make a report to the council at its regular meeting in February of each year of all real estate in the city delinquent for city taxes or assessments. At the direction of the city council the treasurer was to sell such delinquent real estate or such part of it as would be necessary for the taxes and assessments on it, plus whatever interest and penalty was prescribed by the council in accordance with the law.

The city remained within the jurisdiction of the circuit court of Elizabeth City County. There remained but one courthouse and one county clerk's office and the county clerk of Elizabeth City County continued as the clerk of the circuit court. The circuit court of Elizabeth City County had the same jurisdiction in the city as corporation or Hustings courts have in other cities "in so far as applicable to cities of the second class." There remained one jail for the city and county and the sheriff of Elizabeth City County was to continue as the ex-officio jailer. All county and district court officers and notaries public of Elizabeth City County, except as otherwise provided in the charter continued to exercise the same rights and duties as they would have were the city a magisterial district of the county; and the qualified voters of

Hampton were entitled to vote for county and district officers at the general election for such officers. The electoral board for the city was to be appointed by the circuit court of Elizabeth City County. The poor of the city were to be supported and maintained in the same manner and with the same class of funds as before Hampton became a city. The city of Hampton remained a separate magisterial district and a separate school district of Elizabeth City County and it continued to elect the officers for such districts as before. The school trustees and other school officers continued to have the same relations with the county school system as before Hampton became a city and there was one superintendent of schools for the city and county. The board of supervisors of Elizabeth City County retained the authority to levy a tax for county, school and district purposes, except for roads, upon all property within the city. The treasurer of Elizabeth City County continued to collect and disburse these levies.

In most respects Hampton, even though incorporated as a city of the second class remained a part of the county, just as a town. In fact Section Twenty-eight of the charter provided that the city be governed in the same way as a town except as the city charter and the Constitution of Virginia prohibited this.

Upon a majority vote of the council and the approval of

the electors as prescribed by the Constitution the city could borrow money for the use of the municipality. The debt limit of the city was set at eighteen per cent of the assessed valuation of real estate in the city subject to taxation. The city was allowed to issue bonds provided that they were not sold at less than par value and the interest rate did not exceed six per cent. Such bonds were to be payable in not more than forty years from the date of issue and the council was to make provisions for the annual payment of interest upon the bonds, and was to provide a sinking fund for the retirement of such bonds.

The council and city manager were given the power to make investigations as to the city's affairs and for that purpose had the power to "subpoena witnesses, administer oaths and compel the production of books and papers." Anyone refusing to testify or to produce such books and papers could be summoned before the police justice and fined up to one hundred dollars or be imprisoned for a period not exceeding thirty days. Any such person had a right to appeal to the circuit court of Elizabeth City County.

85

An amendment to the city charter approved by the General Assembly on February 13, 1924, provided that the city of Hampton

would be a separate school district and have a school board known as the school board for the city of Hampton composed of three members elected by the council. However, the act provided that there be but one superintendent of schools for the city of Hampton and Elizabeth City County. The act also provided that the council lay a levy for the support of the schools or instead of making a specific levy for the schools make an appropriation from the levy made for all purposes for the maintenance of schools. It was further provided that the city treasurer in computing his commissions on such a school levy should compute it at a rate set by the council but not to exceed one per cent. In order that the city would be able to finance such schools its tax limit was raised from one dollar and fifteen cents to two dollars and thirty-five cents on each one hundred dollars valuation on real and tangible property.

86

On March 24, 1926, the General Assembly amended the charter of the city of Hampton to make the term of the mayor two years beginning with the election of 1928. The charter as originally passed made no reference to the length of time a councilman would serve as mayor upon his election by the council. In this act the General Assembly also raised the tax

86. Ibid., 1924, pp. 25-28.

limit for the city of Hampton to a rate of two dollars and fifty cents on each one hundred dollars valuation on all real and tangible property.⁸⁷

On March 29, 1932, the charter was again amended by the General Assembly. The city attorney was made the legal advisor of and the representative of the school board of the city of Hampton in all legal matters. The General Assembly also amended the charter to require the police justice to pay all fines and fees that he collected into the city treasurer daily instead of monthly as had been required by the charter in 1920. This act also authorized the council to employ a clerk for the police court or to authorize some other officer or employee to perform the duties of such a clerk. This clerk was to collect from the police justice the fines and fees that he received and to pay them to the city treasurer daily. Before entering upon his duties the clerk was to execute a bond in the penal sum of one thousand dollars payable to the city of Hampton.⁸⁸

According to an amendment passed by the General Assembly on March 28, 1934, the city treasurer was required to execute a bond in the penal sum of not more than the amount of city and school revenues to be received annually by him nor less

87. Ibid., 1926, pp. 707-709.

88. Ibid., 1932, pp. 793-795.

than twenty-five per cent of this sum. It was provided that he pay out funds belonging to the city on order of the council "by vouchers drawn in triplicate by the city manager showing detail and department for which the disbursement is made." A copy of the voucher was to become a part of the permanent records in the city treasurer's office and another copy to become a part of the records of the city manager's office. School funds were to be paid out on the order of the school board by voucher signed by the chairman of the board or the superintendent as designated by the board. This act also changed the treasurer's method of computing his compensation. It provided for a commission of three and one half per cent upon all city taxes, levies, assessments, fines and penalties collected by him; he was to receive a commission of one fourth of one per cent on the proceeds of bonds issued by the city; and a commission of one percent upon the interest collected upon money collected or invested by the city and later repaid. His compensation was not to exceed four thousand dollars per year. This act also provided for an annual audit of the books and accounts of the treasurer by an auditor approved by the council. This amendment helped put the city's fiscal administration on a sound basis by the requirement of keeping proper records and having an annual audit of the treasurer's records.

