

In the matter of ^{the} incorporation ~~of~~ the Town of Durbin, a certificate of J. W. Folks, H. C. Lumadue and Lafayette Simmons was this day filed, showing that a majority of all the qualified voters reside in the following boundary to-wit:

Beginning at a white pine on the south west bank of the east fork of Greenbrier River, where an iron wood by a rock was formally called for, corner to the dower lands of Ellen Slaven, thence north 16° E. 528 feet to a painted rock where a sugar tree was formerly called for on the north west bank of said river, N. 31° E. 990 feet to a stake and white oak sapling N. 45 W. 2739 feet to a white oak and chestnut oak on top of Snake Den Ridge, N. 53 W. 2244 feet, crossing the north east of the long shoal cut on the C. & I. R. R. crossing the west fork of the Greenbrier River to a leaning birch on or near R. B. Kerr line and with the same N. 86° W. 1/2 feet to two spruce pine stumps and birch on west bank of said river, S. 34° W. 462 feet to a red oak stump on north west bank of said river, S. 2 W. 330 feet to a deep crevice in the rocks, leaving the river at this point N. 72° W. 1/4 feet to a wild cherry and thorn near the big turn in the Staunton & Parkersburg Turnpike, thence running parallel with the said pike 30 feet from the center on the south east side, down said pike S. 14 E. 181 feet to a May cherry, S. 14° E. 214 feet to a stone between two chestnut stumps, S. 5° E. 198 feet to a chestnut tree, S. 12° E. 264 feet to a sugar and small spruce, S. 10 E. 247 feet to two red oaks, S. 14° E. 198 feet to a chestnut tree, S. 19° E. 1/2 feet to a maple, S. 24° E. 99 feet to a birch, S. 32° E. 1/2 feet to a stake and service stump, 30 feet north west of the abutment on the west bank of said river, thence crossing said river above the abutments, S. 84 E. 181 feet to a stake on the east side of said river, S. 4 E. 60 feet to a stake below the abutment, thence crossing said river N. 84 W. 176 feet to a point of rocks on west side of said river, S. 19° E. 1/2 feet to a point of rocks, S. 42° W. 1/2 feet to a hemlock

in the run above the old mill, N. 78-1/2 W. 346 feet to a point in said run, S. 5 1/2 E. 680 feet to a red oak and dog wood near the top of the ridge, S. 21 1/2 W. 1023 feet to a stone pile on a bank near the C. & O. R. R., witnessed by two white oaks above, S. 78 W.

1105 feet to a locust at the lower end of the bottom near where the river runs close to the railroad, S. 19-1/2 E. crossing the river to a hemlock at 264 feet continued same bearing in all 561 feet to a bunch of small chestnuts on the end of a broad ford point, S. 80 E.

2689 feet to a large hemlock on a steep hillside, N. 81 E. 2640 feet to the beginning and containing three hundred and fifty acres more or less, had been given in due form of law in favor of the incorporation of the town of Durbin, in the County of Pocahontas ^{within the}

boundaries as herein set forth, and it appearing ~~in the certificate~~

^{to the satisfaction of} the court that all the provisions of chapter 47, of the Code of

West Virginia have been complied with by the applicants ^{for} said

^{incorporation} ~~by~~ said town ^{is} duly authorized within the ^{Corporate} ~~proper~~ limits

aforsaid to exercise all the corporate powers conferred by said

chapter from and after the date of this certificate, and the

Clerk of this Court is ordered to issue a certificate of incorpo-

ration of said town, and the court doth fix the 28th day of

July ¹⁹⁰⁶ as a time for holding the first election of officers of said

town and doth appoint the following legal voters residing in said

territory to act as commissioners of election to-wit:

J. W. Folks, H. C. Lumadue and Lafayette Simmons, who shall conduct said election in the manner required by law.

To the Honorable W. R. Bennett, Judge of the Circuit Court of Pocahontas County, W. Va.

In the matter of the incorporation of the town of Durbin.

Your petitioners respectfully represent that they desire to incorporate the town of Durbin, situated in Pocahontas County, in Green ~~bank~~ ^{District} as shown by the plat and surveyor's report, containing 350 acres, as will more fully and at large appear by said map and survey, filed ^{as} Exhibit No. 1, of this petition.

