

ACTS
OF THE
LEGISLATURE

OF
WEST VIRGINIA

AT ITS
TWENTY-FIFTH REGULAR SESSION

Commencing January 9th, 1901.

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ACTS OF 1901.

(Reprinted 1905)

(House Bill No. 328.)

CHAPTER 1.

AN ACT making appropriations of public money to pay general charges upon the treasury.

[Passed February 22, 1901. In effect from passage. Approved February 23, 1901.]

Be it enacted by the Legislature of West Virginia:

1. There shall be and are hereby appropriated out of the State fund for the fiscal year ending September thirtieth, one thousand nine hundred and one, the following sums for the purpose as follows:

Appropriations to pay general charges upon the treasury for fiscal year ending September 30, 1901, including deficiencies.

Penitentiary.

For salary of the warden, one thousand five hundred dollars.

For salary of the clerk and commissary, one thousand dollars.

For salary of the physician, six hundred dollars.

For salary of chaplain, one hundred and fifty dollars.

For salary of matron, six hundred dollars.

The board of directors of the penitentiary are hereby authorized and directed, to pay over and cover into the State treasury, from time to time, all money and income arising from the hiring of inmates under the control of the said board, over and above the

Appropriations to pay general charges—1st fiscal year—Continued.

sum of twenty thousand dollars, which said board of directors are to retain and use to meet the current and other expenses of the penitentiary.

Criminal Charges.

For criminal charges, one hundred and twenty-five thousand dollars.

For extradition of criminals, two thousand dollars.

Lunatics in Jail.

For support of lunatics in jail, three thousand dollars.

Historical Society.

For the West Virginia Historical and Antiquarian Society, twelve hundred dollars, for salary of librarian and for purposes of collecting, purchasing and preserving relics, books, printing and stationery, et cetera; the articles which may be collected by said fund to be and remain the property of the State, and to be held in trust by said society for the State.

Normal Schools.

For the support of the Normal School and its branches, to be paid according to the provisions of sections ninety-six and ninety-seven, of chapter forty-five of the Code, as amended by the Acts of the Legislature of one thousand eight hundred and ninety-nine, thirty thousand dollars.

For additional expense for the support of the Normal School and its branches, twelve thousand dollars.

For traveling expenses of the board of regents, twelve hundred dollars.

For salary of secretary, two hundred dollars.

For the education and normal school training of colored teachers, to be paid according to the provisions of section ninety-six of chapter forty-five of the Code, fifteen hundred dollars.

Marshall College.

For library and apparatus, one thousand dollars.

For furniture, six hundred dollars.

- For furniture for dormitory, four hundred dollars.
- For furniture for commencement hall, two hundred dollars.
- For contingent expenses, seven hundred dollars.
- For painting building, tinting walls and repairs, five hundred dollars.
- For fuel, water and lights, one thousand dollars.
- For janitor, six hundred dollars.
- For sewer, grading and improving grounds, five hundred and fifty dollars.
- For deficiency for opera chairs, four hundred and twenty dollars.
- For fire escapes, two hundred dollars.
- For physical apparatus for laboratory, one hundred and fifty dollars.
- For hose connections and plumbing for fire extinguishers, hand grenades, two hundred and fifty dollars.
- For deficiency for fuel for the year nineteen hundred, one hundred and fifty-eight dollars.
- For deficiency for plumbing and gas fixtures, seven hundred and seventy-three dollars and sixty cents.
- For deficiency for furnishing dormitory, three hundred and seventy-five dollars.

Appropriations to pay general charges—
1st fiscal year—
Continued.

West Liberty Normal School.

- For library and apparatus, seven hundred and fifty dollars.
- For furniture, three hundred dollars.
- For contingent expenses, six hundred dollars.
- For fuel and light, four hundred dollars.
- For janitor, three hundred and fifty dollars.
- For repairs to buildings, two hundred and fifty dollars.
- For tower clock, four hundred dollars.
- For wall and fence, four hundred dollars.
- For electric clock, one hundred dollars.
- For painting and papering, two hundred and fifty dollars.

Concord Normal School.

- For library and apparatus, one thousand dollars.
- For repairs to buildings, two hundred and fifty dollars.
- For contingent expenses, six hundred dollars.

Appropriations to pay general charges—1st fiscal year— <i>Continued.</i>	For fuel and lights, one thousands dollars.
	For furniture, three hundred dollars.
	For janitor, four hundred dollars.
	For cases for physical apparatus, two hundred and fifty dollars:

Shepherd College Normal School.

- For repairs to buildings, two hundred and fifty dollars.
- For library and apparatus, seven hundred and fifty dollars.
- For contingent expenses, five hundred dollars.
- For janitor, three hundred and fifty dollars.
- For fuel and lights, six hundred dollars.
- For gymnasium, two hundred and fifty dollars.

Fairmont Normal School.

- For furniture, three hundred and fifty dollars.
- For library and apparatus, one thousand dollars.
- For repairs to buildings, four hundred dollars.
- For contingent expenses, seven hundred dollars.
- For closets, one hundred and fifty dollars.
- For gymnasium, two hundred and fifty dollars.
- For chandeliers, one hundred and fifty dollars.
- For janitor, six hundred dollars.
- For fuel, water and lights, six hundred and sixty-one dollars and sixty-eight cents.

Glenville Normal School.

- For repairs to buildings, two hundred and fifty dollars.
- For furniture, two hundred dollars.
- For contingent expenses, five hundred dollars.
- For library and apparatus, seven hundred and fifty dollars.
- For janitor, four hundred dollars.
- For fuel and lights, three hundred dollars.
- For water works and lavatory, one thousand dollars.

West Virginia Schools for the Deaf and the Blind.

- For current expenses, forty-two thousand, five hundred dollars.

For traveling expenses, two thousand five hundred dollars. Appropriations to pay general charges—
 For contingent expenses, six hundred dollars. 1st fiscal
 For fund for colored pupils, two thousand dollars. year—
 For heating apparatus, fire escapes and furniture, three thousand three hundred and eighty-two dollars. Continued.

For lavatories, one thousand dollars.

For the purchase of real estate adjacent or conveniently near to the property now used by the State, five thousand dollars.

For reimbursing the West Virginia Schools for the Deaf and Blind, the amount expended by said institution for clothing furnished indigent pupils from the various counties, such amount is hereby appropriated as may be paid into the treasury by the counties on said account.

The University.

For salaries of teachers, thirty thousand dollars.

For current and contingent expenses, four thousand five hundred dollars.

For books for cadets, one thousand dollars.

For regents' expenses fifteen hundred dollars.

For engineering building, fifteen thousand dollars.

For gas fixtures, three hundred dollars.

For law library, seven hundred and fifty dollars.

For cadet uniforms, two thousand five hundred dollars.

For repairs to buildings, one thousand dollars.

For advertising, one thousand dollars.

For stationery and printing for the university three thousand dollars.

For stationery and printing for experiment station, twenty-five hundred dollars.

For books and supplies for library, twenty-five hundred dollars.

For grading drill grounds, four hundred dollars.

For school of music, two thousand dollars.

For gymnasium, five hundred dollars.

For college of engineering and mechanical arts, eight hundred dollars.

For college of agriculture, two thousand dollars.

For art department, sixteen hundred dollars.

For library and museum building, fifteen thousand dollars.

Appropriations to pay general charges—1st fiscal year—*Continued.*

For armory for military department, three thousand dollars.

For improving grounds, five hundred dollars.

For fire protection, four hundred dollars.

For salary of gardener, four hundred dollars.

For night watchman, six hundred dollars.

For completing, heating and ventilating apparatus, commencement hall, three hundred dollars.

For blackboards, desks, et cetera, five hundred dollars; *provided*, that no part of said appropriation for the University shall be used to in any way pay or maintain what is known as the "Summer Quarter."

Hospital for the Insane at Weston.

For current expenses including salaries, one hundred and fifty thousand five hundred dollars.

For transportation of patients, twenty-five hundred dollars.

For painting, repairs and water supply, ten thousand dollars.

For new boiler house, twenty-five hundred dollars.

For deficit on new tube boiler, twenty-five hundred and fifty dollars.

For locks and keys for doors, five hundred dollars.

For the purchase of dry goods and fancy material for the female patients to work with, two hundred dollars.

Second Hospital for the Insane.

For current expenses including salaries, forty-six thousand dollars.

For transportation of patients, three thousand dollars.

For repairs, one thousand dollars.

For drugs, one thousand dollars.

For farm, five hundred dollars.

For furnishing new ward, fifteen hundred dollars.

For iron fence, fifteen hundred dollars.

For painting buildings, five hundred dollars.

For wells, water supply and reservoirs, seven thousand dollars.

For furniture for administration building, one thousand dollars.

For the purchase of dry goods and fancy material for the female patients to work with, one hundred dollars.

Preparatory Branch of the West Virginia University at Montgomery.

For repairs to buildings, two hundred and fifty dol-
lars.

For furniture and fixtures, one hundred and fifty dol-
lars.

For fuel and lights, three hundred dollars.

For contingent expenses, two hundred and fifty dol-
lars.

For teachers' salaries, thirty-two hundred dollars.

For janitor, four hundred dollars.

For piano, two hundred dollars.

For library and apparatus, five hundred dollars.

For regents' expenses, two hundred dollars.

For tower clock, three hundred and fifty dollars.

Appropriations to
pay general
charges—
1st fiscal
year—
Continued.

West Virginia Reform School.

For current expenses, eighteen thousand dollars.

For officers' salaries, nine thousand dollars.

For expenses board of directors, eight hundred dol-
lars.

For transportation of inmates, seven hundred dol-
lars.

For repairs to electric light plant, two hundred dol-
lars.

For laundry machinery, three hundred dollars.

For painting buildings and repairs, three hundred dol-
lars.

For contingent expenses, two hundred dollars.

For library, two hundred dollars.

For water works, seven thousand five hundred dol-
lars.

For completion of administration building, twelve
thousand five hundred dollars.

For deficiency, three thousand three hundred and thirty-
nine dollars and three cents.

West Virginia Colored Institute.

For current expenses, one thousand dollars.

For expenses board of regents, six hundred dollars.

For salary of janitor, four hundred dollars.

For fuel, eight hundred dollars.

For school and dormitory furniture, two hundred and
fifty dollars.

Appropriations to pay general charges—1st fiscal year—Continued.	For teachers' salaries, eight thousand dollars.
	For grading grounds and building walks, two hundred and fifty dollars.
	For salary of engineer, five hundred dollars.
	For repairs to building and furniture, five hundred dollars.
	For kitchen equipments, five hundred dollars.
	For dining room equipments, fifty dollars.
	For cadet uniforms, nine hundred dollars.
	For night watchman, four hundred dollars.
	For agricultural department, four hundred and twenty-five dollars.
	For one-half of the purchase price of not less than thirty acres of land, twenty-two hundred and fifty dollars.
	For plumbing, one hundred dollars.
	For domestic science, five hundred dollars.
	For physical science, one hundred dollars.
	For equipments, fifty dollars.
	For cadet books, five hundred dollars.
	For gymnasium for girls, one hundred dollars.
	For printing department, two hundred and fifty dollars.
	For trades building, five thousand dollars.
	For fire department, one hundred and twenty-five dollars.
	For library and reading room, one hundred dollars.
	For drum corps, fifty dollars.
	For deficiency for the year, nineteen hundred, eleven thousand and ninety-three dollars and twelve cents.

Bluefield Colored Institute.

For salary of teachers, thirty-two hundred and fifty dollars.
For janitor, four hundred dollars.
For fuel and lights, six hundred dollars.
For library and apparatus, five hundred dollars.
For expenses of board of regents, five hundred dollars.
For contingent expenses, three hundred dollars.
For land, six hundred and twenty-five dollars.
For piano, two hundred dollars.
For water rent, seventy-five dollars.
For laundry, two hundred and fifty dollars.

For heating apparatus, eight hundred and sixty dollars.
 For repairs to buildings, one hundred and fifty dollars.

Appropriations to pay general charges—1st fiscal year—
Continued.

Storer College.

For tuition, room rent and the use of books, for fifty or more pupils from this State, in the normal department of said college, one thousand dollars. To be paid out upon the requisition of the State Superintendent of Free Schools.

West Virginia Industrial Home for Girls.

For completion of first wing to building, three thousand dollars.

For contingent expenses, two hundred and fifty dollars.

For salaries of employes, two thousand five hundred dollars.

For current expenses, three thousand dollars.

For expenses board of directors, six hundred dollars.

For transportation of inmates, six hundred dollars.

For school house, twenty-five hundred dollars.

For deficiency, borrowed money, forty-five hundred dollars.

West Virginia Asylum for Incurables.

For current expenses, twenty-five thousand dollars.

For deficiency, building, fifteen thousand five hundred and thirty-three dollars and forty-seven cents.

For addition to stable, five hundred dollars.

For furniture and repairs, building No. 1, two thousand dollars.

For furniture, building No. 4, five thousand dollars.

For water mains, fifteen hundred dollars.

For electric light plant and laundry building, three thousand dollars.

For blinds, one thousand one hundred and seventy dollars.

For screens, one thousand two hundred dollars.

Bureau of Labor.

For salary of Commissioner of Labor, twelve hundred dollars.

Appropriations to Pay general charges— 1st fiscal year— Continued.	For salary of assistant commissioner of labor, eight hundred dollars. For contingent expenses, one thousand dollars. For expenses free employment bureau under provision of House Bill No. 25, passed during the present session of the Legislature, five hundred dollars.
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State Board of Agriculture.

For total expenses, including salaries of officers, ten thousand dollars.

For carrying into effect the provisions of chapter nine, acts of one thousand eight hundred and ninety-seven, for destruction of diseased animals, eight hundred dollars.

Bank Examiner.

For deficiency in publication of statements, four hundred and twenty-five dollars.

Commisisoner of Banking.

For salary of commissioner, fifteen hundred dollars.

For traveling expenses, six hundred dollars.

For contingent expenses, three hundred dollars.

Inspectors of Mines.

For salaries of inspectors, six thousand and sixty-six dollars and fifty-six cents.

For traveling expenses, twenty-seven hundred dollars.

For contingent expenses, five hundred dollars.

For clerk hire, six hundred dollars.

For printing and distributing reports, fifteen hundred dollars.

For deficiency for traveling expenses prior to September thirtieth, in the year nineteen hundred, three hundred and twenty-eight dollars and seventy-five cents.

State Board of Health.

For expenses State board of health, two thousand dollars.

For contingent expenses, one hundred dollars, and

so much as shall be paid into the treasury by said board as fees for examinations, to be paid by the Auditor upon the order of the board under provisions of section seventeen, chapter seven, of the Acts of one thousand eight hundred and ninety-five.

Appropriations to pay general charges—1st fiscal year—*Continued.*

Commissioners of Pharmacy.

For commissioners and secretary, five hundred dollars, to be paid by the Auditor upon the order of the said commissioners.

Vaccine Agents.

For vaccine agents, to be paid on the order of the Governor, three hundred dollars.

Institute Instructors.

For compensation of institute instructors, provided for in section thirty, of chapter forty-five, of the Acts of one thousand eight hundred and ninety-five, one thousand dollars, out of the general school fund.

For additional expenses for conducting institutes, three thousand dollars, out of the general school fund.

State Library.

For purchasing and binding books for the State Library, twelve hundred dollars, to be drawn on the order of the Supreme Court of Appeals, and expended under the direction of the said court; and all books furnished or purchased by this appropriation shall be the property of the State.

Insurance.

For premiums on insurance on public buildings, to be placed as the board of public works may direct, two thousand dollars, to be drawn from the treasury upon the order of said board.

For Pay of State Agents.

For compensation of State agents, such amount is hereby appropriated as may be necessary to pay commission of State agents, payable out of the funds col-

Appropriations to pay general charges—1st fiscal year—
Continued.

lected: *provided*, that in no case shall the amount exceed ten per centum of the funds collected and paid into the treasury.

For payment of the expenses of State agents for special services under authority and directions by the Auditor in and about the collection of claims due the State, one thousand dollars.

Erroneous Payments into the Treasury.

For refunding moneys erroneously paid into the treasury, such sum is hereby appropriated, as may be erroneously so paid, payable out of the same fund into which paid.

For Distribution of General School Fund.

For the distribution of the general school fund, such amount is hereby appropriated as may be duly apportioned by the State Superintendent of Free Schools, to each county, payable out of the general school fund.

For the pay of county superintendents of schools, to be paid out of the general school fund, according to the provisions of section fifty-three, of chapter forty-five of the Code, fifteen thousand dollars.

For Refunding County, District and Municipal Taxes.

For refunding to counties, districts and municipal corporations county, district and municipal taxes, paid into the treasury for redemption of lands, such amount is hereby appropriated as will be necessary to refund to the counties, districts and municipal corporations, entitled thereto, the taxes so paid into the treasury.

For refunding county, district and municipal taxes, paid into the treasury by railroad companies, such sum is hereby appropriated as will be necessary to refund to each county, district and municipal corporations, the amount of such taxes as may be paid into the treasury to the credit of such county, district or municipal corporation.

Overpaid Taxes.

For refunding over-payments made at the treas-

ury, on account of taxes, licenses, fines and commissions, to be paid out of the fund into which they were paid, such amount as may be necessary for such purpose.

Appropriations to pay general charges—1st fiscal year—*Continued.*

Erroneous Assessments.

For refunding taxes erroneously assessed, collected and paid into the treasury, to be paid out of the fund into which the taxes were paid, such amount as may be necessary for such purpose.

Delinquent Taxes.

The Auditor shall credit all delinquent taxes due the State to the fund to which they belong, and the costs of certification and publication of sale shall be paid out of the fund, to which they are credited, and so much as may be necessary is hereby appropriated for the payment of the same.

Re-Assessment of Real Estate.

For the purpose of carrying into effect the provisions of an Act passed during the present session of the Legislature entitled, "An Act to provide for the re-assessment of the value of all the real estate in the counties of Mercer and Tyler, in this State," and for the purpose of paying all necessary expenses attending the same, there is hereby appropriated out of the moneys in the treasury, not otherwise appropriated, such sum or sums as may be necessary, not to exceed the amounts specified in said act, the same to be paid by the auditor, after the completion of the services rendered, and expenses actually incurred.

Keyser Preparatory Department of the West Virginia University.

For the construction of new building as authorized by the Act passed at this session of the Legislature, known as House Bill number three hundred and sixteen, to be paid as specified in said Act: for the year one thousand nine hundred and one, the sum of seven thousand five hundred dollars, to be paid out of the revenues of the year one thousand nine hundred and one.

Appropriations to pay general charges—1st fiscal year—Continued.

Game and Fish Warden.

For the salary of game and fish warden, as provided in an act of the Legislature passed during the present session, the sum of one thousand dollars.

For contingent expenses, the sum of six hundred dollars.

Miners' Hospital Number Two.

For maintenance and contingent expenses, five thousand dollars.

Advisory Board of Pardons.

For the per diem and expenses of members and salary of stenographer, the sum of two thousand dollars.

West Virginia Humane Society.

For current expenses, the sum of five thousand dollars.

State Geological and Economic Survey.

For geological survey, ten thousand dollars.

For the preparation and publication of reports, the sum of two thousand five hundred dollars.

Temporary Loans.

To reimburse the Governor of the State for temporary loans under the provision of section twenty-six, of chapter fourteen of the Code, for Capital contingent and repair fund, and premiums on insurance policies at the Weston Hospital for Insane, the sum of five thousand and sixty-seven dollars and thirty-nine cents with interest thereon.

To reimburse the Governor of this State for the amount necessarily expended by him in preparing for an exhibit at the Pan-American Exposition, proposed to be held at Buffalo, New York, in the year one thousand nine hundred and one, in full of expenses incurred by the Governor and commission named by him, the sum of four thousand dollars, or so much thereof as may be necessary therefor, to be audited and allowed by the Board of Public Works and

paid out and disbursed under the direction and control of said board. But the said Board of Public Works are required to make up an itemized statement in detail showing how, to whom and for what purposes said money was paid out and to make full and complete report thereof to the next session of the Legislature.

Appropriations to pay general charges—1st fiscal year—Continued.

To reimburse J. W. M. Appleton, Adjutant General of the State of West Virginia for the money expended by him on Civil War records, during the years one thousand eight hundred and ninety-nine and one thousand nine hundred, three hundred dollars, and six dollars and forty cents interest.

Civil Contingent Fund.

For civil contingent fund for the Governor, eleven thousand dollars.

Contingent Fund, Executive Department.

For contingent expenses of the Auditor's office, two thousand dollars.

For contingent expenses of the Treasurer's office, four hundred dollars.

For contingent expenses of Attorney General's office, four hundred dollars.

For contingent expenses State Superintendent of Free Schools' office, to be paid out of the general school fund, fifteen hundred dollars.

For purchase of books for the office of the State Superintendent of Free Schools, to be paid out of the general school fund, two hundred and fifty dollars.

For expenses to be incurred under the provisions of article twelve, section two, of the Constitution, five hundred dollars, or so much thereof as may be necessary, to be paid out of the general school fund.

For contingent expenses of Secretary of State's office, one thousand dollars.

For contingent expenses Adjutant General's office, five hundred dollars.

For contingent expenses of the State Librarian's office, three hundred dollars.

For distribution of the Acts and Journals to the members of the Legislature, three hundred dollars, to be paid upon the order of the Secretary of State.

The foregoing appropriations to be drawn upon the requisition of the officers, to whom said funds are re-

Appropriations to pay general charges—1st fiscal year—Continued. — respectively appropriated, and who shall render a detailed account, by item, showing what the expenditures are for, at each meeting of the Legislature, of the funds so expended.

Contingent Legislative Expenses.

For contingent expenses of the Senate, five thousand nine hundred dollars.

For contingent expenses of the House of Delegates, seven thousand dollars.

Salaries of Clerks.

For salary of Governor's private secretary and assistant, two thousand two hundred dollars.

For salary of chief clerk of Secretary of State, fifteen hundred dollars.

For three other clerks, one thousand dollars each.

For salary of chief clerk in Treasurer's office, one thousand two hundred dollars.

For salary of assistant clerk in Treasurer's office, eleven hundred dollars.

For salary of chief clerk in Auditor's office, one thousand five hundred dollars.

For salary of stenographer for Auditor, six hundred dollars.

For salaries of other clerks in Auditor's office, eight thousand and two hundred dollars.

For salary of assistant in the Attorney General's office, twelve hundred dollars.

For salary of stenographer for Attorney General, six hundred dollars.

For salaries of other clerks in the Attorney General's office, five hundred dollars.

For salary of chief clerk in the office of State Superintendent of Free Schools, to be paid out of the general school fund, one thousand two hundred dollars.

For the salaries of other clerks in the office of State Superintendent of Free Schools, to be paid out of the general school fund, two thousand three hundred dollars.

For salary of assistant clerk of the Supreme Court of Appeals, one thousand dollars.

Judicial Department.

For contingent expenses of Supreme Court of Ap-

peals to be expended upon the order of the court, one thousand dollars.

For stenographers and typewriters of judges of the Supreme Court of Appeals, two thousand and four hundred dollars.

For printing and binding Supreme Court reports, two thousand dollars.

To pay crier, messenger and janitors of Supreme Court, one thousand two hundred dollars.

For stenographer and typewriter for the Clerk of the Supreme Court of Appeals, six hundred dollars.

Appropriations to pay general charges—1st fiscal year—*Continued.*

The Militia.

To carry into effect the provisions of chapter sixty-one of the Acts of one thousand eight hundred and ninety-seven, relating to the militia, thirty-five thousand dollars, which amount shall cover all expenditures for the militia for the fiscal year: *provided*, that this sum shall be disbursed under the direction of the Governor, Adjutant General and Paymaster, upon requisitions made upon the Auditor.

To continue work upon Civil War records, provided for by chapter seventy-three, acts of one thousand eight hundred and ninety-seven, four hundred dollars.

Capitol Building and Grounds.

For water, nine hundred dollars.

For gas, five hundred dollars.

For coal, nine hundred and fifty dollars.

For repairs and contingent expenses, one thousand five hundred dollars.

Governor's Mansion and Grounds.

For additions and improvements to the Governor's mansion and grounds, one thousand two hundred and fifty dollars.

Printing, Binding and Stationery.

For public printing, the unexpended balances remaining in the treasury at the end of the fiscal year, one thousand eight hundred and ninety-nine, and one thousand nine hundred, amounting to twelve thousand and one hundred and thirty-six dollars and thirty-six

Appropriations to pay general charges—1st fiscal year—Continued.

cents; and in addition thereto the sum of five hundred dollars.

For supplying printing paper and stationery, including the office of State Superintendent of Free Schools, the unexpended balances remaining in the treasury at the end of the fiscal years one thousand eight hundred and ninety-nine and one thousand nine hundred, amounting to sixteen thousand nine hundred and twenty-two dollars and seventy-one cents.

For public binding, the unexpended balances remaining in the treasury at the end of the fiscal years one thousand eight hundred and ninety-nine and one thousand nine hundred, amounting to ten thousand, seven hundred and seventy-two dollars and twenty-five cents.

Janitor's Bill.

To pay Allen Spaulding, for services, seventy-nine dollars and fifty cents.

To pay William Hemmings, for services, seventy-nine dollars and fifty cents.

To pay John Fellows, for services, one hundred and two dollars.

To pay Verg. Russell, for services, seventy-eight dollars.

To pay Bruce Edgington, for services, sixty-seven dollars and fifty cents.

To pay James Campbell, for services, sixty-seven dollars and fifty cents.

To pay E. T. Jarrett, for services, as night watchman, sixty-seven dollars and fifty cents.

To pay James Collins, for services, sixty-seven dollars and fifty cents.

To pay M. W. Grossman, for cleaning windows, fifty-seven dollars.

To pay David Atkinson, for services, ninety dollars.

To pay Robert Conker, for services, one hundred and six dollars and fifty cents.

To pay Charles Davis, for twelve days' services as assistant janitor session of one thousand eight hundred and ninety-nine, eighteen dollars.

To pay William Hofferer, for services, seventy-nine dollars and fifty cents.

To pay Mrs. Griffith, for washing towels, twenty-five dollars.

To pay George Burford, for services, sixty-seven dollars and fifty cents.

To pay Louis Shaffer, for services, sixty-seven dollars and fifty cents.

To pay A. J. Spaulding, for services, one hundred and thirty-five dollars.

To pay R. D. Cotton, for services, sixty-seven dollars.

Miscellaneous Appropriations.

The following appropriations are made to be paid upon the order or requisition of the person or persons to whom they are allowed:

To Columbia Typewriter Manufacturing Company, Columbia typewriter cabinets, typewriter desks, typewriter typewriter Co. supplies, et cetera. for Senate and House of Delegates, one hundred and seven dollars and twenty cents.

To George Morgan, for four cases of matches, sixteen Geo. Morgan. dollars and fifty cents.

To Loewenstein and Sons, for shovels, poker and scuttle, Loewenstein & Sons. one dollar and fifty-five cents.

To Goldbarth and Strauss, for shoe laces, carpets for Goldbarth & Senate and House of Delegates, three thousand, nine hundred and two dollars and fifty cents. Strauss.

To James M. Toliver, colored, of Shepherdstown, for J. M. Toliver taxes paid twice into the State treasury for the years eighteen hundred and ninety-seven, eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, forty dollars and thirty-six cents.

To the Citizens' National Bank, assignee of The Tri-Citizens Nat. bune Company, two thousand seven hundred and seventy Bank. dollars and fifty-eight cents, for re-printing and binding volumes three, five and seven of the Reports of the Supreme Court of Appeals of West Virginia.

To the City Bank of Wheeling, assignee of Meighen City Bank, and Oldham, for insurance on the West Virginia Pen- Wheeling. itentiary, with interest, six hundred and fifty-four dollars and thirteen cents.

To G. W. Atkinson, for publishing election proclama- G. W. Atkin- tions in various newspapers for the year nineteen hun- son. dred, one hundred and fifty dollars, or so much thereof as may be necessary therefor.

To Dr. W. A. Rymer, of Gilmer County, for waiting Dr. Rymer. upon a witness, by order of the Circuit Court of that county, during the hearing of the case of the State of West Virginia against Myra H. Camden and J. P. Owens, thirty dollars.

- Morgan & Gardner.** To Morgan and Gardner, for gaven blocks, five tables, et cetera, eighteen dollars and forty cents.
- Dawley Furniture Co.** To Dawley Furniture Company, for five roll top desks, two tables and thirty-six chairs, one hundred and fifty dollars.
- W.F. Shawver** To pay W. F. Shawver and Company, for water cooler, coal hods, water buckets, et cetera, twelve dollars and seventy-five cents.
- Wm. Hoferer.** To William Hoferer, for sixty-seven desk braces, and plates for chairs, et cetera, twenty-six dollars.
- F. J. Daniels & Co.** To F. J. Daniels and Company, for oil cloth, towels, tumblers, et cetera, two hundred and twenty-two dollars and thirteen cents.
- H. L. Boggs.** To pay H. L. Boggs, for brushes, combs, dusters, thermometers, soap, et cetera, two hundred and eighty dollars and forty cents.
- J. H. George.** To pay James H. George, late Sheriff of Summers County, for expenses incurred in conveying Rosa Ford, convicted of felony, to the industrial home for girls, eighty dollars and seventy cents.
- Presidential Electors.** To pay per diem and mileage of Presidential electors, one hundred and eighty-two dollars and twenty cents.
- David Gideon** To pay David Gideon, for use of house for storage of gatling gun and equipment, one hundred and seventy-six dollars.
- Levi Skidmore.** To pay Levi Skidmore, late Sheriff of Webster County, for expenses in conducting Lot T. Albrock, a lunatic, from Webster County, West Virginia, to Saint Louis, Missouri, one hundred and fifty-four dollars and ten cents.
- W. R. Harman.** To pay W. R. Harman, for painting Senate chamber and the hall of House of Delegates, nine hundred and fifteen dollars.
- E. F. Smith.** To pay E. F. Smith, for services and expenses as game and fish warden, four hundred and twenty-seven dollars and seventy-eight cents.
- Frank Lively.** To pay Frank Lively, for services and expenses as game and fish warden, two hundred and seventy dollars and seven cents.
- Josiah Sinclair.** To pay Josiah Sinclair, for insurance on buildings at the West Virginia Colored Institute, three hundred and nineteen dollars and ninety-seven cents.
- Burrill & Briggs.** To pay Burrill and Briggs, for insurance on steam boilers, at West Virginia Colored Institute, one hundred and forty-one dollars and seven cents.
- Scott Bros.** To pay Scott Brothers, for merchandise furnished

clerk during recess of Legislature, thirty dollars and ninety-five cents.

To pay Charles F. Littlepage, for services rendered the State in insurance matters, relating to State property, under the directions of the Governor, one thousand dollars in full settlement of said claim, when said amount is accepted by him and not otherwise.

C. F. Littlepage.

To Rudesill and Mead, for decorated spittoons, mirrors, ewers, basins, water coolers, et cetera, for Senate and House of Delegates, fifty-four dollars and twenty cents.

Rudesill & Mead.

To pay the West Virginia Printing Company, for reprinting and binding volumes two, four, six, eight, ten, twelve, fourteen and sixteen, of the Supreme Court Reports of West Virginia, pursuant to an act of the Legislature of the year one thousand eight hundred and ninety-nine, the sum of eight thousand two hundred and forty-eight dollars and twenty-three cents.

W. Va. Printing Co.

To pay the following named newspapers for advertising for bids for printing and binding the foregoing reports, as follows: The Cincinnati Times-Star, the sum of ten dollars and sixty-three cents; to the Parkersburg State Journal, thirty dollars and ninety-eight cents; to the Pittsburg Dispatch, sixty-eight dollars and sixty-four cents; to the Tribune Company, of Charleston, thirty-four dollars and sixty-six cents; to the Gazette Publishing Company, the sum of thirty dollars and ten cents; to the Baltimore American, the sum of fifty-one dollars and thirty-six cents.

To pay certain newspapers.

To pay Dr. A. R. Barbee, secretary of the State Board of Health, for small pox contingent expenses, et cetera, incurred during the past year, the sum of two hundred dollars.

Dr. A. R. Barbee.

To pay L. C. Anderson, for proof-reading on re-print of the West Virginia Supreme Court Reports, sixteen volumes, three hundred dollars.

L. C. Anderson.

To reimburse Mrs. Martha B. Grier, widow of ——— Grier, the amount paid by her which should have been paid by the State, eighty-seven dollars and forty-cents.

Mrs. Grier.

To pay William P. Hardway, for repairing locks, etc., for State House, thirty-six dollars and eighty-five cents.

W. P. Hardway.

To pay the Kanawha Valley Bank, assignee of the Southern Bell Telephone Company, for telephone for

Kanawha Valley Bank.

House of Delegates for session of 1899, twenty-seven dollars and thirty-five cents.

Gas & Electric Light Co.

To pay the Charleston Gas and Electric Light Company, for deficiency for gas for the Capitol Building, eighteen hundred dollars.

Water Company.

To pay the Charleston Water Works Company, for deficiency for water furnished Capitol Building, four hundred and sixteen dollars and seventy cents.

Watts & Ashby.

To pay Watts and Ashby, balance of fee for legal services, four hundred dollars.

To pay Capital City Commercial College, for rent of Remington typewriter, nine dollars.

To pay Western Union Telegraph Company, for telegram to Harrisburg, Pa., one dollar and sixty-nine cents.

Be it further enacted by the Legislature of West Virginia:

Appropriations to pay general charges upon the treasury for fiscal year ending September 30, 1902.

2. There shall be, and are hereby appropriated out of the State Fund for the fiscal year ending September thirtieth, one thousand nine hundred and two, the following sums of money, for the purposes as follows:

Penitentiary.

For salary of warden, one thousand five hundred dollars.

For salary of the clerk and commissary, one thousand dollars.

For salary of physician, six hundred dollars.

For salary of chaplain, one hundred and fifty dollars.

For salary of matron, six hundred dollars.

The board of directors of the penitentiary, are hereby authorized and directed, to pay over and cover into the State Treasury, from time to time, all money and income arising from the hiring of inmates under the control of the said board, over and above the sum of twenty thousand dollars, which said board of directors is to retain and use to meet the current and other expenses of the penitentiary.

Criminal Charges.

For criminal charges, one hundred thousand dollars.

For extradition of criminals, two thousand dollars.

Lunatics in Jail.

For support of lunatics in jail, three thousand dollars.

Appropriations to pay
general
charges—
2nd fiscal
year—
Continued.

Historical Society.

For the West Virginia Historical and Antiquarian Society, twelve hundred dollars, for salary of librarian and for purpose of collecting, purchasing and preserving relics, books, printing and stationery, etc.; the articles which may be collected by said fund to be and remain the property of the State, and to be held in trust by said society, for the State.

Normal Schools.

For the support of the normal school and its branches, according to the provisions of sections ninety-six and ninety-seven, of chapter forty-five, of the Code, as amended by the acts of the Legislature of one thousand eight hundred and ninety-nine, thirty thousand dollars.

For additional expense for the support of the normal school and its branches, twelve thousand dollars.

For traveling expenses of the board of regents, twelve hundred dollars.

For salary of secretary, two hundred dollars.

For the education and normal school training of colored teachers, to be paid according to the provisions of section ninety-six of chapter forty-five, fifteen hundred dollars.

Marshall College.

For library and apparatus, one thousand dollars.

For furniture, six hundred dollars.

For furniture for dormitory, four hundred dollars.

For furniture, commencement hall, two hundred dollars.

For contingent expenses, seven hundred dollars.

For painting building, tinting walls and repairs, six hundred dollars.

For fuel, water and lights, one thousand dollars.

For janitor, six hundred dollars.

For sewer, grading and improving grounds, five hundred dollars.

Appropriations to pay
general
charges—
2nd fiscal
year—
Continued.

For deficiency for black board, six hundred and thirty-four dollars and eighty-three cents.

For piano, four hundred dollars.

For physical apparatus for laboratory, one hundred and fifty dollars.

For hose connections and plumbing for fire extinguishers, hand grenades, two hundred and twenty-five dollars.

For plumbing for hot water, one hundred and seventy dollars.

West Liberty Normal School.

For library and apparatus, seven hundred and fifty dollars.

For furniture, three hundred dollars.

For contingent expenses, six hundred dollars.

For repairs to buildings, two hundred and fifty dollars.

For fuel and lights, four hundred dollars.

For janitor, three and fifty dollars.

For tower clock, four hundred dollars.

For wall and fence, four hundred dollars.

For electric clock, one hundred dollars.

For painting and papering, two hundred and fifty dollars.

Concord Normal School.

For library and apparatus, one thousand dollars.

For repairs to buildings, two hundred and fifty dollars.

For contingent expenses, six hundred dollars.

For piano, four hundred dollars.

For fuel and lights, one thousand dollars.

For furniture, three hundred dollars.

For janitor, four hundred dollars.

For cases for physical apparatus, two hundred and fifty dollars.

Shepherd College Normal School.

For repairs to buildings, two hundred and fifty dollars.

For library and apparatus, seven hundred and fifty dollars.

For contingent expenses, five hundred dollars.

For janitor, three hundred and fifty dollars.	Appropriations to pay general charges— 2nd fiscal year— Continued.
For fuel and lights, six hundred dollars.	
For piano, four hundred dollars.	
For gymnasium, two hundred and fifty dollars.	
For the erection of a new building, said building not to exceed in cost the sum of twenty-five thousand dollars, ten thousand dollars.	

Fairmont Normal School.

For furniture, three hundred and fifty dollars.
For library and apparatus, one thousand dollars.
For repairs to buildings, four hundred dollars.
For contingent expenses, seven hundred dollars.
For completing walks, and stone wall, one thousand dollars.
For closets, one hundred and fifty dollars.
For piano, four hundred and fifty dollars.
For gymnasium, two hundred and fifty dollars.
For chandeliers, one hundred and fifty dollars.
For janitors, six hundred dollars.
For fuel, water and light, five hundred dollars.

Glenville Normal School.

For repairs to buildings, two hundred and fifty dollars.
For furniture, two hundred dollars.
For contingent expenses, five hundred dollars.
For piano, four hundred dollars.
For library and apparatus, seven hundred and fifty dollars.
For janitor, four hundred dollars.
For fuel and lights, three hundred dollars.
For water works and laboratory, one thousand dollars.

W. Va. Schools for the Deaf and Blind.

For current expenses, forty-two thousand five hundred dollars.
For traveling expenses, two thousand five hundred dollars.
For contingent expenses, six hundred dollars.
For colored pupils, two thousand dollars.
For heating apparatus, fire escapes and furniture, three thousand three hundred and eighty-two dollars.

Appropriations to pay
general
charges—
2nd fiscal
year—
Continued.

For lavatories, one thousand dollars.
For hospital, three thousand dollars.
For re-imbursing the West Virginia Schools for the deaf and blind, the amount expended by said institution for clothing furnished indigent pupils from the various counties, such amount is hereby appropriated as may be paid into the treasury by the counties on said account.

The University.

For salaries of teachers, thirty thousand dollars.
For current and contingent expenses, four thousand dollars.
For cadet books, one thousand dollars.
For regents' expenses, fifteen hundred dollars.
For engineering building, twenty thousand dollars.
For equipment and furniture for same, fifteen thousand dollars.
For gas fixtures, three hundred dollars.
For law library, seven hundred and fifty dollars.
For cadet uniforms, twenty-five hundred dollars.
For stone wall, one thousand dollars.
For one-half purchase price, land, seven thousand dollars.
For advertising, one thousand dollars.
For stationery and printing for University, three thousand dollars.
For stationery and printing, for experiment station, twenty-five hundred dollars.
For books and supplies for library, twenty-five hundred dollars.
For grading drill grounds, four hundred dollars.
For school of music, two thousand dollars.
For gymnasium, five hundred dollars.
For art department, sixteen hundred dollars.
For college of engineering and mechanical arts, eight hundred dollars.
For college of agriculture, two thousand dollars.
For library and museum building, twenty-five thousand dollars.
For furniture for new building, one thousand dollars.
For armory for military department, seven thousand dollars.
For improving grounds, five hundred dollars.
For fire protection, four hundred dollars.

For salary of gardener, four hundred dollars.

For salary of night watchman, six hundred dollars.

For completing heating and ventilating apparatus, commencement hall, three hundred dollars.

For blackboards, desks, etc., five hundred dollars.

But no part of this appropriation shall be or become available until the board of regents accepts the resignation of the present president of the University: Provided, further, that no part of the said appropriations for the University shall be used to in any way pay, or maintain, what is known as the "Summer Quarter" or for the School for Domestic Science.