The act also set a limit on taxation as follows:

For schools	\$1.25
For permanent improvements	.15
For all other purposes	<u>1.50</u>
Total	\$2.90 on

each \$100 valuation on all real and tangible property.

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This act further amended the constitution to provide that the superintendent of schools of the city of Hampton be elected by the city school board; it provided that the superintendent of schools could also hold the position of principal of Hampton High School. However, upon the recommendation of the school board of Hampton and the approval of the council there could be one superintendent of schools for the city and the county. It was further provided that the school board and the superintendent of schools submit to the council its budget for the following year at least sixty days before the council lays its levy or makes an appropriation for the maintenance of the schools. This budget was to be approved by the council before it made any levy or appropriation for the schools. All expenditures by the school board were required to be in accordance with the budget and no other expenditures could be made without the approval of the council.

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On March 27, 1936, the General Assembly again amended the

89. Ibid., 1934, p. 438.

90. Ibid., pp. 436-440.

charter of the city of Hampton. The amendments provided for in this act were to become effective only after a special election ordered by the circuit court of the county upon request of the city council. The charter was amended to provide that the election precincts of Hampton be treated as election precincts of Elizabeth City County in the election of county clerk, Commonwealth's attorney and sheriff of the county. The regular city election officials were required to hold or conduct these elections in the city. It further provided that the Commonwealth's attorney, the county clerk, and the sheriff of Elizabeth City County retain the same rights and perform the same duties and receive the same fees or salary in the city of Hampton as they did in the town of Hampton. These officers may continue their residences and voting places within either the city or the county. All of the cost and expense of the circuit court of the county were required to be borne by the city and county "in the proportion that the population of each bears to the aggregate population of the city and county." This act also provided that the commissioner of the revenue of the city no longer be required to deliver a copy of the city tax list to the county treasurer or the county commissioner of the revenue with the extension of state and county taxes. The city tax limit was set as follows:

For schools.	\$1.25
For permanent improvements15
For all other purposes	1.85
Total	<u>\$3.25</u>

On each one hundred dollars (\$100.00)
valuation on all real and tangible
property.

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It was also provided in this act that the city of Hampton may exercise all powers which are, or may be, conferred upon cities in the Commonwealth of Virginia; and any governmental functions may be performed by agreement between the council of the city of Hampton and the board of supervisors of Elizabeth City County under such arrangements as they may agree upon. The act stated that it was the purpose of the General Assembly to govern the city of Hampton in the same manner as cities of the second class except as was otherwise provided in this character.

It was not until the fall of 1939 that these amendments were adopted and the almost complete separation of the city and county took place. At the regular council meeting held on October 16, 1939, the city manager made a report to the effect that the city could save funds by taking over the levy of forty-five cents now laid by the county for general fund purposes. It was decided by the council that the city would

91. Ibid., 1936, p. 582.

92. Ibid., pp. 581-586.

profit by approving the amendments of the General Assembly passed on March 27, 1936. Therefore, the council adopted a resolution that the circuit court of Elizabeth City County be requested to enter an order calling for a special election to be held in Hampton to decide whether or not the provisions of Section Three Hundred and Sixty-four of the acts of the Assembly of Virginia of 1936 be adopted.⁹³ The court entered the requested order and the election was held on November 21, 1939. The charter amendments were carried by a vote of four hundred and sixty-seven to one hundred and one.⁹⁴

At the regular council meeting held on December 14, 1939, the city manager presented a resolution received from the board of supervisors of Elizabeth City County stating that the county had revised its budget so as to do away with funds for joint action with Hampton of those functions not required by law.⁹⁵ During the council meeting of December 22, 1939, a letter was read from the commissioner of public welfare in which he recommended the joint administration be retained in the interest of economy. At this same meeting the council passed a resolution favoring continued joint operation of many services and

93. Council Minutes, October 16, 1939.

94. Ibid., November 24, 1939.

95. Ibid., December 14, 1939.

adjustment of the cost between the city and county. At the council meeting held on December 28, 1939, the council received a resolution from the board of supervisors of Elizabeth City County in which the board agreed to continue all jointly operated departments and agencies for the remainder of the budget year (to June 30, 1940) if such an agreement would be legal and on the condition that the charter amendment become effective on June 30, 1940, rather than on January 1, 1940. During this same meeting the council passed a resolution in which it stated that the council wished to cooperate with the county but that the council had no power to extend the date of the amendment becoming effective. The council suggested that such joint operation of departments and agencies as would be legal be continued and that arrangements for the financing of these departments and agencies be agreed upon by the council and board of supervisors. The county board of supervisors' meeting on December 30, 1939, rejected this counter proposal made by the city council and resolved that

without admitting the legality of the separation of the city of Hampton from the county of Elizabeth City or any change in the status of Hampton as a Magisterial district, but with the desire to eliminate all cause of disagreement and misunder-

96. Ibid., December 22, 1939.

97. Ibid., December 28, 1939.

standing of the Hampton City Council with this County doth hereby advise the City Council of Hampton that no funds have been appropriated by this Board for joint operation of the County Poorhouse, the County Trial Justice Court, the County Welfare Board, the County Sewing Room, the County Health Department or the Hampton Fire Department after December 31, 1939.