That on the 23rd day of April, 1906 your petitioner caused to be made an accurate census of the persons in said boundary to be taken and verified as required by law, which census showed that there resided within said boundary, 236 persons of which 62 were legal qualified voters, said census is herewith filed with this petition marked exhibit No. 2.

That on the 23rd day of April, 1906 your petitioners caused a notice to be posted at the three of the most ~~business~~ ^{public} places in said boundary, which notices remained posted for more than 30 days to wit, until the 2nd day of June, 1906, at which time the voters residing within said boundary ~~made~~ and held an election as required by law, at which said election 40 votes were cast in favor of said ^{inc}orporation, and 17 votes were cast against said incorporation; the return of the commissioners of said election is herewith filed as a part of this petition, marked Exhibit number 3.

That said Census, Map, and Survey remain for public inspection in the post-office at Durbin from April 23rd 1906, to June 2nd 1906.

That in the notice aforesaid, notice was given that an application would be made to your Honor for a certificate of incorporation on the 19th day of June, 1906, first day of the June term of the Circuit Court. A copy of said notice and the return thereon is here filed as Exhibit No. 4 of this petition.

Your petitioners respectfully represent that all the formalities of the law has been complied with to obtain a certificate of corporation ~~for~~ the said Town of Durbin, and would respectfully

petition your Honor, in your discretion to grant to said Town a certificate of incorporation.

Your petitioners would represent that said town is a large and important village of said county; it is situated at the Junction, ^{at} ~~the~~ the C. & O. and the Western Md. Railroads; has within its bounds ^{an} ~~and~~ important bank; a number of large stores; and a large number of hotels and restaurants and other business houses.

The citizens of said town feel the need of a Local Government to protect them against the petty annoyances, which ^{are} ~~are~~ too trivial to be considered by the Circuit Court, but which disturb the peace and good order of said town. They also desire to make such local improvements as a growing town ^{always} ~~has~~ needs, and they also desire to aid the Circuit Court of said County to preserve peace and good order within and near the bounds of said town.

They therefore pray that a certificate of incorporation be issued by your Honor in incorporating the ^{said} ~~said~~ town of Durbin in the matter and form required by law, and they will ever pray, etc

- | | |
|-----------------|----------------------|
| A. M. Oliver | G. W. Sharp |
| N. B. Arbogast | Paul Smith |
| W. W. Tyree | Karl Degler |
| J. Hall Wilson | J. H. Bird |
| Geo. F. Hull | F. M. Woods |
| J. E. Wamsley | p D. Arbogast, M. D. |
| James Ryder | Faud Trimble |
| S. A. Willhide. | |

By Counsel

*Andrew Linn
Atty*

State of West Virginia,
County of Pocahontas, to-wit:

H. C. Linnader, J. F. Folks
and Lafayette Linnaders being duly
sworn say that on the 2nd day of June
1906, the qualified voters residing
within proposed bounds of the incorporation
of the town of Durbin having met at
the time and place mentioned in the
notice duly posted, they selected the
three undersigned voters living and residing
in said boundary to superintend said
election, and that they, the said undersigned
voters conducted the election ^{in the manner provided by law} upon the
question of incorporation of the said
town of Durbin, having provided a
ballot box in which each qualified
voter placed a ballot upon which
were written the words "For Incorporation"
or "Against Incorporation" and all
the voters having voted that they counted
the ballots and ascertained the
result of such vote to be as follows:
"For Incorporation" Forty (40) Votes.
"Against Incorporation" Seventeen (17) Votes.
Given under our hands this
4th day of June, 1906.

J. J. Falks.
Lafayette Simms
H. C. Summitt

Taken, sworn to and subscribed before
me, a notary of said County, in
my said County, this 4th day of June,
1906.

W. B. Arbogast Notary Public

James Denton

Filed June 4th 1906
J. H. Patterson
Clerk

A census of the population of the supposed corporation of Dublin, showing the names of the heads of families, the number of each family, and the names and number of the voters of said town, who shall have resided within the boundaries of said town for six months prior to the day of _____ 1906.