Appropriations to pay general charges—
2nd fiscal year—
Continued.

Hospital for the Insane at Weston.

For current expenses including salaries, one hundred and forty-four thousand five hundred dollars.

For transportation of patients, twenty-five hundred dollars.

For painting and repairs, ten thousand dollars.

For farm and garden, five hundred dollars.

For new boiler house, twenty-five hundred dollars.

For water supply, thirty-five hundred dollars.

For drugs, one thousand dollars.

For fencing, one thousand dollars.

For locks and keys for doors, five hundred dollars.

Second Hospital.

For current expenses, including salaries, fifty-seven thousand dollars.

For transportation of patients, three thousand dollars.

For repairs, one thousand dollars.

For drugs, one thousand dollars.

For farm, five hundred dollars.

For iron fence, fifteen hundred dollars.

For painting buildings, five hundred dollars.

For water tanks, wells and reservoir, five thousand dollars.

*Preparatory Branch of the West Virginia University
At Montgomery.*

For repairs to buildings, two hundred and fifty dollars.

For furniture and fixtures, one hundred and fifty dollars.

Appropriations to pay general charges—2nd fiscal year—Continued.

For fuel and lights, three hundred dollars.
 For contingent expenses, two hundred and fifty dollars.
 For teachers' salaries, thirty-two hundred dollars.
 For janitor, four hundred dollars.
 For piano, two hundred dollars.
 For library and apparatus, five hundred dollars.
 For regents' expenses, two hundred dollars.
 For tower clock, three hundred and fifty dollars.
 For the commencing of the constructing of a wing to the school building of the Preparatory Branch of the West Virginia University at Montgomery to cost not more than six thousand dollars, three thousand dollars is hereby appropriated payable out of the revenues for the fiscal year 1902.

West Virginia Reform School.

For current expenses, eighteen thousand dollars.
 For officers' salaries, nine thousand dollars.
 For expenses, board of directors, eight hundred dollars.
 For transportation of inmates, eight hundred dollars.
 For repairs to electric light plant, three hundred dollars.
 For laundry machinery, two hundred dollars.
 For painting buildings and repairs, three hundred dollars.
 For cell house, five hundred dollars.
 For contingent expenses, two hundred dollars.
 For library, three hundred dollars.
 For sewers and closets, three thousand dollars.
 For additional land, one thousand dollars.
 For ice house, five hundred dollars.
 For completion of administration building, ten thousand dollars.

West Virginia Colored Institute.

For current expenses, one thousand dollars.
 For expenses board of regents, six hundred dollars.
 For salary of janitor, four hundred dollars.
 For fuel, eight hundred dollars.
 For school and dormitory furniture, three hundred and fifty dollars.
 For salaries of teachers, eight thousand dollars.

- For grading grounds and building walks, two hundred and fifty dollars.
- For salary of engineer, five hundred dollars.
- For repairs to buildings and furniture, five hundred dollars.
- For dining room equipments, fifty dollars.
- For cadet uniforms, nine hundred dollars.
- For night watchman, four hundred dollars.
- For agricultural department, three hundred and seventy-five dollars.
- For one-half of the purchase price of not less than thirty acres of land, twenty-two hundred and fifty dollars.
- For plumbing, one hundred dollars.
- For domestic science, five hundred dollars.
- For physical science, two hundred dollars.
- For equipments, seventy-five dollars.
- For cadet books, five hundred dollars.
- For gymnasium for girls, two hundred dollars.
- For printing department, two hundred and fifty dollars.
- For trades building, ten thousand dollars.
- For fire department, one hundred and twenty-five dollars.
- For library and reading room, one hundred dollars.
- For laundry equipments, five hundred dollars.
- For drum corps, fifty dollars.

Bluefield Colored Institute.

- For salaries of teachers, thirty-two hundred and fifty dollars.
- For janitor, four hundred dollars.
- For fuel and lights, six hundred dollars.
- For library and apparatus, five hundred dollars.
- For expenses, board of regents, five hundred dollars.
- For contingent expenses, three hundred dollars.
- For land, six hundred and twenty-five dollars.
- For piano, two hundred dollars.
- For water rent, seventy-five dollars.
- For laundry, two hundred and fifty dollars.
- For repairs to buildings, one hundred and fifty dollars.

Storer College.

- For tuition, room rent and use of books, for fifty or

Appropriations to pay general charges—
2nd fiscal year—
Continued.

Appropriations to pay general charges—
2nd fiscal year—
Continued.

more pupils from this State, in the normal department of said college, one thousand dollars; to be paid out upon the requisition of the State Superintendent of Free Schools.

West Virginia Industrial Home for Girls.

For completion of first wing to building, three thousand dollars.

For contingent fund, two hundred and fifty dollars.

For painting, two hundred dollars.

For salaries of employees, twenty-five hundred dollars.

For furnishing building, five hundred dollars.

For current expenses, four thousand dollars.

For expenses, board of directors, six hundred dollars.

For transportation of inmates, six hundred dollars.

For school house, twenty-five hundred dollars.

For furniture for same, four hundred dollars.

For fire extinguisher, seventy-five dollars.

West Virginia Asylum for Incurables.

For current expenses, forty thousand dollars.

For water mains, fifteen hundred dollars.

For repairs to roads and walks, five hundred dollars.

For electric light plant and laundry building, three thousand dollars.

For the Asylum for Incurables, at Huntington, Cabell County, to commence the construction of a new building to accommodate inmates from the hospitals for the insane, and otherwise to be received in pursuance of law, to be paid out of the revenues of the fiscal year one thousand nine hundred and two, there is hereby appropriated the sum of ten thousand dollars; but it is hereby declared that such new building is not to cost more than the sum of eighty thousand dollars, when fully completed, and any contract made by the board of directors, in excess of such sum, will be void and of no effect.

Bureau of Labor.

For salary of commissioner of labor, twelve hundred dollars.

For salary of assistant commissioner of labor, eight hundred dollars.

For contingent expenses, one thousand dollars.

For expenses, free employment bureau, under the provisions of House Bill No. 25, passed during the present session of the Legislature, five hundred dollars.

Appropriations to Pay
general
charges—
2nd fiscal
year—
Continued.

State Board of Agriculture.

For total expenses, including salaries of officers, ten thousand dollars.

For carrying into effect the provisions of chapter nine, acts of one thousand eight hundred and ninety-seven, for destruction of diseased animals, twelve hundred dollars.

Commissioner of Banking.

For salary of commissioner, fifteen hundred dollars.

For traveling expenses, six hundred dollars.

For contingent expenses, three hundred dollars.

Inspectors of Mines.

For salaries of inspectors, seven thousand eight hundred dollars.

For traveling expenses, twenty-seven hundred dollars.

For contingent expenses, five hundred dollars.

For clerk hire, six hundred dollars.

For printing and distributing reports, fifteen hundred dollars.

State Board of Health.

For expenses State Board of Health, two thousand dollars.

For contingent expenses, one hundred dollars; and so much as shall be paid into the treasury by the said board as fees for examinations, to be paid by the Auditor upon order of the Board under provisions of section seventeen, of chapter seven, of the Acts of one thousand eight hundred and ninety-five.

Commissioners of Pharmacy.

For commissioners and secretary, five hundred dol-

Appropriations to pay general charges—
2nd fiscal year—
Continued.

lars, to be paid by the Auditor upon the order of said commissioners.

Vaccine Agents.

For vaccine agents, to be paid on the order of the Governor, three hundred dollars.

Institute Instructors.

For compensation of institute instructors provided for in section thirty of chapter forty-five of the acts of one thousand eight hundred and ninety-five, one thousand dollars out of the general school fund.

For additional expenses for conducting institutes, three thousand dollars, out of the general school fund.

State Library.

For purchasing and binding books for the State Library, twelve hundred dollars, to be drawn on the order of the Supreme Court of Appeals, and expended under direction of the said court; and all books furnished or purchased by this appropriation shall be the property of the State. For continuing the reprinting of the West Virginia Supreme Court Reports, pursuant to an act of the Legislature of the session of 1899, two thousand dollars, payable out of the revenues of the fiscal year one thousand nine hundred and one, and five thousand dollars payable out of the revenues for the fiscal year one thousand nine hundred and two.

Insurance.

For premiums on insurance on public buildings, to be placed as the Board of Public Works may direct, two thousand dollars, to be drawn from the treasury upon the order of said board.

For Pay of State Agents.

For compensation of State agents, such amount is hereby appropriated as may be necessary to pay the commission of the State agents, payable out of the funds collected: *provided*, that in no case shall the amount exceed ten per centum of the funds so collected and paid into the treasury.

For payment of the expenses of the State agents for special services under direction of the Auditor in and about the collection of claims due the State, one thousand dollars.

Appropriations to pay general charges—
2nd fiscal year—
Continued.

Erroneous Payments into the Treasury.

For refunding moneys erroneously paid into the treasury, such sum is hereby appropriated, as may be erroneously paid, payable out of the same fund into which paid.

For Distribution of General School Fund.

For the distribution of the general school fund, such amount is hereby appropriated as may be duly apportioned by the State Superintendent of Free Schools, to each county, payable out of the general school fund. For the pay of county superintendents of schools, to be paid out of the general school fund, according to the provisions of section fifty-three, of chapter forty-five of the Code, fifteen thousand dollars.

For Refunding County, District and Municipal Taxes.

For refunding to counties, districts and municipal corporations, county, district and municipal taxes, paid into the treasury for redemption of lands, such amount is hereby appropriated as will be necessary to refund to the counties, districts and municipal corporations entitled thereto, the taxes so paid into the treasury.

For refunding, county, district and municipal taxes, paid into the treasury by railroad companies such sum is hereby appropriated as will be necessary to refund to each county, district and municipal corporation the amounts of such taxes as may be paid into the treasury to the credit of such county, district or municipal corporation.

Overpaid Taxes.

For refunding over payments made at the treasury, on the account of taxes, licenses, fines and commissions to be paid out of the fund into which they were paid, such amount as may be necessary for such purpose.

Appropriations to pay
general
charges—
2nd fiscal
year—
Continued.

Erroneous Assessments:

For refunding taxes erroneously assessed, collected and paid into the treasury, to be paid out of the fund into which the taxes were paid, such amount as may be necessary for such purpose.

Delinquent Taxes.

The Auditor shall credit all delinquent taxes due the State to the fund to which they belong, and the costs of certification and publication of sale shall be paid out of the fund, to which they are credited, and so much as may be necessary is hereby appropriated for the payment of the same.

Keyser Preparatory Department of the West Virginia University.

For the construction of new building as authorized by the act passed at this session of the Legislature, known as House Bill number three hundred and sixteen, to be paid as specified in said act: for the year one thousand nine hundred and two the sum of twelve thousand five hundred dollars. For furniture and current expenses, the sum of three thousand dollars, to be paid out of the revenues of one thousand nine hundred and two.

Game and Fish Warden.

For the salary of game and fish warden, as provided for in an act of the Legislature passed during the present session, the sum of one thousand dollars.

For contingent expenses, the sum of three hundred dollars.

Miners' Hospital Number One.

For the maintenance and contingent expenses, ten thousand dollars.

Miners' Hospital Number Two.

For maintenance and contingent expenses, ten thousand dollars.

Miners' Hospital Number Three.

For maintenance and contingent expenses, ten thousand dollars.

Appropriations to pay general charges—
2nd fiscal year—
Continued.

Advisory Board of Pardons.

For the per diem and expenses of members and salary of stenographer, the sum of two thousand dollars.

West Virginia Humane Society.

For current expenses, the sum of five thousand dollars.

State Geological and Economic Survey.

For geological survey, twenty thousand dollars.

For the preparation and publication of reports, the sum of five thousand dollars.

Civil Contingent Fund.

For civil contingent fund for Governor, eleven thousand dollars.

Contingent Fund, Executive Department.

For contingent expenses of the Auditor's office, two thousand dollars.

For contingent expenses of the Treasurer's office, four hundred dollars.

For contingent expenses of Attorney General's office, four hundred dollars.

For contingent expenses, State Superintendent of Free Schools's office, to be paid out of the general school fund, fifteen hundred dollars.

For purchase of books for the office of the State Superintendent of Free Schools, to be paid out of the general school fund, two hundred and fifty dollars.

For expenses to be incurred under the provisions of article twelve, section two, of the Constitution, five hundred dollars, or so much thereof as may be necessary, to be paid out of the general school fund.

For contingent expenses of Secretary of State's office, one thousand dollars.

Appropriations to pay
general
charges—
2nd fiscal
year—
Continued.

For contingent expenses Adjutant General's office, five hundred dollars.

For contingent expenses of the State Librarian's office, three hundred dollars.

The foregoing appropriations to be drawn upon the requisition of the officers to whom said funds are respectively appropriated, and who shall render a detailed account, by item, showing what the expenditures are for at each meeting of the Legislature, of the funds so expended.

Salaries of Clerks.

For salary of Governor's private secretary and assistant, two thousand two hundred dollars.

For salary of chief clerk of secretary of State, fifteen hundred dollars.

For three other clerks, one thousand dollars each.

For salary of chief clerk in Treasurer's office, one thousand two hundred dollars.

For salary of assistant clerk in the Treasurers' office, eleven hundred dollars.

For salary of chief clerk in Auditor's office, one thousand five hundred dollars.

For salary of stenographer for Auditor, six hundred dollars.

For salaries of other clerks in Auditor's office, eight thousand two hundred dollars.

For salary of assistant in Attorney General's office, twelve hundred dollars.

For salary of stenographer of Attorney General's office, six hundred dollars.

For salaries of other clerks in the Attorney General's office, five hundred dollars.

For salary of chief clerk in office of State Superintendent of Free Schools, to be paid out of the general school fund, one thousand two hundred dollars.

For the salaries of other clerks in the office of State Superintendent of Free Schools, to be paid out of the general school fund, two thousand three hundred dollars.

For salary of assistant clerk of the Supreme Court of Appeals, one thousand dollars.

Judicial Department.

For contingent expenses of Supreme Court of Appeals, to be expended upon the order of the Court, one thousand dollars.

For stenographers and typewriters of judges of the Supreme Court of Appeals, two thousand four hundred dollars.

Appropriations to pay general charges—
2nd fiscal year—
Continued.

For stenographer and typewriter for the clerk of the Supreme Court of Appeals, six hundred dollars.

For printing and binding Supreme Court reports, two thousand dollars.

To pay crier, messenger and janitors of Supreme Court, one thousand two hundred dollars.

The Militia.

To carry into effect the provisions of chapter sixty-one of the acts of one thousand eight hundred and ninety-seven, relating to the militia, thirty-five thousand dollars, which amount shall cover all expenditures, for the militia for the fiscal year: *provided*, that this sum shall be disbursed under the direction of the Governor, Adjutant General and Paymaster General, upon requisitions made upon the Auditor.

Capitol Building and Grounds.

For water, nine hundred dollars.

For gas, five hundred dollars.

For coal, nine hundred and fifty dollars.

For repairs and contingent expenses, one thousand five hundred dollars.

For the construction of the fire proof building in the city of Charleston, known as the Capitol Annex, now under construction, authorized by the act of the Legislature of the year one thousand eight hundred and ninety-nine, the sum of thirty thousand dollars, to be paid out of the revenues of the year one thousand nine hundred and two, to be paid only upon requisition of the Board of Public Works. But the total cost of the construction of said building, it is hereby declared, shall not exceed the sum of one hundred and twenty-five thousand dollars, and the Board of Public Works may require the contractors to furnish a satisfactory bond that the total cost of said building shall not exceed said amount.

Governor's Mansion and Grounds.

For additions and improvements to the Governor's mansion and grounds, one thousand two hundred and fifty dollars.

Appropriations to pay general charges—2nd fiscal year—*Continued.*

Printing, Binding and Stationery.

For public printing, five thousand dollars.

For supplying printing paper and stationery, including the office of State Superintendent of Free Schools, three thousand dollars.

For public binding, five hundred dollars.

Cruiser West Virginia.

To pay for the purchase of a coat of arms to be made in bronze with silver mounting, as provided in Joint Resolution No. 17, adopted by the session of the Legislature of the year one thousand nine hundred and one, to be placed upon the battle-ship "West Virginia," the sum of two thousand five hundred dollars is hereby appropriated out of the revenues of the State for the year one thousand nine hundred and two, and not otherwise appropriated.

Pierpont Statue.

For the purpose of erecting a statue of the late Francis H. Pierpont, in Statuary Hall, in the National Capitol building, at Washington, District of Columbia, pursuant to the provisions of an act of the Legislature of the session of one thousand nine hundred and one, the sum of five thousand dollars is hereby appropriated out of the revenues of the State not otherwise appropriated.

Be it further enacted by the Legislature of West Virginia:

How money for public institutions to be drawn.

3. The appropriations herein made to the State Penitentiary, the Normal School and its branches, the West Virginia Schools for the Deaf and Blind, The West Virginia University, the Preparatory Branch of the University at Montgomery, the Preparatory Branch of the University at Keyser, the Hospital for the Insane at Weston, the Second Hospital for the Insane at Spencer, the West Virginia Reform School, the West Virginia Colored Institute, the Bluefield Colored Institute, the West Virginia Industrial Home for Girls, the West Virginia Asylum for Incurables, shall be drawn from the treasury upon the requisitions of the boards of directors and board of regents of such institutions, made upon the Auditor,

at such times and in such amounts as may be necessary for the purposes of such institutions: *provided*, that all requisitions for new buildings and substantial betterments, shall be accompanied by the architect's estimate that the amounts named in said requisition are needed for immediate use; and *provided, further*, that large appropriations for current expenses, or so much thereof as may be necessary, shall be disbursed by the Auditor in equal monthly instalments.

—proviso as to new buildings, etc.

—proviso as to current expense appropriations.

4. The regents and directors of the following institutions, viz: the Penitentiary, the State Normal Schools, West Virginia Schools for the Deaf and Blind, the University, the Preparatory Branch of the University at Montgomery, Hospital for the Insane at Weston, Second Hospital for the Insane at Spencer, West Virginia Reform School, West Virginia Colored Institute, Bluefield. Colored Institute, West Virginia Home for Girls, West Virginia Asylum for Incurables, shall only be allowed the necessary expenses incurred by them in discharging their duties as such, and four dollars per diem, for each day they may be employed as such, and an itemized account shall be made a part of their report to the Governor; and no mileage shall be allowed or paid.

Compensations of regents and directors.

—itemized account to be made.

5. All printing, binding and printing paper and stationery for the Adjutant General and for the Militia, shall be paid for out of the appropriation for the Militia; and all such for the State Superintendent of Free Schools shall be paid for out of the general school fund. No printing, binding or printing paper or stationery for the following named boards, officers or institutions shall be paid for out of the appropriation for public printing, public binding, or for supplying printing paper or stationery, but shall be paid out of the appropriations therefor herein made, or out of the expense fund or contingent expense fund thereof, namely:

Printing, stationery, etc., for militia, etc.

—free school department.

—for institutions, boards, etc.; how paid.

Board Dental Examiners; Commissioners of Pharmacy; State Board of Examiners; State Board of Health; State Board of Agriculture; State Board of Emhalmers; Advisory Board of Pardons; Inspectors of Mines; Bureau of Labor; Miners' Hospitals; West Virginia Humane Society; Penitentiary; Normal Schools; School for the Deaf and Blind; the University, and all its departments and branches; the Hospitals for the Insane; the Reform School; the Col-

—proviso as to bi-ennial reports.

ored Institutes; the Industrial Home for Girls; and the Asylum for Incurables: *provided*, that the annual or bi-ennial reports required by law to be made to the Governor by such boards, officers and institutions, may be printed and paid for out of the appropriation for public printing, public binding and for supplying printing paper and stationery, but all such reports shall be type-written, or prepared in such a manner that the same shall be plainly legible and suitable for printers' copy; and only so much of any of such reports shall be printed as may be ordered by the Governor and the Superintendent of Public Printing; and no such reports shall be printed by the public printer, except on a requisition therefor, signed by the Governor, and State Superintendent of Public Printing, which requisition shall state the number to be printed, and how the same are to be bound. Such officers, boards and institutions, as are required by law to make reports to the Governor, shall place the same in his hands within thirty days after the close of the period which they are to cover.

—when such reports to be delivered to Governor.

No money paid beyond appropriations, unless, etc.

—what payments may be made after expiration of fiscal year ending September 30, 1902.

6. No sum of money shall be paid out of the treasury, during the fiscal year ending September thirtieth, one thousand nine hundred and one, and one thousand nine hundred and two, beyond the amount hereby appropriated, unless the same be provided for by the constitution or some general law; but, in addition to the sums hereby appropriated for each of said fiscal years, the Auditor may, after the expiration of the fiscal year ending the thirtieth day of September, one thousand nine hundred and two, and during the first six months of the fiscal year beginning the first day of October, one thousand nine hundred and two, make payment to the following institutions, officers and persons, upon proper vouchers, of sums of money, not exceeding in the aggregate one half of the amount appropriated for the same purpose for the fiscal year ending September thirtieth, one thousand nine hundred and two, for charges, salaries of officers, and running expenses, other than items for buildings and betterments, that is to say: for criminal charges; for the support of lunatics in jails; for the pay of teachers of the University and its branches; for the pay of teachers at the Normal School and its branches; for the current expenses of the schools for the Deaf and Blind; for the Militia; for the current expenses of the hospitals for the insane; for the

current expenses and pay of teachers of the Reform School; for the contingent expenses of the several executive officers; for the contingent expenses of the judges and clerks of the Supreme Court and of the librarian and Adjutant General's offices; for the current expenses and pay of teachers of the West Virginia Colored Institute; for the current expenses and pay of instructors of the West Virginia Industrial Home for Girls; for the current expenses and pay of teachers of the Bluefield Colored Institute; for the current expenses for the West Virginia Asylum for Incurables; for the Miners' Hospitals; for the salaries and current expenses of mine Inspectors; for the salary and expenses of the Commissioner of Banking; for the Bureau of Labor; for the State Board of Agriculture; for the State Board of Health; for the Commissioners of Pharmacy; for the office of librarian; for the office of Adjutant General; for clerks in the executive offices; for printing and binding Supreme Court reports; for refunding over paid taxes and erroneous assessments; for public printing, binding and stationery; for refunding to counties and districts, taxes for county and district purposes, upon lands redeemed at the Auditor's office; and also taxes assessed against railroads, for county and district purposes; and there are hereby appropriated out of the fiscal year ending the thirtieth day of September, one thousand nine hundred and three, sums sufficient to make the payments authorized by this section.

7. The Auditor is hereby authorized to make the necessary entries upon the books of his office, disposing of the arrears for taxes, licenses and fines, due from sheriffs, for the year one thousand eight hundred and sixty-one, to and including the year one thousand nine hundred, and to allow such compensation as he may think reasonable to the State agents for the collection thereof; such compensation to be paid out of the money so collected, upon the approval of the Attorney General.

8. The superintendents of the several public institutions of the State shall furnish to the board of directors or regents of the respective institutions, itemized accounts of all moneys paid out on account of appropriations for contingent expenses and repairs, and when audited and allowed, the directors or regents, respectively, shall include such itemized accounts in their reports as are directed by law to be

—appropriations for such payments.

Arrears for taxes, etc., what entries authorized.

—compensation for collecting.

Accounts to be furnished boards of regents and directors; by whom.

—to be included in reports.

—statement
to accompany
warrant on
Auditor.

—contingent
funds; what
report to be
made.

What fact
boards must
certify to Au-
ditor, and
when.

—auditor not
to pay, unless,
etc.

Clerks of
House and
Senate to
certify to
Auditor;
what and
when.

made. Every warrant or requisition upon the Auditor, for any part of the moneys herein or hereby appropriated for the Penitentiary, the University, the Hospitals for the Insane, the Schools for the Deaf and Blind, and the Reform School, shall be accompanied by a statement of the Treasurer or other financial officer of such institution, showing how much money is in their hands to the credit of such institution on the day such draft or requisition is forwarded for payment; and the disbursing officers of the various contingent funds are hereby required to furnish to the succeeding Legislature an itemized account of the distribution of said funds.

9. All boards of regents, boards of directors, or other boards or officers, authorized by this act to issue orders or requisitions upon the Auditor for payment of money out of the State Treasury, shall, before any such money is paid out of the State Treasury, certify to the Auditor that the money for which such order or requisition is made is needed for present use, for the purpose for which it was appropriated; and the Auditor shall not issue his warrant to pay any money out of the State Treasury, unless the same is needed for present use for such purposes.

10. Upon the adjournment of the Legislature, the Clerk of the House and Clerk of the Senate shall jointly make up and furnish the Auditor without delay, a certified copy of this and of all other acts carrying appropriations.

(Senate Bill No. 183.)

CHAPTER 2.

AN ACT making appropriations of public money to pay members of the Legislature and for salaries of the officers of the government, in pursuance of the forty-second section of the sixth article of the Constitution.

[Passed Feb. 19, 1901. In effect from passage. Approved Feb. 21, 1901.]

Be it enacted by the Legislature of West Virginia:

Appropriations for fiscal year ending

1. There shall be and are hereby appropriated for the fiscal year, ending September thirtieth, one thou-

and nine hundred and one, the following sums of money for the pay of the members and officers of the Legislature, and for the salaries of the officers of the government. September 30
1901.

Legislative Department—Senate.

To pay mileage of twenty-six members of the Senate, one thousand one hundred and twenty-eight dollars and eighty cents. —per diem
and mileage
of senators.

To pay *per diem* compensation, for twenty-six members of the Senate, four thousand seven hundred and seventy dollars.

To pay *per diem* compensation of the officers, assistant clerks, committee clerks, pages, et cetera, that is to say: —per diem
compensa-
tion
of officers,
assistant
clerks and
other em-
ployes of
senate.

To the Clerk of the Senate, five hundred and fifty dollars.

To twelve assistant clerks, three thousand two hundred and forty dollars.

To eleven committee Clerks, one thousand nine hundred and eighty dollars.

To thirteen pages, one thousand one hundred and seventy dollars.

To the Sergeant-at-Arms, two hundred and twenty-five dollars.

To the Assistant Sergeant-at-Arms, two hundred and twenty-five dollars.

To two door-keepers, three hundred and sixty dollars.

To the assistant door-keeper, one hundred and eighty dollars.

To two cloak room keepers, one hundred and eighty dollars.

To the librarian of the Senate, one hundred and eighty dollars.

To the assistant librarian of the Senate, one hundred and eighty dollars.

To two stenographers for the Senate, five hundred and forty dollars.

To the private secretary of the President of the Senate, one hundred and eighty dollars.

To W. B. Parkhurst, for swearing in members and officers of the Senate, eight dollars and fifty cents. —swearing
in members
of senate.

House of Delegates.

To pay mileage of seventy-one members of the —per diem

and mileage
of delegates.

House of Delegates, two thousand seven hundred and thirty-four dollars and forty cents.

To pay the *per diem* compensation of seventy-one members of the House of Delegates, twelve thousand eight hundred and seventy dollars.

—per diem
compensa-
tion of om-
cers of the
house, assist-
ant clerks
and other
employees.

To pay *per diem* compensation of the officers, assistant clerks, committee clerks, pages, et cetera, that is to say:

To the Clerk of the House of Delegates, five hundred and fifty dollars.

To pay fourteen assistant clerks, three thousand seven hundred and eighty dollars.

To pay thirteen committee clerks, two thousand three hundred and forty dollars.

To pay thirteen pages, one thousand one hundred and seventy dollars.

To pay the Sergeant-at-Arms, two hundred and twenty-five dollars.

To pay the Assistant Sergeant-at-Arms, two hundred and twenty-five dollars.

To pay the door-keeper, one hundred and eighty dollars.

To pay three assistant door-keepers, five hundred and forty dollars.

To pay enrolling clerk, one hundred and eighty dollars.

To pay the private secretary of the Speaker of the House of Delegates, two hundred and seventy dollars.

To pay the stenographer for the Speaker of the House of Delegates, two hundred and seventy dollars.

To pay the Librarian of the House of Delegates, one hundred and eighty dollars.

To pay two cloak room keepers, one hundred and eighty dollars.

—swearing
in members
of the
house.

To pay H. M. Scott, for swearing in members and officers of the House of Delegates, thirty-seven dollars.

Executive Department.

—salaries of
governor and
other state
officers

To pay salary of the Governor, two thousand seven hundred dollars.

To pay salary of the Auditor, two thousand dollars.

To pay salary of the Treasurer, one thousand four hundred dollars.

To pay salary of the Attorney General, one thousand three hundred dollars.

To pay salary of the State Superintendent of Free Schools, to be paid out of the general school fund, one thousand five hundred dollars.

To pay salary of the Secretary of State, one thousand dollars.

To pay salary of the Adjutant General, and ex-officio Superintendent of Weights and Measures, one thousand two hundred dollars.

To pay salary of the State Librarian, one thousand dollars. —of librarian.

To pay salary of Janitor, one thousand dollars. —of janitor.

Judicial Department.

To pay salaries of the Judges of the Supreme Court of Appeals, eight thousand eight hundred dollars. —salaries of judges of the supreme court.

To pay salaries of Judges of the Circuit Courts, twenty-five thousand two hundred dollars. —of circuit judges.

To pay salaries of Judges of criminal and intermediate courts, twelve thousand nine hundred dollars. —of criminal etc., judges.

To pay compensation allowed by law to persons who hold circuit courts when the judges of the circuit courts cannot act, two thousand five hundred dollars. —special judges.

To pay compensation allowed by law to persons who hold criminal and intermediate courts when the judges of the same cannot act, five hundred dollars. —same subject.

To pay mileage of judges of Supreme Court of Appeals, two thousand dollars. —mileage.

To pay mileage of judges of circuit courts, three thousand five hundred dollars: provided, that no mileage shall be paid for special terms in any one county for more than one of such terms during any one month. —mileage. —proviso.

To pay salary of clerk of the Supreme Court of Appeals, one thousand two hundred dollars. —salary, clerk supreme court.

Keeper of the Rolls.

To pay the salary of the keeper of the rolls, three hundred dollars. —of keeper of rolls.

Be it enacted by the Legislature of West Virginia :

2. That there shall be and are hereby appropriated, for the fiscal year ending September thirtieth, one thousand nine hundred and two, the following sums for salaries of officers of the government: Appropriations for fiscal year ending September 30, 1902.

Executive Department.

- salaries of governor and other state officers. To pay salary of the Governor, two thousand seven hundred dollars.
 To pay salary of the Auditor, two thousand dollars.
 To pay salary of the Treasurer, one thousand four hundred dollars.
 To pay salary of Attorney General, one thousand three hundred dollars.
 To pay salary of the State Superintendent of Free Schools, to be paid out of the general school fund, one thousand five hundred dollars.
 To pay salary of Secretary of State, one thousand dollars.
 To pay salary of the Adjutant General, and ex-officio Superintendent of Weights and Measures, one thousand two hundred dollars.
 —of librarian. To pay salary of the State Librarian, one thousand dollars.
 —of janitor. To pay salary of Janitor, one thousand dollars.

Judicial Department.

- salaries of judges of supreme, circuit and criminal courts. To pay salaries of the Judges of the Supreme Court of Appeals, eight thousand eight hundred dollars.
 To pay salaries of the Judges of the Circuit Courts, twenty-five thousand two hundred dollars.
 To pay salaries of judges of Criminal and intermediate courts, twelve thousand nine hundred dollars.
 —pay of special judges. To pay compensation allowed by law to persons who hold Circuit Courts when the judges of the Circuit Courts cannot act, two thousand five hundred dollars.
 —same subject. To pay compensation allowed by law, to persons who hold criminal and intermediate courts when the judges of the same cannot act, five hundred dollars.
 mileage of judges of supreme and circuit courts. To pay mileage of judges of Supreme Court of Appeals, two thousand dollars.
 To pay mileage of judges of Circuit Courts, three hundred and five hundred dollars.
 —salary clerk supreme court. To pay salary of clerk of the Supreme Court of Appeals, one thousand two hundred dollars.

Keeper of the Rolls.

- of keeper of rolls. To pay the salary of the keeper of the rolls, three hundred dollars.
 When and how paid. 3. The Auditor is hereby authorized and directed, when properly demanded, to issue his warrant upon

the Treasury in the same manner he would be required to if each item of the expenditure were directed to be paid to a creditor by name, and no money shall be drawn from the Treasury for the purposes herein named during the fiscal year ending one thousand nine hundred and one, and one thousand nine hundred and two, respectively, beyond the amount hereby appropriated, unless the same is authorized by the constitution, or some general law. But the Auditor may draw his warrant upon the Treasury in favor of the several officers, whose salaries and compensation are provided for by this act for services actually rendered by them during the first six months of the fiscal year, beginning on the first day of October, one thousand nine hundred and two, for an amount not exceeding in the aggregate one-half of the sum appropriated for the salary or compensation of such officers, respectively, for the year ending September thirtieth, one thousand nine hundred and two.

—No money drawn beyond appropriation, unless, etc.

—when auditor may pay certain salaries in advance of appropriation, to what extent.

(House Bill No. 146.)

CHAPTER 3.

AN ACT extending the time in which distraint and sale may be made for taxes and fee bills.

[Passed Feb. 18, 1901. In effect from passage. Approved Feb. 20, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That the Sheriff or collector of a former term, by himself or his deputies, or any constable of the county, he or his personal representative may select, shall have the power of distress and sale for the collection of taxes not returned delinquent, and fee bills due or payable, in the year one thousand eight hundred and ninety-seven, or at any time since, notwithstanding the expiration of the term of office of such sheriff or collector, under the following restrictions, to-wit: Such power of distress shall be exercised within two years after this act takes effect. There shall be no liens, however, for such taxes and fee bills on the property levied on by virtue of this act, until

Taxes and fee bills due in 1897, and since; time extended for distraint and sale.

—restrictions as to time;

—as to liens for such taxes, etc.;

from and after the levy is actually made; nor shall such lien have any priority over liens already accrued on the property levied on. This act shall not apply to any tax ticket or fee bill now barred by the five year statute of limitation. And upon distress or levy being made, by virtue hereof, the debtor may give such bond as may now be given for the forthcoming of property upon which a *fieri facias* or distress warrant has been levied, and the bond shall be returned to the clerk's office of the circuit court and the proceedings thereon shall be the same as now provided by law in relation to bonds for the forthcoming of property levied upon by virtue of a distress warrant; and defence may be made to a suit or motion upon bond that the amount levied for is not due in whole or in part or that the levy or distress is otherwise illegal, and the person making such distress shall in such cases be required to give security for costs.

—as to pri- or liens;
—as to tax tickets, etc., barred.
—forth- coming bond.
—return of bond, pro- ceedings on.
—defence.
—security for costs.

(Senate Bill No. 35.)

CHAPTER 4.

AN ACT to increase the power and efficiency of the West Virginia Humane Society.

[Passed Feb. 7, 1901. In effect from passage. Approved Feb. 13, 1901.]

Be it enacted by the Legislature of West Virginia:

Agent: to be provided with certificate, or badge.

1. That each agent appointed by and acting for the West Virginia Humane Society shall be provided with a certificate by said society that he is such agent, in such form as the directors of said society may choose or with a badge bearing the name or seal of such society, and shall, if requested, show such certificate or badge when acting officially.

His powers.

2. The duly appointed agents of said Society shall have all the power to make arrests and preserve the peace, which are by law given to sheriffs and constables in this State.

His further powers and penalty for obstructing, etc.

3. Any such agent may lawfully interfere to prevent the perpetration or continuance of any act of cruelty upon any animal or person in his presence,

and every person who shall interfere with, or obstruct or resist, any such agent in the discharge of his duty, shall, upon conviction, be fined not less than five nor more than fifty dollars or imprisoned in the county jail not more than thirty days.

4. When any person arrested is, at the time of such arrest, in charge of any vehicle drawn by or containing any animal cruelly treated, such agent may take charge of such animal and of such vehicle and its contents, and of the animal or animals drawing the same, and shall give notice thereof to the owner, if known, and shall care and provide for them until their owner shall take charge of the same; and such Society shall have a lien on said animals and on said vehicle, and its contents, for the expenses of such care and provision, or such expenses or any part thereof remaining unpaid may be recovered by such Society in a civil action.

5. Any such agent may lawfully take charge of any animal found abandoned, neglected, or cruelly treated, and shall thereupon give notice thereof to the owner, if known, and may care and provide for such animal until the owner shall take charge of the same, and the expense of such care and provision shall be charged against the owner of such animal, collectable from such owner by the said Society, in an action therefor.

6. Any such agent may lawfully destroy or cause to be destroyed any animal in his charge, when in the judgment of such agent and by the written certificate of two reputable citizens called to view the same in his presence, one of whom may be selected by the owner of said animal, if he shall so request, and who shall give their written certificate, that such animal appears to be injured, disabled, diseased past recovery or unfit for any useful purpose.

7. When said Society shall provide any neglected or abandoned animal with proper food, shelter and care, it shall have a lien upon such animal for the expense thereof, and such expense shall be charged against the owner of said animal and collectable from said owner in an action therefor.

8. The said Society or any person or corporation entitled to a lien under any of the provisions of this act may enforce the same by selling the animals and other personal property upon which such lien is given, at public auction, upon giving written notice to the

—penalty
for obstruct-
ing agent.

Further
powers and
duties of
agent.

—lien, and
for what.

Same object.

Agent may
destroy;
what ani-
mals.

Society:
may provide
food, etc.;
lien for,

Enforce-
ment of
lien, how.

owner, if he be known, of the time and place of such sale, at least five days previous thereto, and by posting three notices of the time and place of such sale in three public places within the county, at least five days previous thereto; and if the owner be not known, then such notice shall be posted at least ten days previous to such sale.

(House Bill No. 57.)

CHAPTER 5.

AN ACT providing for the protection of Union Labels and Trade Marks.

[Passed February 21, 1901. In effect 90 days from passage. Approved February 23, 1901.]

Be it enacted by the Legislature of West Virginia:

Union labels and trade marks authorized.

—must register same.

—unlawful to counterfeit.

Counterfeiting, etc., such labels and trade marks, and using same.

1. Whenever any person, firm or corporation, or any association or union of workmen, has heretofore adopted or used, or shall hereafter adopt or use any label, trademark, term, design, device or form of advertisement for the purpose of designating, making known, or distinguishing any goods, wares, merchandise or other product of labor, as having been made, manufactured, produced, prepared, packed or put on sale, by such person, firm, corporation or association or union of workmen, or by a member or members of such association or union, and shall register the same as provided in section three of this act, it shall be unlawful to knowingly counterfeit or imitate such label, trade mark, term, design, device or form of advertisement, or to knowingly use sell, offer for sale, or in any way utter or circulate any counterfeit or imitation of any such label, trade mark, term, design, device or form of advertisement.

2. Whoever so knowingly counterfeits or imitates any such registered label, trade mark, term, design, device or form of advertisement; or knowingly sells, or offers for sale, or in any way utters or circulates any counterfeit or imitation of any such registered label, trade mark, term, design, device or form of advertisement; or knowingly keeps or has in his possession, with intent that the same shall be sold or dis-

posed of, any goods, wares, merchandise or other product of labor to which or on which any such counterfeit or imitation is printed, painted, stamped or impressed; or knowingly sells or disposes of any goods, wares, merchandise or other product of labor contained in any box, case, can or package to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed or knowingly keeps or has in his possession, with intent that the same shall be sold or disposed of, any goods, wares, merchandise or other product of labor in any box, case, can or package, to which or on which any such counterfeit or imitation is attached, affixed, printed, stamped or impressed, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than three months, or by both such fine and imprisonment.

—how punished.

3. Every such person, firm, corporation, association or union that has heretofore adopted or used, or shall hereafter adopt or use, a label, trade mark, term, design, device or form of advertisement as provided in section one of this act, shall register the same by filing the same for record in the office of the Secretary of State by leaving two copies, counterparts or facsimiles thereof, with said Secretary and by filing therewith a sworn application specifying the name or names of the person, association or union on whose behalf such label, trade mark, term, design, device or form of advertisement, shall be filed; the class of merchandise and a description of the goods to which it has been or is intended to be appropriated, stating that the party so filing, or on whose behalf, such label, trade mark, term, design, device or form of advertisement shall be filed, has the right to the use of the same; that no other person, firm, association, union or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as may be calculated to deceive, and that the facsimiles or counterparts filed therewith are true and correct. There shall be paid for such filing and recording a fee of one dollar. Said secretary shall deliver to such person, association, or union, so filing or causing to be filed any such label, trade mark, term, design, device or form of advertisement so many duly attested certificates of the recording of the same as such person, firm, corporation, association or union may apply for, for each of

Register of trade marks, etc.; how and where.

—what application must contain.