98

The council had a meeting on January 4, 1940, after reading the resolution of the County Board of Supervisors resolved to "proceed to organize the functions of the City government not provided for by general law."⁹⁹

At a meeting on January 17, 1940, the board of supervisors of Elizabeth City County invited the council of the city of Hampton to meet with them on January 22, 1940, to discuss "joint operation by the City and County of those governmental agencies for which the general law does not provide."¹⁰⁰ This meeting was held but no agreement was reached and all joint action not required by law ceased.¹⁰¹

The General Assembly while meeting in extra session in 1942 raised the tax limit of the city of Hampton as follows:

98. Ibid., January 4, 1940.

99. Ibid.

100. Ibid., January 17, 1940.

101. Ibid., January 22, 1940.

For schools	\$1.50
For permanent improvements	.15
For all other purposes	1.85
Total	<u>\$3.50</u>
On each one hundred dollars (\$100.00) valuation on all real and tangible property.	

102

The General Assembly in 1948 amended several sections of the city charter. It provided that the members of the council should receive such salary as the council should set but not to exceed two hundred and fifty dollars per year and that the mayor should receive a salary not to exceed five hundred dollars per year. Prior to this time the charter had set the salary of the councilmen at one hundred dollars per year and the salary of the mayor at two hundred dollars per year.

The charter was further amended to eliminate the election of the police justice from the duties of the council, and the selection of this officer became the duty of the judge of the circuit court of Elizabeth City County. The police justice was to receive a salary as fixed by the council but not to exceed two thousand dollars and he was to receive no other compensation for his services. The clerk of the police justice court was required to execute bond in such penalty as required by the city council and term of office and salary of the clerk was to be set by the council. The clerk was to have

the same duties as those of the clerk to the trial justice of the county. All fees and fines collected by the police justice or the clerk were required to be turned in to the city treasury for the use of the city. The police justice was also given the duty of being the judge of the juvenile court and the domestic relations court of the city.

This act also provided that the city treasurer and such deputies "as may be allowed" receive such salary and expenses that may be fixed in accordance with the general law. This took the treasurer off the antiquated commission system which has long been frowned upon by students of public administration. In addition to the duties previously noted the treasurer was required to perform such duties as required by general law and by the council, and he was required to enforce all liens against the city in the manner provided by general law.

103

103. Ibid., 1948, pp. 712-717.

CHAPTER IV

A Critique on the Government of Hampton

Hampton as a city of the second class has a rather peculiar relationship with Elizabeth City County which surrounds it. The city through its own government performs some governmental functions while other functions are performed jointly with the county. The circuit court, trial justice, Commonwealth attorney, sheriff, coroner, jail, county clerk, jail and courthouse buildings, registration and election expenses, the superintendent of schools, the library, and the debt incurred prior to the city's separation from the county are all jointly operated and supported. ¹⁰⁴ Due to the size of the city, joint operation and support of these functions and services is more economical than the maintenance of two separate sets of these functions and services.

104. Newport News Daily Press, October 3, 1948.

Under its present charter there is a definite lack of centralized authority and responsibility in the Hampton government. The city manager, who is responsible to the council for the administration of the government, has direct authority only over the police and public works of the city. Under the present setup the chief of police and the superintendent of public works are appointed by the city manager and are responsible to him, and both of these department heads have the power to appoint and discharge their subordinates. The department of public works is broken down into four divisions: the division of streets, the division of street cleaning, the division of garbage and the division of sewerage and drains. The city manager also has an assistant and two secretaries, and they form a sort of manager's office to assist him in his work.

The charter provides for a city clerk elected by the council. The clerk must be a citizen of the city and has the duty of keeping city records and preparing the agenda for council meetings. At the present time there is no city clerk and the city manager has an adequate office force to carry on these duties under his supervision.

The city has a volunteer fire department but this department has five full time employees who are paid by the city. According to the charter these full time employees are to be

appointed by the city manager from a list submitted to him by the volunteer fire department. In actual practice only five names are submitted to the city manager and consequently he has no voice in their appointment or control over their activities. Even though the city manager has no control over the fire department he is generally held responsible for its actions. A paid full time fire chief should be appointed by the city manager and should be responsible to him. The fire chief should have the authority to appoint all paid employees of the department but at the same time the volunteer organization should be maintained since a city of this size can maintain an adequate paid fire department only under a great financial strain.

The city has an elected treasurer and an elected commissioner of the revenue. Since they are elected these officers are completely independent of any other administrative officer. At present this causes no difficulty since the city manager, the treasurer and the commissioner of the revenue are cooperative and work well together. However, it could become a source of conflict since the city manager, who is responsible for the efficient administration of the government, lacks any authority to supervise or control the assessment and collection of taxes, and the custody and disbursement of funds. There should be a department of finance under the city manager. The head of this department should be appointed by the city manager and

responsible to him, and he should be responsible for the assessment and collection of taxes and the custody and disbursement of all funds. There should be a well trained full time assessor in the department appointed by the director of finance.

Hampton has an elected city sergeant whose sole duty is to issue warrants for which he receives a fee of fifty cents each. Since the issuing of warrants is a judicial power this officer should be appointed by the circuit court of Elizabeth City County. This would remove the office from politics and lead to better qualified occupants of the office.

The city attorney is appointed by the council and he gives legal advice to the council and to the city manager and represents the city in all court actions in which it is a part. The city attorney has no administrative duties and there is no reason why he should be responsible to the manager. Since he is appointed by the council, he is on an equal footing with the city manager and, therefore, acts as a check upon the manager to keep him within his legal bounds.