	Names	No. in family
1	P. J. Eades and wife	3
2	C. G. Sutton " "	2
3	P. D. Arbogast " "	7
4	C. P. Kew	3
5	C. C. Burner " "	4
6	C. A. Smith " "	2
7	J. A. Berry " "	3
8	J. M. Keiser " "	7
9	J. D. Wilmoth " "	2
10	J. C. Harris " "	5
11	J. H. Bird " "	3
12	H. J. Suckett " "	4
13	C. M. Richardson " "	2
14	H. C. Lunnadue " "	4
15	Stewart Pingley " "	3
		<hr/> 54

16	James Ryder and wife		5
17	J. F. Folks	" "	6
18	C. J. Curtis		6
19	Robert Simmons	" "	4
20	Lafayette Simmons	" "	8
21	J. S. Ruckman	" "	9
22	Mrs. Rosa Haven		3
23	Karl Segler	" "	2
24	J. N. Graves	" "	8
25	Mrs. Bettie Kelley		4
26	D. S. Pingley		3
27	Luther Davis	" "	2
28	Isa. Oldaker	" "	3
29	C. C. Coultter	" "	2
30	A. M. Oliver	" "	6
31	J. M. Bunn	" "	2
32	J. F. Wamsley	" "	5
33	C. E. Godwin	" "	3
34	W. W. Marshall	" "	7
35	G. C. Marshall	" "	4
36	Henry M. Naughton	" "	6
37	J. W. Young	" "	2
38	C. C. Diepinson	" "	7
39	C. O. Aubogast	" "	3
40	Mrs. Katharine Segler	" "	6
41	J. M. Woods	" "	6
42	J. A. Folks	" "	5
43	C. P. Adams	" "	4
44	Harry Chiles	" "	4
45	W. W. Lyle	" "	5
46	L. S. Sizmore	" "	4
47	Tom Thompson, Col.	" "	5
			97
48	Mike McGann	" "	5
			215

48 Mike McGann " "

979
5

215

People without families.

- 1 J. Hald Wilson
- 2 J. W. Watson
- 3 A. E. Dorsey
- 4 C. W. Haven
- 5 Glen Maybright
- 6 Charles Bennett
- 7 W. B. Arbogast
- 8 G. W. Alder
- 9 A. Viehdorfer
- 10. W. G. Eades
- 11 Emma Repode
- 12 F. A. Trimble
- 13 L. C. Frazier
- 14 A. Vandevander
- 15 J. A. Hillside
- 16 F. L. Mazy
- 17 Geo. F. Neuff
- 18 C. B. Eskridge
- 19 L. G. Baker
- 19 Mrs. Jones, Col.
- 20 Mrs. Sheridan "

Population, 186

1
1
5
3
4
2
4
4

Town of Dublin

Exhibit 1

Report of a survey made for the town of Durbin. The proposed boundry for incorporation, as follows to Wit. BEGINING at a white pine. on the south west bank of the east fork of green brier river. where a iron wood by a rock was formaly called for. corner to the dower lands of Ellen Slaven, thence N 16 E 528 feet to a painted rock. where a sugar tree was formaly called for on the north west bank of said river. N 3.1/2 E 990 feet to a stake. and white oak saplings N 45 W 2739 feet to a white oak and chestnut oak. on top of snake den ridge

N 53 W 2244 feet crossing the north east end of the long shoal cut on the C & I R. R crossing the west fork of green brier river to a leaning birch on or near R. B. Kerr, line and with the same. N 86.1/2 W 165 feet to two spruce pine stumps. and birch on west bank of said river. S 34.3/4 W 462 feet. to a red oak stump. on north west bank of said river. S 2 W 330 feet to a deep crevice in the rocks. leaving the river at this point. N 72.1/4 W 165 feet to a wild chery and thorn. near the big turn in the staunton and parkersburg turn pike. thence runing paralel with said pike. 30 feet from the centor on south east side. down said pike. S 14 E 181 feet to a may chery. S 14. 3/4 E 214 feet to a stone between two chestnut stumps. S 5.1/4 E 198 feet to a chestnut tree. S 12.1/2 E 264 feet to a sugar and small spruce. S 10 E 247 feet to two red oaks. S 14.1/2 E 198 feet to a cheznut tree S 19.1/2 E 82 feet to a maple S 24.1/2 E 99 feet. to a birch. S 32.1/2 E 132 feet to a stake and sarvice stump. 30 feet north west of the abutment. on west bank of said river, thence crossing said river above the abutments. S 84 E 181 feet to a stake on the east side of said river. S 4 E 60 feet to a stake below the abutment. thence crossing said river N 84 W 176 feet to a point of rocks. on west side of said river. S 19.1/2 E 94 feet to a point of rocks. S 42.1/2 W 214 feet to a hemlock in the run. above the old mill. N 78.1/2 W 346 feet to a point in said run. S 5.1/2 E 660 feet to a red oak and dog wood. near the top of a ridge. S 21. 1/2 W 1023 feet to a stone pile on a bank, near the C & O R R. witnessed by two white oaks above. S 78 W 1105 feet to a locust at the lower end of the bottom near wh^{ere} the river runs close to the railroad. S 19.1/2 E crossing the river to a hemlock at 264 f feet continued same bearing in all 561 feet to a bunch of small chesnute on the end of broad ford point. S 80 E 2689 feet to a large hemlock on a steep hill side. N 81 E 2640 feet to the begining and containing three hundred and fifty acres more or less.