—fee for filing.

—secretary of State to furnish attested certificates of record.

which certificates said secretary shall receive a fee of one dollar. Any such certificates of record shall in all suits and prosecutions under this act be sufficient proof of the adoption of such labels, trade marks, terms, designs, devices or form of advertisement. Said Secretary of State shall not record for any person, union or association, any label, trade mark, term, design, device or form of advertisement, that would probably be mistaken for any label, trade mark, term, design, device or form of advertisement theretofore filed by or on behalf of any other person, firm, corporation, union or association. But the said secretary shall file and record under this act any label, trade mark, term, design, device or form of advertisement, which may have been previously filed by any person, firm, corporation or any association or union of workingmen, provided the person, firm, corporation, association or union seeking to file and record under this act is the same person, firm, corporation, association or union that previously filed or recorded the same label, trade mark, term, design, device or form of advertisement.

4. Any person who shall for himself, or on behalf of any other person, firm, corporation, association or union, procure the filing of any label, trade mark, term, design or form of advertisement, in the office of the Secretary of State under the provisions of this act, by making any known false or fraudulent representations, or declaration, verbally or in writing, or by any fraudulent means, shall be liable to pay any damages sustained in consequence of any such filing, to be recovered by or on behalf of the party injured thereby in any court having jurisdiction, and shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding three months, or by both such fine and imprisonment.

5. Every such person, firm, corporation, association or union adopting or using any such registered label, trade mark, term, design, device or form of advertisement, as aforesaid, may proceed by suit for damages to enjoin the manufacture, use, display or sale of any counterfeits or imitations thereof, and all courts of competent jurisdiction shall grant injunctions to restrain such manufacture, use, display or sale, and award the complainant in any such suit damages resulting from such manufacture, use, sale or display, as may be by the said court deemed just

—proof of, what.

—no trade mark, etc., of similar design to be recorded.

—shall record trade marks, etc., previously filed.

Unlawful to obtain trade mark, etc., by false representation.

—party offending liable for damages.

—also punishable by fine and imprisonment.

Method of procedure for damages, for counterfeiting, etc.

—damages to be fixed by court.

and reasonable, and shall require the defendants to pay such person, association or union, all profits derived from such wrongful manufacture, use, sale or display; and such court shall also order that all such counterfeits or imitations in the possession or under the control of any defendant in such cause be delivered to an officer of the court, or to the complainant, to be destroyed.

6. Every person, firm, corporation, association or union, who shall knowingly use or display the genuine label, trade mark, term, design, device or form of advertisement of any such person, firm, corporation, association or union when registered as aforesaid, in any manner, not being authorized so to do by such person, firm, corporation, association or union, shall be deemed guilty of a misdemeanor and shall be punished by imprisonment for not more than three months or by a fine of not more than five hundred dollars. In all cases where such association or union is not incorporated suits under this act may be commenced and prosecuted by any officer or member of such association or union on behalf of and for the use of such association or union.

7. Any person, firm, corporation, association, or union, who shall in any way knowingly use the name or seal of any such person, firm, corporation, association or union, or officer thereof, in and about the sale of goods or otherwise, not being authorized to so use the same, shall be guilty of a misdemeanor and shall be punished by imprisonment for not more than three months or by a fine of not more than five hundred dollars.

8. Nothing contained in this act shall be construed as affecting or impairing any right or remedy at law or in equity now existing for the protection of any label, trade mark, term, design, device or form of advertisement, whether or not the same is registered under the provisions hereof.

—counterfeits to be seized and destroyed.

Trade marks, etc., not to be displayed, unless authorized.

—violation a misdemeanor; penalty.

—prosecutions.

Unlawful to use trade mark, etc., except by authority of owner.

—a misdemeanor; penalty.

Rights at law now existing not impaired.

(Senate Bill No. 74.)

CHAPTER 6.

AN ACT in relation to division hedge fences.

[Passed February 21, 1901. In effect 90 days from passage. Approved Feb. 22, 1901.]

Be it enacted by the Legislature of West Virginia :

Hedge fences; how trimmed and kept.

1. That all hedge fences along public roads or division hedge fences between farms, or on any land or premises, shall be kept trimmed so that their branches shall not extend into the public road or upon the lands of an adjoining owner, more than eighteen inches over the dividing line. For failure to keep the hedge fence so trimmed, after ten days' notice in writing by the county surveyor of public roads, or by parties owning land or premises adjoining said hedge fence, on conviction before a justice of the peace, the owner shall be guilty of a misdemeanor and fined not exceeding one dollar for each day said fence shall remain untrimmed, after the ten days' notice expires.

Law in conflict repealed.

2. All laws in conflict with this act are hereby repealed.

(Senate Bill No. 12.)

CHAPTER 7.

AN ACT for the further protection of fish in private waters, and for the protection of the rights of persons owning lands on which are springs, brooks or runs.

[Passed February 21, 1901. In effect 90 days from passage. Approved February 22, 1901.]

Be it enacted by the Legislature of West Virginia :

Unlawful to catch or destroy fish; in what waters.

—draining pond, etc.

1. That it shall be unlawful to catch or destroy, or attempt to catch or destroy, any fish in or from any spring, brook, or run, the property of any individual, or to drain, or attempt to drain, any dam, pool, or pond, in any such spring, brook, or run, except with

the consent of the owner of such spring, brook or run: *provided*, that the owner, or person in control of such spring, brook, or run, or any part thereof, over which he desires the protection of this act, shall have signs at least one foot square erected at such spring or along such brook, or run, on which signs shall be the words, "No fishing or trespassing allowed here," and the name of the persons owning, or in control of, the property; which signs shall not be less than three in number, placed as nearly as may conveniently be about equi-distant from each other, and in case of a brook or run, one at or near the point where the same enters, and another at or near the point where it leaves, the land of the person desiring to avail himself of the protection of this act.

2. Any person violating the first section of this act shall be guilty of a misdemeanor, and shall for each offence be fined not less than ten dollars, nor more than fifty dollars, and may, at the discretion of the justice or court trying the case, be confined in jail, not exceeding two months; and where any person is convicted the second time for violating the first section of this act, the court or justice before whom such second conviction is had, shall require him to enter into recognizance with good security, in a penalty of not less than one hundred dollars, for his good behavior for one year; or if he fail to give such security, commit him to jail for one month, unless it be sooner given. Such recognizance shall be forfeited if such person again violate the first section of this act within the year.

3. If any person be found in, on or along, any such spring, brook, or run, where it is the property of, or under the control of, the person who has erected or has had erected signs as hereinbefore provided for, with any fish, or any line, rod, net, bait, or other implement used in fishing, this shall be deemed *prima facie* evidence that he has violated the first section of this act.

—proviso as to erection of signs, if persons desires protection.

Penalty for violations.

—penalty for second offence.

—forfeiture of recognizance; when.

When deemed guilty of violation of this act.

(House Bill No. 88.)

CHAPTER 8.

AN ACT making provisions for the protection of street car employes from the inclemencies of the weather.

[Passed February 11, 1901. In effect 90 days from passage. Approved February 13, 1901.]

Be it enacted by the Legislature of West Virginia:

Street car employes; protection of from the inclemencies of the weather.

1. From and after the first of January in the year of our Lord 1902, it shall be unlawful for any person, partnership, or corporation, owning or operating a street railway in this State, or for any officer or agent thereof having charge or control of the management of such line of railway, or the cars thereof, operating electric, cable or other cars propelled either by steam, cable or electricity, which require the constant services, care or attention of any person or persons upon the platforms of any such car, to require or permit such services, attention or care, of any of its employes, or any other person or persons, between the first day of November and the first day of April thereafter of each year, unless such person, partnership or corporation, its officers or superintending or managing agents, have first provided the platforms of said car or cars with a proper and sufficient enclosure constructed of wood, iron and glass, or similar suitable material, sufficient to protect such employes from exposure to the winds and inclemencies of the weather: *provided*, that such enclosure shall be constructed so as not to obstruct the vision of the person operating such car, or to endanger or interfere with its safe management by the operator.

—between what dates.

—enclosure of platform.

—proviso as to construction of enclosure.

Unlawful for street cars to run without platform enclosure; between what dates.

2. From and after January first in the year of our Lord 1902, it shall be unlawful for any person, partnership or corporation, so owning or operating street railways using steam, electric or cable cars, or any managing officer or agent thereof, to cause or permit to be used upon such line of railway, between said November first and April first of each and every year thereafter, any car or cars upon which the services of any employe, such as specified in section one of this act, is required, unless said car or cars shall be provided with the enclosure required by section one of this act.

3. Any person, partnership or corporation, own-^{Violations;}ing, operating, superintending or managing any such ^{how pun-}line of street railway, or managing or superintend-^{ished.}ing officer or agent thereof, who shall be found guilty of a violation of the provisions of section one or two of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars; and in default of payment of the same, imprisonment in the county jail in which such conviction is had until such fine shall be paid. Each day that any said person or persons, partnership or corporation, cause or permit any of their said employes to operate such car or cars in violation of the provisions of sections one and two of this act, or cause or permit a car or cars to be used or operated in violation of said section two of this act, shall be deemed a separate offence: *provided*, that the provisions of this act shall not apply to cars used and known as trailing cars.

—default of payment of fine: what then.

—what deemed a separate offence.

—proviso as to certain cars.

4. It is hereby made the duty of the prosecuting attorney of any county in which any such street railway is situated and operated, upon information given him by any credible person, or upon knowledge that he may possess, that any person, partnership or corporation, has violated any of the provisions of this act, to promptly prosecute such person, members of such partnership or corporation, for such violation.

Prosecuting attorney: to prosecute violations.

(House Bill No. 255.)

CHAPTER 9.

AN ACT for districting the State of West Virginia for representation in the Congress of the United States.

[Passed February 11, 1901. In effect 90 days from passage. Approved February 18, 1901.]

Be it enacted by the Legislature of West Virginia:

1. The number of members to which this State is entitled in the House of Representatives of the Congress of the United States, shall be apportioned

State districted for representation in Congress.

among the several counties of this State, arranged into five districts, and numbered as follows, that is to say:

- first district. First Congressional District.—The counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Marion, Harrison and Lewis.
- second district. Second Congressional District.—The counties of Monongalia, Preston, Taylor, Barbour, Tucker, Randolph, Pendleton, Grant, Hardy, Mineral, Hampshire, Morgan, Berkeley and Jefferson.
- third district. Third Congressional District.—The counties of Kanawha, Fayette, Summers, Monroe, Greenbrier, Nicholas, Clay, Webster, Pocahontas and Upshur.
- fourth district. Fourth Congressional District.—The counties of Tyler, Pleasants, Wood, Jackson, Roane, Braxton, Gilmer, Calhoun, Wirt, Ritchie and Doddridge.
- fifth district. Fifth Congressional District.—The counties of Mason, Putnam, Cabell, Lincoln, Wayne, Boone, Logan, Mingo, Raleigh, Wyoming, McDowell and Mercer.
- each district to elect one member. And that each of said Congressional Districts shall elect one member of the House of Representatives of the Congress of the United States.

(House bill No. 235.)

CHAPTER 10.

AN ACT to apportion the representatives in the Senate and House of Delegates of the State of West Virginia.

[Passed February 6, 1901. In effect 90 days from passage. Approved February 11, 1901.]

Be it enacted by the Legislature of West Virginia:

- Senatorial districts; re-arrangement of.
- number of 1. That until the Senatorial Districts of the State of West Virginia shall be altered by the Legislature, in pursuance of the provisions of the Constitution, the State shall consist of fifteen (15) Senatorial Districts, as follows:
- first. The counties of Hancock, Brooke and Ohio shall constitute the First Senatorial District.
- second. The counties of Marshall, Wetzel and Tyler shall constitute the Second Senatorial District.

The counties of Pleasants, Wood, Wirt and Ritchie—^{third.}
shall constitute the Third Senatorial District.

The counties of Mason, Jackson and Roane shall consti-^{fourth.}
tute the Fourth Senatorial District.

The counties of Cabell, Lincoln and Putnam shall con-^{fifth.}
stitute the Fifth Senatorial District.

The counties of Wayne, Mingo, McDowell and Wy-^{sixth.}
oming shall constitute the Sixth Senatorial District.

The counties of Raleigh, Mercer, Summers and^{seventh.}
Monroe shall constitute the Seventh Senatorial Dis-
trict.

The counties of Kanawha, Boone and Logan shall con-^{eighth.}
stitute the Eighth Senatorial District.

The counties of Fayette, Greenbrier, Nicholas and Clay^{ninth.}
shall constitute the Ninth Senatorial District.

The counties of Calhoun, Gilmer, Braxton, Weh-^{tenth.}
ster and Pocahontas shall constitute the Tenth Senatorial
District.

The counties of Monongalia, Marion and Taylor shall^{eleventh.}
constitute the Eleventh Senatorial District.

The counties of Doddridge, Harrison and Lewis shall^{twelfth.}
constitute the Twelfth Senatorial District.

The counties of Barbour, Upshur, Randolph and<sup>thir-
teenth.</sup>
Pendleton shall constitute the Thirteenth Senatorial Dis-
trict.

The counties of Preston, Tucker, Grant, Hardy and<sup>four-
teenth.</sup>
Mineral shall constitute the Fourteenth Senatorial Dis-
trict.

The counties of Jefferson, Berkeley, Morgan and^{fifteenth.}
Hampshire shall constitute the Fifteenth Senatorial Dis-
trict.

And each of said districts shall have two (2) Sen-<sup>each dis-
trict has two</sup>
ators. The Senators elected at the last general elec-^{senators.}
tion for the full term of four years, shall continue to^{present}
hold their seats for the term for which they were^{ators.}
elected. And each of said Senatorial Districts shall<sup>one sen-
ator elect-
ed in each
district in
1902.</sup>
at the next general election to be held on the Tues-
day next after the first Monday in November, nine-
teen hundred and two, elect one Senator, and bi-en-
nially thereafter one Senator shall be elected from
each of said districts, except as follows: At the said
general election to be held in the year nineteen hun-<sup>exception
as to 3rd
district.</sup>
dred and two, there shall be elected two Senators in
the Third District, one of whom shall hold his seat
for the term of two years and the other for the term
of four years, to be determined by lot, and bi-ennially
<sup>terms;
how deter-
mined.</sup>
thereafter one Senator shall be elected in said

- district; and at said general election to be held in the year nineteen hundred and two there shall be elected two Senators in the Seventh District, one of whom shall hold his seat for the term of two years and the other for the term of four years, to be determined by lot, and bi-ennially thereafter one Senator shall be elected in said District; and at the said general election to be held in the year nineteen hundred and two, there shall be elected two Senators in the Eighth District, one of whom shall hold his seat for the term of two years and the other for the term of four years, to be determined by lot, and bi-ennially thereafter one Senator shall be elected in said district; and there shall be no election for Senator in the Ninth District until the general election to be held on the Tuesday next after the first Monday in November, nineteen hundred and four, at which time there shall be elected two Senators in the Ninth District, one of whom shall hold his seat for a term of two years and the other for the term of four years, to be determined by lot, and bi-ennially thereafter one Senator shall be elected in said district.
2. That until a new apportionment of Delegates shall be declared in pursuance of the Constitution, the House of Delegates shall consist of eighty-six (86) members, which shall be apportioned as follows:
- To the counties of Barbour, Boone, Brooke, Calhoun, Clay, Doddridge, Grant, Gilmer, Hampshire, Hancock, Hardy, Jefferson, Lewis, Lincoln, Logan, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pleasants, Pocahontas, Putnam, Raleigh, Randolph, Summers, Taylor, Tucker, Upshur, Webster, Wirt and Wyoming, one Delegate each.
- To the counties of Berkeley, Braxton, Greenbrier, Harrison, Jackson, McDowell, Marshall, Mason, Mercer, Monongalia, Preston, Ritchie, Roane, Tyler, Wayne and Wetzel, two Delegates each.
- To the counties of Cabell, Fayette, Marion and Wood, three Delegates each.
- To the county of Ohio, four Delegates.
- To the county of Kanawha, five Delegates.
- exception as to 7th district.
- terms; how determined.
- exception as to 8th district.
- terms; how determined.
- exception as to 9th district.
- terms; how determined.
- House of Delegates; of how many members composed.
- representation by counties in the house apportioned.

(House Bill No. 205.)

CHAPTER 11.

AN ACT to empower Boards of Education to hold special elections.

[Passed February 11, 1901. In effect 90 days from passage. Approved February 18, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That, for the purpose of carrying out the provisions of section two of chapter forty-five of the Code providing for school levy, the board of education of Union district, Marshall county, and the boards of education of any other school districts or independent school districts in this State that failed to authorize a school levy, by a popular vote at the general election held in one thousand eight hundred and ninety-eight or in one thousand nine hundred, shall, if twenty or more voters of the district ask it in writing, submit the question of laying a school levy to the voters of the district at a special election to be held in such district at such time as the board of education of the district may designate. The secretary of the board of education shall post notices of such special election at all the voting places in the district at least ten days before the day on which the election is to be held. If a majority of the votes cast are "For School Levy" the board of education shall lay the levies in the manner provided by sections thirty-five and forty of chapter forty-five of the Code.

Boards of education empowered to hold special elections for school levy: when.

—duty of secretary as to such elections.

—to lay levy, when and how.

(House Bill No. 169.)

CHAPTER 12.

AN ACT to permit Boards of Education and School Trustees to display the United States flag over every school house in the State.

[Passed February 21, 1901. In effect 90 days from passage. Approved February 22, 1901.]

Be it enacted by the Legislature of West Virginia:

That the boards of education throughout the State, Boards of edu-

caution; may provide U. S. flags, and require same displayed.

out of the building funds of their districts, may provide for the purchase of a United States flag four by six feet of regulation bunting, for each school house in their districts and require the same to be displayed over the school house during the time the school is in session.

Trustees: their duties as to flags.

2. That the trustees of each school district shall, in accordance with the direction of the board of education, place such flag over the school house in their school district at the beginning of the school term therein, and said trustees shall cause the teachers to keep said flag so displayed during the time the school is in session, except that on stormy or inclement days said flag shall not be so displayed if in the judgment of said teacher such inclement weather would be destructive of said flag.

(Senate Bill No. 39.)

CHAPTER 13.

AN ACT to provide for the support of Wives and Children.

[Passed February 19, 1901. In effect ninety days from passage. Approved February 20, 1901.]

Be it enacted by the Legislature of West Virginia:

Unlawful to neglect wife or minor children.

—who may make complaint.

—penalty therefor.

—physical incapacity a justification.

—justice may take bond in lieu of penalty payable to state.

1. It shall be unlawful for any man in this State to wilfully neglect, fail or refuse, to provide reasonable support and maintenance for his wife or minor children who may need such support; and any person guilty of such neglect, failure or refusal, upon the complaint of the wife or any agent of the West Virginia Humane Society and upon due conviction thereof, shall be adjudged guilty of a misdemeanor and shall be committed to the county jail for the period of not more than sixty (60) days, unless it shall appear that owing to physical incapacity or other good cause he shall be unable to furnish such support: *provided*, that in case of conviction for the offence aforesaid, the justice of the peace before whom such conviction is had, may in lieu of the penalty herein provided, accept from the person convicted a bond payable to the State, with good and sufficient sure-

ty, conditioned for the support of the wife, child or children, as the case may be, for the term of six months after the date of said conviction; and the justice may accept such bond at any time after such conviction and order the release of the person so convicted.

—condition of bond.

—bond accepted any time after conviction.

2. Any justice of the peace of the county in which the offence mentioned in the preceding section is committed may, upon complaint being made under oath, issue a warrant for the arrest of any person charged with such offence, and the justice of the peace before whom such person is brought under such warrant shall hear and determine the cause, subject to the right of appeal, as provided in section two hundred and thirty of chapter fifty of the Code of West Virginia in cases of persons sentenced to imprisonment by the judgment of a justice.

Duty of justice in case of violation of this act.

—appeal allowed.

(Senate Bill No. 34.)

CHAPTER 14.

AN ACT to prevent and punish cruelty to children.

[Passed February 13, 1901. In effect 90 days from passage. Approved February 13, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That any person, whatsoever, who shall cruelly ill-treat, abuse or inflict unnecessarily cruel punishment upon any infant or minor child, and any person having the care, custody or control of any minor child, who shall wilfully abandon or neglect the same, shall be guilty of a misdemeanor, and shall be fined not less than ten dollars nor more than fifty dollars for each offence.

Unlawful to ill-treat or abandon infant or minor children.

—penalty.

2. Any person having the care, custody, or control of any minor child under the age of fifteen years, who shall in any manner sell, apprentice, give away, or otherwise dispose of such child, or any person who shall take, receive or employ such child for the vocation or occupation of rope or wire walking or as an acrobat, gymnast, contortionist or rider, and any person who, having the care, custody, or control of any minor child whatsoever, shall sell, apprentice, give away or otherwise dispose of such child, or who shall

Unlawful to dispose of child under age of fifteen, etc., or receive same.

—for rope or wire walking, or acrobat, gymnast, etc.

—for obscene, indecent or illegal exhibition, etc.

take, receive or employ such child for any obscene, indecent or illegal exhibition or vocation, or any vocation injurious to the health, or dangerous to the life or limb, of such child engaged therein, or for the purpose of prostitution, and any person who shall retain, harbor, or employ any minor child in or about any assignation house or brothel, or any place where any obscene, indecent or illegal, exhibition takes place, shall be guilty of a misdemeanor, and shall be fined not less than five dollars, nor more than one hundred dollars, for each offence.

—penalty.

Unlawful to cause child under eighteen to sing or play on the street, or pursue business of mendicant;

3. Any person having the care, custody, or control, lawful or unlawful, of any minor child under the age of eighteen years, who shall use such minor, or apprentice, give away, let out, hire or otherwise dispose of, such minor child to any person, for the purpose of singing, playing on musical instruments, begging or for any mendicant business whatsoever in the streets, roads, or other highways of this State, and whosoever shall take, receive, hire, employ, use or have in custody, any minor for the vocation, occupation, calling, service or purpose of singing, playing upon musical instruments or begging upon the streets, roads or other highways of this State, or for any mendicant business whatever, shall be guilty of a misdemeanor and shall be fined not less than five dollars nor more than one hundred dollars.

—to receive, or hire minors for such purposes.

—penalty.

Unlawful to permit child under fifteen to act or sing in saloon or dance house, etc.

4. Any person having the care, custody, or control of any minor child under the age of fifteen years, who shall in any manner sell, apprentice, give away or permit such child to sing, dance, act, or in any manner exhibit it in any dance house, concert saloon, theater or place of entertainment where wines or spirituous or malt liquors are sold or given away, or with which any place for the sale of wines or spirituous or malt liquor is directly or indirectly connected by any passage way or entrance, and any proprietor of any dance house whatever, or any such concert saloon, theater, or place of entertainment, so employing any such child, shall be guilty of a misdemeanor, and shall be fined not less than five dollars nor more than one hundred dollars for each offence.

—penalty.

Proprietor or person in charge, held guilty for permitting child under eighteen to enter.

5. Any proprietor or any person in charge of a dance house, concert saloon theater, museum, or similar place of amusement, or other place, where wines or spirituous or malt liquors are sold or given away, or any place of entertainment injurious to health, or

morals, who admits or permits to remain therein any minor under the age of eighteen years, unless accompanied by his or her parent or guardian, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding two hundred dollars. —Penalty.

(House Bill No. 25.)

CHAPTER 15.

AN ACT to create and establish a free public employment bureau.

[Passed February 13, 1901. In effect 90 days from passage. Approved February 15, 1901.]

Be it enacted by the Legislature of West Virginia:

1. The commissioner of labor is hereby authorized to organize and establish, in connection with the bureau of labor, a Free Public Employment Bureau, for the purpose of receiving applications from persons seeking employment and applications from persons seeking to employ labor. Employment bureau; commissioner of labor authorized to establish.

2. No compensation or fee shall be charged or received directly or indirectly from persons applying for work, information or help through said department. The commissioner of labor is hereby authorized to employ such assistance, and incur such expense as may be necessary to carry into effect the purpose of this act. But such assistance and expense shall not exceed five hundred dollars per annum. No compensation, etc. —assistance and expense, limit.

3. The expenses of the employment bureau shall be paid in the same manner and way as other expenses of the bureau of labor, and there is hereby appropriated five hundred dollars to carry out the provisions of this act. Expenses, how paid. —appropriation.

(House Bill No. 49.)

CHAPTER 16.

AN ACT to regulate the writing of fire or other insurance policies on property situated or located in the State of West Virginia, or upon life, and to provide revenue from tax on the premiums thereon for the State, and to provide a penalty for the violation thereof.

[Passed February 13, 1901. In effect 90 days from passage. Approved February 16, 1901.]

Be it enacted by the Legislature of West Virginia:

Foreign insurance companies; writing, etc., of policies, etc., by, on persons and property, regulated.

—risk must be approved by resident agent; how.

—who to receive commission on premium paid; for what.

—what prohibited being done by other persons.

Companies accepting risks, prohibited from transferring same to foreign companies not authorized to do business.

—liable to what penalty.

1. That no fire or other insurance company or association not incorporated under the laws of this State authorized to transact business herein, shall make, write, place, or cause to be made, written or placed any policy, duplicate policy, or contract of insurance of any kind or character, or a general or floating policy, upon property situated or located in this State, or upon life, except after the said risk has been approved in writing by an agent who is a resident of this State, regularly commissioned and licensed to transact insurance business herein, who shall countersign all policies so issued, and receive the commission thereon when the premium is paid, to the end that the State may receive the taxes required by law to be paid on the premiums collected for insurance on all property located in this State; and that no person shall pay or forward any premiums, applications for insurance or in any manner secure, help or aid in the placing of any fire or other insurance, or effect any contract of insurance upon real or personal property or upon life, within this State, directly or indirectly, with any insurance company or association not of this State, or which has not been authorized to do business in this State.

2. Every fire or other insurance company which shall, in any manner whatsoever, accept the whole or any part of a risk on property located in this State, and shall transfer, in any manner whatsoever, to any company not authorized to transact business in this State, any risk or liability assumed by said first-named company or any part thereof, shall be liable to the penalty provided for under section seven of this act.

3. Any person acting, or assuming to act, as the agent of any fire or other insurance company, authorized to do business in this State, who shall at any time, on and after the passage of this act, accept any risk or issue any policy of fire or other insurance on any risk in this State and re-insure the same or any part thereof in any company or companies not authorized to do business in this State, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be liable to the penalty and punishment provided by section seven of this act.

Agents of authorized companies prohibited from re-insuring risks in unauthorized companies.

—of what guilty; how punished.

4. The Auditor of this State is required by this act, at any and all times whenever complaint is made to him in writing and certified to by the oath of the complainant, that any violation of this law has taken place, to forthwith inquire into and ascertain the merits of such complaint, and for this purpose, he (the said auditor) is empowered to examine by himself or his accredited representatives into the home office books and accounts, as well as such other offices and agencies of the company complained against, as well as examine under oath, any officers, managers and agents of such company, as to any violation of this law.

Auditor required to investigate; upon what complaint.

—power to examine "books, accounts, etc."

5. Any manager, officer or agent, of any fire or other insurance company, who shall refuse or fail to produce to said auditor of State, or his representatives, such books and accounts as he may demand or to make the *affidavit* as provided for in section four, shall be deemed guilty of misdemeanor, and punished as provided for in section seven of this act.

Penalty for refusal or failure to produce books, accounts, or make oath.

6. No part of sections one and two of this law shall apply to direct insurance concerning the rolling stock of railroad companies and property while in transit, and in the custody of the railroad corporations, nor to the property of such corporations while used or employed by them in their business as common carriers; nor shall this act apply to any extent to any railroad company doing business in this State.

What insurance law not to apply.

—to what railroad company not to apply.

7. Any fire or other insurance company or corporation, fire insurance agency, or any person or agent thereof, who shall be found guilty of any violation of sections one, two and four of this act, shall pay a fine of not less than one hundred dollars or more than five hundred dollars, in the discretion of the court.

Penalty for violating sections 1, 2 and 4.

8. Any insurance company or association which

Revocation

of authority to do business: when and for what. shall neglect and refuse for thirty days after judgment, in any such action, to pay and discharge the amount of such judgment shall have its authority to transact business in this State revoked by the auditor, and such revocation shall continue for at least one year from the date thereof; nor shall any insurance company or association whose authority to transact business in this State shall have been so revoked again be authorized or permitted to transact business herein until it shall have paid the amount of any such judgment, and shall have filed in the office of the auditor a certificate, signed by its president or other chief officer, to the effect that the terms and obligations of the provisions of this act are accepted by it as a part of the conditions of its right and authority to transact business in this State.

Acts repealed.

9. All acts and parts of acts, whether general or special, inconsistent with the provisions of this act, are hereby repealed.

(House Bill No. 14.)

CHAPTER 17.

[Passed February 7, 1901. In effect 90 days from passage. Approved February 15, 1901.]

AN ACT to authorize an action of trespass on the case in assumpsit to be brought for the breach of any contract.

Be it enacted by the Legislature of West Virginia:

Breach of contract: what action may be brought.

1. That an action of trespass on the case in assumpsit may be brought in all cases to recover damages for the breach of any contract sealed or unsealed, express or implied.

(House Bill No. 48.)

CHAPTER 18.

AN ACT providing for the allowance to fiduciaries and others, required by law to furnish security on bonds, of reasonable premiums paid for such suretyship to legally authorized surety companies.

[Passed February 12, 1901. In effect 90 days from passage. Approved February 12, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That any receiver, assignee, guardian, committee, trustee, executor, administrator, special commissioner, or other fiduciary, required by law, or the order of any court or judge, to give a bond or obligation as such, may include, as a part of the lawful expense of executing his trust, such reasonable sum paid a company authorized under the laws of this State so to do, for becoming his surety on such bond or obligation, as may be allowed by the court in which, or the commissioner before whom, he is required to account, or a judge of such court, not exceeding, however, one-third per centum per annum on the amount of such bond or obligation; and in all actions, suits or proceedings the party entitled to recover costs may include therein and recover such reasonable sum as may have been paid such company by such party for executing or guaranteeing any bond, undertaking or obligation therein.

Allowance to fiduciaries and others required to furnish security.

—Included as part of the lawful expense.

—Per cent. of such allowance limited.

—Included in costs recovered.

(House Bill No. 56.)

CHAPTER 19.

AN ACT making provisions for the prevention of accidents and for the preservation of life and health of employes in the manufacturing, mechanical, mercantile and other establishments, where persons, male and female, are employed.

[Passed February 14, 1901. In effect 90 days from passage. Approved February 16, 1901.]

Be it enacted by the Legislature of West Virginia:

1. In all manufacturing, mechanical and other es-Manufactur-

ing and other establishments; machinery, etc., to be safely guarded to prevent accident, etc., to employees; notices.

—provisions as to minors and females.

Openings of hatchways, etc., how protected.

—trap doors to be kept closed; when.

Female employees; what places must be provided for in certain establishments.

—provision where both sexes employed.

Seats for female employees.

Sanitary condition, etc., of establishments to which act applies.

Penalty for violations.

establishments, in this State, where the machinery, belting, shafting, gearing, drums and elevators, are so arranged and placed as to be dangerous to persons employed therein, while engaged in their ordinary duties, shall be safely and securely guarded when possible, and if not possible, the notices of the danger shall be conspicuously posted in such establishments, and no minor or female of any age shall be permitted to clean any of the mill gearing or machinery in such establishments while the same is in motion.

2. The opening of all hatchways, elevators and well holes, upon each floor of every manufacturing, mechanical, mercantile or public building in this State, shall be protected by good and sufficient trap doors, self-closing hatches, or strong guard rails at least three feet high. All due vigilance shall be used to keep such trap doors closed at all times, except when in actual use.

3. In every factory, work shop or establishment, in this State, where females are employed, where unclean work of any kind has to be performed, suitable places shall be provided for such females to wash and to change clothing, and stairs in use by females shall, in all such establishments, be properly screened, and separate water closets shall be provided for the use of employees of either sex, in all manufacturing, mechanical, mercantile and other establishments in this State where persons of both sexes are employed.

4. In every manufacturing, mechanical, mercantile and other establishments, in this State, wherein females are employed, there shall be provided, and conveniently located, seats sufficient to comfortably seat such females; and during such times as such females are not necessarily required by their duties to be upon their feet, they shall be allowed to occupy the seats provided.

5. And all establishments, to which this act applies, must be kept in clean condition; the sanitary and hygienic regulations shall be such as will not endanger or be injurious to the lives or health of the employees employed therein.

6. Any person or persons, firm or corporation of any manufacturing, mechanical, mercantile or other establishment, business or calling, in this State, to which this act applies, who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction, in any court of com-

petent jurisdiction in this State, shall be fined not less than twenty dollars nor more than one hundred dollars, and in default of payment of such fine shall be imprisoned until such fine and costs are fully paid.

7. It shall be the duty of the commissioner of labor or his assistant to enforce the provisions of this act, and to prosecute all violations of the same before any magistrate or court of competent jurisdiction in this State.

Commis-
sioner of
labor: his
duties.

8. All fines collected for violation of this act shall be paid into the common school fund of the county in which the offence was committed.

Fines collect-
ed: where
paid.

9. The provisions of this act shall become effective within ninety days after the date of its passage, and as soon as possible thereafter the commissioner of labor shall cause a printed copy thereof to be transmitted to all employers of labor in this State.

Commis-
sioner of lab-
or to trans-
mit copy of
act to em-
ployers;
when.

(House Bill No. 148.)

CHAPTER 20.

AN ACT providing for the weighing of certain products and fixing and prescribing the duties of check-weighman or weighmaster.

[Passed February 22, 1901. In effect 90 days from passage. Approved February 23, 1901.]

Be it enacted by the Legislature of West Virginia:

1. Where the amount of wages paid to any of the persons employed in any manufacturing, mining, or otherwise public enterprise employing labor, depend upon the amount produced by weight or measure, the persons so employed may, at their own cost, station or appoint at each place appointed for the weighing or measuring of the products of their labor a check-weighman or measurer, who shall in all cases be appointed by a majority ballot of the workmen employed at the works where he is appointed to act as such check-weighman or measurer.

Weighing of
certain pro-
ducts,
provided for.

—weighmas-
ter, how ap-
pointed.

2. Every corporation, company, or person engaged in the business of mining coal in this State, where such check-weighman is employed by the miners working at such mines, shall furnish such check-

Duties of
operators, etc

—checkweigh-
man must
take oath.

Law applic-
able; in
what cases.

Where
weighman se-
lected by ope-
rator and em-
ploye; what
not neces-
sary.

—disagree-
ment; the
remedy.

—penalty.

—duty of
courts.

weighman with a check or number and pay the said check-weighman for all coal placed to his check or number same per ton as is paid to the miners. Each of the persons so employed to see the weighing of said coal before entering upon the discharge of the duties of his employment shall take and subscribe an oath before a justice of the peace or a notary public, that he will honestly and impartially do and perform the duties of his employment and do equal and exact justice between employers and employes to the best of his judgment, skill and ability.

3. This act shall apply to all weights, balances, steelyards, and weighing machines and measures used in any factory, mine, mill or otherwise industrial concerns, for determining the wages payable to any person employed according to the mineral or otherwise products produced by them through their labors.

4. Where the weighman is mutually selected by the consent of a majority of the miners working in any mine and the operator or agent of said company, it shall not be considered necessary to employ said check-weighman, but at any time that either of the parties to said agreement should become dissatisfied with said weighman they may dismiss him on ten days' notice or the miners may employ a check-weighman. Any corporation, company, or person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined for each and every offence not less than ten nor more than two hundred dollars.

It shall be the duty of every court in each county, in which any such coal mine is operated and in which a grand jury is impaneled, to give this act in charge to the grand jury.

(Senate Bill No. 95.)

CHAPTER 21.

AN ACT to prevent the introduction and spread of contagious diseases among domestic animals.

[Passed February 21, 1901. In effect 90 days from passage. Approved February 22, 1901.]

Be it enacted by the Legislature of West Virginia:

That chapter fifty-three of the acts of one thous-

and eight hundred and ninety-nine, be amended and re-enacted, and additional section added thereto, so as to read as follows:

1. That when it shall be brought to the notice of the secretary of the board of agriculture that any contagious or infectious diseases, not otherwise provided for by law, prevails among domestic animals, he shall take such measures to prevent its spread as may be deemed expedient, and for this purpose shall give written instructions or permits to one or more of his consulting veterinarians of the state board, giving him or them power to place infected animals, herds, buildings, lots and farms in quarantine, and to prevent the movement of animals or objects likely to carry the contagion, except on proper permits, by one or more of the said consulting veterinarians.

Contagious diseases among domestic animals, who to prevent spread of.

—power to quarantine, etc.

2. All the work of the veterinarians shall be promptly and fully reported to the secretary on such blanks and forms as he may supply, and with the consent and approval of the board, and such rules and regulations for the government of such quarantine, as may be deemed necessary to effectively carry out the provisions of this act, may be adopted and enforced.

Veterinarians' report.

Regulations, etc., for quarantine.

3. That any person, persons or corporation, who shall fail to report to the said secretary any importation of any domestic animals for breeding purposes into this State, or who shall wilfully or intentionally interfere with any officer or officers authorized to carry out the provisions of this act, or who shall wilfully or intentionally violate the provisions of the quarantine authorized in this act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be liable to imprisonment of not exceeding three months, or a fine not exceeding one hundred dollars, or both, at the discretion of the court.

Penalty for violating quarantine, etc., and for failure to report importation, etc.

4. That it shall be the duty of the said consulting veterinarian, under the direction and control of the secretary, to visit once a year, at such time as the secretary may direct, and examine, and, if deemed necessary, test in a proper manner all thoroughbred herds of twenty or more within this State, which are kept for the purpose of producing animals for breeding purposes, and to be sold to the public as such. Should the veterinarian making the examination find such animals free from any contagious, or infectious disease, he shall issue to the owner or owners a certifi-

Veterinarian, what herds to examine, and when.

—what certificate to be issued: if not, what then.

cate stating that fact. Should he find any contagious or infectious disease prevailing, he shall then proceed as authorized in section seven of this act. It shall further be the duty of said consulting veterinarian, under the same direction and control, to visit annually, at such time as the secretary may direct, and inspect, and, if deemed necessary, thoroughly test all dairy herds of ten or more cows within this State, the products of which are sold to the public. Should the animals prove to be free from any contagious or infectious disease, said veterinarian shall issue to the owner or owners of such herd, a certificate to that effect. Should any of the animals prove to be affected with tuberculosis or any other disease of a dangerous nature, it shall then be the duty of said veterinarian to proceed as authorized in section seven of this act. For such services as are not prescribed for in this act, said consulting veterinarian shall receive a per diem of four dollars per day, for actual time of service, which shall be paid by the owner or owners of animals that are examined. The actual traveling and other expenses incurred by said veterinarian shall be paid by the state board of agriculture out of current appropriations for the purpose, on an order signed by the president and secretary of the said board. Full and complete reports of all services performed by the veterinarian shall be promptly made to the said secretary, on such blanks as he may supply and in such form as he may require.

—veterinarian: duties as to dairy herds.

—compensation of; by whom paid.

—traveling expenses: by whom paid, and how.

—reports.

Further report to secretary.

Examinations by consulting veterinarian: what and when; his decision final.

—may take what action.

—his compensation.

5. That it shall be the duty of the consulting veterinarians having cases in charge, to report the same fully and promptly to the said secretary, in such form as he may prescribe.

6. That when in the judgment of the secretary of the board public interest and safety demand it, he may give written authority to any consulting veterinarian of the board, who shall be a graduate of some reputable veterinary college, to examine any animal or animals, or any buildings, or farms, suspected, and the decision of such veterinarian, after proper examination and under the provisions of this act, and such rules and regulations, as the board may prescribe, shall be final, and said veterinarian may proceed to quarantine, to destroy, to order burned or buried, or to take any other action authorized by this act, and the rules of said board. For such services the veterinarian shall receive a per diem of four dol-

lars per day, and actual expenses while engaged, which shall be paid out of the current appropriations made for the enforcement of this act and on an order signed by the president and secretary of the board.

7. That when it shall be found necessary or expedient to kill any animal or animals, to prevent the spread of contagious or infectious diseases, it or they shall first be appraised by three disinterested and sworn appraisers, who shall have due consideration of the actual condition of the animal or animals at the appraisement, and the owner or owners of such animal or animals so destroyed shall be entitled to receive from the secretary of the board of agriculture a certificate of value, as appraised by said appraisers, subject to the consent and approval of said board. For such services each appraiser shall receive a per diem of one dollar per day, to be paid out of current appropriations made for the enforcement of this act, and on an order signed by the president and secretary of the said board.