The city and county operate a joint recreation program. This program is under a joint board consisting of three members from the county and two members from the city, and its activities are jointly financed. This board appoints a director to plan and coordinate recreational facilities in the city and county. Technically the city manager is given some control

over the recreation activities in the city but actually he has no control. Since this is a joint activity, any control by the city manager might tend to thwart the plans and actions of the board and director and they should therefore be free of his control. They should, however, be subject to the control of the council in the use of city funds.

The city has a health unit that is set up, financed and controlled by the state. This unit has properly performed its duty and cost the city nothing and there is no need for a change.

The schools of Hampton are part of a rather complex school system operated jointly by Hampton, Elizabeth City County and the town of Phoebus. Each of these units has a separate school board. The school board of the city of Hampton consists of three members appointed by the city council for a term of three years. Their terms are staggered. Since the state does not recognize town school boards, state education funds due Phoebus are given to Elizabeth City County and the county, in turn, turns the money over to the Phoebus board. There is one superintendent of schools who is employed jointly by the three school boards. His salary is paid partly by the

105. The part of the preceding factual information that was not taken from Chapter III of this paper was obtained from an interview with Mr. L. D. James, City Manager of Hampton.

state and partly by each of the three school boards. All expenses for administrative officers are jointly paid by the three boards and the salaries of supervisors, school nurses, school physician, visiting teachers and transportation costs are jointly paid. A school census is taken every five years to determine the percentage of the joint cost which each unit must pay. The percentages in the 1945 census were: (1) County .812, (2) City .096, (3) Town .092. Each school board pays the salaries of its own teachers and operates separately in so far as finances are concerned. However, because of their close relationship it is necessary for them to work in harmony and policies are usually consistent throughout the entire system. In recent years the three school boards have voluntarily met together quarterly to discuss matters of mutual concern. Each of the boards meets separately once a month.

In many cases children living in one of the governmental units attends school in another unit. It is impractical for the city to operate a negro school because of the small number of negroes of school age living in the city. Therefore, negroes in the city attend school in the county and the city pays their tuition fee. In like manner the city operates no junior high school and sends its children to county junior high schools; Elizabeth City County and Phoebus have no senior high school and must send their children to Hampton High School. Proximity

also causes students to cross district lines. In all there is a nine way exchange of tuition. In March, 1931, the school boards of Elizabeth City County and Phoebus passed resolutions in which they agreed that if the city of Hampton would build and equip a high school sufficient for the needs of Hampton, Elizabeth City County and Phoebus they would support the high school "entirely to the full extent of its needs for such high school". The Hampton school board passed a resolution accepting the resolutions from Phoebus and Elizabeth City County and the city built the high school. In 1939 it became necessary to construct an addition to Hampton High School but the city of Hampton was near its statutory debt limit and couldn't finance the addition. Therefore, the county built the addition and it was agreed that all students would have "ingress and egress" to all parts of the building. The high school is located near the city-county line but on the county side. In August, 1948, the city and county both voted a bond issue to construct a new wing on Hampton High School with the ratio of cost based on the assessed value of taxable property of the city and county.

It is necessary to keep expenses of each school separately

106. Minutes of the School Board of the City of Hampton, Virginia (minutes kept in the office of the clerk of the School Board), March 19, 1931.

in order to arrive at a per student cost at the end of each year. This per student cost is the tuition. At the end of each year the books are audited and the per student cost is computed by a certified public accountant. Interest on bonded indebtedness is considered as a part of the operating expense used in figuring this per student cost.¹⁰⁷

It is obvious that this arrangement leads to an excessive amount of book work and is unnecessarily complex. There seem to be four possible methods of improving this situation:

(1) The Phoebus school board could be abolished and the two remaining school boards could continue to operate under the present system. This could easily be done since the state doesn't recognize any town school boards. The result of this would be the elimination of some of the present exchanges of tuition which would make the system less complex.

(2) Hampton, Elizabeth City County and Phoebus could be consolidated into one school district with one tax rate throughout the district for school purposes. However, since property in Hampton has a higher value than property in the county, the city would probably pay more per student than the county.

107. The part of the preceding factual information that was not taken from Chapter III of this paper was obtained from an interview with Mr. Francis Jones, clerk of the Hampton, Phoebus and Elizabeth City County School Boards.