John P. Townsend

State of West Virginia, Pocahontas County, to Wit:

I John P. Townsend, Surveyor being duly sworn says that he has surveyed the boundry proposed to be included in the corporation of the town of Durbin, and that survey and map hereto annexed are correct and accurate as could be gotten. ^{Considering} ~~in regard to~~ the rivers and steep mountain sides. to the best of his knowledge and belief.

John P. Townsend

Taken Sworn to and subscribed before me this 30th day of
march. 1906.

N. B. Arbogast N. P.



Journal of Burrows

Exhibit 2

List of Voters.

1	O. J. Eades -	27	E. G. Sizemore -
2	C. G. Futton -	28	Harry Shivers -
3	P. L. Aubogast -	29	C. C. Cauter -
4	C. P. Kew -	30	A. M. Oliver -
5	C. C. Burner -	31	S. M. Burner -
6	Ph. Smith -	32	J. F. Wampler -
7	J. A. Berry -	33	J. Hall Wilson -
8	J. M. Kynn -	34	F. W. Watson -
9	J. D. Milmoth -	35	Bernard Kelley -
10	J. C. Harris -	36	Wade Kelley -
11	H. C. Butch ^(moved away) _(not counted)	37	A. C. Dancy -
12	J. B. Bird -	38	C. W. Shaver -
13	W. J. Pickett ^(moved away) _(not counted)	39	Gen. W. Bright -
14	E. M. Richardson -	40	Charles Bennett -
15	H. C. Sumadue -	41	W. B. Aubogast -
16	Stewart Pingley -	42	E. W. Sharp -
17	J. F. Folks -	43	R. Vindorfen -
18	C. J. Opatis -	44	W. G. Eades -
19	Capt. Simmons -	45	Anna Repode +
20	Layla. Simmons -	46	F. A. Trimble +
21	A. J. Ruckman -	47	J. C. Frazier -
22	Carl Decker -	48	Wm. Ruckman -
23	J. N. Graves +	49	Jno. Ruckman -
24	D. L. Pingley +	50	Rev. A. Vandewater -
25	Luther Davis -	51	R. A. Dickenson -
26	Ira Oldaker -	52	H. C. Dickenson -

53 James Ryder -
54 Stark Willhide +
55 W. E. Godwin

Total No. Voters 62

56 Thomas Thompson, Col. -
57 J. J. Jones
58 John Henderson
59 J. C. Kuhn
~~60 W. E. Godwin~~
60 W. E. Alkire
61 M. V. Woods
62 Albert Degler
63 J. J. Jennings
64 J. W. Lane
62 Correct No.

State of West Virginia
County of Pocahontas, To-wit:

This day personally appeared before me A. M. Oliver and after being duly sworn deposes and says that the above, is a true list of the census of the town of Durbin, showing the number of families and voters.

A. M. Oliver.

Taken, subscribed and sworn to before me this 23 day of April, 1916.

A. B. Arbogast, N.P.

From of Dunbar

Whitbit No 4

N O T I C E.