Animals may be killed, when.

—appraisement.

—compensation of owner.

—of appraisers.

8. That at the end of each fiscal year, the holders of such certificates of value shall be paid the same from the current appropriations made for the purpose: *provided*, that the amount to be paid on such certificates in any one year shall not exceed the sum of five thousand dollars, which amount shall be paid pro-rata at the end of each fiscal year, on an order signed by the president and secretary of the state board of agriculture.

Certificates of value, how and when paid.

—proviso.

9. That for the economical eradication of contagious or infectious diseases of domestic animals, the secretary of the state board of agriculture shall have power, with the approval and consent of said board, to arrange for and carry into effect terms of co-operation with the proper officers of the national government.

Co-operation with U. S. officials.

10. That all acts, or parts of acts inconsistent herewith, are hereby repealed.

Acts repealed.

(Senate Substitute for House Bill No. 29.)

CHAPTER 22.

AN ACT creating the West Virginia State Service Commission, and prescribing the duties thereof.

[Passed February 21, 1901. In effect 90 days from passage. Approved February 21, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That the governor of West Virginia be and he is hereby empowered to appoint a commission of two citizens, who shall be chosen from the two political parties casting the greatest number of votes, each respectively, at the last preceding general election, who, together with the adjutant general, who shall be president of said board, shall constitute a board to be known as the West Virginia state service commission, who shall meet as soon as may be after their appointment and prepare for free distribution the necessary blanks to be used in the proof of all claims hereinafter provided for, and said West Virginia state service commission shall hold meetings in the office of the adjutant general as follows: on the first Tuesday in October, one thousand nine hundred and one, and the first Tuesday in February, June and October, one thousand nine hundred and two, respectively, for the purpose of receiving and passing on the proof of all claims for active service either for this State or the United States, during the late civil war, whether as home guards or militia. All proof furnished the said commission shall be on blanks furnished by the commission or in the same form, and the said proof must be filed by the party who rendered the service or his personal representative, and not by any assignee of such person. Said proof shall show the address of such person now and at the date said service was rendered; the length of such service in months and days, the kind of such service rendered, and whether the same was rendered as a private or as an officer; and if as an officer the rank held; whether the soldier has been paid therefor or any part thereof, and any and all other facts of which the said commission may see proper to require proof. At each of said meetings the said commission shall consider the proof filed by such soldier or his personal representative, and determine the amount due such soldier for such service, reckoning the same pay to each soldier as that which is allowed by the United States for like service in the army. They shall keep a record of their findings in a suitable book to be kept by said commission, and the said commission shall deliver to the soldier or his personal representative a certificate of the amount due and unpaid him for such service. The said commission shall give no-

Governor empowered to appoint commission.

who to be president of.

—to prepare and distribute blanks.

—meetings, when held.

—purpose of meetings.

Proof: who to furnish.

—what to show.

—commission to consider proof and determine amount due.

—to keep record of findings.

—to deliver certificate.

tice of all said meetings, their purpose and nature of the proof required, by publication in one newspaper in each county of this State for four successive weeks before the first of said meetings. Any two of said board shall constitute a quorum. The members of said commission shall each receive four dollars per day for their services and lawful mileage. They shall appoint a clerk who shall receive a salary to be fixed by said commission, but not to exceed five hundred dollars. The said commission shall make a printed report of their findings showing the name of each soldier to whom there is anything due and unpaid for his service, the amount thereof, and his address, and such other matters as they may deem necessary. Said report shall be made to the governor on or before the first day of January, one thousand nine hundred and three, and by him laid before the Legislature at its next bi-ennial session following said report.

---to give notice of meetings; how.

---quorum.

---compensation of.

---clerk, and his salary.

---report; what to show.

---to whom made, and when.

(Senate Bill No. 50.)

CHAPTER 23.

AN ACT making it a misdemeanor and prescribing the punishment therefor, for removing personal property covered by mortgage or deed of trust out of the county where situated when the deed of trust or mortgage is given, without consent of the beneficiary.

[Passed February 14, 1901. In effect 90 days from passage. Approved February 19, 1901.]

Be it enacted by the Legislature of West Virginia:

A mortgagor of personal property or grantor in a deed of trust conveying personal property, in possession of same, who, without the consent of the owner of the claim secured by such mortgage or deed of trust, and with intent to defraud, removes or causes to be removed, any of the property mortgaged or covered by such deed of trust out of the county where it was situated at the time it was mortgaged or conveyed by deed of trust, or with intent to defraud, secretes or sells the same, or converts the same to his

Unlawful to remove personal property by mortgagor, out of county; unless by consent of owner of claim, etc.

—penalty. own use, shall be guilty of misdemeanor, and on conviction thereof fined not more than five hundred dollars, or imprisoned not more than six months, or both.

(Senate Bill No. 170.)

CHAPTER 24.

AN ACT making it a misdemeanor to wilfully or improperly damage or destroy the property of livery stable keepers, in cities of over three thousand population, in this State, when in the custody or possession of bailees.

[Passed February 20, 1901. In effect 90 days from passage. Approved February 22, 1901.]

Be it enacted by the Legislature of West Virginia:

Wilful damage to livery property hired or loaned, deemed what offence.

1. Whenever hereafter any bailee or bailees for hire or loan of any property of any livery stable keeper, in cities of over three thousand population in this State, shall wilfully or with gross negligence damage or destroy the property of any one as aforesaid, while the same is in the custody or possession of said bailee or bailees, the person or persons so offending shall be taken and deemed guilty of a misdemeanor, and upon conviction, shall be fined or imprisoned as hereinafter set forth, at the discretion of the court, and shall be liable to said owner or owners of said property for the value thereof, or the injury done in the same, in a civil action, either in the circuit court or before a justice of the peace as like amounts are now by law recoverable.

—liable also in civil action, for what.

Damages from improper conduct, a misdemeanor; how punished.

2. Any damage or damages done to the property of any livery stable keeper, in cities of over three thousand population in this State, by careless driving or improper conduct, while in the custody or possession of any bailee or bailees to whom the same may have been hired or loaned, shall be taken and deemed to be a misdemeanor, punishable by fine or imprisonment at the discretion of the court as hereinafter set forth.

Persons offending, how punished and for what liable.

3. Whenever hereafter any bailee or bailees for hire or loan of any property of any livery stable keeper, in cities of over three thousand population in

this State shall wilfully or with gross negligence, damage or destroy the property of any one as aforesaid, while the same is in the custody or possession of said bailee or bailees, or shall be guilty, as set forth in the previous sections of this act, the person or persons so offending shall be taken and deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one hundred dollars, or be imprisoned in the county jail for a term not exceeding thirty days, at the discretion of the court, and shall be liable to said owner or owners of said property for the value thereof, or the injury done to the same, in a civil action, either in the circuit court or before a justice of the peace, as like amounts are now by law recoverable.

(Senate Bill No. 71.)

CHAPTER 25.

AN ACT requiring assessors to gather agricultural statistics.

[Passed February 9, 1901. In effect 90 days from passage. Approved February 15, 1901.]

Be it enacted by the Legislature of West Virginia :

1. That it is hereby made the duty of each assessor, of the several assessment districts of the several counties of the State, to receive from the state board of agriculture such books, blanks and papers as the board may supply from the State's printing fund, for the gathering of such agricultural and other statistics as it may deem valuable to the people of the State.

Assessors, to gather agricultural statistics; how blanks, etc., furnished.

2. That, commencing on the first day of April of each year, such statistics as it may require shall be gathered as soon as possible; immediately after which the books, blanks and papers shall be carefully filled out under such rules and in such form as the said board may require. That the books, blanks and papers when so completed, shall be returned to the department on or before the first day of July next ensuing.

When to begin.

—filling out blanks, etc.

—when returned.

3. That the county court of each county shall allow the assessors a reasonable compensation, not exceeding

Compensation.

ing ten per centum of their salary as assessor, for such work as may be required of them, under this act, by the said board of agriculture.

Penalty for failure: proceedings.

4. That any failure to properly perform any of the duties herein set forth, or any of the legal requirements of the said board, the offending person or persons, upon conviction, shall be subject to all the penalties set forth in chapter twenty-nine of the code of eighteen hundred and ninety-nine, concerning assessors, and may be proceeded against in the same manner as is therein prescribed by law.

Acts inconsistent repealed.

5. All acts or parts of acts inconsistent with this act are hereby repealed.

(Senate Bill No. 80.)

CHAPTER 26.

AN ACT to legalize the action of stockholders of corporations in cases where proxies have been given and the owner or holder of the stock giving or making such proxy has died.

[Passed February 18, 1901. In effect 90 days from passage. Approved February 20, 1901.]

Be it enacted by the Legislature of West Virginia:

Meetings of stockholders, etc., at which a person holding proxy, etc., acted in good faith, but after death of principal, made valid, unless, etc.

1. That in any case where a proxy or other legal written authorization has heretofore been given, executed or delivered, or may hereafter be given, executed or delivered, to another to vote the stock of the maker or giver of such paper in any meeting of the shareholders or stockholders of a corporation or joint stock company, created under the laws of this State, and the holder of such proxy in good faith and without fraud acts as such proxy, or has heretofore acted as such proxy at a meeting of such shareholders or stockholders, and before such meeting the stockholder or shareholder giving such proxy had died, then and in that event all such meetings shall be deemed as valid as if the said shareholder or stockholder giving such proxy had been living at the time of such meeting, unless actual knowledge or notice of the death of such stockholder or shareholder giving such proxy had come or may come to the holder of such proxy before he has acted or may act at such meeting.

(House Bill No. 246.)

CHAPTER 27.

AN ACT to permit the Judges of the Second, Third and Fourth Judicial Circuits each to employ a shorthand writer at his discretion.

[Passed February 15, 1901. In effect 90 days from passage. Approved February 20, 1901.]

Be it enacted by the Legislature of West Virginia:

The judges of the second, third and the fourth judicial circuits, may each, at his discretion, employ a shorthand writer, to be known as an official stenographer, to report, under such regulations as the judges may respectively prescribe, the proceedings had and testimony given in the trial of any civil or misdemeanor causes in the circuit courts of said circuits, as well as the proceedings had and the testimony given in any other matter in hearing before said courts; and may allow said shorthand writers a reasonable compensation for their services, and expenses, to be certified by the court to the county court of the county in which said trial took place or other matter was heard, and paid by it out of the county treasury. The court may, when necessary, appoint a deputy official stenographer, who shall be entitled to the same fees for like services as his principal and paid in the same manner.

Stenographers: certain judges authorized to employ, for what purposes.

—compensation, and how paid.

—deputy official stenographer.

(House Bill No. 237.)

CHAPTER 28.

AN ACT authorizing the Circuit Courts to appoint commissions and committees to audit the accounts and transactions of county courts.

[Passed February 20, 1901. In effect 90 days from passage. Approved February 21, 1901.]

Be it enacted by the Legislature of West Virginia:

1. The judge of the circuit court of any county, when in his opinion the public interests of the county demand same, shall have power to appoint a commission

Examining and auditing accounts and transactions

of county courts, etc.; commission for who to appoint, and when.

—duties.

—report and statement; what to show.

—when such commission appointed.

—powers of commission.

—compensation; clerical help.

Court may also appoint a committee, upon petition, to examine, etc.

—powers.

—compensation, etc., how paid; may require security.

sion, consisting of three persons, who shall be residents of the county in which their duties are to be performed, whose duty it shall be to examine and audit the accounts and transactions of the county court of the county, or of any tribunal in lieu thereof, and report the result of such examination to the said circuit court, together with a statement showing the indebtedness, if any, for what created, to whom owing, and whether or not a levy has been made to provide for the payment of same. Such commission shall be appointed at the regular term of the circuit court next succeeding the time fixed by law for making the annual levy of the county, by the county court. Such commission shall have access to all the books and records of the county, and shall have power to require the attendance of persons and papers necessary to carry into effect the provisions of this act, and upon request of said commission, the clerk of the circuit court shall cause subpoenas to issue in like manner as other subpoenas are issued by him in actions at law. Such commission shall be allowed a reasonable compensation, and shall employ such clerical and other assistance in the prosecution of such examination as the said circuit court may direct, the same to be paid out of the county treasury.

2. Said circuit court may also, at any time in its discretion, upon petition of twenty-five or more taxpayers of the county, appoint a committee of such number as the court shall see fit, from the citizens and taxpayers of such county, who shall have all the powers and duties prescribed for the commission, to be appointed under section one of this act, but the compensation of said committee and all expenses of its proceedings shall be paid by the petitioners, and the court may require security therefor as a condition of the appointment of such committee.

(House Bill No. 223.)

CHAPTER 29.

AN ACT to regulate the granting of franchises by county courts or other tribunals in lieu thereof, and by the council of any city, town or village incorporated under the laws of West Virginia.

[Passed February 18, 1901. In effect 90 days from passage. Approved February 21, 1901.]

Be it enacted by the Legislature of West Virginia:

1. No franchise shall hereafter be granted by the county court of any county, or other tribunal acting in lieu thereof, or by the council of any city, town or village incorporated under the laws of this State, where the application for such franchise has not been filed at least thirty days prior to the time when it is to be acted upon, by such county court or council, with the clerk of such court or council, and notice of such application, stating the object of such franchise, shall have been given by publication for thirty days in some newspaper of general circulation published in such county or city wherein such franchise is to be granted. Nor shall such franchise be granted within thirty days after the application has been filed, nor until an opportunity has been given any citizen or corporation interested in the granting or refusing of said franchise to be heard. Nor shall any franchise hereafter be granted by any county court, or other tribunal acting in lieu thereof or by any council of any city, town or village incorporated under the laws of this State, for a longer term than fifty years: *provided, however,* that nothing in this act shall prevent the renewal of any such franchise for a term not exceeding fifty years, when the same shall have expired. No franchise hereafter granted for any longer term than fifty years shall be of any force or validity.

when, and when only, county court, or council, may grant franchises.

—maximum term.

—proviso as to renewal.

—granted for longer term of no validity.

(House Bill No. 219.)

CHAPTER 30.

AN ACT extending the time in which distraint and sale may be made for taxes.

[Passed February 18, 1901. In effect 90 days from passage. Approved February 21, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That the sheriffs of the several counties in the State of West Virginia, whose terms expired on the thirty-first day of December, one thousand eight hundred and ninety-six and one thousand nine hundred, be allowed until the thirty-first day of December, one thousand nine hundred and three, within which to make distraint or sale for the collection of taxes not returned delinquent for the years one thousand eight

Distraint and sale for taxes, time extended,

—until when.

—for what
years.

hundred and ninety-three, one thousand eight hundred and ninety-four; one thousand eight hundred and ninety-five, and one thousand eight hundred and ninety-six, and for the years one thousand eight hundred and ninety-seven, one thousand eight hundred and ninety-eight, one thousand eight hundred and ninety-nine, and one thousand nine hundred; and any person who shall remove from the county wherein he or she has been assessed before paying the tax on said assessment, the sheriff of said county may forward the tax receipt of said assessment to the sheriff of the county in which said person has removed, who is hereby empowered to make levy and collect said tax the same as he is empowered to levy and collect tax on assessments made in his own county.

—removal
from county
of person as-
sessed, what
then.

(House Bill No. 81.)

CHAPTER 31.

AN ACT to provide for the inspection of and regulation of oil used for illuminating purposes in coal mines.

[Passed February 15, 1901. In effect 90 days from passage. Approved February 20, 1901.]

Be it enacted by the Legislature of West Virginia:

Kind and
quality of oil
to be used in
mines for
miners'
torches or in
open lamps.

—what not
to be used in
such torches.

—exception.

Cottonseed
oil, subject
what test.

1. That only animal, vegetable or paraffine oil or other oil as free from the evolution of smoke as a standard cottonseed oil, when burned in a miner's torch, shall be used in any open lamp or torch for illuminating purposes in any coal mine in this State, and that kerosene and blackstrap oil, or a mixture of kerosene and blackstrap, shall not be used in miners' torches for illuminating purposes in any coal mine in this State; except that a mixture of mineral oil (other than blackstrap oil) and vegetable oil can be used upon machinery used as motive power to haul coal in any mine in this State, and except, further, that a mixture of mineral and vegetable oil can be used for all stationary lights.

2. A standard cottonseed oil shall have the following test: 1. It shall be free from mineral oils or mineral oil compounds. 2. It shall be tested in a glass tube one and one-half inches in diameter by eight inches deep, and the oil shall be at a temperature of sixty degrees Fahrenheit when the test is made, and shall not exceed twenty-four degrees Tagliabue hydrometer.

3. If the oil to be tested is below forty-five degrees Fahrenheit temperature, it must be slowly heated until it reaches eighty-five degrees temperature. Should the oil be above forty-five degrees temperature and below sixty-five degrees it must be heated to seventy degrees, when, in either case, it must be well shaken and allowed to cool gradually to a temperature of sixty degrees, when the test must be made.

Test of oil below 45 degrees.

4. In testing the gravity of oil the hydrometer must be, when possible, read from below, and the last line which appears under the surface of the oil shall be regarded as the true reading.

Testing the gravity of oil.

5. Where the oil is tested in difficult circumstances an allowance of one-half of one degree may be made for error of parallax.

Testing under difficult conditions.

6. All oil sold to be used for illuminating purposes in the mines of this State shall be contained in barrels, casks or packages, branded conspicuously with the name and address of the manufacturer of said oil, the specific gravity of the same and the date of shipment.

Oils sold for illuminating purposes in mines, how branded, etc.

7. Any person, firm, or corporation, either by themselves or an agent or employe, which shall sell or offer for sale for illuminating in any mine, in this State, any oil or any mixture or compound of oils which does not comply with the tests as prescribed in section one of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offence.

Penalty for selling oils which do not comply with tests prescribed.

8. And any miner, or employe in any mine, or employe of any mine operator or mine owner, who shall knowingly use or permit to be used for illuminating purposes in any mine, in this State, any oil other than that prescribed in section one of this act, shall, upon conviction thereof, be fined not less than five dollars nor more than twenty-five dollars for each and every offence; and in default of payment of such fine within twenty days from the day of conviction shall be given a sentence in the county jail for a period of not less than ten nor more than sixty days.

Penalty for allowing the use of any oil in mines, other than that prescribed.

—Imprisonment in default of payment.

9. It shall be the duty of the district mine inspectors wherever they have reason to believe that oil is being used, or sold or offered for sale, in violation of the provisions of this act, to take samples of the same and have them tested under the direction of the chief mine inspector; and if they are found to be inferior

Duty of mine inspectors when they believe violations are committed.

—if inferior oil is sold, what then.

—penalty for refusal to permit mine inspector to examine oils used, etc.

Costs in cases of prosecution, who to pay.

to the quality prescribed by this act, the inspector shall make complaint to the prosecuting attorney of the county in which the offence is committed, who shall forthwith commence proceedings against the offender in any court of competent jurisdiction. Any miner, mine employe, firm, corporation or their agents, who shall refuse to permit the mine inspector to examine his or their oil used for or sold for illuminating purposes in the coal mines, in this State, shall be guilty of a violation of this act, and may be taken before any justice of the peace and fined five dollars or imprisoned in the county jail for ten days for each offence.

10. In all cases of prosecution, where the accused stands convicted of a violation of this act, the costs of such prosecution shall be borne by the person, firm or corporation so convicted, and in case of failure to convict the accused the State shall pay the costs in the same manner as in other prosecutions for misdemeanors.

(Senate Bill No. 51.)

CHAPTER 32.

AN ACT ceating an Anatomical Board for the promotion of medical science.

[Passed February 16, 1901. In effect 90 days from passage. Approved February 19, 1901.]

Be it enacted by the Legislature of West Virginia:

Anatomical board, who to constitute.

—name and purposes.

powers, and for what.

1. That the professor of human anatomy, the professor of comparative anatomy, and the professor of pathology, in the college of medicine at the West Virginia University, be and they are hereby constituted a board by the name of the Anatomical Board of West Virginia, for the purpose of receiving and making disposition of the dead human bodies hereinafter described, for the scientific uses and purposes of said college. The board shall have full power to establish rules and regulations for its own government, and for the uses, disposition and control of such dead human bodies as may come under their authority in pursuance of this act. The

said board shall have authority to appoint such officers, employes and agents as may be necessary to carry out the purposes for which this board is organized. It shall keep a full and complete record of its transactions, showing among other things every dead human body received in pursuance of this act, giving name, sex, age, date of death, place from which received, when received, and from whom received, which record shall be open at all times to the inspection of any prosecuting attorney in West Virginia.

—authority to appoint officers, agents, etc.

—record of transactions, what to show; its inspection.

2. All dead human bodies which may come under the charge or control of any superintendent or officer or agent having the supervision of any almshouse, prison, morgue, hospital, asylum, or any other public institution, in the State or in any county, district, or municipality therein, and which may be required to be buried at public expense, shall be subject to the requisition of the anatomical board, except the following: No such dead human body shall be delivered to the anatomical board if any person claiming to be related to the deceased, by blood or marriage, shall make a statement in writing of the fact, and shall claim such body for burial, or shall make affidavit that he is unable to bear the expense of burial and desires the person deceased to be buried at public expense. The statement and affidavit aforesaid may be filed by any such relative with the superintendent or other officer or agent having the custody and control over the body of the person so claimed, either before or after the death of such person.

What dead bodies subject to requisition of such board.

—exception.

—statement or affidavit required; by and with whom filed.

—when

3. The superintendent, or other officer or agent in charge of every almshouse, prison, morgue, hospital, asylum, or other public institution aforesaid, shall give notice to the anatomical board of every human body that comes under the custody and control of every such superintendent, officer, or agent, as aforesaid, which is required to be buried at public expense, and for which no claim has been made as aforesaid. If the anatomical board claims the body for scientific purposes, it shall be delivered to the board or its authorized agent by the superintendent, officer, or agent in charge thereof, for transportation to the college of medicine aforesaid. Every such dead human body shall be held subject to the order of the anatomical board for at least twenty-four hours after telegraphic notice to the board of the existence of such body.

Notice to board, by whom and of what.

—if board claims the body, what then.

—what length of time such body held.

Conveyance
of dead
bodies.

4. The said board shall employ a carrier or carriers for the conveyance of such dead human bodies, which shall be enclosed with a suitable encasement, and carefully deposited free from public observation.

Board must
give bond;
approval,
penalty and
conditions.

5. No body shall be received by the anatomical board until a bond shall have been given by the members thereof, or by some person in their behalf, with security approved by the clerk of the circuit court of Monongalia county, in a penalty of one thousand dollars, conditioned that all such bodies which the said board shall receive, shall be used only for the promotion of medical science in the college of medicine in the West Virginia university.

Expenses,
who to pay.

6. Neither the State nor any county, district, municipality, or any officer or agent thereof, shall be at any expense by reason of the delivery of any such dead human body, but all the expense thereof shall be paid by the anatomical board of regents of the university.

Penalty for
failure to
perform any
duty re-
quired.

7. Any person who shall neglect, refuse, or omit to perform any duty enjoined upon him, by this act, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than twenty-five nor more than two hundred dollars.

(Senate Bill No. 177.)

CHAPTER 33.

AN ACT to prevent the introduction and spread of the San Jose scale and other dangerous insects and dangerously contagious diseases affecting trees, shrubs, vines, plants and fruits.

[Passed February 16, 1901. In effect 90 days from passage. Approved February 19, 1901.]

Be it enacted by the Legislature of West Virginia:

San Jose scale
appointment
of persons to
prevent
spread, etc.,
of; by whom.

1. That the director of the West Virginia agricultural experiment station, immediately on the taking effect of this act, shall appoint a competent person or persons who shall, under the direction of the said director, perform the duties hereinafter provided.

Director ex-
periment sta-

2. It shall be the duty of the director, either in person or through his assistants, to seek out and de-

vise means of suppressing and eradicating throughout the State the San Jose scale and other dangerous insects, and tree, shrub, vine or plant diseases. Black knot and peach yellows are hereby declared to be dangerous within the meaning of this act, and trees, shrubs, vines or plants, affected with either of these diseases, shall be subject to its provisions. The mention of San Jose scale, peach yellows and black knot, in this section, shall not be held to exclude other insects or diseases, which may be found to be dangerous, from the provisions of this act. Said director, in person, or through his assistants, shall examine once in each year, not later than August fifteenth, all nurseries in the State of West Virginia as to whether they are infested with San Jose scale or other dangerous insects, or infected with dangerously contagious tree, vine, shrub or plant disease; and if upon inspection such nurseries appear to be free from such insects or diseases, the director shall upon the receipt of ten dollars give each owner of such nursery or nurseries a certificate to the facts, provided that it shall require but one day or part of one day to make such inspection, and for each additional day or fraction thereof required to complete the inspection, five dollars shall be charged therefor, and collected before the certificate is granted. In addition to the above fee, nurserymen must furnish transportation to and from railway station, and facilities for reaching their growing stock, to such person or assistants selected by the director to make said inspection. This certificate shall be void after August fifteenth of the year following. A duplicate of each certificate, together with a statement of amount received therefor, shall be filed by said person or assistants with said director within ten days of its issue, and neglect to file such duplicate of certificate and statement shall be treated as a misdemeanor. If any dangerously injurious insects or infectious diseases are found on the premises of any nursery, or nursery stock, the director may order and enforce such treatment of said nursery stock as he may deem sufficient, in addition to a thorough inspection, before granting a certificate, and the same per diem shall be charged for overseeing treatment as for nursery inspection. Whenever a nurseryman, or any other person, shall ship or deliver within this State, except for scientific purposes, trees, shrubs, plants or other nursery stock, he shall place upon each car load, box, bale, or package a copy of a

tion, his duties.

—insects and diseases mentioned, not to exclude others that are dangerous.

—examination of nurseries, when.

—certificate to each owner when; see for such certificate, and payment.

—transportation to and from stations.

—certificate, when void; duplicate to be filed, where..

—failure to file duplicate a misdemeanor.

—nursery treatment in addition to inspection, when.

—per diem for such treatment.

—Nursery stock, except, etc., shipped or delivered in state, what

must be placed thereon.

—Illegal use of certificate.

—what required before delivery of trees, etc.

Examination of orchards, gardens, etc., when.

—invested with what authority for such purpose.

—declared a public nuisance, when and for what.

—notice to owner, and what to contain.

—infected property must not be removed, after when.

—if person so notified refuse or neglect to disinfect, etc., what then.

certificate, the original of which is signed by a State or Government inspector, stating that such stock has been inspected and has been found apparently free from dangerous insects and dangerously contagious tree, shrub, vine and plant diseases. The illegal use of said certificate by changing, defacing or placing it on uninspected stock, or using the same after date of expiration or revocation, shall render the owner or shipper liable to the penalty prescribed for a violation of this act. No person growing for sale any trees, shrubs, vines, or plants, shall deliver the same without applying to the director for the certificate provided for in this act.

3. It shall further be the duty of said director, through his assistants, to cause the examination of all orchards, gardens and other premises, either public or private, which they shall have reason to suppose to be infested or infected with any dangerously injurious insects or infectious diseases liable to spread or to be conveyed to other premises, and for this purpose said director and his assistants are authorized, during reasonable business hours, to enter into or upon any farm, orchard, nursery, garden, storehouse or other building or place used for growing, storing packing or sale of nursery and other horticultural products. If said director or his assistants shall find on inspection, as aforesaid, that any nursery, orchard, garden, or other property or place, is infested or infected with such dangerously injurious insects or infectious diseases, liable to spread or to be conveyed to other premises, to the serious injury of the property thereon, the same shall be declared a public nuisance; and he shall notify in writing, the owner or person in charge of such infested or infested property, and shall direct him, within a time and in a manner prescribed in such notice, to use such measures as shall prevent the conveyance or spread of such insects or diseases to the property of others; and such infested or infected property must not be removed from the premises after the owner or person in charge of the same shall have been notified, as aforesaid, without the written permission of said director or his assistants. If the person so notified shall refuse or neglect to treat and disinfect said premises or property in the manner and within the time prescribed, it shall be the duty of the director to cause such premises or property to be so treated, and they shall certify to the owner or person in charge of such premises

one half of the cost of the treatment. If said sum is not paid to them within sixty days thereafter, the same may be recovered, together with the cost of action, before any court in the State having competent jurisdiction. Any tree, plant, shrub, etc., which may, in the judgment of the director or his assistants be so badly infested or infected as to render expense of treatment unjustifiable, shall be declared a public nuisance and may be destroyed by them or their assistants without liability for compensation to the owner thereof.

—costs and how recovered.

—infested or infected trees, plants, etc., when declared nuisances; destruction of.

Right of appeal from the decision or requirements of the assistants may be made to the said director within three days after notice of such decision or requirements has been served, and the decision of the director shall be final.

—appeal.

4. Every package of trees, shrubs, vines or plants shipped into this State, from any other state, territory, county or province, shall be plainly labeled on the outside with the names of the consignor, and consignee, and a certificate showing that the contents have been inspected by a State or Government officer, and that the trees, shrubs, vines or plants therein contained appear to be free from all dangerous insects and dangerously infectious diseases. If any trees, shrubs, vines or plants are shipped into this State without such certificate plainly fixed on the outside of the package, box or car containing the same, the consignee thereof shall not receive, use or distribute the same, until the consignor shall have affixed thereto the certificate of inspection required by this act. When nursery stock is shipped into this State accompanied by a certificate, as herein provided, it shall be held prima facie evidence of the facts therein stated. But the director, or his assistants, when they have reason to believe that any such stock is infested or infected, as heretofore described, shall be authorized to inspect the same. In case such stock is found to be infested or infected by any of the aforesaid insects, or plant diseases, such stock shall be held subject to order of shipper, not to exceed ten days, before being declared a public nuisance and destroyed. All expenses incurred by the director or his assistants, in carrying out the provisions of this act shall be paid out of the funds appropriated by this act.

Label and certificate required for trees, plants, etc., shipped into state; what to show.

—consignee not to receive if such certificate be not affixed.

—nursery stock shipped into state with certificate: evidence of such certificate.

—but inspection may be made, when.

—if such stock be infected, etc., what then.

—expenses.

5. Any person violating or neglecting to carry out the provisions of this act, or offering any hin-

Penalties, and for what

drance to the carrying out of this act, shall be adjudged guilty of a misdemeanor, and, upon conviction before any justice of the peace, shall be fined not less than ten dollars and not more than one hundred dollars for each and every offence, together with all the costs of prosecution, and shall stand committed until the same is paid. It shall be the duty of the prosecuting attorney to prosecute all violations of this act, and all amounts so recovered shall be paid over to the State treasury.

—who to prosecute;
fines, where paid.

Annual report to governor;
what to show;
a copy, where sent.

6. The director shall make an annual report to the governor of the State, a copy of which shall be sent to the West Virginia horticultural society at its annual meetings, showing the number of nurseries inspected, the number of certificates issued, the number of trees treated or disinfected by them or their assistants, the kinds and amount of property destroyed by them in pursuance of this act and such other facts concerning the operation of their office, under this act, as the said director may deem necessary.

Not to apply to greenhouse stock.

7. The provisions of this act shall not apply to florists' greenhouse plants, bulbs, flowers and cuttings, commonly known as greenhouse stock.

Moneys collected paid to director;
statement.

8. The said assistants shall pay over to said director all funds coming into their hands under the provisions of section two, of this act, with an itemized statement of the sources whence received; which moneys shall be used by said director to aid in carrying into effect the provisions of this act, and the amount so received shall be stated in the annual report of said director. The said assistants shall also make to said director an itemized statement of their expenses and the amounts paid for assistants employed in prosecuting the work under this act, which, when certified by the said director, shall be paid out of the State treasury upon the warrant of the auditor of state.

—how used.

—expenses of assistants,
how paid.

Appropriation.

9. There is hereby appropriated to the said director for the purpose of carrying out the provisions of this act the sum of one thousand five hundred dollars for the year nineteen hundred and one, and one thousand five hundred dollars for the year nineteen hundred and two, or so much thereof as may be necessary. The auditor of state is hereby authorized to draw his warrants, upon the state treasurer against the sum herein appropriated upon the presentation of proper vouchers, and the state treas-

—auditor authorized to draw warrants.

user shall pay the same out of any funds in the public treasury.

10. The act heretofore passed at the present session of ~~Act repealed.~~ the Legislature is hereby repealed.

(House Bill No. 321.)

CHAPTER 34.

AN ACT to allow further time for correction of assessments made under the re-assessment act of February twentieth, one thousand eight hundred and ninety-nine.

[Passed Feb. 22, 1901. In effect 90 days from passage. Approved Feb. 23, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That the time allowed persons, who feel aggrieved by the assessment of their real estate under the re-assessment act of eighteen hundred and ninety-nine, to apply to the county court for redress, as provided in section seven, chapter twenty-one of said act, is hereby extended for the period of six months after this act takes effect.

Time extended in which to correct re-assessment of real estate.

(House Bill No. 277.)

CHAPTER 35.

AN ACT to provide additional revenue for the State, by increasing the license taxes on corporations and joint stock companies; that is to say, by amending and re-enacting section three of chapter fifty-two of the Code, and sections six, twelve, sixteen, eighteen, twenty-two, twenty-four, thirty-five, forty-one, forty-six, forty-seven, fifty, fifty-one, fifty-two and fifty-three of chapter fifty-three of the Code; and sections three, six, ten, eleven, fifteen, twenty, twenty-one, twenty-two, twenty-three, thirty and eighty of chapter fifty-four of the Code, and by adding a section to be numbered eighty-three to chapter fifty-four of the Code, concerning the incorporation and regulation of corporations and joint stock companies; and by amending and re-enacting sections eighty-six, eighty-seven, eighty-eight, eighty-

nine, ninety, ninety-one and ninety-two of chapter thirty-two of the Code, concerning license taxes of corporations and joint stock companies; and by amending and re-enacting section nine of chapter sixty-six of the Code, concerning the separate property rights, powers and privileges of married women; and by repealing section four of chapter fifty-two and sections forty-five, forty-eight and sixty-two of chapter fifty-three of the Code, and by repealing section five of chapter fifty-four of the Code.

[Passed February 18, 1901. In effect from passage. Approved February 22, 1901.]

Be it enacted by the Legislature of West Virginia :

Code amended.

1. That section three of chapter fifty-two of the code be and the same is hereby amended and re-enacted so as to read as follows :

Corporations certain restrictions on corporate powers.

3. No corporation shall be incorporated for the sole purpose of purchasing real estate in order to sell the same for profit, nor shall it, except by a vote of its stockholders regularly had, subscribe for or purchase the stock, bonds or other securities of any joint stock company, or become surety or guarantor for the debt or default of such company.

Sec. 4, ch. 52 of code, repealed.

2. That section four of chapter fifty-two of the code be and the same is hereby repealed.

Code amended.

3. That section six of chapter fifty-three of the code be amended and re-enacted so as to read as follows :

Must be organized, etc., within what time, penalty.

6. When a certificate of incorporation has been or shall hereafter be issued for a joint stock company under a general law, such company must be organized and begin its proper corporate business within one year after the date of such certificate; otherwise, the certificate shall be of no effect, and such corporation shall be *ipso facto dissolved*. When a certificate of incorporation is issued for a joint stock company under a general law, and the incorporators and other stockholders, or a majority of them, desire to abandon such certificate of incorporation, and not to organize such corporation, such incorporators and stockholders may by signing and acknowledging a statement to such effect, and sending the same, together with the certificate of incorporation, to the secretary of state, abandon such corporation. The provisions of sections fifty-six, fifty-seven, fifty-eight

—abandonment of corporation, when and how.

—provisions applicable to what corporations.

and fifty-nine of chapter fifty-three of the code shall apply to the corporations named in this section so far as they are applicable. The secretary of state shall cancel such certificates of incorporation surrendered to him, and file and preserve them and the foregoing named statements in his office, and aptly note in the indexes of corporations kept in his office, the fact of the extinction or dissolution of such corporations.

—certificates surrendered and canceled, duty of secretary of state as to.

4. That section twelve of chapter fifty-three of the code be and the same is hereby amended and re-enacted so as to read as follows:

Code amended.

12. If the stockholders of a joint company desire to change the name thereof, they may do so in the same manner that they may increase or reduce the number of shares of its capital stock as provided in section twenty-one of chapter fifty-four of the code; and after doing so, such resolution changing such name, certified under the common seal and signature of the president of the corporation, shall be delivered to the secretary of state, who shall issue his certificate, under seal, reciting the resolution and declaring that the corporation is to be thereafter known by the new name so adopted; and such certificate shall be evidence of the change of name therein specified, and the secretary of state shall keep an index in his office, showing the new name and the change from the old name, and the old name showing the change to the new name.

Change of name, how done.

—validity of certificate, and duty of secretary of state as to.

5. That section sixteen of chapter fifty-three of the code be and the same is hereby amended and re-enacted so as to read as follows:

Code amended.

16. The agreement of incorporation and the certificate of incorporation issued by the secretary of state, or the stock holders in general meeting, by a resolution or by-law, may provide for or authorize the issuing of preferred stock on such terms and conditions, and with or without the right to vote in stockholders' meeting, and with such other regulations respecting the preference to be given to such stock over the other stock in relation to future dividends, or otherwise, as the stockholders may deem proper, or as may be named in the agreement of incorporation: *provided*, that the maximum capital of the corporation shall not be exceeded, and that if the issue be made under authority of a resolution, or by-

Capital stock; provisions respecting preferred stock.

—Provisio.

—publica-
tion of no-
tice; how.

law, notice shall be first published at least once a week for two weeks successively in some newspaper of general circulation, published in the county wherein the principal office or place of business of the corporation may be, of the intention to offer such resolution or by-law; or if the principal office or place of business of such corporation be not in this State, then such notice may be published at the capital of the State.

Code
amended.

6. That section eighteen of chapter fifty-three of the code be and the same is hereby amended and re-enacted so as to read as follows:

Stock owned
by the corpo-
ration.

18. If the corporation acquire shares of its own stock, it may either extinguish or sell the same. If extinguished, it shall operate to that extent as a reduction of the amount of its capital stock. No vote shall be given on any stock while owned by the corporation, nor shall any stock while so held be entitled to any dividend.

Code
amended.

7. That section twenty-one of chapter fifty-three of the code be and the same is hereby amended and re-enacted so as to read as follows:

Transfer
books, who
to keep;
what to
contain.

21. A transfer book shall be kept by the corporation, or by one or more transfer agents appointed by it, in which the shares shall be transferred under such regulations as may be prescribed by the by-laws or vote of the board of directors. Such transfer books may be closed by order of the directors for not exceeding thirty days next preceding any stockholders' meeting.

—closing of.

Code
amended.

8. That section twenty-four of chapter fifty-three of the code be and the same is hereby amended and re-enacted so as to read as follows:

Stock not to
be sold below
par, except,
etc.

24. In no case shall stock be sold or disposed of at less than par, except by a vote of three-fourths of all the stock of the corporation outstanding at the time the vote is taken, and not then until notice of the intention to present a resolution or motion authorizing the sale of stock below par at a stockholders' meeting, shall first be published for at least two successive weeks in some newspaper of general circulation published in the county wherein the principal office of such corporation may be; or if such principal office be not in this State, then in some newspaper of general circulation published at the capital of this State. But nothing herein contained shall be so con-

—notice and
publication
of.

strued as to prevent any mining or manufacturing corporation subject to the provisions of this chapter, from issuing stock or bonds, and negotiating the sale of same, in payment of real and personal estate for the use of such corporation, and for its other corporate purposes and business, at such price and upon such terms and conditions as may be agreed upon by the owners and the directors or stockholders of such corporation. And any subscriber to the capital stock of any such mining or manufacturing corporation may pay for the same by the transfer and conveyance to such corporation of real or personal property, or both, proper or necessary for the uses and purposes of the corporation, upon such terms as may be mutually agreed upon. All stock so issued shall be fully paid and not liable to any further call or assessment, and, in absence of actual fraud in the transaction, the valuation of the property so purchased shall be conclusive; but it shall be the duty of the corporation to have its minutes or other permanent records to show with reasonable detail the items of the property in payment for which stock or bonds were so issued. Nothing in this section shall be construed as conflicting with section sixty-eight of chapter fifty-four of the code.

—provisions as to mining and manufacturing corporations.

—stock issued to be fully paid.

—records must show what.

—not to conflict with what.

9. That section thirty-five of chapter fifty-three of the code be and the same is hereby amended and re-enacted so as to read as follows:

Code amended.

35. The board of directors of any company having capital stock shall cause to be issued, if demanded, to any person appearing on the books of the corporation to be the owner of any shares of its stock, a certificate therefor under the corporate seal, to be signed by the president or vice-president, and such other officer, if any, as the board may direct; which certificate shall show the amount paid on each share.