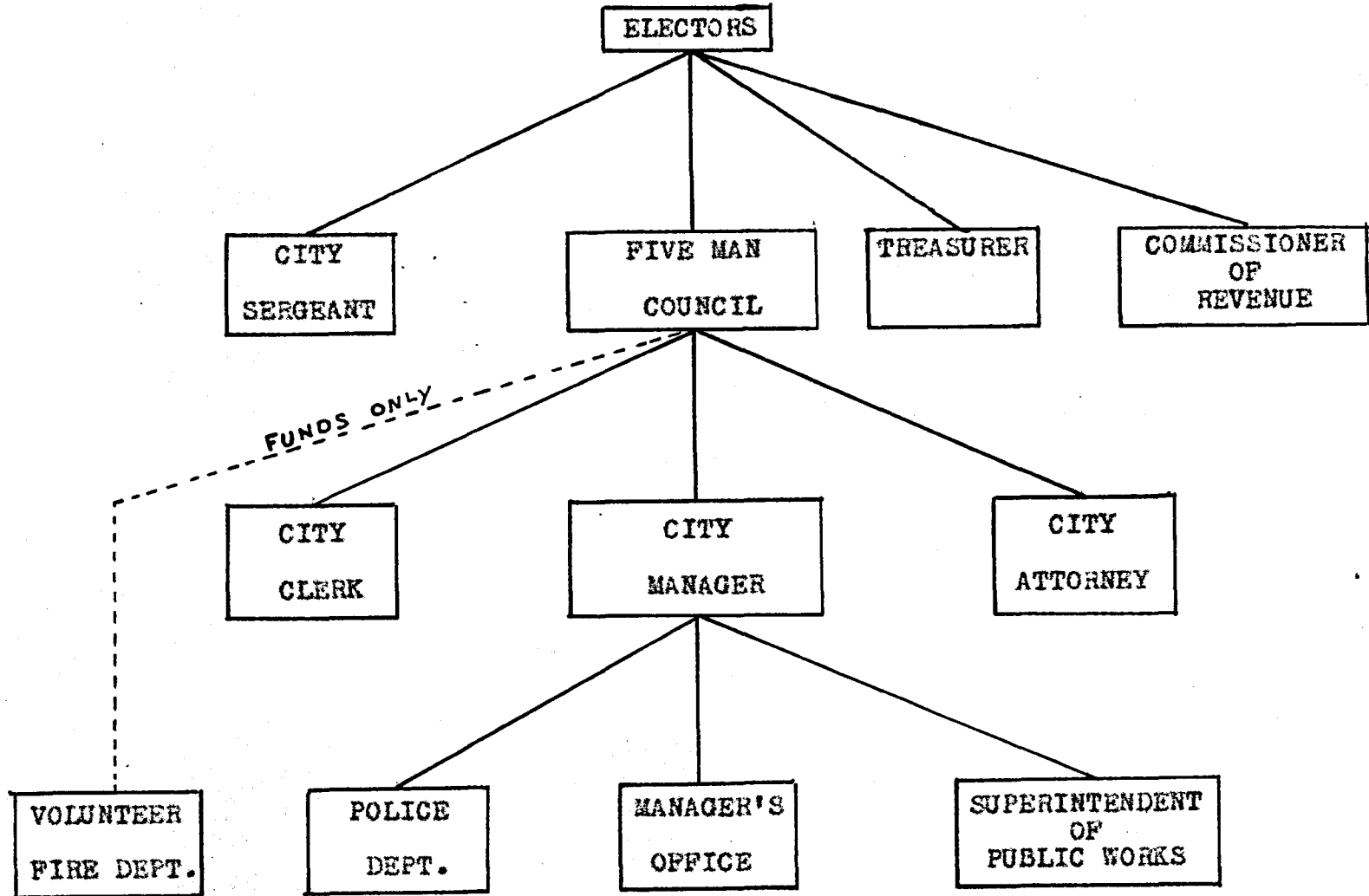
(3) There could be set up a joint city and county school board. This joint school board would draw up the school budget which would have to be approved by the city council and the county board of supervisors, and money would be appropriated to the school board in proportion to the number of children of school age in each unit to the total number of children of school age. This proportion would be figured from the school census which is taken every five years.

(4) The greatest improvement in the school system would probably come from the proposed consolidation of the Lower Peninsula which is discussed in the next chapter.

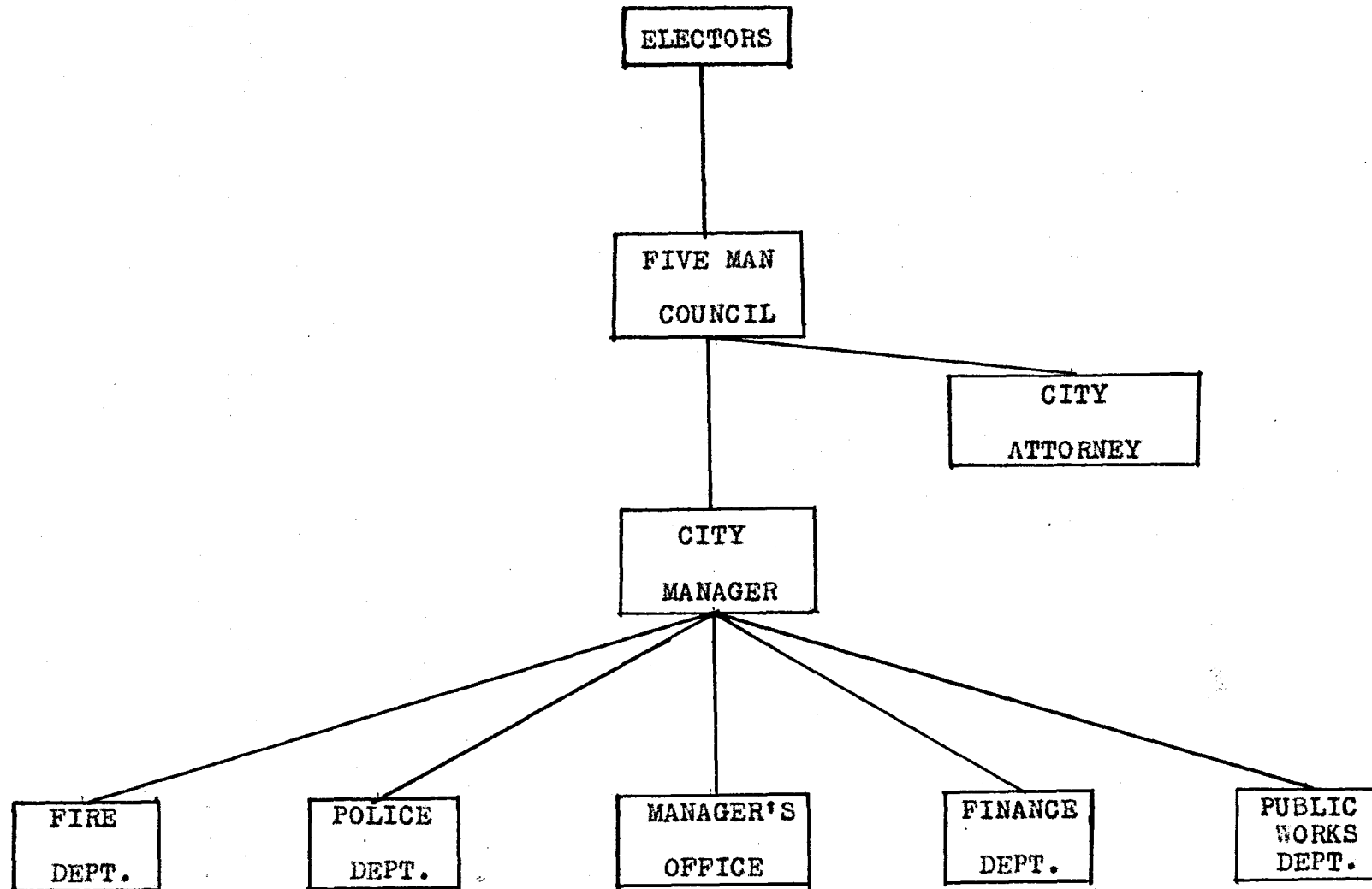
Under the present system of schools an improvement could be made by replacing the present levy of one dollar and fifty cents on each one hundred dollars valuation of all real and tangible property in Hampton by an appropriation of funds for school purposes by the council. This would allow all taxes collected to go into a general fund and be properly budgeted by the council.