Notice is hereby given that the undersigned persons, citizens of the Town of Purbin, will on Tuesday, the 19th day of June, 1906, the first day of the June term of the Circuit Court of Pocahontas County, West Virginia, apply to the Judge of said court for certificate of Incorporation for the boundary hereinafter described as the Town of Purbin; and that the undersigned have caused to be taken a census of the population of the said territory as required by law, and have caused to be made an accurate survey and map of the said territory in manner required by law; and that the said survey, map and census have been left for examination by any persons interested, at the Post-office in said territory; and that on Saturday, the 2nd day of June, 1906, the qualified voters residing in such territory will meet at the public schoolhouse to vote upon the question of such incorporation, at which time such voters shall deposit the ballot in the ballot box to be provided for that purpose, with the words written or printed thereon, "FOR INCORPORATION" or "AGAINST INCORPORATION" under the superintendance of any three voters within the said boundary, appointed for that purpose for the voters present. The territory proposed to be incorporated is bounded and described as follows, and is situated in the Green Bank District, or District No. 1 of Pocahontas County, West Virginia:

Beginning at white pine on the south west bank of the east fork of Greenbrier River where an iron wood by a rock was formerly called for, corner to the lower lands of Ellen Slaven, thence N. 16° W. 528 feet to a painted rock where a sugar tree was formerly called for on the north west bank of said river, N. 3-1/2° E. 990 feet to a stake and white oak sapling N. 45° W. 2739 feet to a white oak and chestnut oak on top of snake pen Ridge, N. 53° W. 2244 feet crossing the north east end of the long shoal cut on the G. & I. E. R. crossing the west fork of Greenbrier River to a leaning birch on or near R. B. Kerr, line and with the same N. 86-1/2° W. 165 feet to two spruce pine stumps and birch on west bank of said river, S. 34-3/4° W. 462 feet to a red oak stump on north west bank of said river, S. 2° W. 330 feet to a deep crevice in the rocks, leaving the river at this point N. 72-1/4° W. 165 feet to a wild cherry and thorn near the big turn in the Staunton & Parkersburg Turnpike, thence running parallel with said pike 30 feet from the center on south east side, down said pike, S. 14° E. 181 feet to a may cherry, S. 14-3/4° W. 214 feet to a stone between two chestnut stumps, S. 5-1/4° E. 198 feet to a chestnut tree, S. 12-1/2° E. 264 feet to a sugar and small spruce, S. 10° W. 247 feet to two red oaks, S. 14-1/2° W. 198 feet to a chestnut tree, S. 19-1/2° E. 82 feet to a maple, S. 24-1/2° W. 99 feet to a birch, S. 32-1/2° E. 132 feet to a stake and service stump, 30 feet north west of the abutment on west bank of said river, thence crossing said river above the abutments, S. 84° E. 181 feet to a stake on the east side of said river, S. 4° E. 60 feet to a stake below the abutment, thence crossing said river N. 84° W. 176 feet to a point of rocks on west side of said river, S. 19-1/2° E. 94 feet to a point of rocks, S. 42-1/2° W. 214 feet to a hemlock in the run above the old mill, N. 78-1/2° W. 346 feet to a point in said run, S. 5-1/2° E. 660 feet to a red oak and dog wood near the top of a ridge, S. 21-1/2° W. 1023 feet to a stone pile on a bank near the G. & O. R. R. witnessed by two white oaks above, S. 78° W. 1105 feet to a locust at the lower end of the bottom near where the river runs close to the railroad, S. 19-1/2° W. crossing the river to a hemlock at 264 feet continued same bearing in all 561 feet to a bunch of small chestnuts on the end of broad ford point, S. 80° E. 2689 feet to a large hemlock on a steep hillside, N. 81° E. 2640 feet to the beginning and containing three hundred and fifty acres, more or less.

This the 23rd day of April, 1906.

A. M. OLIVER
 N. R. ARBOGAST
 W. W. TYRE
 J. HALL WILSON
 J. F. WAMBLEY
 GEO. F. HULL
 JAMES RYDER
 S. A. WILLIAMS

G. W. SHARP
 PAUL SMITH
 KARL DEGLER
 J. H. BIRD
 F. M. WOODS
 P. D. ARBOGAST, M. D.
 FAUD TRIMBLE

Andrew Purbin, Atty

State of West Virginia,
County of Pocahontas, to-wit:

I, C. P. Kern being duly sworn
say that on the 23rd day of April,
1906, I posted two copies of the
within notice in the boundary described
in the within notice as follows: One
copy at the front door of the ~~Post-office~~^{post-office},
One copy at the C. & O. Railway depot;
and one copy at Paisley Bros. store;
Three of the most public places in such
territory, and I do further certify that
no newspaper is published in said
territory.

C. P. Kern

Sworn to before me a Notary of said County
in my said County this 4th day of June 1906
H. B. Arbogast, Notary Public

James G. Arbogast
Notary Public