Certificate of stock to be issued, when and how.

—what to show.

10. That section forty-one of chapter fifty-three of the code be and the same is hereby amended and re-enacted so as to read as follows:

Code amended.

41. An annual meeting of the stockholders of every corporation shall be held at such times as may be prescribed by the by-laws, or, if there be no such by-laws, then on the fourth Tuesday of January, at eleven o'clock in the forenoon. A general meeting of the stockholders may be called at any time by the board of directors, or by any number of stockholders

Meetings of stockholders, annual and general, when

—notice of such meetings, how given.

—how signed.

—where meetings held.

—proviso as to notice.

holding together at least one tenth of the capital. Notice of the annual or any other general meeting shall be given in such manner as the by-laws may direct; or, if there be no such by-law, by advertising the same once a week for two weeks at least, in some newspaper of general circulation published near the principal office or place of business of the company, if the same be in this State; if such principal office be not in this State, then in some newspaper published at the capital of this State. Such notice shall be signed by the stockholders making the call for the meeting, or, if called by the board of directors, or in pursuance to the by-laws, it shall be signed by the president, vice-president or secretary of the corporation. Such meeting shall be held at the place fixed by the by-laws for such meeting; or, if no place be fixed by the by-laws, then at the principal office of the corporation: *provided*, that any meeting of the stockholders may be held without the publication of any notice, by agreement in writing of all the stockholders of the corporation. And in any case where notice is required before a meeting of the stockholders can be held for the purpose of organizing, or for other purpose, such notice and the publication thereof may be waived in writing by all the stockholders of the corporation.

Code repealed.

11. That section forty-five of chapter fifty-three of the code be and the same is hereby repealed.

Code amended.

12. That section forty-six of chapter fifty-three of the code be and the same is hereby amended and re-enacted so as to read as follows:

Reports of directors.

—annual report; to whom; what to show and state.

—other report; when; to whom and what to show.

46. The board of directors shall make a report to the stockholders at the annual meeting of the condition of the corporation. The report shall show the property and funds belonging to the corporation and the estimated value thereof; the debts due to it, distinguishing such as are deemed to be good from those considered doubtful or hopeless; the debts and liabilities of the corporation, the amount of the capital paid in and the estimated surplus or deficiency, as the case may be. It shall also state the amount of dividends declared, and losses incurred, or the profits accruing, during the preceding year. And it shall be the duty of the board of directors to make, or cause to have made, a report to the secretary of state within ninety days after the first election, and after any other elec-

tion or action whereby the officers hereinafter mentioned or the principal office are changed, the names and the postoffice address of the president and the secretary, and the postoffice address (giving the street number, if number there be) of the principal office of the corporation; and the secretary of state shall keep a record in his office, properly indexed, of such officers so reported; any corporation failing to make such report to the secretary of state within the time mentioned, shall be liable to a fine of not less than twenty-five and not more than one hundred dollars, and it shall be the duty of the attorney general, on the report from the secretary of state of such failure on the part of any corporation, to proceed against such delinquent corporation in the circuit court, of the county where the seat of government of the State is established, to fix and collect the same; the amount of said fine to be determined by the court before whom said proceedings are brought.

—duty of secretary of state.
—penalty for failure to make last named report.
—proceedings to enforce penalty.
—court to fix fine.

13. That section forty-seven of chapter fifty-three of the code be and the same is hereby amended and re-enacted so as to read as follows:

Code amended.

47. The property and funds, books, correspondence and papers of the corporation, in the possession or control of any officer or agent thereof, shall at all times be subject to the investigation of the board of directors, or a committee appointed for the purpose by a general meeting of the stockholders. The minutes of the resolutions and proceedings of the board shall for thirty days before the annual meeting of the stockholders, be open to the inspection of any committee appointed, in writing, by the holder or holders of at least one-twentieth part of the total value of outstanding shares, or by the holder or holders of such number of shares. They shall be produced when required by the stockholders at any general meeting.

Funds, books, papers, etc., subject to investigation, by whom.
—proceedings, etc., inspection of, when or by whom.
—production of.

14. That section forty-eight of chapter fifty-three of the code be and the same is hereby repealed.

Code, sec. 48, chap. 53, repealed.

15. That section fifty of chapter fifty-three of the code be and the same is hereby amended and re-enacted so as to read as follows:

Code amended.

50. As soon as may be after the election the board of directors shall choose one of its own body president and another vice president of the corporation,

President: when and how elected; his term.

who shall act as such until their successors are qualified, without ceasing, however, to be members of the board. During the absence of the president and vice president the board may appoint a president *pro tempore* who, for the time, shall discharge the official duties of the president. The board of directors shall have full power to determine what is such an absence as will justify the election of a president *pro tempore*.

pro tempore, when appointed; who to determine the necessity.

Code amended.

16. That section fifty-one of chapter fifty-three of the code be and the same is hereby amended and re-enacted so as to read as follows:

Meetings of board of directors, when and where.

—what the by-laws may provide.

51. Subject to the provisions of the by-laws and of the laws of this State, the board shall hold meetings at such times and places and upon such notice as it may prescribe or determine; and the by-laws may provide that any action of a majority, although not at a regularly called meeting, and the record thereof, if assented to in writing by all the other members of the board, shall always be as valid and effective in all respects as if passed by the board in regular meeting assembled.

Code amended.

17. That section fifty-two of chapter fifty-three of the code be and the same is hereby amended and re-enacted so as to read as follows:

Record of proceedings of board.

—oath of secretary.

—his liability.

—verification of records.

—member not to vote or be present, when.

—votes recorded, when.

52. The directors shall cause a record of their proceedings in all directors' meetings to be properly kept by the secretary or assistant secretary of the company, or by a secretary *pro tempore*. The by-laws or the board of directors may prescribe that such secretary shall be first duly sworn to faithfully and impartially discharge the duties of his office, and that any person acting as such secretary who shall fail to so discharge his duties shall be liable for all damages occasioned to the corporation by such failure. The records shall be verified by the signature of the person acting as secretary and of the chairman of the meeting. No member of the board shall vote on a question in which he is interested otherwise than as a stockholder, except the election of a president or other officer or employe, or be present at the board while the same is being considered; but if his retirement from the board in such case reduce the number present below a quorum, the question may nevertheless be decided by those who remain. On any question the names of those voting each way shall be en-

tered on the record of their proceedings, if any member at the time require it.

18. That section fifty-three of chapter fifty-three of the code be and the same is hereby amended and re-enacted so as to read as follows:

53. The board of directors may, subject to the provisions of law and the by-laws, appoint such officers and agents of the corporation as they may deem proper, and also an executive committee from their own number, and may prescribe the duties and compensation of such, but there shall be no compensation for services rendered by the president or any director as such, unless it be allowed or authorized by the stockholders. The officers and agents so appointed shall hold their places during the pleasure of the board, and, if required by the board or by the by-laws, shall give bonds payable to the corporation, in such penalties and with such conditions and securities, as the board may approve.

Code amended.

Officers, agents and executive committee.

---compensation, etc.

---term.

---bonds.

19. That section sixty-two of chapter fifty-three of the code be and the same is hereby repealed.

Code, sec. 62, chap. 53, repealed.

20. That section nine of chapter sixty-six of the code be and the same is hereby amended and re-enacted so as to read as follows:

Code amended.

9. Any married woman may be a stockholder in a corporation, and as such entitled to vote in person or by proxy in any stockholders' meeting; and she may also, if duly elected and otherwise qualified, be a director, trustee or other officer of said corporation.

Married women may be stockholders and vote.

---may be directors, etc.

21. That section three of chapter fifty-four of the code be and the same is hereby amended and re-enacted so as to read as follows:

Code amended.

3. But this chapter shall not be construed to authorize the incorporation of any church or any religious denomination, or of any corporation the object of which is to purchase land and re-sell the same for profit.

Corporations for certain purposes not authorized.

22. That section five of chapter fifty-four of the code be and the same is hereby repealed.

Code, sec. 5, chap. 54, repealed.

23. That section six of chapter fifty-four of the code be amended and re-enacted so as to read as follows:

Code amended.

Mode of incorporation for any object, etc., designated in sec. 2.

—agreement: what to set forth.

—additional provisions agreement may contain.

—over 10,000 acres, what to set forth.

—increase.

6. Except where otherwise provided, any number of persons, not fewer than five desiring to become a corporation for any object or objects designated in the second section, shall sign an agreement in which shall be set forth:

I. The name of the corporation; but no name shall be assumed already in use by another existing corporation of this State, nor so nearly similar thereto in the opinion of the secretary of state as to lead to confusion or uncertainty.

II. The location of its principal place of business and of its chief works, stating as to its principal place of business, the name of the town or city, and street and number, if number there be, the county and State, territory or country; and as to its chief works (if it have or contemplates having such), if in this State, the district and county in which located; and if not in this State, the state, territory or country in which they are or will be located.

III. The object or objects for which the corporation is formed.

IV. The amount of the total authorized capital stock of the corporation, the number of shares into which the same is divided, and the par value of each share, and the amount of such authorized capital stock paid in; and if there be more than one class of stock created by the agreement, a description of the different classes, with the terms on which the respective classes of stock are created.

V. The names and postoffice address of the incorporators, and the number of shares subscribed for by each.

VI. The period limited for the duration of the corporation.

VII. The agreement may also contain any provisions which the incorporators may choose to insert for the regulation of the business and for the conduct of the affairs of the corporation, and any provision creating, defining, limiting and regulating the powers of the corporation, the directors and the stockholders, or any class or classes of stockholders: *provided*, such provision be not inconsistent with the law of this State.

If such corporation desire to hold more than ten thousand acres of land in this State, the agreement shall set forth the maximum number of acres it desires to hold. If the corporation thereafter desire to increase such maximum number, it shall proceed in

the manner prescribed in section twenty-one of this chapter.

For each and every acre of land in excess of ten thousand acres, and for each acre in excess of the original number in case of increase of maximum number, the secretary of state shall collect at the time of issuing the certificate of incorporation or the certificate of increase, the sum of five cents, which amount he shall report and pay into the State treasury according to section ninety-two of chapter thirty-two of the code.

—tax per acre in excess of 10,000 or on increase of original number; who to collect and pay into state treasury.

The parties desiring to become a corporation for any purpose or business designated in the second section, except for railroad purposes, shall file with the secretary of state an agreement to the following effect:

—incorporated for any purpose, etc., except railroad purposes designated in sec. 2; form of agreement and what to set forth.

First. The undersigned agree to become a corporation by the name _____.

Second. The principal place of business of said corporation shall be located at (here insert town or city and street and number, if any,) in the county of _____, and State of _____; and its chief works shall be located in the (here insert district and county if in this State, and if not in this State, then insert state, territory or country in which chief works are located).

Third. The object and purposes for which this corporation is formed are as follows: (here insert fully the objects and purposes for which the corporation is formed, the kind and character of business in which it is to engage, and if it desires to hold more real estate, within this State, than ten thousand acres, the number of acres desired).

Fourth. The amount of the total authorized capital stock of said corporation shall be (here insert maximum amount of capital stock), which shall be divided into _____ shares of the par value of _____ dollars each, of which said authorized capital the amount of _____ dollars has been paid. (If more than one class of stock is desired, here insert description of the different kinds or classes and the terms and conditions upon which each is to be issued).

Fifth. The names and postoffice addresses of the incorporators and the number of shares of stock subscribed for by each, are as follows: (Here insert names and post-office addresses of the incorporators and the number of shares subscribed by each).

Sixth. This corporation is to expire on the (insert date of expiration desired, as provided in section eleven).

Seventh. (The incorporators may here insert any provision desired for the regulation of the business and conduct of the affairs of the corporation; and any provision creating, defining, limiting and regulating the powers thereof, and of the directors and stockholders, or of any class or classes of stockholders, not inconsistent with the laws of this State).

Given under our hands this _____ day of _____.
(Incorporators sign here.)

Code amended.

24. That section ten of chapter fifty-four of the code be and the same is hereby amended and re-enacted so as to read as follows:

Effect of certificate of incorporation.

10. When a certificate of incorporation shall be issued by the secretary of state, pursuant to this chapter, the incorporators named in the agreement recited therein and who have signed the same, and their successors and assigns, shall from the date of the said certificate, until the time designated in the said agreement for the expiration thereof, unless sooner dissolved according to law, be a corporation by the name and for the purpose and business therein specified. And the said certificate of incorporation shall be received as evidence of the existence of the corporation as aforesaid. Any corporation, except railroad companies, may agree to and adopt a new agreement, so as to enlarge or diminish the objects and purposes for which it was incorporated, by signing and acknowledging a new agreement, in all respects as the original agreement was signed and acknowledged. Such new agreement must be signed and acknowledged by the holders of a majority of the stock of the corporation, and a resolution showing that such new agreement has been made, must be spread upon the minutes of the stockholders' meeting, and concurred in by holders of a majority of the stock. When such new agreement is made the same and a certified copy of such resolution, under the hand of the president of the corporation and the seal of the corporation, shall be delivered to the secretary of state, and the secretary of state shall issue his certificate in the form prescribed in the ninth section of this chapter, so far as the same may be found applicable; and from thence such corporation shall be

—new agreement to enlarge or diminish the objects, etc.; what must be done respecting same.

—duty of secretary of state.

—effect.

subject to such new agreement and certificate, and all the provisions of this chapter shall apply to such new certificates and to the corporations receiving the same, in like manner as to original agreements and certificates. And all the provisions of this chapter shall apply to such new certificates and to the corporations receiving the same, in like manner as to original agreements and certificates of incorporation, except as herein otherwise provided. —laws governing.

25. That section eleven of chapter fifty-four of the code be and the same is hereby amended and re-enacted so as to read as follows: Code amended.

11. No corporation formed under this chapter, except life insurance companies, and such as are formed exclusively for the purposes mentioned in the fourth, fifth, sixth, seventh, eighth and ninth clauses of the second section, shall continue for more than fifty years from the date of its certificate of incorporation. Any corporation, however, formed under the general laws of this State, may extend the time of its continuance beyond that limited in the agreement, for its formation, for such additional time, not exceeding fifty years, as it may desire, in the manner following: The stockholders of such corporation may, at a general or special meeting, adopt a resolution to extend the time of the continuance of such corporation for such time, not exceeding fifty years immediately succeeding the time limited in the original agreement, as may be decided upon by said stockholders, a majority of the stock of such company being represented by the holders thereof, in person or by proxy, and voting for such resolution; but notice of the intention to offer such resolution must have been given by advertisement published once a week for four successive weeks in some newspaper of general circulation published in the county wherein is located the principal office of such corporation, if the same be in this State, and if the principal office be not in this State, then in some newspaper published at the capital of the State: *provided*, that all of the stockholders of such corporation may in writing, assent to a meeting called for the purpose of extending the duration of such corporation, and may waive in writing the said notice and the publication thereof. When such resolution shall have been so adopted by any corporation, the president thereof shall, under his signature and the —extension and how. —notice. —proviso as to such notice. —resolution certified, to whom.

common seal of the company, certify the resolution to the secretary of state, and the secretary under his hand and the great seal of the State, shall issue to the company adopting such resolution, a certificate declaring the proposed extension to be authorized by law, which certificate shall be received in all courts and places as evidence of the extension of the existence of such corporation, and of the authority for the same. The provisions of sections seventeen, eighteen, nineteen and twenty of this chapter shall apply to such certificate.

Code amended.

26. That section fifteen of chapter fifty-four of the code be and the same is hereby amended and re-enacted so as to read as follows:

First meeting of stockholders.

15. When a certificate of incorporation is issued under the ninth section, the corporators named in the agreement recited therein, or a majority of them, shall appoint the time and place for holding a general meeting of the stockholders to elect a board of directors, make by-laws, and transact any other business which may lawfully be done by the stockholders in general meeting. The time appointed for such meeting shall not be more than six months from the date of the certificate, and at least two week' notice of such meeting shall be given by advertisement in the manner prescribed in the forty-first section of chapter fifty-three of the code. But if all of the incorporators and stockholders be present when the meeting is held, or if all of such stockholders agree in writing upon a time and place of such meeting, or agree to waive notice of such meeting and the publication thereof, then such meeting may be held without the publication of such notice. The place of such meeting shall be governed by the provisions of the forty-first section of chapter fifty-three of the code, unless changed by mutual consent as provided herein.

—what to do.

—time.

—notice.

waiver of such notice.

—place of meeting.

Code amended.

27. That section twenty of chapter fifty-four of the code be and the same is hereby amended and re-enacted so as to read as follows:

Recordation of certificate, when and where.

20. The corporation shall cause the said certificate, within three months after it has been issued, or a copy thereof certified as aforesaid, to be delivered for record to the clerk of the county court of the county in which the principal office of such company is kept, and the clerk of the county court shall record the same in his office. If such corporation fail therein,

—fine for failure.

it shall be fined not exceeding one thousand dollars. If the principal office of such corporation be not in the State of West Virginia, then said certificate, or a certified copy thereof, shall be filed and recorded in the county court clerk's office of the county wherein resides the person appointed by said corporation pursuant to the twenty-fourth section of this chapter.

—Provision when principal office not in state.

28. That section twenty-one of chapter fifty-four of the code be and the same is hereby amended and re-enacted so as to read as follows:

Code amended.

21. Any corporation formed, or which may hereafter be formed, or which has accepted or may accept the provisions of this chapter, may, by resolution at a general or special meeting of the stockholders thereof, change the place of its principal office, or make such reduction or increase in the number of shares of its capital stock, or the par value of each share, as may be decided upon by said stockholders, a majority of the stock of such company being represented by the holders thereof at such meeting in person or by proxy and voting therefor: *provided*, that notice be given by advertisement published at least two weeks before such action in some newspaper of general circulation printed in the county wherein the principal office of such corporation is located, if such office be within this State, and if such office be not in this State, then in some newspaper printed at the capital of this State, of the intention to offer such resolution; and *provided, further*, that such resolution may be adopted without such notice being published, if the meeting at which it be adopted be assented to in writing by all of the stockholders of the company at the time or before the meeting is held. Any corporation heretofore incorporated or that may be incorporated before this act takes effect, may reduce its authorized capital stock in the manner prescribed in this act. If such application be made to the secretary of state before January first, one thousand, nine hundred and three, he shall charge no fee whatever for such certificate, or for any work in connection therewith or relating thereto provided in this act, nor shall he collect the tax for the State seal thereon.

Change of principal office; increase or reduction of number of shares, or par value; when and how.

—Proviso as to notice.

29. That section twenty-two of chapter fifty-four of the code be and the same is hereby amended and re-enacted so as to read as follows:

—further proviso as to notice.

—provisions as to existing corporations.

—no fees to secretary of state, when.

2. When such change of principal office or in-

Code amended.

Same subject

crease or reduction shall have been made by any such corporation, the president thereof shall, under his signature and the seal of the corporation, certify the resolution to the secretary of state; and the secretary of state, under his hand and the great seal of the State, shall issue to the corporation so making such change of principal office or increase or reduction, a certificate reciting the resolution and declaring the proposed change of principal office or increase or reduction to be authorized by law; which certificate shall be received in all courts and places as evidence of the change in the number or par value of the shares of the capital stock of such corporation, and of the authority to increase or reduce the same, or of such change of said principal office.

Code amended.

30. That section twenty-three of chapter fifty-four of the code be and the same is hereby amended and re-enacted so as to read as follows:

Meetings and principal office.

23. The stockholders or directors of any corporation formed under or accepting the provisions of this chapter, may hold meetings for the transaction of the lawful business of the corporation, including the first general meeting for purposes of organization, and keep the principal office of such corporation either in or out of this State. But no meeting of stockholders shall be held at any other place than the principal office of the corporation, unless the by-laws so provide, without the authority of the stockholders, and no meeting of the stockholders or of the directors, except as provided in the by-laws, or by section fifty-one of chapter fifty-three, of the code, shall be held without reasonable notice. The principal office of the corporation shall be taken and deemed to be at the place fixed by the agreement and the certificate of incorporation, or as located according to the provisions of section twenty-one of this chapter. But notwithstanding the location of the principal office, any corporation may transact business and have an office or offices at any other place, and may own property and carry out the purposes for which it was incorporated at any other place or places.

—where meetings to be held.

—notice, except, etc.

—principal office.

—may have office at any other place, etc.

Code amended.

31. That section thirty of chapter fifty-four of the code be amended and re-enacted so as to read as follows:

Foreign corporations may hold property and do business

30. Any corporation duly incorporated by the laws of any other State or territory of the United States or District of Columbia, or of any foreign coun-

try may, unless it be otherwise expressly provided, hold property and transact business in this State, upon complying with the provisions of this section and not otherwise. Such corporation so complying shall have the rights, powers and privileges, and be subject to the same regulations, restrictions and liabilities, that are conferred and imposed by this and the fifty-second, the fifty-third and the thirty-second chapters of this code, as amended by this act, on corporations chartered under the laws of this State. Every such corporation shall file with the secretary of state a copy of its articles of association or certificate of incorporation. The secretary of state shall issue to every such corporation complying with the provisions of this section, a certificate of the fact of its having done so, which certificate shall be filed and recorded in the office of the clerk of the county court of the county, or one of the counties, in which its business is conducted. Such corporation shall also file in the said clerk's office a copy of its charter, which shall be recorded therein. Every railroad corporation doing business in this State under the provisions of this section, or under charters granted or laws passed by the State of Virginia, or this State, is hereby declared to be, as to its works, property, operations, transactions and business in this State, a domestic corporation, and shall be so held and treated in all suits and legal proceedings which may be commenced or carried on by or against any such railroad corporation, as well as in all other matters relating to such corporations. No railroad or other corporation which has a charter or any corporate authority from any other State, shall do business in this State as the lessee of the works, property or franchises of any other corporation or person, or otherwise; or bring or maintain any action, suit, or proceeding in this State, until it shall, in addition to what is hereinbefore required, file in the office of the secretary of state, a writing, duly executed under its corporate seal, accepting the provisions of this section, and agreeing to be governed thereby, and its failure so to do may be pleaded in abatement of any such action, suit or proceeding; but nothing herein contained shall be construed to lessen the liability of any corporation, which may not have complied with the requirements of this section, upon any contract or for any wrong.

in state, how and when.

—what to file with secretary of state.

—certificate of such secretary.

—filing and recording of.

—to file charter, where.

—railroad declared domestic corporations, for what purposes.

—not to do business, etc., in state, until, etc.

—failure, what then.

—liability of any corporation, not lessened, etc.

Every such corporation which shall do business in —penalty for

doing business without authority of law.

—prosecutions.

—fee of secretary.

Code amended.

Banks, where, stockholders, etc., to meet.

Code, section added to.

Sale, assignment, etc., of corporate property and assets; how.

—only at what meeting.

—with what not to conflict.

Code amended.

Resident corporations, what are.

—annual license tax to be paid by such corporations.

this State without having complied with the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred dollars nor more than one thousand dollars for each month its failure so to comply shall continue. Prosecutions under this section shall be in the county in which the seat of government is.

For every certificate issued under this section the secretary of state shall be paid by the corporation a fee of five dollars.

32. That section eighty of chapter fifty-four of the code be amended and re-enacted so as to read as follows:

80. No meeting of the stockholders or of the directors of a bank, whose principal office or place of business is located within this State, shall be held out of this State.

33. That the following section, to be designated section eighty-three, be and the same is hereby added to chapter fifty-four of the code:

83. On the affirmative vote, in person or by proxy, of the holders of at least sixty per centum of the outstanding stock of the corporation, such corporation may sell, transfer or assign in good faith, all of its property and assets; but a smaller majority shall not have the right to make such a sale, transfer or assignment. But no sale, transfer or assignment of property and assets of such corporation shall be made, except at a general or a special meeting of the stockholders, called in the manner provided by law. But nothing in this section shall be so construed as to conflict with any of the provisions of section fifty-six of chapter fifty-three of the code.

34. That section eighty-six of chapter thirty-two of the code be and the same is hereby amended and re-enacted so as to read as follows:

86. Every corporation which has heretofore obtained or which shall hereafter obtain a charter or certificate of incorporation from this State and whose principal place of business and chief works are located within this State shall be known as a resident corporation for the purposes of this chapter, and shall pay an annual license tax as follows:

If the authorized capital stock be not more than ten thousand dollars, ten dollars.

If the authorized capital stock be more than ten thousand dollars and not more than twenty-five thousand dollars, fifteen dollars.

If the authorized capital stock be more than twenty-five thousand dollars and not more than fifty thousand dollars, twenty dollars.

If the authorized capital stock be more than fifty thousand dollars and not more than one hundred thousand dollars, twenty-five dollars.

If the authorized capital stock be more than one hundred thousand dollars and not more than one million dollars, twenty-five dollars, and an additional five cents on each and every one thousand dollars, or fraction thereof, in excess of one hundred thousand dollars.

If the authorized capital stock be more than one million dollars, seventy dollars, and an additional ten dollars on each and every million dollars, or fraction thereof, in excess of the first million dollars.

When any such corporation shall apply to the secretary of state for a certificate of incorporation, it shall be his duty to make the assessment and receive the said license tax for the first year before issuing such certificate, which tax he shall pay into the treasury as hereinafter provided. But if such certificate be issued after the first day of July, he shall assess one-tenth of the amount of the annual tax for each month, or fractional part of a month, to ensue before the first day of the next May; but in no case shall the amount assessed and collected be less than five dollars.

—who to make assessment and receive initial tax, and when.

—certificate issued after July 1st, what rate to be assessed.

—minimum assessment.

Thereafter, on or before the first day of May next following the date of the certificate of incorporation, and on or before each succeeding first day of May, the auditor shall collect such tax for a full year as herein provided; except that if the certificate of incorporation be issued on or after the first day of March and before the first day of the ensuing May, the secretary of state shall assess and collect the tax for the full year beginning on said first day of May, in addition to the initial tax.

—auditor to collect, when; for what period.

—exception.

When application is made to the secretary of state for a certificate of incorporation, and it is proposed by such corporation to pay the rate of license tax prescribed in this section, it shall be the duty of the secretary of state to require an affidavit to be made by at least two of the incorporators in the following form or to the following effect:

—secretary of state to require affidavit, for what.

—form of
such aff-
davit.

State of _____,
County of _____, to wit:

I, _____, a _____, in and for the county and State aforesaid, do hereby certify that _____ and _____, two of the persons who have executed the agreement, as corporators thereof, for the incorporation of the _____ company, which agreement is dated the _____ day of _____, this day personally appeared before me in my said county and made oath that the statement made in said agreement, to-wit: that said corporation "shall keep its principal place of business at _____, in the county of _____, and State of West Virginia," is true, and that said principal place of business and chief works have been so located in good faith and not for the purpose of evading any law of the State of West Virginia, and especially not for the purpose of avoiding payment of the difference between the amount of the annual license tax on the charters of corporations having their principal place of business and chief works within the State of West Virginia and those corporations having their principal place of business or chief works without the said State; and that said corporation named in said agreement proposes in good faith to carry on its business and to have its principal place of business and its chief works within the State of West Virginia.

Given under my hand and official seal, this _____ day of _____.

—penalty for
falsely mak-
ing such aff-
davit; what
required of
certain state
officers.

Any person who shall falsely make such affidavit shall be guilty of perjury, and upon proof thereof the corporation named in such affidavit shall forfeit all its privileges, rights and franchises. And it shall be the duty of the auditor and the secretary of state to file with the attorney general information of such false affidavit, and the duty of the attorney general to institute proceedings to have said charter declared forfeited.

Code
amended.

35. That section eighty-seven of chapter thirty-two of the code be and the same is hereby amended and re-enacted so as to read as follows:

Non-resident
corporations,
what known
as.

87. Every corporation which has heretofore obtained or which shall hereafter obtain a charter or certificate of incorporation from this State, and whose principal place of business or chief works

are located outside of this State, shall be known as a non-resident corporation for the purposes of this chapter, and shall pay an annual license tax as follows:

If the authorized capital stock be not more than twenty-five thousand dollars, twenty dollars.

—annual license tax to be paid by such corporations.

If the authorized capital stock be more than twenty-five thousand dollars, and not more than one hundred thousand dollars, fifty dollars.

If the authorized capital stock be more than one hundred thousand dollars and not more than one million dollars, fifty dollars, and an additional forty cents on each and every one thousand dollars, or fraction thereof, in excess of one hundred thousand dollars.

If the authorized capital stock be more than one million and not more than two million dollars, four hundred and ten dollars, and an additional thirty cents on each and every one thousand dollars, or fraction thereof, in excess of one million dollars.

If the authorized capital stock be more than two million dollars and not more than three million dollars, seven hundred and ten dollars, and an additional twenty cents on each and every one thousand dollars, or fraction thereof, in excess of two million dollars.

If the authorized capital stock be more than three million dollars and not more than four million dollars, nine hundred and ten dollars, and an additional ten cents on each and every one thousand dollars, or fraction thereof, in excess of three million dollars.

If the authorized capital stock be more than four million dollars, one thousand and ten dollars, and an additional fifty dollars on each and every one million dollars, or fraction thereof, in excess of four million dollars.

When any such corporation whose principal place of business or chief works are located outside of this State shall apply to the secretary of state for a certificate of incorporation, it shall be his duty to make the assessment and receive the tax before issuing such certificate of incorporation, and such tax shall be by the officers herein mentioned turned into the state treasury. But if such certificate be issued after the first day

—secretary of state to make assessment and receive tax; when; how disposed of.

of July, he shall assess one-tenth the amount of the annual license tax for each month, or fractional part of a month, to ensue before the first day of the next May, but in no case shall the amount assessed and collected be less than ten dollars.

—certificates issued after July 1st. what rate to be taxed.

—minimum limit.

—auditor to collect, when and for what time. Thereafter, on or before the first day of May next following the date of the certificate of incorporation, and on or before every succeeding first day of May, the auditor shall collect such tax for a full year as herein provided; except that if the certificate of incorporation be issued on or after the first day of March and before the first day of the ensuing May, the secretary of state shall assess and collect the tax for the full year beginning on said first day of May, in addition to the initial tax.

—exception.

Code amended.

36. That section eighty-eight of chapter thirty-two of the code be and the same is hereby amended and re-enacted so as to read as follows:

What corporations must make reports to auditor, and when.

88. Every corporation incorporated under the laws of any other State or country and which has complied with section thirty of chapter fifty-four of the code, or which shall hereafter comply with the same, and desiring to avail itself of the privilege herein set forth, shall make report to the auditor on or before the first day of May, and annually thereafter on or before the first day of March, in which report shall be set out:

—what such reports shall set out.

I. The name of such corporation, the name of the state or country by which incorporated, the date of incorporation, the place of its principal office, the names and postoffice addresses of its president, secretary, and of its officer (if any) charged with the duty of making returns of its property for taxation;

II. The number of shares of its authorized capital stock, and the par value of each share;

III. The amount of the property owned and used by such corporation in the State of West Virginia, where situate, and of what it consists, and the value of its property owned and used outside of this State; and,

IV. The proportion of its capital stock, which is represented by property owned and used in the State of West Virginia; which report shall be verified by the affidavit of the president, secretary or other executive officer of such corporation. It shall be the duty of the auditor to lay such report before the board of public works, and the duty of the board to assess and fix its license tax according to the proportion of its capital stock which is represented by its property owned and used in this State, according to the rates prescribed in section eighty-six of this chap-

—duty of auditor and board of public works as to such reports.

ter. No such corporation shall be entitled to the rate of license tax herein prescribed unless the assessed value of its property located in this State amounts to five thousand dollars: *provided*, that no such corporation shall pay an annual license tax of less than one hundred dollars.

—when only such corporations entitled to rate, prescribed.
—proviso.

The board of public works may, in any case, or in all cases, require such additional information as it may deem necessary to enable it to assess and fix the just amount of license tax of such corporation.

—board of public works may require other information; for what.

It shall be the duty of the secretary of state to certify to the auditor the amount of license tax so assessed and fixed by the board on any such corporation; and the duty of the auditor to notify every such corporation of such amount; and it shall be the duty of the corporation to pay the same into the treasury of the State within thirty days thereafter; and if it fail to do so it shall be liable to the penalties prescribed in section ninety of this chapter; *provided*, that nothing in this section or sections eighty-six or eighty-seven of this chapter, shall be construed as applying to foreign insurance, telegraph, telephone, or express companies, or any other company incorporated, or doing business under and by virtue of the laws of this State upon which an annual license tax is specially provided.

—duties of secretary of state and auditor.

—corporations, when to pay; penalty for failure.

—proviso restricting application of certain sections.

37. That section eighty-nine of chapter thirty-two of the code be and the same is hereby amended and re-enacted so as to read as follows:

Code amended.

89. It shall be the duty of the auditor on or before the first day of March in each year to notify every corporation, liable to tax hereunder, of the time of payment of such tax and the amount thereof. Such notices may be sent through the mails, addressed to the corporation at its last known postoffice address, as shown by the records in the office of the secretary of state, or be so sent or he delivered to the attorney of the corporation appointed pursuant to section twenty-four of chapter fifty-four of the code. If the auditor shall make a mistake in the amount of such tax, the said corporation may, at the time of paying such tax, file a sworn certificate of the president, vice-president or secretary of the corporation, showing such mistake, or showing the actual amount of tax due, and in that event, it shall be the duty of the auditor to accept the amount due as

Auditor to notify corporations when and of what.

—how notices sent.

—if auditor makes mistake in amount, what then.

—tax due, deemed a debt; how collected.

Code amended.

Auditor to publish list of corporations failing to pay license tax; when and how.

—how corporations may be relieved from forfeiture, after such publication.

—costs of publication, how paid.

—appropriations to pay such costs.

—forfeiture of charter, when; effect.

—auditor to furnish governor and secretary of state list of corporations forfeiting their charters, when.

—such list, where filed.

—effect of secretary of state's certificate.

—governor's proclamation

shown by said certificate, unless contrary to the provisions of this chapter. The amount of such tax due the state, until paid, shall be deemed a debt or tax due to the State, which may be recovered against any such corporation in any court having jurisdiction of the suit.

38. That section ninety of chapter thirty-two of the code be and the same is hereby amended and re-enacted so as to read as follows:

90. It shall be the duty of the auditor within sixty days after the first day of May of every year to publish, in some newspaper of general circulation published at the capital of the State, a list of all such corporations that have failed to pay the license tax under the provisions of this chapter, which was due on the first day of May preceding; and any such corporation may, within sixty days after such publication, or before the first day of September of that year, pay to the auditor the tax payable on the first day of May preceding and five dollars in addition, and an additional one per cent. for each month such failure continues after the first day of September, and thereby be relieved from the forfeiture of its charter by reason of such failure. And the proper costs of such publication shall be paid by the auditor, on the approval of the board of public works, to the parties entitled thereto, out of any moneys in the treasury not otherwise appropriated; and such sums as may be necessary from time to time to pay such costs of publications, are hereby appropriated. And any such corporation which shall fail, after such publication as is mentioned in this section, and within the time herein mentioned, to pay the license tax and the penalty due thereon, shall forfeit its charter and shall not be entitled to do business under the authority granted by and under its certificate of incorporation. The auditor shall furnish to the governor and to the secretary of state within thirty days after the first day of September of each year, a list of all corporations which have forfeited their charters as aforesaid, and the said list shall be preserved by the secretary of state in his office; and a certificate from the secretary of state that the name of any corporation appears upon any such list shall be deemed prima facie evidence of the fact that said corporation has failed to pay its license tax, in absence of proof to the contrary. The governor shall publish a proclamation containing a list of

such corporations forfeiting their charters under this section, proclaiming such forfeiture, and thereafter the charter of such corporation shall be absolutely void and of no effect. And after the publication of said proclamation by the governor, it shall be the duty of the attorney general to institute a suit or proceeding, in the name of the State of West Virginia, against such corporation; and in any suit or proceeding the failure of such corporation to pay any license tax or penalty due the State shall be deemed a misuse of its corporate privilege and franchises, and it shall be deemed as acting without authority of law after such failure to pay such tax or penalty; and upon proof thereof the court shall declare said charter forfeited, and the attorney general may institute a suit in equity for the purpose of having a receiver appointed for such corporation so failing to pay such tax and penalty, and to have the assets of such corporation marshaled and distributed among the creditors of the corporation; and in such case the license tax and penalty due to the State shall be a first lien upon all the property and assets of such corporation. But if after any such suit or proceeding shall be instituted, the said corporation shall appear therein, and pay the amount of the tax and penalty then due and the costs of such suit or proceeding, the same shall be dismissed, and the corporation relieved from the effects of such forfeiture for failure to pay such tax and penalty. In all such cases the attorney general shall be entitled to a fee of not less than twenty-five dollars, which shall be taxed as a part of the costs of the suit or proceeding, which in no event shall be paid by the State. It shall be the duty of the clerk of every court of this State in which any proceedings are had and which results in the forfeiture of the charter of any corporation issued under the laws of this State, or result in the dissolution or extinction of any such corporation, to notify the secretary of state of such forfeiture, dissolution or extinction; in which report he shall state the name of the corporation, the nature of the proceedings and the date of the order, decree or judgment and such other pertinent matter as may be required by the secretary of state; and the secretary of state shall file and preserve such report in his office, and aptly note the same in the indexes of corporations kept in his office. If any clerk fail to make such report, he shall be liable to a fine of not exceeding twenty-five dollars.

—proclaiming forfeiture; effect.

—attorney general to institute suit, when.

—failure to pay tax or penalty due what deemed.

—court to declare charter forfeited, when.

—suit in equity for receiver.

—tax and penalty due state, first lien.

—dismissal of suit, etc., when; effect.

—fee allowed attorney general.

—clerk of court to notify secretary of state, of what

—What the report of the clerk to state.

—duty of secretary of state as to such report.

—penalty on such clerk for failure.

- Code amended.** 39. That section ninety-one of chapter thirty-two of the code be and the same is hereby amended and re-enacted so as to read as follows:
- Corporations exempt from paying license tax.** 91. Nothing in this chapter shall be construed as imposing a license tax on corporations chartered strictly for educational, literary, agricultural, scientific, religious or charitable purposes, or upon charters incorporating cemeteries, or masonic lodges, odd fellows, or other charitable, fraternal or patriotic societies, not incorporated for profit to the stockholders; but the secretary of state shall require reasonable proof as to the character of any such corporation claiming such exemption from the payment of license tax.
- proof required.**
- Code amended.** 40. That section ninety-two of chapter thirty-two of the code be and the same is hereby amended and re-enacted so as to read as follows:
- Report of secretary of state to auditor, when and what to set out.** 92. The secretary shall within twenty days after the close of each month, make a report to the auditor for the preceding month, in which he shall set out the name of every corporation to which he issued a certificate of incorporation during the month, as well as the name of each corporation to which he issued a certificate under section thirty of chapter fifty-four of the code, with the amount of license tax paid to him by each; also he shall set out in such report the names of all corporations to which he issued, during such preceding month, certificates of increase or decrease of stock, or of shares of stock, or of par value of shares of stock; certificates of change of name or of change of location of principal office; and a statement of all moneys received by him during such preceding month from the proceeds of the sale of books, and from tax on state seal and from any other source whatever and due to the State, and pay the same into the treasury; if he fail to do so, it shall be the duty of the auditor to report such failure to the governor.
- failure to be reported to governor.**
- Acts repealed.** 41. That all acts and parts of acts inconsistent with this act are hereby repealed.

(House Bill No. 12.)

CHAPTER 36.

AN ACT to amend and re-enact section forty-nine of

chapter thirty-nine of the Code of West Virginia, concerning allowances to county officers.

[Passed February 20, 1901. In effect from passage. Approved February 26, 1901.]

Be it enacted by the Legislature of West Virginia:

That section forty-nine of chapter thirty-nine of the code of West Virginia be amended and re-enacted so as to read as follows: Code amended.

49. The county court of every county shall allow annually to the county officers hereinafter mentioned for their public services, for which no other fee or reward is allowed by law, such sums to be paid out of the county treasury as are deemed reasonable by the court, within limits ascertained by law. Allowances to county officers.

That is to say: To the sheriff not to exceed two hundred dollars, except that the sheriff of Doddridge, Jackson, Greenbrier, Lewis, Lincoln, Mason, Marshall, Monongalia, Mingo, Morgan, Putnam, Preston, Ritchie, Raleigh, Tyler, Tucker, and Upshur counties, shall be allowed a sum not to exceed three hundred dollars; and Mercer, not to exceed four hundred and fifty dollars; and to the sheriff of Harrison, Cabell, Kanawha, Marion, McDowell, Fayette, Wood and Ohio counties, a sum not to exceed five hundred dollars. —sheriffs.