On the following pages there are charts showing the present organization of the government of Hampton and the changes in organization proposed in this chapter.

PRESENT ORGANIZATION OF HAMPTON GOVERNMENT



ORGANIZATION PROPOSED IN THIS CHAPTER



CHAPTER V

Proposed Consolidation of the Lower Peninsula

For many years there has been a great deal of talk about making one large community out of the several cities, town, and counties of the Lower Peninsula. In 1946 the Lower Peninsula Planning Commission decided to make a thorough and scientific study of the plausibility of such consolidation. At a meeting of the LPPC on October 24, 1946, a study committee consisting of representatives of Newport News, Hampton, Phoebus, York, Elizabeth City and Warwick Counties was appointed to study the question. All the facilities of the LPPC were offered to the committee. On December 4, 1946, the study committee met with Professors J. E. Pate, W. W. Moss and C. F. Marsh of the faculty of William and Mary College, and this William and Mary research group took over the task of preparing an outline for the proposed study. A grant of two thousand dollars was approved by the LPPC and the various councils and boards of supervisors to finance the study and an equal amount was contributed by the Spellman Fund

to the Hampton Roads War Studies Committee of William and Mary College.

Drs. Pate, Marsh and Moss made a comprehensive study of the problem and submitted a two volume report. This group with the cooperation and help of many persons made a study of the history of each of the communities, all governmental operations of each community and various trends evident in the communities.
108

The rapid increase in the growth of population during the years 1940-1944 made the problem of giving the proper governmental services and financing these services more complex and, therefore, brought on the need for either annexation or consolidation. The William and Mary research group cited the following figures to show the growth of population of the Lower Peninsula:

County or City	1930	1940	1944
Newport News	34,417	37,067	43,694
Warwick	8,829	9,248	33,950
Elizabeth City	19,835	32,283	54,964 ^o
Hampton	6,382	5,898
York	7,615	8,857

^oHampton included in this total for Elizabeth City County.

109

The population of the area has not declined since the close of the war. In 1940 school authorities were making their plans

108. Daily Press, August 29, 1948.

109. Ibid., September 5, 1948.

on the expectation of decreased enrollment in their elementary schools but now due to the increase in population and the greatly increased birth rate they are confronted with a greatly increased enrollment. Another problem comes from the fact that many people living in the counties but earning their living in the city receive many services from the city but pay for none of them. The population of Elizabeth City and Warwick counties has greatly increased but the wealth of these counties has not increased in as large a proportion as this population and this complicates their task of providing the proper services for what has become an urban area. On the other hand the wealth of the area is largely concentrated in the cities of Hampton and Newport News where the increase in population has not been so large.¹¹⁰

The lower peninsula contains a conglomeration of different forms of governments. York county has a typical rural type government with no chief executive but with a board of supervisors. Warwick county has a county manager form of government; Elizabeth City County has a county executive form of government; and Hampton and Newport News have a city manager form of government. However, the powers of the Hampton city manager are more restricted than are the powers of the Newport News City

110. Ibid.

111
manager. Throughout the report the research group emphasizes the need for the unification of various functions of the peninsula governments.

The research group reported in favor of fiscal organization on a peninsula wide basis especially as far as assessment is concerned. Newport News has a nominal tax rate of three dollars and twenty-five cents per one hundred dollars of assessed value and York county has a nominal tax rate averaging two dollars and sixteen cents per one hundred dollars of assessed value. However, the true tax rate of Newport News is one dollar and ninety cents and the true tax rate of York county is about thirty-five and one half cents. The report goes on to say that the tax burdens of the Lower Peninsula communities would be redistributed if complete consolidation took place. The tax of Newport News would be substantially reduced while the Hampton tax burden would remain about the same and the rates in the counties would be considerably higher. Of course, consolidation would bring a great improvement in government services in the counties. There is a great need for improved methods of assessment of real estate for the property tax purposes and consolidation would likely lead to

111. Ibid., October 3, 1948.

112
this.