To the clerk of the circuit court not to exceed two hundred dollars, except that the clerk of the circuit court of Kanawha, Marion, Fayette, Ohio, Wood and Cabell counties, shall be allowed annually not less than one thousand nor more than two thousand dollars; of Logan and Pleasants counties, shall be allowed a sum not to exceed three hundred dollars; Braxton, Jefferson, Mineral and Monongalia counties, not less than four hundred nor more than six hundred dollars; of the county of Raleigh, not less than three hundred nor more than six hundred dollars; of Summers and Taylor counties, not less than four hundred nor more than five hundred dollars; and of Berkeley, Barbour, Greenbrier, Harrison, Jackson, Lincoln, Lewis, Marshall, Mason, McDowell, Mercer, Mingo, Putnam, Randolph, Tucker, Ritchie, Tyler, Upshur, Wayne and Wetzel counties, a sum not to exceed six hundred dollars, and not less than four hundred dollars each. —clerks of circuit courts.

To the clerk of the county court a sum not to exceed two hundred dollars, except that the clerks of the county courts of Barbour, Greenbrier, Lincoln, Lewis, Mercer, Mineral, Monroe, Pleasants, Putnam, —clerks of county courts.

Randolph, Ritchie, Roane, Summers, Tyler, Upshur, and Wayne counties, shall be allowed a sum not to exceed three hundred dollars; in the county of Taylor not less than three hundred nor more than six hundred dollars; and to the clerks of the county courts of Harrison, Jefferson, Berkeley, Fayette, Logan, Mingo and Ohio counties, a sum not to exceed five hundred dollars; and to the clerks of the county courts of Cabell, Marion, Marshall, Mason, McDowell, Monongalia, Jackson, Kanawha, Preston, Wetzel and Wood counties, a sum not to exceed six hundred dollars each.

—prosecuting attorneys

To the prosecuting attorney not less than two hundred nor more than four hundred dollars, except as follows: In the counties of Brooke, Barbour, Calhoun, Clay, Greenbrier, Mineral, Mingo, Nicholas, Lewis, Pocahontas, Putnam, Webster, Ritchie, Upshur and Wetzel, not less than three hundred nor more than six hundred dollars; in the counties of Mercer, Harrison, and Jefferson, not less than six hundred nor more than twelve hundred dollars; in the counties of Lincoln and Hampshire, not less than four hundred nor more than eight hundred dollars; in the counties of Raleigh and Wayne, not less than six hundred, nor more than eight hundred dollars; in the counties of Berkeley, Jackson, Marshall, Preston, Summers, Roane, Braxton, Monongalia, Marion, Tucker, Randolph and Taylor, not less than five hundred nor more than one thousand dollars; in the county of Mason, not less than five hundred nor more than twelve hundred dollars; and in the counties of Cabell, Fayette, Kanawha, McDowell, Ohio and Wood, not less than one thousand nor more than two thousand dollars.

—other provisions.

But no extra compensation shall be allowed to any public officer, agent, servant or contractor, after the service shall have been rendered or the contract made; nor shall the salary of any public officer be increased or diminished during his term of office. And it shall be the duty of the prosecuting attorney to attend to, bring, or prosecute, or defend, as the case may be, all actions, suits and proceedings in which his county or any district board of education therein is interested without additional compensation.

(House Bill No. 211.)

CHAPTER 37.

AN ACT to amend and re-enact section one of chapter one hundred and twenty-nine, Code of West Virginia.

[Passed January 30, 1901. In effect from passage. Approved February 11, 1901.]

Be it enacted by the Legislature of West Virginia:

That section one of chapter one hundred and twenty-nine of the code of West Virginia be amended so that the entire section when amended shall read as follows:

1. Each circuit court and every court of limited jurisdiction now existing, or which may hereafter be established for any incorporated city, town or village, may from time to time appoint not more than four commissioners in chancery or for stating accounts, except that the circuit court of any county whose population exceeds fifty thousand may appoint not more than eight of such commissioners, who shall be removable at its pleasure, with power to take depositions and to swear and examine witnesses and to certify their testimony. The judge of any court empowered to appoint commissioners in chancery or for stating accounts may in vacation appoint such commissioners with as much effect as if appointed by the court, and they shall have the like powers.

Code amended.

Commissioners in chancery; courts may appoint; how many.

—removable. —power and duties.

—powers of judge to appoint in vacation.

(House Bill No. 200.)

CHAPTER 38.

AN ACT to amend and re-enact section one of chapter seventeen of the Acts of one thousand eight hundred and ninety-three, entitled "An Act authorizing the formation of corporations for the purpose of constructing booms or dams for the purpose of stopping and securing boats, rafts, logs, masts, spars, etc., in certain counties of the State."

[Passed February 22, 1901. In effect from passage. Approved February 23, 1901.]

Be it enacted by the Legislature of West Virginia:

Acts amended.

That section one of chapter seventeen of the Acts of one thousand eight hundred and ninety-three be amended and re-enacted so as to read as follows:

Construction of booms and dams, in rivers, etc.

—in what counties.

—exception as to Elk and Cheat rivers.

—in what streams prohibited.

1. That any number of persons not less than five, may become an incorporated company for the purpose of constructing any boom or booms with or without piers, dam or dams, in the rivers, creeks or other streams, within any of the following counties in this State, to-wit: Gilmer, Greenbrier, Hampshire, Putnam, Summers, Raleigh, Fayette, Mineral, Pocahontas, Pleasants, Nicholas, Webster, Lewis, Wetzell, Jackson, Wyoming, Tucker, Preston, McDowell, Randolph, Barbour, Mercer, Logan, Calhoun, Braxton, Cabell, Boone, Upshur, Monroe, Wood, Ritchie, Kanawha and Wirt (except Elk river and its tributaries within the limits of Kanawha county, and Cheat river within the boundaries of the county of Monongalia), which may be necessary for the purpose of stopping and securing boats, rafts, logs, masts, spars, lumber, and other timber.

No such boom or dam shall be constructed in any of the rivers, creeks or other streams of the State, which are navigable by steamboats at an ordinary stage of water above the places where such boom or dam is proposed to be located.

(House Bill No. 66.)

CHAPTER 39.

AN ACT to amend and re-enact section one of chapter twenty-nine of the Code of West Virginia, concerning assessment of taxes.

[Passed January 23, 1901. In effect from passage. Approved January 30, 1901.]

Be it enacted by the Legislature of West Virginia:

That section one, of chapter twenty-nine of the code of West Virginia, be amended and re-enacted so as to read as follows:

Assessment districts and assessors,

1. That there shall be two assessment districts in each of the counties of Barbour, Berkeley, Braxton,

Cabell, Fayette, Greenbrier, Hampshire, Harrison, Jackson, Jefferson, Kanawha, Lewis, Lincoln, Logan, McDowell, Mason, Marion, Marshall, Mineral, Monongalia, Monroe, Ohio, Pendleton, Preston, Putnam, Randolph, Ritchie, Roane, Taylor, Tyler, Upshur, Wetzel, Wood, Wayne, Wyoming and Mercer. Every other county shall constitute one assessment district, and the voters of each county shall hereafter elect one assessor for each district therein.

number in
each county.

(House Bill No. 62.)

CHAPTER 40.

AN ACT to repeal Section sixty-six of Chapter thirty-two of the Code, one thousand eight hundred and ninety-nine, in relation to licenses.

[Passed February 11, 1901. Takes effect from passage. Approved February 18, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That section sixty-six of chapter thirty-two of the code of one thousand eight hundred and ninety-nine, reading "On every license to sell, at retail, domestic wines, ale, beer, or drinks of like nature, one hundred dollars," is hereby repealed.

Sec. 66, chap.
32, of code,
repealed.

(Senate Bill No. 101.)

CHAPTER 41.

AN ACT to amend and re-enact sections two, nine and forty-nine of chapter forty-seven of the Code of West Virginia, of one thousand eight hundred and ninety-nine, entitled "Of Cities, Towns and Villages, incorporation of without special charter; amending charter where population less than two thousand."

[Passed February 21, 1901. In effect from passage. Approved February 22, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That sections two, nine and forty-nine of chapter forty-seven of the code of West Virginia of one

Acts
amended.

thousand eight hundred and ninety-nine, entitled "Of cities, towns and villages, incorporation of without special charter; amending charter where population is less than two thousand," be amended and re-enacted so as to read as follows:

Incorporation of cities, towns, or villages; required population and territory.

2. Any part of any district or districts not included within any incorporated town, village or city and containing a resident population of not less than one hundred persons, and if it shall include within its boundaries a territory of not less than one quarter of one square mile in extent, and not more than a reasonable amount of territory proportionate to the number of residents therein (the exact extent of the territory to be included therein, to be within the discretion of the circuit court granting the charter), may be incorporated as a city, town or village, under the provisions of this chapter.

—certificate of incorporation, when issued and how.

—form of certificate.

9. Upon the filing of such certificate and upon satisfactory proof that all the provisions of the foregoing sections of this chapter have been complied with, the circuit court may, at its discretion, by an order entered of record, direct the clerk of the said court to issue a certificate of the incorporation of such city, town or village, in form or in substance as follows: "A certificate under oath of A — B —, C — D —, and E — F — was this day filed, showing that a majority of all the qualified voters residing in the following boundary, to-wit:

Beginning, etc., (here recite the boundaries), have been given in due form of law in favor of the incorporation of the city (town or village) of, in the county of, bounded as herein set forth. And it appearing to the satisfaction of the court, that all of the provisions of chapter forty-seven of the code of West Virginia have been complied with by the applicants of said corporation, and said city (town or village) is duly authorized within the corporate limits aforesaid to exercise all the corporate powers conferred by the said chapter from and after the date of this certificate.

G — H —, Clerk.

And from and after the date of such certificate, the territory embraced within the boundary mentioned in said certificate, shall be an incorporated city, (town or village), by the name specified in the said notice and certificate."

49. The council of such city, town or village, shall enter the result of such vote upon its minutes, and when the change proposed is adopted, as provided in the next preceding section, they shall certify the same to the circuit court of the county, and the said court may thereupon, at its discretion, enter an order in substance as follows:

Council to certify change to circuit court.

"A certificate of the council of the city (or town or village, as the case may be) of, was this day filed showing that a change has been made, in the manner required by law, in the corporate limits thereof, and that by such change the said corporate limits are as follows:

—form of order entered by such court.

Beginning at (here recite the boundaries, as changed.) It is therefore ordered that said change in said corporate limits be, and the same is hereby approved and confirmed, and the clerk of this court is directed to deliver to the said council a certified copy of this order as soon as practicable after the rising of this court." And from and after the date of such order the corporate limits of such city, town or village, shall be as set forth therein.

2. All acts and laws inconsistent with this chapter, as amended by this act, are hereby repealed.

Acts repealed.

(Senate Bill No. 65.)

CHAPTER 42.

AN ACT to amend and re-enact paragraphs seven, thirteen, sixteen and seventeen of Section 56a. Chapter forty-three of the Code of eighteen hundred and ninety-nine, concerning the alternate road law of 1872-3.

[Passed February 13, 1901. In effect from passage. Approved February 15, 1901.]

Be it enacted by the Legislature of West Virginia:

That paragraphs seven, thirteen, sixteen and seventeen of section 56a, chapter forty-three of the Code of eighteen hundred and ninety-nine, be amended and re-enacted so as to read as follows:

VII. Any person or persons purchasing a contract or contracts at said sales shall give bond with freehold security, or by some Fidelity, Guaranty or Security

Alternative road system; purchaser of contract to

make road,
etc., to give
bond, pen-
alty, etc.

company authorized by law to do business in this state, to be approved by the surveyor of roads, in a sum double the amount of the bids, conditioned to make or put such road or roads in repair on or before the first day of June in each year, and keep the same in repair until the expiration of the contract or contracts so purchased.

Surveyor; his
report to
court; when
and what to
contain, etc.

—court to
approve con-
tract, what
endorsed
thereon.

—entry made

—if court dis-
approve con-
tract, what
then.

—duty of sur-
veyor if road,
etc., not sold
on day fixed.

—no private
contract, etc.

—unusual
washouts,
etc.

—levy of road
tax, when and
how.

XIII. It shall be the duty of each surveyor of roads as soon as practicable after the sale of said county roads, or of any road newly established or purchased or changed, and annually thereafter, to ascertain and report in writing, as soon as ascertained, to the county court, the amount of money necessary to construct and keep in repair the county roads in his precinct for the term of one year, and he shall accompany said report with the contract entered into with each contractor under the provisions of this act, and no such contract shall take effect or be valid until it shall be approved and confirmed by the said court, which approval and confirmation shall be endorsed on each contract by the clerk of the said court, and an entry thereof be made in the proper record book of the county. The county court, if it disapprove for any reason any contract made or entered into by any road surveyor, may order a re-sale of the sections or road named therein, and said surveyor shall proceed at once to re-sell said road, section or sections, to the lowest responsible bidders, after giving ten days' notice, by posting in three different places near said road to be re-sold. If for any cause on the day fixed for the sale of said road, or section or sections are not let or sold, the surveyor shall proceed as above until said sections are all sold or let. No roads under this law shall be let or sold by private contract, nor shall any purchaser of roads or sections of roads receive any extra pay or compensation: *provided*, in case of unusual washouts or landslides the county court may allow reasonable compensation therefor.

The county court at its first levy term, thereafter, shall provide for the amount necessary to open, construct and keep in repair the county roads in said precinct, and other expenses pertaining to the same, by levying a tax of one dollar on every male inhabitant over the age of twenty-one, and under the age of fifty years, residing in said district; and the balance necessary to open and keep in repair the roads in said precinct, after having deducted said capitation tax and

having added the estimated delinquencies and cost of collection, shall be levied on the property of said precinct taxable for State and county purposes: *provided*, that such levy shall not exceed five mills on each dollar of the valuation of such property. A list of persons liable under said assessment, together with the amount with which each person is chargeable, shall be delivered to the sheriff of the county, and he shall collect the same in the manner as he collects other district taxes.

—limit to levy.

—list of persons assessed, etc., to whom delivered.

—collection.

XVI. The surveyor of roads shall have the right to reject any bids which he may deem too high, and sell such section, or sections, or new roads, at re-sale as provided for in section thirteen of this chapter.

Surveyor may reject bids; what then.

XVII. The county court shall furnish the county engineer and each district surveyor of roads with all the necessary books, stationery and printed forms, for the records and uses of their respective offices. Every surveyor of roads and county engineer shall keep an itemized account of the time necessarily spent and of the expenses necessarily incurred by him, with the date of each item, and render a sworn statement thereof to the county court, and said court shall audit, and if found correct, order the payment of such expenses, or such part thereof as it deems proper, and shall allow a reasonable per diem for such time: *provided*, that the expenses and per diem of surveyor shall not exceed one hundred and ninety dollars. The allowance made to surveyors shall be paid out of the road fund of their respective precincts, and the amounts allowed to the county engineer shall be paid out of the road fund of the several districts of the county or such of them as they deem right and just.

Engineer and surveyor; court to furnish, with what.

—to keep what accounts; statement to court.

—duty of court.

—limit to expenses.

—how paid.

(House Bill No. 11.)

CHAPTER 43.

AN ACT changing the time for holding the circuit courts of the Ninth Judicial Circuit of this State, and for the purpose of amending and re-enacting section nine, chapter one, of the Acts of one thousand eight hundred and eighty-one, as amended and re-enacted by section nine of chapter three, of the

Acts of one thousand eight hundred and eighty-five, as amended and re-enacted by section nine, chapter thirty-seven, of the Acts of one thousand eight hundred and ninety-three, as amended and re-enacted by chapter forty-three, section nine, of the Acts of one thousand eight hundred and ninety-nine.

[Passed February 8, 1901. In effect from passage. Approved February 18, 1901.]

Be it enacted by the Legislature of West Virginia :

Acts amended That section nine, of chapter one, of the acts of one thousand eight hundred and eighty-one, as amended and re-enacted by section nine, of chapter three, of the acts of one thousand eight hundred and eighty-five as amended and re-enacted by section nine, chapter thirty-seven of the acts of one thousand eight hundred and ninety-three, as amended and re-enacted by section nine, of chapter forty-three of the acts of one thousand, eight hundred and ninety-nine be amended and re-enacted as follows :

Ninth judicial circuit : terms of court in. 9. The circuit courts for the several counties of the Ninth Judicial circuit shall hereafter commence and be held as follows :

—Boone county. For the county of Boone, on the second Monday in April, the second Monday in July, the second Monday in October.

—Mercer county. For the county of Mercer, on the second Monday in February, the second Monday in May, the second Monday in August.

McDowell county. For the county of McDowell, on the second Monday in March, the second Monday in September, the second Monday in December.

—Raleigh county. For the county of Raleigh, on the fourth Monday in October, the fourth Monday in April, the fourth Monday in July.

—Wyoming county. For the county of Wyoming, on the fourth Monday in March, the fourth Monday in June, the fourth Monday in September.

(House Bill No. 86.)

CHAPTER 44.

AN ACT to amend and re-enact section eleven, of an Act of the Legislature of West Virginia, passed January thirty-first, one thousand eight hundred and eighty-one, entitled "An Act fixing the time for holding the Circuit Courts in the several judicial circuits in this State," as amended and re-enacted by section eleven, chapter twenty-three of the Acts of one thousand eight hundred and eighty-two.

[Passed January 31, 1901. In effect from passage. Approved February 11, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That section eleven of an act of the Legislature of West Virginia passed January thirty-first, one thousand eight hundred and eighty-one, entitled "An act fixing the time for holding the circuit courts in the several judicial circuits in this State," as amended and re-enacted by section eleven, chapter twenty-three, of the acts of one thousand eight hundred and eighty-two, be amended and re-enacted so as to read as follows: Acts amended
Eleventh judicial circuit;
terms of court in.

11. The circuit courts of the several counties of the eleventh Judicial circuit shall hereafter commence and be held as follows: —Upshur county.

For the county of Upshur, on the first Monday in March, the first Monday in June and the second Monday in October. —Lewis county.

For the county of Lewis, on the third Monday in March, the third Monday in June and on Wednesday after the third Monday in October. —Webster county.

For the county of Webster, on the first day of April, the first day of August and the first Monday in November. —Nicholas county.

For the county of Nicholas, on the Wednesday after the second Monday in April, on the Wednesday after the second Monday in August and on the Wednesday after the second Monday in November. —Braxton county.

For the county of Braxton, on the fourth Monday in April, the fourth Monday in August and the fourth Monday in November. Acts repealed.

2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

(House Bill No. 221.)

CHAPTER 45.

AN ACT to amend and re-enact section thirteen of chapter one of the Acts of one thousand eight hundred and eighty-one, entitled "An Act fixing the time for holding the circuit courts in the several judicial circuits of the State," as amended and re-enacted by section one of chapter one Acts of one thousand eight hundred and eighty-seven.

[Passed Feb. 19, 1901. In effect 90 days from passage. Approved Feb. 21, 1901.]

Be it enacted by the Legislature of West Virginia:

Acts amended 1. That section thirteen, of chapter one, of the acts of one thousand eight hundred and eighty-one as amended and re-enacted by section one, of chapter one, of the acts of one thousand eight hundred and eighty-seven, be amended and re-enacted so as to read as follows:

Times of holding court, 13th judicial circuit. 13. The circuit courts for the several counties of the thirteenth judicial circuit shall hereafter commence and be held as follows:

—county of Morgan. For the county of Morgan, on the first Tuesday in January, the first Tuesday in April, and the first Tuesday in October.

—county of Jefferson. For the county of Jefferson, on the second Tuesday in February, on the third Tuesday in May, and on the third Tuesday in November.

—county of Berkeley. For the county of Berkeley, on the second Tuesday in January, on the second Tuesday in April, and on the second Tuesday in September.

(House Bill No. 276.)

CHAPTER 46.

AN ACT to amend and re-enact section ten of chapter one of the Acts of one thousand eight hundred and eighty-one, as amended and re-enacted by chapter twenty-six of the Acts of one thousand eight hundred and eighty-one, and as amended and re-enacted by chapter thirty-five of the Acts of one thousand eight hundred and eighty-two, and as amended and

re-enacted by chapter twenty-seven of the Acts of one thousand eight hundred and ninety-one, and as amended and re-enacted by chapter seventy-five of the Acts of one thousand eight hundred and ninety-seven, entitled, 'An Act fixing the time for holding the Circuit Courts in the several Judicial Circuits of the State.'

[Passed February 15, 1901. In effect 90 days from passage. Approved February 19, 1901.]

Be it enacted by the Legislature of West Virginia:

That section ten of chapter one, of the acts of one thousand eight hundred and eighty-one, as amended and re-enacted by chapter twenty-six of the acts of one thousand eight hundred and eighty-one, and as amended and re-enacted by chapter thirty-five of the acts of one thousand eight hundred and eighty-two and as amended and re-enacted by chapter twenty-seven of the acts of one thousand eight hundred and ninety-one, and as amended and re-enacted by chapter seventy-five of the acts of one thousand eight hundred and ninety-seven, be amended and re-enacted so as to read as follows:

10. The circuit courts of the several counties of the tenth judicial circuit shall hereafter commence and be held as follows: Circuit courts; terms of, in.

For the county of Summers, on the fourth Tuesday in January, the first Tuesday in May, and the fourth Tuesday in August. —Summers.

For the county of Fayette, on the fourth Tuesday in February, the third Tuesday in May, and the third Tuesday in September. —Fayette.

For the county of Monroe, on the third Tuesday in March, the first Tuesday in June, and the third Tuesday in October. —Monroe.

For the county of Pocahontas, on the first Tuesday in April, the third Tuesday in June, and the first Tuesday in October. —Pocahontas

For the county of Greenbrier, on the third Tuesday in April, the fourth Tuesday in June, and the second Monday in November. —Greenbrier.

(House Bill No. 27.)

CHAPTER 47.

AN ACT to amend and re-enact sub-section V of section 98e of chapter forty-five of the Code of West

Virginia, pertaining to the Industrial Home for Girls.

[Passed February 8, 1901. In effect from passage. Approved February 18, 1901.]

Be it enacted by the Legislature of West Virginia: .

Code amended.

That sub-section V of section 98e of chapter forty-five, of the code of West Virginia, be amended and re-enacted to read as follows:

Industrial home for girls; what girls eligible to be received into, and for what causes sent: who may commit.

V. Girls eligible to be received into said home are those who are from seven to eighteen years of age, and who may be committed by any justice of the peace of this State, on complaint and due proof made to him by the parent, guardian or next friend of such girl, that by reason of incorrigible or vicious conduct, such girl has rendered her control beyond the power of such parent, guardian, or next friend and made it manifestly best that such girl should be placed in said home; or by any criminal, circuit or intermediate court of this State. Girls may be so committed for vagrancy up to eighteen years of age, or where parents, guardians or next friends agree and contract with the board of directors for their support and maintenance, or girls up to fifteen years of age, who may be found in houses of ill fame or assignation houses, upon conviction thereof before any justice of the peace, mayor of a town or city the commitment papers shall at once be sent to the superintendent of said home, and she shall, if there be a vacancy, without delay, send an officer of the home for the girl; but no other or greater allowance shall be made therefor, than the actual expense, to be paid out of the fund for transporting girls; or girls convicted by any of the courts of this State of felony or misdemeanor, punishable by imprisonment, the judge in his discretion, instead of confining such girl in the county jail or sending her to the penitentiary, may transfer such girl so convicted to said home, from any county of this State, provided there is room there for such girl. Every girl committed to said home shall remain there until she is twenty-one years of age, unless sooner discharged by the board of directors.

—how long to remain inmates.

(House Bill No. 286.)

CHAPTER 48.

AN ACT to amend and re-enact section two of chap-

ter three of the Acts of eighteen hundred and eighty-nine, as amended and re-enacted by chapter twenty-six of the Acts of eighteen hundred and ninety-seven, concerning the West Virginia Reform School.

[Passed February 21, 1901. In effect from passage. Approved February 20, 1901.]

Be it enacted by the Legislature of West Virginia:

That section two of chapter three of the acts of Acts amended eighteen hundred and eighty-nine, as amended and re-enacted by chapter twenty-six of the acts of eighteen hundred and ninety-seven, be amended and re-enacted so as to read as follows:

2. The board of directors shall consist of seven Reform school, directors of: number, etc. members, not more than five of whom shall belong to the same political party. The governor shall, on the tenth day of March, one thousand nine hundred and one, or as soon thereafter as convenient, and every four years thereafter, nominate and, by and with the advice and consent of the senate, appoint —when and how appointed. said seven directors, whose term of office shall —term. begin on the first day of May, next following their appointment, and continue for four years and —vacancies. until their successors are appointed and qualified. Any vacancy in the board shall be filled by appointment by the governor in like manner, for the unexpired term. —directors now in office. The term of office of the directors now in office shall expire on the thirtieth day of April, nineteen hundred and one.

(House Bill No. 284.)

CHAPTER 49.

AN ACT to amend and re-enact section two of chapter forty of the Acts of one thousand eight hundred and ninety-five, concerning the Bluefield Colored Institute.

[Passed February 18, 1901. In effect 90 days from passage. Approved February 20, 1901.]

Be it enacted by the Legislature of West Virginia:

That section two of chapter forty of the Acts of Acts amended

eighteen hundred and ninety-five be amended and re-enacted so as to read as follows:

- Bluefield colored institute, regents of; members, etc.** 2. For the government and control of said institute there shall be a board of regents consisting of the state superintendent of free schools and five other persons, not more than three of said five persons shall belong to the same political party. Said board shall
- a body corporate, powers.** be a body corporate under the style of "Board of Regents of the Bluefield Colored Institute," and as such may sue and be sued, plead and be impleaded, contract and be contracted with, and have and use a common seal.
- when and how appointed.** The governor shall, between the fifteenth day of March and the fifteenth day of May, in the year nineteen hundred and one, and every four years thereafter, nominate and, by and with the advice and consent of the senate, appoint said five regents, whose
- term.** term of office shall begin on the first day of June next after their appointment and continue four years, and until their successors are appointed and qualified. A
- vacancies.** vacancy in the office of regent shall be filled by appointment by the governor for the unexpired term.
- compensation.** The compensation of said regents shall be the same as that provided for the regents of the West Virginia colored institute. The term of office of the regents now
- regents now in office.** in office shall expire on the thirty-first day of May, nineteen hundred and one.

(House Bill No. 288.)

CHAPTER 50.

AN ACT to amend and re-enact section two of chapter sixty-five of the Acts of one thousand eight hundred and ninety-one, concerning the West Virginia Colored Institute.

[Passed February 18, 1901. In effect 90 days from passage. Approved February 20, 1901.]

Be it enacted by the Legislature of West Virginia:

Acts amended That section two of chapter sixty-five of the acts of eighteen hundred and ninety-one be amended and re-enacted so as to read as follows:

W. Va. colored institute, regents of; 2. For the government and control of said institute there shall be a board of regents, consisting of

the state superintendent of free schools and six other competent persons, not more than four of whom shall belong to the same political party, to be called the "Regents of the West Virginia Colored Institute," and as such board they may sue and be sued, plead and be impleaded, and have a common seal. The governor shall, between the fifteenth day of March and the fifteenth day of May, in the year nineteen hundred and one and every four years thereafter, nominate and, by and with the advice and consent of the senate, appoint said six regents, whose term of office shall begin on the first day of June next following their appointment, and continue for four years and until their successors are appointed and qualified. Vacancy in the office of regent shall be filled by appointment by the governor for the unexpired term. The term of office of the regents now in office shall expire on the thirty-first day of May, nineteen hundred and one. Said board shall have the care, custody and control of the property and funds of the institute, and may accept, from any person or persons, gifts of money or property for the use of said institute; and all such money and property, when so received by them, shall be held in trust by them for the use and benefit of the institute, and applied thereto as the donors may have directed, and if no such directions have been given, as a majority of the regents may determine.

how known, appointed, etc.

—powers.

—when appointed.

—term.

—vacancies.

—term of regents now in office.

—further powers.

—gifts of money, etc. how held and applied.

(House Bill No. 280.)

CHAPTER 51.

An ACT to amend and re-enact section eighty-seven of chapter forty-five of the Code, concerning West Virginia State Normal School.

[Passed February 18, 1901. In effect 90 days from passage. Approved February 20, 1901.]

Be it enacted by the Legislature of West Virginia:

That section eighty-seven of chapter forty-five of Code the code be amended and re-enacted so as to read as amended. follows:

87. The "West Virginia State Normal School," State normal school to remain at Marshall College. established under and by virtue of an act passed February twenty-seventh, one thousand eight hundred

and sixty-seven, entitled "An act for the establishment of a State Normal School," shall be and remain at Marshall college, in the county of Cabell, as provided in said act, and all the provisions of said act, and all other acts in relation thereto, shall be and remain in full force, except so far as the same may be altered by this chapter. For the government and control of said school and its branches, there shall be a board of regents, consisting of the state superintendent of free schools, together with six other persons to be appointed by the governor, as hereinafter provided, who shall be called the "Regents of the State Normal School," and as such may have a common seal, sue and be sued, plead and be impleaded, contract and be contracted with, and take, hold and possess real and personal estate for the use of said school. The transfer and conveyance by the board of supervisors of Cabell county of lands and buildings of Marshall college, and of the real estate heretofore conveyed by the Central Land Company of West Virginia to the regents of said school, heretofore appointed, is hereby accepted, confirmed and legalized. But in case the said school should at any time hereafter be removed from the said Marshall college, the said property so conveyed shall revert to and be vested in the county court for the use of the said county of Cabell. The said six regents shall be appointed by the governor between the fifteenth day of March and the fifteenth day of April in the year nineteen hundred and one, whose term of office shall begin on the first day of June next following their appointment, and continue for four years and until their successors are appointed and qualified; except that the board appointed in the said year one thousand nine hundred and one, three shall be for the term of two years and three for the term of four years. Not more than two of the regents of each of said two classes shall belong to the same political party.

—provisions of law relating to.

—board of regents, who to constitute.

—how appointed, how called.

—powers.

—what conveyance, etc., confirmed, etc.

—when property reverts to Cabell county.

—regents; when appointed; term, when to begin and end.

—exception.

—how classed as to parties.

—vacancies.

—regents now in office.

A vacancy occurring in the board shall be filled by appointment by the governor for the unexpired term. The term of office of the regents now in office shall expire on the thirty-first day of May, nineteen hundred and one.

(House Bill No. 283.)

CHAPTER 52.

AN ACT to amend and re-enact section seventy-eight of chapter forty-five of the Code, concerning the West Virginia University.

[Passed February 18, 1901. In effect 90 days from passage. Became a law without the approval of the Governor.]

Be it enacted by the Legislature of West Virginia:

That section seventy-eight of chapter forty-five of the code be amended and re-enacted so as to read as follows:

78. For the government and control of said university there shall be a board of regents consisting of nine persons, to be called "The regents of the West Virginia University." As such board they may sue and be sued, and have a common seal. The said board shall have the custody and control of the property and funds of said university, except as otherwise provided by law. They shall have the power to accept from any person or persons any gift, grant or devise of money, land or other property intended for the use of the university, and shall, by such acceptance, be trustees of the funds and property which may come into the possession or under the control of said board by such gifts, grant or devise, and shall invest and hold such funds and property, and apply the proceeds and property in such manner as the donor may prescribe by the terms of his gift, grant or devise. A majority of said regents shall constitute a quorum for the transaction of business, except that for making arrangements for the erection of buildings or the permanent alteration thereof, or the appointment to or removal from office of professors, or fixing their compensation, or changing any rule or regulations adopted by a majority of the board, in which case all of the regents shall be notified in writing, by the secretary of the board, of the meeting place and object of the meeting proposed to be held for any of the purposes excepted in this section; and the conference of a majority of the regents shall be required. Said board of regents shall consist of nine members who shall be residents and voters of the State. The governor shall, on or before the fifteenth day of March, in the year nineteen hundred and one, or as soon

Code amended.

University, regents of; number; name of board.

—corporate powers.

—quorum.

—notice required for certain excepted purposes: what to state.

—qualifications.

—governors to appoint when.

thereafter as convenient, appoint said nine regents, who shall be divided into two classes, consisting of

—two classes
—when term
begins.
—length of
terms.
—term of
each class
after first
appointment.
—recess ap-
pointments.
—vacancies.
—political
complexion
and limit as
to resi-
dence.
—regents
now in office.

four and five regents respectively. The term of office of both classes shall begin on the first day of May, nineteen hundred and one; and the term of office of the first class shall continue for two years and until their successors are appointed and qualified, and the term of the second class shall continue for four years and until their successors are appointed and qualified; and thereafter the term of office of each class shall be for four years, and until their successors are appointed and qualified. Any person appointed a recess during the recess of the senate shall serve as such until the next meeting of the senate. The governor may by appointment fill any vacancy occurring in the board for the unexpired term. Not more than six of said regents shall belong to the same political party, and not more than one shall be appointed from the same senatorial district or county. The term of office of the regents now in office shall expire on the thirtieth day of April, nineteen hundred and one.

(House Bill No. 287.)

CHAPTER 53.

AN ACT to amend and re-enact section two of chapter fifty-eight of the Code, relating to insane persons.

[Passed February 18, 1901. In effect 90 days from passage. Became a law without the approval of the Governor.]

Be it enacted by the Legislature of West Virginia:

Acts amended That section two of chapter fifty-eight of the Code be amended and re-enacted so as to read as follows:

Hospitals for
insane, direc-
tors of; num-
ber.
—how and
when ap-
pointed.
—classifi-
cation.
—terms and
when to
begin.

2. The board of directors of the West Virginia hospital for the insane and the board of directors of the Second hospital for the insane shall each be composed of nine members. The governor shall, on the tenth day of March, one thousand nine hundred and one, or as soon thereafter as convenient, appoint said nine members of each board, who shall be divided into two classes, consisting of four and five directors respectively. The term of office of both classes shall begin on the first day of June, nineteen hundred and

one; and the term of office of the first class shall continue for two years and until their successors are appointed and qualified, and the term of the second class shall continue for four years and until their successors are appointed and qualified; and, thereafter, the term of office of each class shall be four years and until their successors are appointed and qualified. Any person appointed a director during the recess of the senate shall serve as such until the next meeting of the senate. Vacancies in the office of director shall be filled by appointment by the governor for the unexpired term. Not more than six directors in each of said boards shall belong to the same political party, and not more than one director in each board shall be appointed from the same county. Unless otherwise provided by law, a majority of each board shall constitute a quorum, but either board may, in its discretion, designate business of a nature to be specified by it, which may be transacted by a stated number of directors less than a quorum. The term of office of the directors now in office shall expire on the thirty-first day of May, nineteen hundred and one.

—recess appointments.

—vacancies.

—political cast.

—residence restricted, unless, etc.,

—quorum.

—when less than quorum may act.

—term of directors now in office.

(House Bill No. 116.)

CHAPTER 54.

AN ACT to amend and re-enact section six of chapter seven of the acts of one thousand eight hundred and ninety-seven, concerning "The West Virginia Asylum for Incurables."

[Passed February 22, 1901. In effect 90 days from passage. Approved February 23, 1901.]

Be it enacted by the Legislature of West Virginia:

That section six of chapter seven of the acts of one thousand eight hundred and ninety-seven be amended and re-enacted so as to read as follows: Acts amended

6. The classes of persons who shall be admitted as patients in said asylum are: Asylum for incurables; classes of persons admitted as patients.

First—Epileptics, idiots and incurable defectives needing special care. The latter class is taken to mean such persons as the directors may deem eligible, but does not include consumptives or cancerous persons.

—who not excluded.

Superintendents of the insane asylums, their duties.

—transportation expense.

Second—All such persons so afflicted who are not charges upon the county nor likely to become such, but who may desire to be admitted to such asylum and can pay the actual cost of their maintenance and treatment therein; but persons of this class shall not be admitted to the exclusion of the charity patients whose cases are pending at the time of the application. Nothing in this act is to be construed as excluding from the asylum those who are inmates thereof at the time of the passage of this act.

The superintendents of the two hospitals for the insane shall select at once from the better class of epileptics, at present in their institutions, a number, to be ascertained from the president of the institution equal to the capacity of the new building, just completed at the West Virginia asylum for incurables. Said epileptics to be provided for therein until adequate and proper buildings can be erected for this class of patients. The expense of transferring these patients to the asylum for incurables, shall be paid out of funds appropriated for the two insane asylums.

(House Bill No. 289.)

CHAPTER 55.

AN ACT to amend and re-enact section two of chapter seven of the Acts of eighteen hundred and ninety-seven, concerning The West Virginia Asylum for Incurables.

[Passed February 20, 1901. In effect 90 days from passage. Became a law without approval of the Governor.]

Be it enacted by the Legislature of West Virginia:

Acts amended

That section two of chapter seven of the acts of eighteen hundred and ninety-seven be amended and re-enacted so as to read as follows:

Asylum for incurables; board of directors of, how constituted; number of classes and the terms of each class.

2. The board of directors shall be composed of six person, two of whom may be women, who shall be divided into two classes of three persons each. The term of office of the first class shall begin on the first day of June next after their appointment and continue for two years and until their successors are appointed and qualified, and the term of office of the

second class shall begin on the first day of June next after their appointment and continue for four years and until their successors are appointed and qualified. Thereafter the term of office of each class shall be four years, the appointments thereto being made by the governor. The governor shall, on or after the tenth day of March, one thousand nine hundred and one, nominate, and, by and with the advice and consent of the senate, appoint said directors. The governor may in like manner fill any vacancy occurring in the board of directors for the unexpired term. Not more than one director shall be appointed from the county in which the said institution is located. The board of directors shall be a body corporate under the style of "The West Virginia Asylum for Incurables," and as such may sue and be sued, plead and be impleaded, and have and use a common seal. The board of directors may receive donations, subscriptions and gifts for said institution, and shall have authority to enforce the collection of the same in any court having jurisdiction.

—governor to appoint, and when.

—vacancies.

—but one director from Cabell county.

—board a corporation.

—corporate name and powers.

—may receive donations, etc.

The term of office of the directors now in office shall expire on the thirtieth day of April, nineteen hundred and one.

—term of present directors, when to expire.

(House Bill No. 285.)

CHAPTER 56.

AN ACT to amend and re-enact section one of chapter one hundred and fifty of the Code, concerning the State Board of Health.

[Passed February 18, 1901. In effect 90 days from passage. Approved February 20, 1901.]

Be it enacted by the Legislature of West Virginia:

That section one of chapter one hundred and fifty of the code be amended and re-enacted so as to read as follows: Acts amended

State Board of Health.

1. There shall be a State Board of Health in this State, consisting of two physicians residing in each of the five congressional districts thereof. Said physicians shall be graduates of reputable medical State board of health, who to constitute.

schools, and shall have practiced medicine for not less than six years continuously before their appointment. The governor shall in the month of May, in the year one thousand nine hundred and one, appoint said physicians, who shall be divided into two classes, each class consisting of one physician from each district. The term of office of each class shall begin on the first day of June in the year of their appointment. The term of office of the first class shall continue for two years, and of the second class for four years, and until their successors are appointed and qualified. Thereafter the term of office shall be for four years and until their successors are appointed and qualified. When the term of office of either class or of any of said physicians expires, the governor shall appoint their successors for the succeeding term. The governor may, in like manner, appoint physicians to fill any vacancy that may occur in the board, but any appointment to fill a vacancy shall be for the unexpired term. The term of office of the members of the state board of health now in office shall expire the thirty-first day of May, nineteen hundred and one.

—when and how appointed.

—classification.

—terms, when to begin and end.

—successors.

—vacancies.

—members now in office.

(House Bill No. 282.)

CHAPTER 57.

AN ACT to amend and re-enact section two of chapter fifty-seven of the Acts of eighteen hundred and ninety-nine, concerning the Miners' Hospitals.

[Passed February 18, 1901. In effect 90 days from passage. Approved February 20, 1901.]

Be it enacted by the Legislature of West Virginia:

Acts amended That section two of chapter fifty-seven of the acts of eighteen hundred and ninety-nine be amended and re-enacted so as to read as follows:

Miners' hospitals, directors of; how and when appointed.

—number.

—term.

2. Each of said hospitals shall be under the control of a board of directors, as hereinafter provided. The governor shall, on the tenth day of March, 1901, or as soon thereafter, as convenient, and every four years thereafter, nominate, and by and with the advice and consent of the senate appoint, four directors for each of said three boards, whose term of office shall begin on the first day of April next after their ap-

pointment and continue for four years and until their successors are appointed and qualified. Not more than three of the directors of any of said boards shall belong to the same political party. No person shall be appointed a director who is not a citizen and voter of this State. Each director before entering on the discharge of the duties of his office shall take the oath prescribed by law, which oath shall be filed in the office of the Secretary of State. The term of office of the directors now in office shall expire on the thirty-first day of March, nineteen hundred and one.

—political
cast.—qualifica-
tions.—oath, where
filed.—directors
now in office.

(House Bill No. 281.)

CHAPTER 58.

AN ACT to amend and re-enact section one of chapter thirty-three of the Acts of one thousand eight hundred and ninety-five, concerning the State Board of Agriculture.

[Passed February 18, 1901. In effect 90 days from passage. Approved February 20, 1901.]

Be it enacted by the Legislature of West Virginia:

That section one of chapter thirty-three of the Acts of one thousand eight hundred and ninety-five be amended and re-enacted so as to read as follows: Acts amended

1. There shall be a State Board of Agriculture, to consist of seven commissioners. The governor, on the fifteenth day of March or as soon thereafter as convenient, in the year nineteen hundred and one, shall nominate and, by and with the advice and consent of the Senate, appoint such commissioners, whose term of office shall begin on the first day of June following, and continue for four years and until their successors are appointed and qualified. Vacancies in the board shall be filled by appointment by the governor for the unexpired term. Each commissioner shall be a practical farmer and engaged in the business at the time of his appointment, and not more than five of them shall belong to the same political party. The term of office of the members now in office shall expire on the thirty-first day of May, nineteen hundred and one.

State Board
of agricul-
ture; appoint-
ment of;
when and
how.

—term.

—vacancies.

—qualifica-
tions.—political
complexion.—members
now in office.

(Senate Bill No. 106.)

CHAPTER 59.

AN ACT to amend and re-enact section five of chapter thirty-three of the Acts of one thousand eight hundred and ninety-five, referring to the duty of the State Board of Agriculture.

[Passed February 19, 1901. In effect 90 days from passage. Approved February 19, 1901.]

Be it enacted by the Legislature of West Virginia:

- Acts amended** That section five of chapter thirty-three of the Acts of one thousand eight hundred and ninety-five be amended and re-enacted as follows:
- Board of agriculture; its duties.** 5. It shall be the duty of said board to look after and devise means of advancing the agricultural interests of the State, to promote and encourage as far as practicable the holding of farmers' institutes, the organization of agricultural and horticultural societies and other associations in the interest of agriculture in the several counties of the State. It shall be the duty of the said board to pay out of its current appropriations the traveling and other expenses of the delegates of each of the following associations, viz: The horticultural society, sheep breeders and wool growers association, the West Virginia live stock association and the poultry association. The number of delegates from each association not to exceed three, and the number of days for each delegate not to exceed five in any one year. It shall print the journal of proceedings of the state horticultural society, sheep breeders' and wool growers' association, West Virginia live stock association, and the poultry association, as prepared and submitted by their secretaries; and shall have charge of the preparation in manuscript, the printing, publishing and distribution by mail, and otherwise, of such documents and reading matter as they may deem best for the agricultural interests of the State.
- to pay what expense of delegates of certain associations; limit.** And said board shall include in its publications the methods of farming in use, the variety of stock and crops grown, the special capacities and aptitudes of the soils to the various products of the latitude and climate, the needs of the farmers, and such other matters as will convey a proper idea of the agricultural resources of the State to practical men. They shall have authority to request of any State official, or any
- printing of proceedings.**
- printing and distribution, of what.**
- what to include in publications.**
- may require information, of whom.**

official in any county, city or town, any and all statistical and other information the board may desire. It is hereby made the duty of all state and county officers to assist in every way possible, and co-operate with the board, upon its request, to the end that the welfare and interest of agriculture may be promoted. It shall hold farmers' institutes for the instruction of the farmers of the State in the various branches of agriculture. Such institutes shall be held at such times and places in each year as said board may direct. The board shall make such orders and regulations as it may deem proper for the organization and conducting of such institutes, and may employ an agent or agents to perform such work in connection therewith as they may deem best. The course of instruction of such institutes shall be so arranged as to present to those in attendance the results of the most recent investigations in theoretical and practical farming.

—duty of state and county officers.

—institutes and when and where held.

—powers as to such institutes.

—course of instruction.

(Senate Bill No. 52.)

CHAPTER 60.

AN ACT to amend and re-enact section five, chapter seventy-one of the Acts of eighteen hundred and seventy-one, as amended and re-enacted by chapter thirty-nine of the Acts of eighteen hundred and ninety-five, and incorporated in section ninety-eight, of chapter forty-five of the Code, regulating the salary paid to the physician for the Schools for the Deaf and the Blind.

[Passed February 12, 1901. In effect 90 days from passage. Approved February 15, 1901.]

Be it enacted by the Legislature of West Virginia:

That section five, chapter seventy-one, of the acts of eighteen hundred and seventy-one, as amended and re-enacted by chapter thirty-nine of the acts of eighteen hundred and ninety-five and incorporated in section ninety-eight, of chapter forty-five of the Code be amended and re-enacted so as to read as follows:

5. The board of regents shall employ as visiting physician of the institution, a physician of reputable standing in the profession, and it shall be his duty to render all medical assistance necessary to its inmates, and fix his salary not to exceed five hundred dollars, to be paid in the same manner as a teacher.

Acts amended.

Visiting physician.

—his qualifications.

—compensation.

(House Bill No. 299.)

CHAPTER 61.

AN ACT to amend and re-enact section 18 of chapter 3 of the Code of West Virginia.

[Passed February 18, 1901. In effect 90 days from passage. Approved February 20, 1901.]

Be it enacted by the Legislature of West Virginia:

Code amended

That section eighteen of chapter three of the code of West Virginia be amended and re-enacted so as to read as follows:

Convention, definition of.

18. A convention within the meaning of this chapter is an organized assemblage of voters, or delegates of any political party, for the purpose of nominating a candidate or candidates for public office, which, at the last general election before such convention, polled at least three per cent. of the entire vote of the State, or any division or sub-division thereof, for which the nominations are made, or have had nominations on the official ballot for the State or any division or sub-division thereof, for the last preceding ten years.

(Senate Bill No. 1.)

CHAPTER 62.

AN ACT to amend and re-enact sections one and two of chapter one hundred and nineteen of the Code of West Virginia:

[Passed February 18, 1901. In effect 90 days from passage. Approved February 20, 1901.]

Be it enacted by the Legislature of West Virginia:

Code amended.

That sections one and two of chapter one hundred and nineteen of the code of West Virginia be amended and re-enacted so as to read as follows

License to practice law; preliminaries in county court.

1. Any person desiring to obtain a license to practice law in the courts of the State must appear before the county court of the county in which he has resided for the last preceding year and prove to the satisfaction of such court that he is a person of good

moral character, that he is twenty-one years of age, that he has resided in such county for one year next preceding the date of his appearance; and upon such proof being made, the court shall make and enter an order on its record accordingly. The supreme court of appeals shall prescribe and publish rules and regulations for the examination of all applicants for admission to practice law, which shall include the period of study and degree of preparation required of applicants previous to being admitted, as well as to the methods of examination, whether by the court or otherwise. And the supreme court of appeals may upon the production of a duly certified copy of the order of the county court, hereinbefore mentioned, and upon being satisfied that the applicant has shown upon an examination, conducted in accordance with such rules and regulations, that he is qualified to practice law in the courts of this State, and upon being further satisfied that such rules and regulations have been complied with in all respects, grant such applicant a license to practice law in the courts of this State, and such license shall show upon its face that all the provisions of this section and of the said rules have been complied with: *provided*, that any person who shall produce a duly certified copy of such order of any county court of this State, and also a diploma of graduation from the law school of the West Virginia university, shall upon presentation thereof in any of the courts of this State be entitled to practice in any and all courts of this State, and the order so admitting him shall state the facts pertaining to the same. Every applicant for the examination required by this section shall pay a fee of five dollars, to be applied to the payment of the costs and charges of conducting said examination.

—Supreme court to prescribe rules for examination, etc.

—court to grant license to applicants, when.

—what such license to show.

—university diploma taken in lieu of examination.

—fee for examination and how applied.

2. Any person duly authorized and practicing as counsellor or attorney at law in any state or territory of the United States, or in the District of Columbia, may practice as such in the courts of this State, upon producing before the courts in which he intends to practice satisfactory evidence of his being so authorized. But this section shall not be construed to admit any one to practice law in this State on a license granted by another state, who resides or intends to make his residence in this State at the time he makes application for license to practice.

AS Attorneys of other states, how admitted.

—exception as to such attorney.

(House Bill No. 161.)

CHAPTER 63.

AN ACT to amend and re-enact section two *a* of chapter forty-two of the Code of West Virginia of 1899.

[Passed February 19, 1901. In effect 90 days from passage. Approved February 21, 1901.]

Be it enacted by the Legislature of West Virginia:

Code amended.

That section two *a* of chapter forty-two of the code of West Virginia of one thousand eight hundred and ninety-nine be amended and re-enacted so as to read as follows:

Public burying ground, extension of.

—proceedings

—limit to extension.

2*a*. I. That when any public burying ground is not sufficiently large to answer the purpose for which it was intended, the corporate authorities of any city, town or village, or the trustees of any such burying ground or the trustees of any church interested therein, may, in case of necessity, proceed in the manner prescribed by chapter forty-two of the code of West Virginia, to have the same extended by condemnation to an amount not exceeding five acres.

(Senate Bill No. 91.)

CHAPTER 64.

AN ACT to amend chapter forty-six of the Code of West Virginia, entitled "of the poor," by adding another section thereto, providing for the burial of indigent soldiers and sailors.

[Passed February 16, 1901. In effect 90 days from passage. Approved February 19, 1901.]

Be it enacted by the Legislature of West Virginia:

Code; section added.

Indigent soldiers, burial of.

—who to include.

That chapter forty-six of the code of West Virginia be amended by adding another section thereto, as follows:

33. The county court in each of the counties of this State shall designate some proper person or authority, other than that designated for the care of poor persons or paupers, or the custody of criminals, who shall cause to be interred, in a decent and respectable manner, the body of any soldier, sailor or marine who has served in the military or naval service of the

United States during the rebellion, the war with Spain or Philippines or any ex-confederate soldiers, who shall hereafter die without leaving sufficient means to defray his funeral expenses, but such expenses shall in no case exceed thirty-five dollars. If the deceased has any relatives or friends who desire to conduct the burial, but are unable or unwilling to pay the charges therefor, such sum shall be allowed by the court and paid out of the county treasury upon due proof of claim and of the death and burial of the soldier, sailor or marine, and the filing of vouchers showing such payments, said allowances to be paid to the person so conducting said burial. Such interment shall not be made in a cemetery or cemetery plot used exclusively for the burial of deceased paupers.

—limit to expense.

—provision as to relatives of such deceased soldier.

—to whom paid.

—interment not to be made, where.

(Substitute for House Bill No. 75.)

CHAPTER 65.

AN ACT to amend and re-enact section two and section seventy-nine, of Chapter thirty-two of the Code, concerning "Regulations Respecting Licenses."

[Passed February 16, 1901. In effect 90 days from passage. Approved February 21, 1901.]

Be it enacted by the Legislature of West Virginia:

That section two and section seventy-nine of chapter thirty-two of the code, be amended and re-enacted so as to read as follows:

Code amended.

2. No person without a state license therefor shall exhibit any circus, menagerie, circus and menagerie combined, theatrical performance or public show, to which admission is obtained for money or other reward, or to run or operate a merry-go-round for profit, or act as a hawker or peddler or act as auctioneer or practice the business of stock or other broker, by buying or selling for others, stocks or securities or other property for a commission or reward, or practice the business of money broker, or private banker, by buying or selling uncurrent or depreciated money or funds, or exchanging one kind of money or funds for another for profit or reward, or practice the business of pawnbroker by lending money or other thing for profit or on account of personal property deposited with the lender in pledge. Nor shall

State license, for what required.

any person, without a state license therefor, sell or barter, or offer or expose for sale or barter, any patent right; nor shall any corporation heretofore or hereafter chartered under the laws of this State, whether the same have its principal place of business or chief works within or without the State, do or attempt to do any business by virtue of its charter or certificate of incorporation without a state license therefor; nor shall any traveling agent, canvasser or salesman sell, or contract to sell, any lightning rod, sewing machine, stove or range, or organ or other musical instrument, without a state license therefor, whether any such article was manufactured within or without the State.

Same subject 79. On every license to sell sewing machines, stoves or ranges, if the salesman therefor travels with or without a vehicle, ten dollars; on every license to sell organs or other musical instruments, if the salesman therefor travels, twenty dollars; on every license to sell lightning rods, if the salesman thereof travels, fifty dollars.

(Senate Bill No. 2.)

CHAPTER 66.

AN ACT to amend and re-enact sections one and sixty-six of chapter thirty-two of the Code of West Virginia.

[Passed February 20, 1901. In effect 90 days from passage. Approved February 25, 1901.]

Be it enacted by the Legislature of West Virginia:

Code amended.

That sections one and sixty-six of chapter thirty-two of the code of West Virginia be amended and re-enacted so as to read as follows:

State license, for what required.

1. No person without a state license therefor shall keep a hotel or tavern, eating house or restaurant, or furnish intoxicating drinks or refreshments at a public theatre, or sell, offer or expose for sale, or solicit or receive orders for, spirituous liquors, wines, porter, ale or beer, or any drink of like nature, or any paper wrapper cigarettes or cigarette paper; and all mix-

tures, preparations or liquors which will produce intoxication, whether they are patented or not, shall be deemed spirituous liquors within the meaning of this section. Nor shall any person without such license carry on the business of distiller or brewer of whiskey, brandy, beer, porter, or ale, or carry on the business of a druggist, or keep for public use, or resort, a bowling alley, billiard table, pool table, bagatelle table, or any tables of like kind, or shooting gallery or skating rink: *provided*, that the word "eating house," in this section shall not apply to farmers who furnish meals to travelers and others passing.

66. On every license to sell at retail cigarettes or cigarette paper, ten dollars; or to sell at wholesale any cigarettes or cigarette paper, fifty dollars. Tax on cigarettes.

(Senate Bill No. 72.)

CHAPTER 67.

AN ACT to amend and re-enact section thirty of chapter thirty-two of the Code of West Virginia, regulating licenses at public theatres, public watering places, etc.

[Passed February 20, 1901. In effect 90 days from passage. Approved February 22, 1901]

Be it enacted by the Legislature of West Virginia:

That section thirty of chapter thirty-two, of the code of West Virginia, be and the same is hereby amended and re-enacted so as to read as follows: Acts amended

30. A state license to furnish intoxicating drinks or refreshments, or sell at retail spirituous liquors, wines, porter, ale, or beer, or any drinks of like nature, at a public theatre or at any public watering place in this State, or sell patent rights, or act as hawker or peddler, or to keep for public use or resort, at any public watering place in this State, a bowling alley, billiard table, bagatelle table, or any table of a like nature, shall be either for a year, four months, or two months from the commencement thereof; if for four months, the state tax thereon shall be one-half, and if for two months one-third of the annual tax. State license for less than one year, for what and where. —tax thereon.

(Senate Bill No. 161.)

CHAPTER 68.

AN ACT to amend and re-enact section twenty-two of chapter thirty-two of the Code of West Virginia, concerning Bonds required in certain cases.

[Passed February 21, 1901. In effect 90 days from passage. Approved February 22, 1901.]

Be it enacted by the Legislature of West Virginia:

Code amended.

That section twenty-two of chapter thirty-two of the code of West Virginia be, and the same is hereby amended and re-enacted so as to read as follows:

Liquor licenses, issued when.

22. No county court, or other tribunal acting in lieu thereof, nor any city, village or town council, shall authorize the issuing of any license to sell spirituous liquors, wine, porter, ale, beer or drink of like nature, until the applicant shall have given bond with good security, to be approved by the court or other tribunal, or council, in the penalty of at least three thousand five hundred dollars, conditioned that he will not permit any person to drink to intoxication on any premises under the control of such applicant; and will not knowingly sell or furnish intoxicating drink to any person who is intoxicated at the time or who is known to him to have the habit of drinking to intoxication, or whom he knows, or has reason to believe, is under the age of twenty-one years; and that he will not sell or furnish such drink to any person on Sunday. And with the further condition, that he will pay all such damages and costs as may be recovered against him by any person under any of the provisions of chapter thirty-two, of the code of West Virginia, as amended. And such applicant, and his securities in said bond, shall be liable in a suit or suits thereon for the fine and costs, which may be recovered against him for any offence under this chapter which is a violation of any of the conditions of said bond, as well as for the damages hereinbefore provided for, until the penalty of said bond is exhausted: *provided*, that no manufacturer of or dealer in, or any officer, director or stockholder of any incorporated company engaged in the manufacture, sale or dealing in, any such spirituous liquors, wine, porter, ale, beer or drink of like nature, shall be accepted as surety on any such bond. And it shall be the duty of the county court

—bond, conditions of.

—further conditions.

—liability on such bond, of principal and sureties.

—who not to be accepted as surety.

—court, etc..

or other tribunal acting in lieu thereof, or of the council of any city, village or town, to inquire into the eligibility of any such sureties before approving any such bond. ^{must inquire into eligibility of surety.}

(Substitute for House Bill No. 207.)

CHAPTER 69.

AN ACT to amend and re-enact sections 53 and 54 of chapter 45 of the Code of West Virginia, concerning compensation and duties of county superintendents.

[Passed February 22, 1901. In effect 90 days from passage. Approved February 22, 1901.]

Be it enacted by the Legislature of West Virginia:

That sections fifty-three and fifty-four of chapter forty-five of the code of West Virginia be amended and re-enacted so as to read as follows: ^{Code amended.}

53. The county superintendent of schools shall be a person of good moral character, of temperate habits, literary acquirements, and skill and experience in the art of teaching, and he shall not teach in any school, public or private, during his term of office. ^{County superintendents; qualifications}

He shall receive for his services an annual compensation as follows: In counties having not more than fifty schools, three hundred dollars; in counties having more than fifty and not more than seventy-five schools, three hundred and fifty dollars; in counties having more than seventy-five and not more than one hundred schools, four hundred and twenty-five dollars; and in counties having more than one hundred schools, five hundred dollars; which salary shall be paid ratably for any shorter term of service than one year: ^{—not to teach.} ^{—compensation of .} ^{—paid ratably, when.} ^{—proviso as to reports by.} ^{—deduction from salary.} *provided, however,* that the county superintendent shall report on oath to the state superintendent the number of schools he has visited during the year, in compliance with section fifty-four, chapter forty-five of the code of West Virginia, and the state superintendent of free schools in paying the said county superintendents, as required by this section, shall deduct three dollars from the salary of the county superintendent for each and every school within his county that the county superintendent did not visit.

Such compensation shall be paid quarterly upon orders drawn by the county superintendent on the state superintendent of free schools, who shall, upon receiving the same, draw his warrant upon the auditor therefor, payable to said county superintendent, or to such person as he may direct. But the payment for the fourth quarter shall not be made until the county superintendent has made the reports to the state superintendent of free schools required by section twenty-two of this chapter, and for every day after the first day of September before the receipt of these reports the state superintendent shall deduct three dollars from the salary of the county superintendent, unless said reports are delayed by sheriffs' settlements or reports from secretaries of boards of education. The salary of the county superintendent shall be paid out of the general school fund, but the amount thereof shall be deducted by the auditor from the amount next to be distributed to each county.

As a further means of improvement among teachers the county superintendent shall arrange for and conduct district institutes, or teachers' round tables, one or more to be held in each district of his county within the school year, and at such time and place as is most convenient for the teachers. Boards of education shall allow the teachers of their respective districts at least one day's pay in each school year for their actual attendance upon said district institute, such day to be counted as if spent in teaching, and as a part of the school term. The county superintendent shall certify to the secretary of each board of education the attendance of teachers at the different district institutes, and credit shall be allowed for the one day's attendance, herein provided for, in the school month in which said institute is held: *provided*, that no teacher shall be allowed such pay unless he has been regularly employed by the trustees or board of education.

The county superintendent shall, before entering upon the duties of his office, execute a bond, conditioned according to law, before the county court of his county, or the clerk thereof in vacation, in the sum of one thousand dollars, with approved security; upon which bond he shall be liable, in any court having jurisdiction, to any person or persons, or to any board of education, for losses sustained by reason of his neglect or nonperformance of duties imposed by this chapter. Said bond shall be filed in the office of the

—paid quarterly and how.

—payment of fourth quarter, when.

—failure to make reports, what then.

—salaries paid out of what fund.

—district institutes, etc.

—allowance to teachers attending institutes.

—county superintendent to certify attendance to whom.

—credit allowed.

—proviso.

Bond, how executed, etc.

—where such bond filed;

clerk of the county court, who shall within five days duty of clerk. certify to the state superintendent of free schools the name of said county superintendent and his postoffice address: *provided*, that the county superintendents heretofore elected shall continue in office until their successors have been elected and qualified under this chapter. —provided.

A vacancy in the office of county superintendent shall be filled for the unexpired term by the presidents of the boards of education in the county, at a meeting to be called for that purpose by the clerk of the county court, at the court house of the county, within thirty days after the vacancy occurs. A majority of said presidents shall be necessary to constitute a quorum at such meeting. —vacancies in office, how filled. —quorum of board.

(Senate Bill No. 113.)

CHAPTER 70.

An ACT to amend and re-enact section six of chapter forty-five of the Code, relating to the salary of teachers.

[Passed February 20, 1901. In effect 90 days from passage. Approved February 21, 1901.]

Be it enacted by the Legislature of West Virginia:

That section six of chapter forty-five of the Code of West Virginia be amended and re-enacted so as to read as follows: Code amended.

6. The boards of education of the several districts shall hold their first meeting for each school year on the first Monday in July. At this meeting they shall determine the number of teachers that may be employed in the several sub-districts, and fix the salaries that shall be paid to the teachers. In determining the salaries, they shall have regard to the grade of teachers' certificates, fixing to each grade the salary that shall be paid to teachers of said grades in the several sub-districts as follows: Teachers having certificates of the grade of number one shall be paid not less than thirty dollars per month; those holding certificates of the grade of number two, not less than twenty-five dollars per month; and those holding certificates of the grade of number three, not less than eighteen dollars per month. And the trustees of the Boards of education, first meeting of: when; what to determine. —salaries of teachers. —minimum of each grade. —trustees not

to exceed several sub-districts shall in no case transcend or diminish the salaries so fixed in any contract they may make with teachers. A quorum of the board of education shall consist of a majority of the members thereof, and in the absence of the president, one of said members may act as such; but they shall do no official business except when assembled as a board, and by due notice to all the members, except that the president and secretary may sign orders upon the sheriff for any sum of money which may have been already ordered to be paid. The members of the board of education shall each receive as compensation for their services the sum of one dollar and fifty cents per day, to be paid in like manner as the salary of the clerk of the board of education: *provided*, that no member shall receive pay for more than seven days' service in any one year; one day of which shall be spent in attending a teachers' institute.

—quorum.

—absence of president. who to act.

—when only to do official business, except, etc.

—compensation and how paid.

—proviso.

(House Bill No. 18.)

CHAPTER 71.

AN ACT to amend and re-enact section 13 of chapter 45 of the Code of West Virginia concerning the limitations governing trustees as to relationship in employing teachers.

[Passed February 13, 1901. In effect 90 days from passage. Approved February 16, 1901.]

Be it enacted by the Legislature of West Virginia:

Code amended.

1. That section thirteen, chapter forty-five of the code of West Virginia be amended and re-enacted so as to read as follows:

School trustees, to appoint teachers; when and how.

13. The trustees of every sub-district shall have charge of the schools therein and shall meet at the school house of their sub-district on the third Monday in July of every year, or as soon thereafter as practicable, and appoint a teacher or teachers, for the coming session of their school, and in such appointment at least two of the trustees, who are the trustees for the ensuing year, shall concur, and such appointment shall be in writing in the form of a contract according to the form furnished by the state superintendent of free schools, and said form shall state that the

trustees whose signatures are affixed thereto, met together as herein required, and said contract shall be filed with the secretary of the board before the beginning of the term for which said teacher is employed: *provided*, that no trustee of any sub-district shall participate in contracting with or appointing any person as teacher of their school to whom he sustains the relation of father, father-in-law, brother, brother-in-law, uncle, cousin, grandfather, sister, niece or nephew; and if the appointment of any teacher be otherwise than at a meeting herein authorized, or if the appointment be within the degrees of relationship herein specified, the board of education shall declare such contract illegal, if the declaration be made by the board before the time mentioned in the contract for the beginning of the school term. Any teacher so appointed may be removed by the trustees or by the board of education for incompetency, neglect of duty, intemperance, profanity, cruelty or immorality. The trustees shall exclude from any school under their charge any person having a contagious or infectious disease, and they may suspend or expel any scholar found guilty of any disorderly, refractory, indecent or immoral conduct, and may refuse to admit such scholar again to the school until satisfied that he will properly conduct himself thereafter. But the trustees shall take no action or proceeding relating to the removal of teachers or the suspension or expulsion of any scholar from school unless at a meeting of which the trustees have all had notice, and when at least two of their number shall be present and concur in such action or proceeding; and their action in each particular shall be subject to the revision and correction of the board of education upon complaint in writing of a majority of the patrons of the school, residing within the sub-district in which such action has been taken. Any trustee may, for good cause shown, be removed from office by the board of education upon five days' notice in writing of the cause alleged for his removal, and of the time and place the board will take action thereon. Whenever at the end of any school month the daily average attendance for that month has been less than thirty-five per cent. of the whole number of pupils enumerated in the sub-district, the trustees may dismiss the teacher and discontinue the school, unless otherwise directed by the board of education; and no high school shall be continued if at the end of any school

—where contract filed and when.

—what relationship prevents trustees from participating.

—when contract illegal; duty of board.

—removal of teachers.

—exclusion, etc. of pupils.

—what required to remove or exclude, etc.

—action subject to revision; by whom.

—removal of trustee; how and when.

—discontinuance of schools.

—of high schools.

—penalty on trustee or member of board for taking bribe in the election of teachers. month it has not had an average daily attendance of twenty-five scholars. And it is further expressly provided, that should any trustee of any sub-district or a member of the board of education receive any money or other thing of value for his aid, assistance or vote in securing to any teacher in a school or employment in any district or independent school district in the State, in which said trustee or member of the board of education is authorized by law to act shall be guilty of a felony, and upon conviction thereof shall be punished by confinement in the penitentiary of this State not less than one nor more than three years.

Acts repealed. 2. All acts or parts of acts coming within the purview of this act and inconsistent therewith are hereby repealed.

(House Bill No. 178.)

CHAPTER 72.

[Passed February 21, 1901. In effect 90 days from passage. Approved February 22, 1901.]

AN ACT to amend and re-enact sections forty of chapter forty-five of the Code of 1899, of West Virginia, in relation to levies for school purposes.

Be it enacted by the Legislature of West Virginia:

Code amended. That section forty of chapter forty-five of the code of one thousand eight hundred and ninety-nine be amended and re-enacted so as to read as follows:

Annual levy for support of primary schools when and how. 40. For the support of the primary free schools, of their district, and in each independent school district, and to pay any existing indebtedness against the "teachers' fund," the board of education thereof, shall annually on the first Monday in July, or as soon thereafter as possible, levy by the authority of the people as prescribed in section two of this chapter such a tax on the property taxable in the district, as will, with the money received from the State for the support of free schools, be sufficient to keep the schools in operation at least five months in the year: *provided*, the tax in any one year shall not exceed the rate of fifty cents on every one hundred dollars valuation according to the latest available assessment made for state and county taxation. The proceeds of this levy,

—term of schools.

—rate of levy.

together with the money received from the state as aforesaid, shall constitute a special fund, to be called the "teachers' fund," and no part shall be used for any other purpose than the payment of teachers' salaries, first for the current year, and any part of said fund, not so expended, shall be appropriated to the payment of any existing indebtedness created for said purpose. Upon the failure of any board of education to lay such levy as hereby required, or any other levy provided for in this chapter, they shall be compelled to do so by the circuit court of the county by a writ of mandamus, unless good cause be shown to the contrary.

—name of fund and for what used.

—failure to make levy, what then.

But in case the levy provided for in this and the thirty-eighth section of this chapter shall not be sufficient to pay any existing indebtedness of the district in addition to the other purposes for which it is levied, the board may increase such levy to the amount actually necessary, or lay a special levy for the purpose, but such increase or special levy, together with any other levy not provided for in this and the thirty-eighth section of this chapter, shall not exceed in the aggregate thirty cents on the one hundred dollars valuation of said property, and in no case shall the appropriation of any money to the payment of any existing indebtedness directly or indirectly interfere with the payment of the teachers' salaries for the term of five months, for which the schools are required by law to kept open each year.

—additional or special levy, when; limit.

—existing indebtedness not to interfere with payment of teachers.

(House Bill No. 210.)

CHAPTER 73.

AN ACT to amend and re-enact section seventeen, chapter forty-five of the Code of West Virginia, concerning the education of colored children.

[Passed February 18, 1901. In effect 90 days from passage. Approved February 21, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That section seventeen, chapter forty-five of the code be and is hereby amended and re-enacted so as to read as follows:

Code amended.

17. White and colored persons shall not be taught in the same school, but to afford to colored children

White and colored.

taught ~~sepa-~~ the benefits of a free school education it shall be the
 rately. duties of trustees of every sub-district to establish there-
 —schools in one or more primary schools for colored persons between
 provided for the ages of six and twenty-one years, and said trustees
 colored chil- or board of education shall establish such school whenever
 dren. there are at least ten colored persons of school age re-
 siding therein, and for a less number, when it is possible
 to do so.

—trustees The trustees of two or more sub-districts, whether
 may join in in the same or adjoining districts or counties may, by
 establishing such schools. agreement with each other, join in establishing a pri-
 mary school for colored children residing in said sub-
 district, and such a school so established shall be sub-
 —regulations ject to the same regulations as are provided for the
 school for white children in section twelve of this
 chapter.

Acts repealed. 2. All other acts and parts of acts coming within the
 purview of this act and inconsistent herewith are hereby
 repealed.

(Senate Bill No. 123.)

CHAPTER 74.

AN ACT to amend and re-enact section six of chapter
 106 of the Code of West Virginia, in regard to levy-
 ing attachments.

[Passed February 22, 1901. In effect 90 days from passage. Approved
 February 23, 1901.]

Be it enacted by the Legislature of West Virginia:

Code
 amended.

That section six of chapter one hundred and six of
 the code of West Virginia, be amended and reenacted so
 as to read as follows:

Attachment
 bond and
 security; its
 conditions.

6. But if the plaintiff shall, at the time of suing
 out such an attachment, or afterwards, give bond with
 good security, approved by the clerk issuing the at-
 tachment, in a penalty of at least double the amount
 of the claim sworn to, with condition to pay all costs
 and damages which may be awarded against him, or
 sustained by any officer or other person by reason of
 the suing out of the attachment or levying the same,
 and to pay to any claimant of any property seized or
 sold under or by virtue of said attachment, all dam-

ages which he may recover in consequence of such seizure or sale; and also to warrant and defend to any purchaser of the property, such estate or interest therein as is sold, the said officer shall take possession of the property levied on by virtue of such an attachment. If such bond be given, no action shall be maintained against the officer levying such attachment upon property or effects not belonging to the debtor unless it shall appear that such levy was wilfully and knowingly made. If the plaintiff has sued out an order of attachment without giving such bond, and afterwards gives the same as aforesaid, it shall be the duty of such clerk, whether the attachment has been levied or not, to certify the fact that such bond has been given to the officer who levied the same, or in whose hands it was to be levied, or if he be absent or out of office, to issue a new order of attachment and to place the same in the hands of some other proper officer; and it shall be the duty of any such officer to take the attached property into his possession and make return of such order in like manner as if said bond had been given before the issuing of the original attachment. The defendant may except to the said bond, or the sufficiency of the security therein, and if the exceptions be sustained by the court, the attached property shall be returned to the defendant, unless the plaintiff give a proper bond, with sufficient security, to be approved by the court within such time as the said court shall direct.

—possession of Property levied on.

—if bond given, officers held blameless, unless, etc.

—it attachment sued out without giving bond, and bond afterwards given, duties of clerk in such cases.

—duty of officer.

—defendant may except to bond, etc.; if sustained, what done, unless, etc.

(House Bill No. 271.)

CHAPTER 75.

AN ACT to amend and re-enact section 4 of chapter 139 of the Code of West Virginia relating to docketing judgments and other liens of a like nature.

[Passed February 22, 1901. In effect 90 days from passage. Approved February 23, 1901.]

Be it enacted by the Legislature of West Virginia:

That section four of chapter one hundred and thirty-nine of the code of West Virginia be and the same is hereby amended and re-enacted so as to read as follows:

Code amended.

4. The clerk of every circuit and municipal court **Judgments:**

duties of clerks of circuit and municipal courts, and of justices, in certifying and giving abstracts of. shall, without delay, make out and deliver a duly certified abstract of every judgment rendered by such court, and every justice of the peace shall, without delay, make out and deliver a duly certified abstract of every judgment rendered by him, or by any other justice, the docket of which is in his possession and under his control, to any person interested therein who may demand the same, and pay or tender the fee therefor, in which abstract shall be stated the names in full of the plaintiff or plaintiffs, and the defendant or defendants, as they appear in the papers and proceedings in the cause, and if the defendants are sued as partners, the partnership name shall be stated; the amount of the judgment and the amount of the costs, stating each separately; the value of specific property (if any) recovered by it, and the damages (if any) for its detention; the date of the judgment and the court in which, or the justice by whom, the judgment was rendered. Any clerk or justice who shall fail to deliver such abstract as herein required, shall be guilty of a misdemeanor and fined fifty dollars. And the clerk of every county court shall keep in his office in a well bound book a judgment docket, in which he shall docket without delay any judgment rendered by any justice of the peace or court of this state or by any circuit or district court of the United States within this State, upon the delivery to him of such authenticated abstract thereof for that purpose, and the payment or tender of his fee therefor. In such docket there shall be stated, in separate columns:

I. The names in full of the plaintiff or plaintiffs, and the defendant or defendants, as they are stated in such abstract, and if it appears by such abstract that the defendants were sued as partners, their partnership name shall also be stated.

II. The amount of the judgment and of the costs, stating each separately.

III. The value of any specific property recovered by the judgment, and the damages (if any) for its detention.

IV. The date of the judgment.

V. The court in which or the justice by whom it was rendered.

VI. The date of docketing the judgment.

Every judgment docketed by the clerk of the county court as aforesaid, shall at the same time be indexed

—what must be stated.

—penalty for failure.

—clerk of county court to keep a judgment docket; what docketed therein.

—what to be stated in such docket, and how.

by him in an index to be kept in or annexed to said judgment docket, in full, the name of the defendant, and if more than one defendant, in the full name of each, as they appear in the said abstract. If the defendants are sued as partners, it shall also be indexed in the partnership name appearing by such abstract. Any clerk of a county court failing to perform any duty required of him by this section shall be guilty of a misdemeanor, and be fined fifty dollars; and he and his securities in his official bond shall moreover be liable to any person injured by such failure for all such damages as he may sustain by reason thereof.

—indexing of judgments docketed, how.

—failure of clerk, what penalties imposed.

(Senate Bill No. 99.)

CHAPTER 76.

AN ACT to amend and re-enact section seven, of chapter forty-six of the Code of West Virginia, relating to the Poor.

[Passed February 18, 1901. In effect 90 days from passage. Approved February 20, 1901.]

Be it enacted by the Legislature of West Virginia:

That section seven, of chapter forty-six of the code of West Virginia be amended and re-enacted so as to read as follows:

Code amended.

7. Any person to be provided for or assisted, as aforesaid, may either be kept at the place of general reception, or be supported or assisted elsewhere, but in a county where there is a county infirmary he shall not be kept at the expense of the county at any place other than such infirmary, except in case of emergency or necessity, and then only as long as the emergency or necessity may require. All poor persons kept at the place of general reception who are able to work shall be required to perform such reasonable and moderate labor as may be suited to their sex, age, and bodily strength; and the proceeds of such work shall be appropriated to the support of the poor of the county in such manner as the court may from time to time direct; and in those cases where poor persons are supported in whole or in part by the county outside of the poor houses, by allowing annually a certain sum for the support of each person. It shall be the duty of the overseer of the poor, in case of the sickness of

The poor; where and how cared for.

—exception.

—required to labor, when.

—proceeds of such labor.

—duty of overseer of poor as to sickness in certain cases.

—amount for any such poor person, to visit him or cause him to be
 medical aid, visited by some reliable person, and if it is found that
 limited. such sick person is suffering for aid or medical atten-
 tion, such overseer shall furnish the necessary aid or
 medical attention to such poor person, notwithstand-
 ing the sum allowed for the support of such person
 may have been previously exhausted: *provided*, the
 additional aid or medical attention so furnished shall
 not exceed fifty per cent. of the amount already allowed
 as aforesaid.

(House Bill No. 122.)

CHAPTER 77.

AN ACT to amend and re-enact section nine of chapter
 forty-six of the Code.

[Passed February 18, 1901. In effect 90 days from passage. Approved
 February 20, 1901.]

Be it enacted by the Legislature of West Virginia:

Code
 amended.

That section nine of chapter forty-six of the code be
 amended and re-enacted so as to read as follows:

Free vaccina-
 tion. for
 whom.

9. The overseer of any district may furnish antitoxine
 to, or cause to be vaccinated with proper vaccine matter,
 any person in such district who is unable to pay for the
 same.

(House Bill No. 303.)

CHAPTER 78.

AN ACT to amend and re-enact section seventeen of chap-
 ter one hundred and thirty-five of the Code of West
 Virginia.

[Passed February 22, 1901. In effect 90 days from passage. Approved
 February 23, 1901.]

Be it enacted by the Legislature of West Virginia:

Code
 amended.

That section seventeen of chapter one hundred and
 thirty-five of the code be and the same is hereby
 amended and re-enacted so as to read as follows:

17. No process shall issue upon any appeal, writ of error or *supersedeas* allowed to or from a final judgment, decree or order, if when the record is delivered to the clerk of the appellate court there shall have elapsed two years since the date of such final judgment, decree or order, but the appeal, writ of error or *supersedeas* shall be dismissed whenever it appears that two years have elapsed since the said date before the record is delivered to such clerk, or before such bond is given, as is required to be given before the appeal, writ of error or *supersedeas* takes effect.

Appeals; within what time record must be filed.

—dismissal of appeal, etc., when.

(House Bill No. 253.)

CHAPTER 79.

AN ACT to amend and re-enact section one hundred and seventy, chapter fifty of the Code of West Virginia.

[Passed February 18, 1901. In effect 90 days from passage. Approved February 20, 1901.]

Be it enacted by the Legislature of West Virginia:

That section one hundred and seventy of chapter fifty of the code of West Virginia be amended and re-enacted so as to read as follows:

Code amended.

170. If the court, in any case, be of opinion that the bond filed is insufficient, or the security doubtful, it shall order a new bond, in proper form and with good security, to be given within the time specified in such order, and if it be not given, or good cause shown why it was not, the same judgment which was rendered by the justice, with the costs of the appeal, shall be entered in the circuit court, without further trial, against the appellant and those who signed the bond if it be such bond as is first named in section one hundred and sixty-four, and judgment against the appellant and sureties for the costs of the appeal if it be not such bond: *provided*, no appeal from any justice of the peace of any county of this State shall be dismissed on the account of any failure of any such justice to comply with any requirements of any statute now in force relating to appeals from justices of the

Appeals from justices; circuit court may require new appeal bond, when.

—if new bond not given, what judgment entered.

—appeal not to be dismissed, when.

—trial of
such appeals.

peace, provided the appellant or appellants have executed bond when said bond is required and done all necessary on his or their part to perfect such appeal, and in no case shall any appeal from any justice be dismissed when it shall appear to the appellate court that injustice might be done to the appellant or appellants, but in every such case such appeal shall be docketed, heard and disposed of by said appellate court in accordance with the ordinary rules of law governing the trial of such cases, and under such other orders as the court may see fit to impose.

(Senate Bill No. 76.)

CHAPTER 80.

AN ACT to amend and re-enact section three of chapter six of the code of West Virginia of one thousand eight hundred and ninety-nine, in respect to an appeal to the Circuit Court from the County Court in a contest proceeding for county and district officers.

[Passed February 22, 1901. In effect 90 days from passage. Approved February 23, 1901.]

Be it enacted by the Legislature of West Virginia:

Code
amended.

Contest pro-
ceedings for
county, etc.,
officers.

—witnesses.

—notice of
contest.

—docketing
notice.