The research group believed that the planning of schools on a peninsula wide basis would improve the quality of the schools and reduce the cost. It proposed the unification of finance, personnel, public works, social welfare services, public health agencies, police departments, fire departments, and jails. The committee favored a central finance department which would among other things be in charge of assessment and purchasing for the entire peninsula. According to their report the unified social service bureau with a consolidated social service center would be more economical than the present system. The report also favored the consolidation of fire departments or at least a contractual agreement for fire fighting groups to cross corporate boundaries. At present because of local jealousies there is often a definite lack of cooperation in this respect. The consolidation of police and sheriffs forces should lead to more efficient service and the consolidation of the present three jails, one lockup and one jail farm should lead to economy. The report goes into a discussion of other services and invariably reaches the conclusion that consolidation would lead to more efficiency and economy.

113

112. Ibid., October 10, 1948.

113. Ibid., October 17, 1948.

The research group concluded its report by advancing six plans for solving the problem of diversity of government on the Lower Peninsula. They are as follows:

(1) Functional consolidation which would leave all present governments in existence but would consolidate certain services.

(2) A metropolitan commission. - Under this plan an overall commission would be created to take over practically all of the services of the various governments but leaving to them streets, levying of taxes and the like.

(3) A Hampton Roads metropolitan commission. - This plan is similar to the second plan but would give greater authority to the overall commission.

(4) A metropolitan county form of government under which all cities, towns and counties would be consolidated into one government with a county board of supervisors and a county manager.

(5) A Lower Peninsula city with a city manager and a city council. This would be somewhat similar to number four but under this plan the government would have greater powers to meet the problems of an urban community.

(6) A city or urban form of government for Newport News, Hampton, Phoebus and urban areas of Warwick and Elizabeth City counties; and a new county composed of York county and the

rural areas of Elizabeth City and Warwick counties; and another commission to handle problems between the new city and the new county.

The research group favored plan numbered six because it distinguishes between urban and rural problems and interests. Plans two and three would take the following services out of the direct hands of the various communities:

schools, juvenile detention, jail farms, post audit, assessment, purchasing, public safety including law enforcement, police and fire plus bureau of standards, personnel board, health, social service, housing, libraries, mosquito control, parks, sewerage, waterworks, airport, old age and TB homes, planning commissions and zoning and finance.

114

The research group opposes annexation to solve the problem because it is expensive, tends to reduce the county to poverty, the people of the annexed area are given no vote and ill feelings generally result.

115

The consolidation act of 1948 allows the people of the peninsula to consolidate into one city, or one county, or the urban part into one city and the rural part into one county. There has been some doubt cast upon the legality of this act

114. Ibid., October 24, 1948.

115. Ibid.

because of its ambiguous language.

On April 21, 1949, the study committee of the Lower Peninsula Planning Commission submitted a partial report to the LPPC in which its basic proposals were:

(1) The cities of Newport News and Hampton, the town of Phoebus and Elizabeth City and Warwick counties should be consolidated into one city.

(2) The name of the new city should be determined by the qualified voters from nominations of any group of fifty.

(3) The debts of all governments consolidated should be assumed by the consolidated city.

(4) The present tax rate of each of the present governmental units should remain the same for five years with the exceptions to be listed later.

(5) Each city, town and county should continue its present basis of assessing real estate for five years after consolidation.

(6) After five years of consolidation one tax rate would apply for the entire city.

(7) After five years the same basis will be used to assess real estate throughout the entire city.

(8) During the first five years of consolidation a

special tax rate could be levied on the entire city to pay for capital school improvements.

(9) There would be no equalization of services and salaries during the first five years of consolidation.

(10) Governmental functions of the present several units of government would eventually be equalized to the benefit of all of the people.

(11) A consolidated city would result in substantial savings to the tax payers over a period of years.

(12) The consolidated city should become effective between January 1, 1950, and April 1, 1950, and the charter of Newport News would serve as charter for the city until a new charter could be adopted.

The committee listed the following advantages of the consolidated city plan:

1. It would be the third largest city in Virginia.
2. It would be the 60th largest city in the United States.
3. It would result in increased efficiency in public schools, public welfare, public health, public safety and all other governmental operations.
4. More State aid would be available than received now by local governmental units as constituted presently.
5. Could be developed into one of the great seaports of America.
6. One license tax would suffice for doing business in the entire city. In some instances at present a person, firm or corporation is required to pay five separate (sic) license taxes.

7. Freight rates to all parts of the city could be uniform.

8. Water rates would remain uniform and profits from the consumption of water would indure (sic) to the municipality.

9. Substantial reductions in fire insurance rates would be effective in many parts of the consolidated city.

10. The consolidation can be effected and the benefits realized without the transfer of any funds as between localities.

117

The committee listed four objections to the city plan.

One of these objections was that there would be a uniform tax rate as between rural and urban properties. Of course this would be compensated for during the assessment of the property and the rural areas would receive better protection and many more services than they do at the present. The second objection was that present elective officers would lose their offices. There is some doubt as to whether this is a legitimate objection to the plan. If these officers have the proper qualifications they could probably obtain jobs with the new government and if they do not have the proper qualifications their removal would be advantageous to the tax payer anyway. Another objection is that until a new charter can be obtained the consolidated city would have to operate under the Newport News city charter. As pointed out by the committee, this objection

117. Ibid., April 22, 1948.

could be removed by making the effective date of the consolidation subsequent to the opening of the 1950 session of the General Assembly of Virginia. The fourth objection was that more state aid would be available under the county plan than the city plan. However, the advantages of greater local power under the city plan cannot be overlooked.

The plan calls for the division of the consolidated city into five boroughs, the borough of Hampton, the borough of Newport News, the borough of Phoebus, the borough of Elizabeth City and the borough of Warwick. The proposed city would have a council of nine men. The council would be elected at large but at first the high man from each of the five boroughs would represent his borough in the council and four others getting the largest number of votes would be councilmen at large. Later all nine members of the council would be elected at large without regard to the boroughs. The council would elect a mayor to preside at their meetings but have no administrative functions. The council would elect a city manager. The council would also elect members of various boards and commissions as shown on the organization chart. The license inspector and the purchasing agent would be under the director of finance. ¹¹⁸

On May 19, 1949, the Consolidation Study Committee com-

118. Ibid.

pleted its report and recommendation to the LPPC. The committee reported that "the total cost of local government in the five units of the Lower Peninsula is estimated at \$5,950,398.00 for (1948)." The committee further estimated that the operating and maintenance expenditures of these governmental units at the same level of services would have been at least five per cent less as a consolidated city. They reported that there could be considerable savings in the future by the elimination of capital outlays for duplicating facilities.

Their plan provides for the assessment of property for taxation purposes on a forty per cent basis. At present these five governmental units altogether have eleven different assessment districts. This would decrease the Hampton rate by three per cent. The tax rate proposed for the consolidated city is three dollars per one hundred dollars assessed valuation. The report further stated that the consolidated city would have had a total income three hundred seventy thousand dollars greater than the five subdivisions in the fiscal year 1948-1949, and five hundred twenty-nine thousand dollars more than a consolidated county during the same period. At present the consolidated city would receive a smaller part of state highway funds than a consolidated county, but the expenditure of these funds is locally determined in a city and the city form is more advantageous to the future growth of the area.

The most important result of consolidation would be the improvement in quantity and quality of governmental services. The cost of extension of services throughout the area would probably offset the economy coming from consolidation.

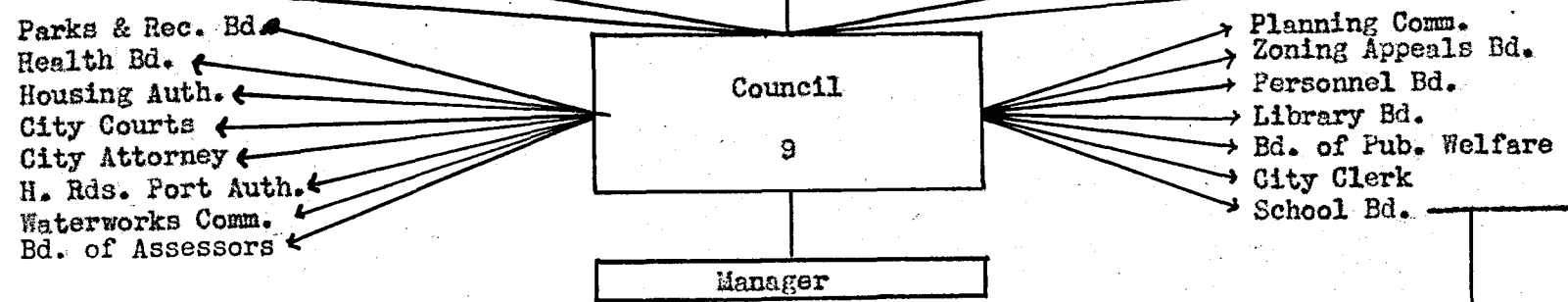
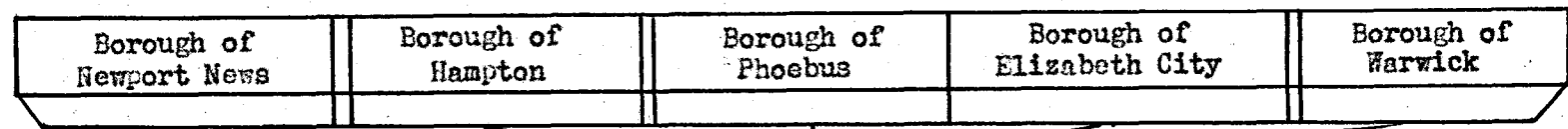
The LPPC after examining the report will send it to the five local governments. Within six months these five governments can agree upon the plan or modify it and call elections to accept or reject it. If they fail to act within six months the plan provides that ten per cent of the qualified voters in each of these units can force elections on the plan.

119

120. Idld., May 15, 1949.

LOWER PENINSULA OF VIRGINIA

City of _____



ADMINISTRATIVE DEPARTMENTS

Finance
Director
*Assessor
*Commissioner of Revenue
*Treasurer
Purchasing Agt.
*City Auditor
Bureau of Standards and License Insp.

Public Safety
Director
Police
Fire
Jail
Jail Farm

Public Works
Director

Public Welfare
Director
Social Services
Recreation & Parks
City Home

Personnel
Adminis-
trator

Health Center
Health Officer & Staff

Education
Supt.

*Commissioner of revenue and treasurer are elected by voters; auditor and assessor appointed by council

_____ Responsible to mgr.
.....Reports to but not responsible to mgr.

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