—proceedings
at trial.

1. That section three of chapter six of the code of West Virginia of eighteen hundred and ninety-nine, be amended and re-enacted so as to read as follows:

3. Subpoenas for witnesses for either party shall be issued by the clerk of the county court, and served as in other cases and the witnesses shall be entitled to the same allowances and privileges, and be subject to the same penalties, as witnesses attending a circuit court in a civil suit. The notice of contest shall be presented to the county court at its first term after the same is delivered to the person whose election is contested, and the same shall be docketed for trial in such court. At the trial of said contest, the said court shall hear all such legal and proper evidence as may be brought before it by either party, and may, if deemed necessary, require the production of the poll books, certificates and ballots deposited with its clerk, and examine the same. The hearing may be continued by the court from time to time, if it be shown that

justice and right require it, but not beyond three months from the day of election. At the final trial of said contest the said court shall declare the true result of said election, and cause the same to be entered on the records of said court. The costs in such case, if the contestant failed to set aside the election, shall be awarded against the contestant, otherwise, each party shall pay his own costs, unless it appears to the court that the person returned elected by the commissioners was guilty of fraud or misconduct in the election, or in procuring such return to be made, in which case costs shall be awarded against him in favor of the contestant. The amount of costs to which either party is entitled against the other shall be ascertained by the said court, and entered of record therein, which entry shall have the force of a judgment and execution, and, if said costs are not paid within ten days thereafter, the clerk of said court may make out and deliver to the sheriff, or one of his deputies, a certified copy of such entries, and said sheriff or deputy shall proceed to collect the same, therein specified, in the same manner as if said copy were a writ of *fieri facias* against the goods and chattels of the person against whom said costs were awarded. When the result of said election is declared, as aforesaid, a certified copy of the order declaring said result shall, if required, be delivered by the clerk of said court to the person declared elected, if such be the result of the trial, and such copy shall be received in all courts and places as legal evidence of the result of the election therein declared. Either the contestant or contestee, in such proceeding, shall have the right of appeal to the circuit court of the county from the final order or decision of the county court, in said proceeding, upon the filing of a bond with good personal security, by the party desiring the appeal, to be approved by said county court, in a sum deemed sufficient by such court, with condition, to the effect, that the person proposing to appeal will perform and satisfy any judgment which may be rendered against him by the circuit court on such appeal. But such appeal shall not be granted unless the party desiring the appeal shall make application for such appeal, and file such bond, within thirty days from the entering of the final order in said proceeding; and the circuit court may at any time require a new bond or increase the penalty thereof when the court deems it necessary. When such appeal is taken to the circuit court, as

—costs;
against
whom
awarded.

—costs;
ascertain-
ment of; en-
try of, and
enforcement
of payment.

—result and
certification
of, when.

—legal effect
of certified
copy.

—right of
appeal to
circuit court.

—bond and
conditions.

—within
what time
appeal al-
lowed.

—new bond.

—case tried
de novo on
appeal. hereinbefore provided, the judgment and decision of
the county court shall be vacated and annulled and
the circuit court shall try the case *de novo*.

Acts repealed. 2. All acts and parts of acts coming within the pur-
view of this act, or inconsistent herewith, are re-
pealed.

(Senate Bill No. 58.)

CHAPTER 81.

AN ACT to amend and re-enact section fourteen of
chapter forty-two of the Code of West Virginia, re-
lating to taking land without the owner's consent
for purposes of public utility.

[Passed February 21, 1901. In effect 90 days from passage. Approved
February 26, 1901.]

Be it enacted by the Legislature of West Virginia:

Code
amended.

That section fourteen of chapter forty-two of the
code of West Virginia be and the same is hereby
amended and re-enacted, so as to read as follows:

Land taken
for public
utility; what
commission-
ers to ascer-
tain and how.

14. As to each tract, the commissioners, after
viewing the same, and hearing any proper evidence
which is offered, shall ascertain what will be a just
compensation to the person entitled thereto for so
much thereof as is proposed to be taken, and for dam-
age to the residue of the tract, beyond the peculiar
benefits to be derived, in respect to such residue, from
the work to be constructed, or the purpose to which
the land to be taken is to be appropriated, and make
report to the following effect:

—form of
report.

“We, the commissioners, appointed by the circuit
court of _____ county, by an order made on the
_____ day of _____, on the application of _____,
respectfully report, that having been first duly sworn,
we have viewed the real estate owned by _____,
mentioned in the said application, and are of opinion
that _____ will be a just compensation for so
much of the said real estate as is proposed to be
taken by the said applicant, that is to say; (here de-
scribe the part to be taken, so as to identify the same
with reasonable certainty, which description may be

by reference to a plat annexed to the report, or in any manner that would be sufficient in a conveyance) as well as for damages to the residue of the said real estate beyond the peculiar benefits which will be derived in respect to such residue from the work to be constructed (or from the purposes to which the part to be taken by said applicant is to be appropriated.) Given under our hands this _____ day of _____;

Provided, that if the property is proposed to be taken by a company incorporated for the construction of a railroad, no damage shall be ascertained for the construction of any farm crossings, fences or cattle guards, or for keeping the same in repair. And in all cases when the property taken under this chapter is by a railroad company, said railroad company shall permit the owner of the land to construct and maintain suitable crossings thereon; and where such land has been cleared and fenced, said railroad company shall construct and forever maintain suitable farm crossings, cattle guards, and fences on both sides of the land thus taken; and no such railroad shall be used for the transportation of freight and passengers until such crossings, cattle guards and fences are built and constructed.

—proviso as to property taken to construct railroads.

—construction of crossings by owners.

—when railroad company shall construct crossings, fences, etc.

(House Bill No. 313.)

CHAPTER 82.

AN ACT to amend and re-enact section forty-eight of chapter fifty-four of the Code.

[Passed February 19, 1901. In effect 90 days from passage. Approved February 21, 1901.]

Be it enacted by the Legislature of West Virginia:

That section forty-eight of chapter fifty-four of the code be amended and re-enacted so as to read as follows:

Code amended.

48. If any railroad corporation shall be unable to agree with the owner of any real estate for the purchase thereof for its corporate purposes, it may have such real estate condemned for such purposes under the provisions of chapter forty-two of the code; and every such railroad corporation owning a line or

Condemnation of real estate for corporate purposes of railroads.

lines of railroad in this State, shall have the right at any time for the purpose of reducing the grades or curvature, and for the purpose of otherwise improving such line or lines of railroad, to re-locate any part of its line or lines, or build cut-offs in connection therewith, and the provisions of chapter forty-two of the code for acquiring real estate by railroad companies shall apply to such line or lines as re-located, and to such cut-offs; but this provision shall not be construed as giving authority to any such railroad company to abandon the use of such line or lines, as formerly located, where the continued use thereof shall be necessary to serve industries or communities thereon. Any such corporation may take and hold under any grant or ordinance made by a municipal corporation any interest or right such municipal corporation may have in any street, alley or public ground, and may in exchange therefor, in whole or in part, dedicate or otherwise secure to public use, another street, alley or parcel of ground out of real estate owned by such railroad corporation, whether acquired by purchase or condemnation; or under an agreement with such municipal corporation, may condemn land for use as such new street, alley or public ground, in the same manner as it may condemn land for its own use. The county court of any county may authorize any telegraph or telephone company, organized under this chapter, to erect and maintain telegraph or telephone poles on any land condemned or used as a public road, but not in such way as to obstruct any such road. But this section shall not apply to the National or Cumberland road.

use of former located lines not to be abandoned, when.

—may take and hold from municipalities, what and how.

—may condemn land for new street, etc., when.

—telegraph and telephone poles along public roads.

—what road excepted.

(Senate Bill No. 66.)

CHAPTER 83.

AN ACT to amend and re-enact sections seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty and eighty-one of chapter fifty-four, Code of West Virginia, and to repeal all of section eighty-oneb.

[Passed February 13, 1901. In effect 90 days from passage. Approved February 21, 1901.]

Be it enacted by the Legislature of West Virginia:

Code amended.

That sections seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty and eighty-one of the code

be amended so that the said sections shall read as follows:

Banks.

76. Banks of issue or of discount and deposit, whether heretofore formed under the laws in force at the time of their formation, or hereafter formed under the provisions of this chapter, shall be subject to the provisions of this chapter, and of chapters fifty-two and fifty-three of the code, so far as the same are applicable and not inconsistent with the following sections of this chapter.

Banks; subject to what provisions of law.

Capital Stock.

77. The capital stock of every banking company, formed under the provisions of this chapter, shall not be less than twenty-five thousand dollars (\$25,000), nor more than five hundred thousand dollars (\$500,000). Said stock shall be divided in shares of the par value of one hundred dollars (\$100.00) each; such shares shall be deemed personal property and transferable on the books of the association in such manner as may be prescribed in the by-laws of the association, and every person becoming a shareholder, by such transfer, shall, in proportion to his shares, succeed to all the rights and liabilities of the prior holder of such shares.

Capital stock: minimum and maximum amounts: share value; the character; and the transfer thereof.

Powers.

78. Every such bank may exercise, under the laws of this State, all such incidental powers as may be necessary to carry on the business of banking by discounting promissory notes, negotiating drafts, bills of exchange, and other evidences of indebtedness, receiving deposits, buying and selling exchange, bank notes, bullion or coin, and by loaning money on personal or other security.

What powers banks may exercise.

Increase or Reduction of Stock.

I. Any banking company heretofore formed or which may hereafter be formed under the provisions of this chapter, at any general, adjourned or special meeting of the stock-holders thereof, may by resolution make such increase or reduction of the capital

—may change the amount of capital stock, when and how.

stock thereof as may be decided upon by said stockholders, a majority of the stock of such company being represented by the holders thereof, and such holders being present in person or by proxy and voting for such increase or reduction: *provided*, that no increase or reduction shall conflict with the limitations prescribed in section seventy-seven of this chapter, and that a notice under the signature of the president of said bank, of the intention to offer such resolution, shall be sent through the United States mail to each stockholder ten days previous to such meeting; or that notice of such intention be given by advertisement published once a week for two successive weeks, in some weekly newspaper of general circulation in this State, or for ten days in some daily paper of like circulation printed in this State. When such increase or reduction shall have been made, by any such bank, the president thereof shall, under his signature and seal of the bank, certify the resolution to the secretary of state, and the secretary of state, under his hand and great seal of State, shall issue to such bank a certificate reciting such resolution and declaring such increase or reduction to be authorized by law; and such certificate shall be prima facie evidence of such increase or reduction, and of the authority to make the same in all courts of law.

—proviso as to the limitations prescribed, and the notice to be given.

—president of bank to certify to secretary of state, what.

—duty of such secretary.

—effect of secretary's certificate.

Payment of Capital Stock.

II. At least forty per centum of the capital stock of every banking company, organized under the provisions of this chapter, shall be paid in before it shall be authorized to transact any business, except that which is incidental and necessarily preliminary to its organization. And in no case shall a bank commence public business until it shall have received the certificate of authority from the commissioner of banking, as provided in sub-section nine, section eighty-one of this chapter. All banks organized under former laws, and now doing business in this State, having a subscribed capital of fifty thousand dollars or less, shall be required to pay only forty per cent. of their subscribed capital, and such banks shall be given one year from the date this act takes effect to pay up forty per cent. of their capital.

—Payment of capital stock, what per cent required, except, etc.

—certificate to do business.

—banks organized under former laws, what required.

III. The stockholders of every bank heretofore organized or that may hereafter be organized, under the provisions of this chapter, shall be personally liable to the creditors thereof over and above the amount of stock held by them respectively to an amount equal to their respective shares so held for all liabilities accruing while they are such stockholders.

—stockholders personally liable.

IV. For every bank subject to the provisions of this chapter, there shall be a board of directors who shall have power to do, or cause to be done, all things that are proper to be done by the bank. Every director must own in his own right at least five shares of the capital stock of the bank of which he is the director, and before entering on his duties as such director he shall take an oath that he will so far as the duty devolves upon him diligently and honestly administer the affairs of the bank, and that he will not knowingly and willingly permit to be violated any of the provisions of the laws of this State relative to banking, and that the stock standing in his name upon the books of the bank is not hypothecated in any way or pledged as security for loans obtained or debts owing; which oath, subscribed by himself and certified by the officer before whom it was taken, shall be filed and carefully preserved in the office of the commissioner of banking.

—board of directors; their powers.

—requisite.

—oath required.

—certification and filing of such oath.

Stocks Not to Be Used as Security for Loans.

79. No bank shall make any loan or discount on the security of the shares of its own capital stock, to an amount in excess of fifty per cent. of such capital stock, nor be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; and all stock purchased or acquired in such manner shall, within six months from the time of purchase, be sold or disposed of at public or private sale.

Stock not to be used as security for loan, above what amount, nor purchased, unless, etc.

—stock so acquired, when and how sold.

Limit on Loans.

I. The total liabilities to any bank of any person, or of any company, corporation or firm, for money borrowed, including in the liabilities of the company or firm the liabilities of the several members thereof,

—limit on loans of banks; what per cent.

shall at no time exceed fifty per centum of the capital stock, plus the surplus fund and undivided profits. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same, shall not be considered as money borrowed. The corporations mentioned in this section shall not be construed to mean municipal corporations, districts or counties.

—what not to be considered as money borrowed.

—limitation of meaning of word "corporations."

—dividends, when and how declared; requirements before such declaration.

II. The directors of any bank may semi-annually declare a dividend of so much of the net profits of the bank as they shall judge expedient; but each bank shall, before the declaration of any dividend, carry one-tenth part of the net profits accrued to its surplus fund, until the same shall amount to twenty per centum of its capital stock.

Capital Not to Be Impaired.

III. No bank, or any of the officers or directors thereof, shall, during the time it shall continue its banking operations, withdraw, or permit to be withdrawn, either in the form of dividends or otherwise, any portion of its capital stock. If losses have at any time been sustained by any such bank, equal to or exceeding its undivided profits then on hand, no dividend shall be made; and no dividend shall ever be made by any bank while it continues its banking operations to an amount greater than its net profits then on hand, deducting therefrom its losses and bad debts. But nothing in this section shall prevent the reduction of the capital stock of the bank, as provided in section seventy-eight I. of this chapter.

—capital not to be impaired.

—what to be done in case of losses.

—reduction of capital stock not affected.

Restoration of Capital.

IV. Whenever the capital stock of a bank has become impaired, by losses or otherwise, it shall be the duty of the board of directors to restore the same within three months by an assessment pro rata on the stockholders, or the amount of capital stock held by each.

Restoration of capital when impaired, how and when.

Enforcement of Assessment.

V. If any stockholder or stockholders of a bank shall neglect or refuse, after three months notice, to

Sale of stock of delinquent stockholders.

pay the assessment as provided in the next preceding sub-section, or in section seventy-eight II of this chapter, it shall be the duty of the board of directors to cause a sufficient amount of the capital stock of such shareholder or shareholders to be sold at public auction, after thirty days notice shall have been given by posting such notice of sale in the office of the bank, and by publishing such notice in a newspaper of the city or town in which the bank is located, or in a newspaper published nearest thereto, to make good the deficiency; and the balance if any shall be returned to the delinquent stockholder or stockholders.

to pay assessment, when and how.

—notice of such sale.

—any balance, to whom returned.

List of Stockholders to Be Exhibited.

VI. The president and the cashier of every bank association shall cause to be kept at all times a full and correct list of the names and residences of all the stockholders in the association, and the number of shares held by each, in the office where its business is transacted. Such list shall be subject to the inspection of all the stockholders and creditors of the association, and the officers authorized to assess taxes under state authority during business hours of each day in which business may be legally transacted. A copy of such list on the first Monday of July of each year, verified by the oath of such president and cashier, shall be transmitted to the commissioner of banking.

List of stockholders and shares owned to be kept, where.

—such list subject to inspection, by whom and when.

—verified copy of such list sent to bank commissioner, when.

Reserve.

80. All banks operating under the provisions of this chapter shall at all times have on hands as a reserve, in lawful money of the United States, an amount equal to at least fifteen per centum of the aggregate of all its deposits, which are subject to withdrawal on demand; and whenever said reserve of such bank shall fall below said per centum of such deposits, it shall not increase its liabilities by making any new loans until the required proportion between the aggregate amount of such deposits and its reserve fund shall be restored: *provided*, that in lieu of lawful money on hand three-fourths of said fifteen per centum may consist of balances, payable on demand, due from any national or state bank doing

Reserve must equal in amount, to what per centum.

—when liabilities not to be increased.

—proviso as to what may constitute the required reserve.

business in this State, or any solvent banking institutions outside of this State, that may be approved by the supervisor of banks in such state.

Overdrafts.

Overdrafts,
limit to.

80a. The total amount of overdrafts in any banking institution shall at no time exceed five per centum of the total amount of the deposits.

Bonds of Officers.

Bonds and
oath of
officers.

80b. The board of directors shall require the cashier, and other accounting officers of the bank, to take an oath and execute bonds for the faithful discharge of their duties, the penalty of such bonds to be commensurate with the responsibility attached to the position.

Bank Supervision.

Supervision
over banks,
who to
exercise.

81. The commissioner of banking, the governor and the attorney general, jointly, shall have jurisdiction and control, as hereinafter provided, over all banks chartered by and operating in this State, and all other institutions enumerated in sub-division fifteen of this section.

Appointment of Commissioner.

Commissioner
to examine
banks; when
and how
appointed;
his qualifi-
cations.

—what to
examine and
report upon.

—exception.

I. On or before the first day of April nineteen hundred and one, or as soon thereafter as possible, and every four years thereafter, the governor of this State shall designate and appoint some competent person who is a citizen of this State, and who is experienced and skilled in the science of book-keeping and banking, and shall have had at least two years experience as cashier of a bank, or who shall have served a term as an accounting officer of the State, and who is neither directly nor indirectly interested in any bank or corporation subject to his supervision, to examine into and report, as hereinafter provided, upon the affairs of all the banks and other institutions specified in sub-division fifteen of this section, doing business in this State, except those that are organized under the banking acts of the national government.

Duties of Commissioner.

II. Said person so designed and appointed shall be known as "commissioner of banking." He shall hold this office for a term of four years unless sooner removed by the governor, or until his successor is appointed and qualified, and before entering upon the discharge of his duties shall take and subscribe to, before some person competent to administer the same, an oath to support the constitution of the United States and the State of West Virginia, and to faithfully and honestly examine into the affairs of all the banks and other institutions subject to his supervision, incorporated and doing business in this State, other than national banks, and to perform all the other duties prescribed for him to do in this act; and said oath shall be filed and preserved in the office of the secretary of state.

Such commis-
sioner. How
known; term
of.

—oath and
where filed.

Office and Records of Commissioner.

III. Said commissioner of banking shall maintain an office in the State capital. In such office he shall prepare and keep a complete record of the financial condition of all the banks subject to his supervision, as may appear in his reports.

Office, where
to be; what
to prepare
and keep
therein.

Examinations.

IV. At least once in each twelve months the said commissioner shall personally make a thorough and complete examination of the condition and affairs of each of said banks and other institutions subject to his supervision. He shall ascertain whether the officers and directors thereof have properly taken the oath prescribed by law as such, and whether or not the said officers have executed proper and legal bonds in sufficient amounts and with ample security. He shall examine and ascertain whether the books of said bank are properly kept, and he shall ascertain carefully and fully the assets and liabilities of each and all of said banks and other institutions, and whether such assets are solvent and good or otherwise, and whether all the laws of this State pertaining to banks and banking are being carefully observed.

Examination
by commis-
sioner of.
what and
when.

—what to
ascertain.

—what to ex-
amine and
further ascer-
tain.

Duty of Bank Officials:

Duties required of bank officials, in aid of examinations.

—right of commissioner to examine under oath.

—penalty on bank officials for refusal to comply with the requirements imposed.

—duty of commissioner to report violations, to whom.

V. For the purpose of making said examinations as above required, the officers of said banks, and other institutions, shall, upon his demand, furnish and give full access to said commissioner, for such examination, all the books, papers, notes, bills and other evidences of debt due said bank, and shall also disclose fully and truly all the bank's indebtedness and liability, and shall furnish him with all necessary clerical aid and assistance. And said commissioner shall have a right to administer to and examine under oath any and all of said bank officers touching any matter or thing pertaining to said examination, and the affairs and conditions of said bank. Any officer failing or refusing to furnish said commissioner with any such papers of information, or who shall fail to do or perform any of the other duties or requirements of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, and may at the discretion of the court, be imprisoned in the county jail not less than three months nor more than one year. And it shall be the duty of the said commissioner to report at once to the prosecuting attorney, of the county in which the bank is situated, any such violation on the part of any such bank officer.

Banks and Institutions Improperly Conducted.

Duty of the commissioner when the banking laws are not observed or any irregularities practiced.

—such examinations, how paid for.

VI. If upon making his examination of any bank, or other institution, the commissioner should discover that the banking laws of the State are not being fully observed, or that any irregularities are being practiced, he shall at once call the attention of the officers and directors of the bank or other institution to the fact, and demand that the same be promptly corrected; it shall also be his duty to demand a sworn statement from the officers of said bank, or other institution, covering all the points of controversy, to be mailed to him at his office once every thirty days (not for publication but for his own information and guidance), until he is satisfied that the irregularities have been corrected. Said examination to be paid for by the bank or other institution the same as regular examinations. The said commis-

sioner shall also have authority to call for special reports and make special examinations of any bank or other institution which he may have good reason for believing is not properly conducted.

—special examinations, etc., when.

Insolvent Banks or Other Institutions.

VII. If at any time the commissioner shall find a bank or other institution, subject to his supervision, in an insolvent condition, or if any such institution shall neglect or refuse for the period of ninety days to make such special reports as he may demand, or to correct the irregularities to which he has called attention, he shall at once lay the matter before the governor and attorney general of the State of West Virginia, and by and with their consent may petition a court of competent jurisdiction to appoint a receiver who shall take charge of and wind up the affairs of said institution, or conduct the same to the best interests of the creditors and stockholders.

The commissioner may appoint a receiver, when, how and for what.

Call Statements.

VIII. Every bank operating under the provisions of this chapter shall make to the commissioner of banking not less than four reports each year, corresponding as to time as nearly as possible to the calls made by the comptroller of the currency on the national banks, according to the form that may be prescribed by him, verified by the oath or affirmation of the president or cashier of said bank, and attested by the signatures of at least three of the directors. Each report shall exhibit in detail, and under appropriate heads, the resources and liabilities of the bank at the close of business on any past day by him specified, and shall be transmitted to the aforesaid commissioner within five days after the receipt of a request or requisition therefor from him; and in the same form in which it is made to the commissioner shall be published in a newspaper published in the place where the bank is situated, or if there is no newspaper in the place, then in one published nearest thereto in the same county, at the expense of the bank. And such proof of publication shall be furnished as may be required by said commissioner.

Reports to be made each year to bank commissioner: how many; when; form of; how verified and attested.

—what each report to exhibit.

—when transmitted.

—publication and cost of.

—proof of such publication.

Certificate of Authority.

Banks desiring to begin business must notify commissioner; his duties after such notice.

—certificate of authority when to issue and what recite.

—where to be displayed.

—commissioner may withhold such certificate for what.

—penalty for doing business before certificate of authority is issued.

IX. When any bank authorized by this chapter desires to begin business, it must notify the commissioner of banking, who shall at his earliest convenience make a personal examination of its affairs, and shall ascertain whether forty per centum of its capital stock has, in good faith, been actually paid in, and whether all the other provisions required to be complied with, before commencing the business of banking, have been carefully observed. Having satisfied himself that all the conditions precedent have in good faith been complied with, the said commissioner shall then issue to such bank, under his hand and official seal, a certificate of authority reciting that such examination has been made and that the bank is authorized to commence business; which certificate shall be conspicuously displayed in the principal business room of the bank. But the commissioner may withhold from an association his certificate authorizing the commencement of business whenever he has reason to suppose that the stockholders have formed the same for any other than the legitimate objects contemplated in this act. The president, cashier and directors, of any bank that shall receive deposits before the certificate of authority contemplated in this section has been issued, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than five hundred dollars and, at the discretion of the court, imprisoned in the county jail not less than three nor more than six months.

Collection of Capital Stock.

Unpaid capital stock, how collected.

—what statement to be sent commissioner and when.

X. All banks which have not collected the full amount of their capital stock shall collect the same as provided in section seventy-eight of this chapter; and on receipt of each installment the president or cashier of such bank shall transmit to the commissioner of banking a statement of the fact, verified by his oath and attested by the signatures of at least three of the directors.

Compensation of Commissioner.

—salary of commissioner

XI. For making such examination and for preparing and preserving all records and reports con-

templated in this act, the said commissioner shall be paid the sum of fifteen hundred dollars per annum salary, and six hundred dollars per annum traveling expenses out of the State treasury, by proper warrant drawn by the auditor upon the treasurer. There shall be paid, by each of said banks or other institutions examined, to the State, as follows: If the total assets are less than two hundred thousand dollars, fifteen dollars; if two hundred thousand dollars and less than four hundred thousand dollars, twenty dollars; if four hundred thousand dollars or over, twenty-five dollars; and said commissioner of banking shall collect all such fees and cover the same into the State treasury.

—traveling expenses.

—fees for examination; who to collect and pay same into state treasury.

Special Provisions.

XII. If by reason of sickness or other inability the said commissioner is not able to make the examination, and prepare the reports required by this act, the governor shall appoint another commissioner pro tem who shall qualify as herein required, and proceed to perform said duties under the direction of the governor and board of public works.

Commissioner pro tem; governor may appoint, when.

Commissioner's Report.

XIII. On or before the first day of December, the said commissioner shall make out, and submit to the governor, a careful and complete report, of all the work done by his department, showing the total resources and liabilities of all the banks, subject to his supervision, the increase or decrease for the year in such resources and liabilities, carefully noting any failures that may have occurred, stating the causes thereof, and making such remarks, suggestions and recommendations as he may deem pertinent; which report the governor shall bind with his messages and documents and lay before the legislature.

Annual report of commissioner, when; to whom, and what to show; how disposed of.

Verification of Report.

XIV. The report provided for in the preceding sub-section, of this chapter, shall be verified by the affidavit of said commissioner, who shall swear that in making the examination and inspection of each of the banks and other institutions provided for

What verification the commissioner must make to his annual report.

in this act, he has personally and carefully inspected the books, papers and affairs of said banks, and other institutions, and that in no case has he received or agreed to receive directly or indirectly any reward, gift, or promise thereof, from any bank officer or individual other than that specified in this act.

Other Institutions Subject to This Provision.

What other institution subject to provisions of this act, as far as applicable. XV. It is further expressly provided that all savings banks, co-operative banking associations, trust, title, insurance, guaranty, surety and indemnity companies, and all other companies of similar character, whether heretofore or hereafter organized under the laws of this State, shall be subject to the provisions of this law, so far as it is applicable to them, and to the extent that the said commissioner, annually, or oftener if necessary, make a thorough examination of their books, papers, and affairs, and see that the laws under which they are operating are being carefully observed. And in case he finds that such institutions are being improperly conducted he shall proceed against them after the manner specified in sub-division seven of section eighty-one of this chapter.

—for what commissioner may proceed against them.

Act Repealed.

Act repealed. Section 81b, including all its sub-divisions, is hereby repealed.

(Senate Bill No. 48.)

CHAPTER 84.

AN ACT to amend and re-enact section seven of an act of the Legislature of West Virginia, entitled "An Act for the incorporation of savings banks," passed February twenty-first, one thousand eight hundred and eighty-seven, as amended by chapter forty-five of the acts of said Legislature, of the year one thousand eight hundred and ninety-nine.

[Passed February 14, 1901. In effect 90 days from passage. Approved February 21, 1901.]

Be it enacted by the Legislature of West Virginia:

Acts amended That section seven of an act of said legislature, entitled "An act for the incorporation of savings

banks," passed February twenty-first, one thousand eight hundred and eighty-seven, as amended by chapter forty-five of the acts of said legislature of the year one thousand eight hundred and ninety-nine, be amended and re-enacted so as to read as follows:

7. All vacancies in the board of trustees shall be filled by ballot of the board, at a regular meeting, and soon as practicable after such vacancy shall occur, and the affirmative votes of a majority of the whole number of trustees shall be necessary for the election of any trustee, and the election of a trustee shall be subject to the approval of the judge or judges of the circuit court of the county in which such savings bank is located. A majority of the board of trustees shall constitute a quorum for the transaction of business, and may transact any business and exercise all rights and powers which such board can lawfully transact or exercise. Any act heretofore done by or under authority of a majority of the board of trustees of any bank incorporated under said act, entitled "An act for the incorporation of savings banks," which would be valid if done by or under the authority of the whole board, shall be valid and binding.

Board of trustees; vacancies; how filled.

—subject to what approval.

—quorum of board.

—what former acts made valid.

(Senate Bill No. 79.)

CHAPTER 85.

AN ACT amending and re-enacting chapter twenty-eight of the Acts of eighteen hundred and ninety-one, relating to the incorporation and regulation of title and trust companies.

[Passed February 4, 1901. In effect 90 days from passage. Approved February 7, 1901.]

Be it enacted by the Legislature of West Virginia:

That chapter twenty-eight of the acts of eighteen hundred and ninety-one be amended and re-enacted so as to read as follows:

Acts amended.

1. Every company which may have been heretofore, or which may hereafter be, incorporated under the laws of this State, for the purpose of insuring owners of, and other persons interested in, real estate, against loss by reason of defective titles, liens and in-

Insurance companies for certain purposes; powers of, increased.

cumbrances, or as a trust company, shall have the power and right:

—may deal
in stocks,
bonds, etc.

First. To make insurance of every kind pertaining to, or connected with, titles to real estate, and notwithstanding the provisions of section three of chapter fifty-two of the code of this State or any other provisions of such code, to buy, hold, sell and guarantee bonds, stocks, loans and evidences of indebtedness, whether of persons or corporations, and make, execute and perfect such and so many contracts, agreements, policies and other instruments as may be required therefor.

—banking
powers con-
ferred.

Second. To engage in a general banking business, and exercise, under the laws of this State, all such incidental powers as shall be necessary to carry on the business of banking, by discounting promissory notes, negotiating drafts, bills of exchange and other evidences of indebtedness, receiving deposits and allowing interest on same under such regulations as may be prescribed by the board of directors and not inconsistent with the provisions of this act, buying and selling exchange, bank notes, bullion or coin, and by loaning money on personal or other security. But the powers conferred by this clause, unless the same be conferred by the certificate of incorporation, shall only be exercised as follows: Any such corporation may engage in business as a banking institution upon adopting a resolution to that effect, adopted by a vote of the holders of two-thirds of the capital stock, at a general meeting called in the manner prescribed in section forty-one of chapter fifty-three of the code. A copy of such resolution certified to be such by the president of the corporation under its corporate seal, shall be filed with the secretary of state, who shall under his hand, and the great seal of the State issue to such corporation a certificate reciting the resolution and declaring such company to be a banking institution; which certificate shall be received in all courts and places as evidence of the authority of such corporation to conduct a banking business as hereinbefore provided. The provisions of sections seventeen, eighteen, nineteen and twenty of chapter fifty-four of the code, shall apply to such certificate. When such certificate shall be issued, such corporation and its stockholders shall be subject to all the provisions of chapter fifty-four of the code and all laws which may have heretofore been and which may hereafter be enacted relating to banks of issue and circulation and

—such bank-
ing powers,
only to be
exercised,
when.

—provisions
of law to
govern.

of discount and deposit, so far as the same are applicable, and not inconsistent with the powers hereby granted to said companies.

Third. To make insurance for the fidelity of persons holding positions of responsibility and trust, and to receive upon deposit for safe keeping, jewelry, plate, stocks, bonds, and valuable property of every description, upon terms as may be agreed upon.

—to insure fidelity of employees; to receive on deposit certain property.

Fourth. To act as trustee, assignee, receiver, (general or special), guardian, executor, administrator, committee or curator, and to take, accept and execute trusts of every description not inconsistent with the constitution of this State or of the United States, and to receive deposits of moneys and other personal property, and issue its obligations therefor, to invest its funds in and to purchase real and personal securities and to loan money on real and personal securities.

—to act as trustee, etc., and execute trusts, etc.

—to receive deposits, etc., and invest or loan its funds.

Fifth. To act as agent for the purpose of issuing, registering or countersigning, purchasing or selling the certificates of stock, bonds or other obligations of any corporation, association, county, school district, magisterial district or municipality, state or public authority, and to receive or manage any sinking fund thereof, on such terms as may be agreed upon.

—to act as agent, for what.

Sixth. To become sole surety in any case where by law one or more sureties may be required for the faithful performance of any trust, office, duty, action or engagement.

—to become sole surety.

Seventh. To take by purchase or otherwise, and receive and hold any and all such pieces of real property as may have been, or may hereafter be, the subject of any insurance made by such company under the powers conferred by its certificate of incorporation, and the same to grant, bargain, sell and convey and dispose of in any such manner as it may seem proper.

—to purchase, hold and dispose of certain real estate.

Eighth. To purchase and sell or take charge of, and receive the rents, issues and profits of, any real estate for other persons, firms or corporations.

—to handle real estate for others.

Ninth. To act as surety for the faithful performance of any contract entered into with any person, firm or municipality, or other corporation, or with any state or government or public authority, by any person or persons, corporation or corporations.

—to act as security for contracts.

Tenth. To become sole surety for the faithful performance of the duties of any national, state, county or municipal officer or employe, and to execute such

—to become sole surety for officers, etc.

bonds or recognizances as may be required by law in such cases.

—to become surety in legal proceedings.

Elevanth. To become surety upon any writ of error, supersedeas or appeal, or in any proceedings instituted in any court of this State or of the United States held within this State, in which security may be required.

—to become surety for officers, etc., of firms, etc.

Twelfth. To become surety for the faithful performance of the duties of any clerk, officer or employe of any corporation, firm or individual.

—for purpose of indemnifying, where parties default without legal proceedings therefor.

Thirteenth. For the purpose of indemnifying and saving harmless any company executing any bond under the provisions of this act, or for making any loans or accommodations, to receive and hold on deposit and in trust as security, estates, real and personal, including the notes, bonds and obligations of States, counties or municipal corporations, individuals, firms, or corporations, and the same to purchase, collect and adjust, settle and dispose of, in case of default upon such bond or any note or obligation for which such property has been received as indemnity, or as collateral security, without proceedings at law or in equity, and for such price and upon such terms as may be obtained, or as may be agreed upon between such company and those persons making such deposit or creating such trust.

To become surety for damages, for land taken for public use.

Fourteenth. To become surety for the payment of all damages that may be assessed and directed to be paid for lands taken in the building of any railway, or for the purposes of any railway, or for the opening of streets or roads, or for any purpose whatever where land or other property is authorized by law to be taken.

—may take, etc., indemnity, enforce bond, etc.

Fifteenth. To stipulate, provide for and take, indemnity from persons, firms or corporations for whom such company shall so become surety, and enforce any bond, contract, agreement, pledge, or other security, made or given for that purpose.

Court may order investigation of company's affairs, when and how.

2. That, whenever any court shall appoint any such company, trustee, receiver, executor, administrator, guardian, curator or committee, or to execute any trust authorized by this act, or whenever any such company is offered as surety to any court, or the clerk thereof; the said court may, in its discretion, upon the application of any person interested, appoint a suitable person to investigate the affairs and management of the company so appointed or offered, who shall re-

—report.

port to such court the manner in which its investments are made and the security offered to those by or for whom its engagements are held; and the expenses of such investigation shall be defrayed by the applicant, unless the investigation shall show the last quarterly statement of the company, as provided for in section six of this act, to be false and misleading, in which case the expenses of such investigation shall be borne by the company.

—expenses,
who to pay.

3. That whenever any court or clerk thereof shall appoint any such company trustee or receiver, assignee, guardian, executor, administrator, curator or committee, or to execute any trust, or whenever any such company is offered as surety to any court or clerk thereof, the president, vice-president, secretary or treasurer of such company shall, either in person before such court or clerk, or before any officer authorized to administer an oath or affirmation, take the oath or make the affirmation required by law to be made by any such fiduciary or surety.

Officers of
company to
take the oath
of a fiduc-
iary, when.

4. Every such company shall keep all trust funds and investments separate and apart from the assets of the company, and all investments made by the said company as fiduciary shall be so designated that the trust to which such investments shall belong shall be clearly shown.

Trust funds,
etc., must be
kept sepa-
rate.

—Invest-
ments as
fiduciary.

5. That whenever any such company, having complied with the requirements of section six hereof, shall become trustee, assignee, receiver, guardian, executor, administrator, curator or committee, or shall be directed by the order or decree of any court to execute any trust whatever, the capital of such company together with any deposits which may now or hereafter be required to be made with any officer or officers of this State, whether such deposits be a part of said capital or not, shall be taken and considered as the security required by law for the faithful performance of its duties aforesaid, and shall be absolutely liable in case of any default whatever.

What funds
of company
liable when
acting in a
fiduciary
capacity.

6. That before any corporation shall be entitled to the benefit of the provisions of section five, or any other provisions of this act, in relation to its acting as fiduciary, it shall furnish and file with the secretary of state a duly authenticated certificate showing

What certifi-
cates re-
quired to be
filed with sec-
retary of
state before
transacting
business.

a paid up capital of at least one hundred thousand dollars, and before it shall be accepted as surety on any bond or obligation of any kind, outside of the county where its principal office is located, it shall furnish and file with the secretary of state a duly authenticated certificate showing a paid up capital of at least one hundred and fifty thousand dollars, which certificates shall be verified by the oath or affirmation of the president, secretary, or some other officer of such corporation; and such corporation before it shall act in any fiduciary relation, or be accepted as surety, shall also deposit and keep on deposit with the auditor of the state, to secure the faithful performance of its obligations, at least twenty per centum of its paid up capital (but such deposit need not exceed in any case seventy-five thousand dollars) in cash, or bonds of the United States, or bonds of some county, magisterial district, school district, independent school district, or municipal corporation in the State of West Virginia, or of the bonds of some railroad corporation operated in the State of West Virginia, to be approved by the board of public works; the interest accruing on such bonds or securities so deposited to be received by the company making such deposit. The said board of public works shall from time to time, as often as deemed necessary, investigate all such deposits, and if in the opinion of the board any such deposit is not sufficient security for the deposit required by this act, the company making same shall deposit such other or additional security as in the opinion of the board will make the value of the deposit equal to the deposit required, but the face value of the security to be so kept on deposit shall not be less than the deposit required by this act. And before it shall be accepted as surety on any bond or obligation outside of the county where its principal office is, and thereafter within the first ten days of each of the months of January, April, July and October of each year, such corporation having complied with the foregoing requirements of this section, shall file with the clerk of the county court of each county in this State, a statement certified by the secretary, treasurer or other officer of such corporation under oath or affirmation, showing the financial condition of the company on the first day of the month in which such statement is filed, which statement shall show all the resources and liabilities of the company and the nature of its investments, and such statement

—how
verified.

—further re-
quirements
before acting
as fiduciary
or surety.

—interest on
bonds, etc.,
deposited.

—duty of
board of
public works
as to such
deposits.

—additional
security,
when.

—certified
statement
must be filed
with clerks
of county
courts; when
and what to
show.

shall be made a part of the public records of each county, and be recorded in a well bound book to be kept for such purposes and to be called "Trust Company Statements," for which filing and recording the clerk of the county court shall be allowed a fee of fifty cents to be paid by the company making such statement; and before such company shall act in any fiduciary relation it shall file for record a similar statement for each county in the State in which it so acts. Any officer or employe of any such company who shall knowingly make any fraudulent, false or misleading, statement under the provisions of this act, shall be guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine not less than five hundred dollars and not more than twenty-five hundred dollars.

—record of such statement.

—fee of clerk

—similar agreement, when acting as fiduciary, and where.

—penalty for false, etc., statement.

7. All companies incorporated under this act shall be subject to an examination by the commissioner of banking, as provided for by the laws of the State of West Virginia.

Examination of companies, by whom.

8. In any case where the approval of any security by any corporation, court, officer or body, is now required by law, nothing in this act shall be so construed as to dispense with such approval.

What approval this act not to dispense with.

9. All acts or parts of acts inconsistent with this act are hereby repealed.

Acts repealed.

(Senate Bill No. 163.)

CHAPTER 86.

AN ACT to amend and re-enact chapter twenty-seven of the acts of eighteen hundred and ninety-three as amended and re-enacted by chapter thirty-seven of the acts eighteen hundred and ninety-nine.

[Passed February 12, 1901. In effect 90 days from passage. Approved February 14, 1901.]

Be it enacted by the Legislature of West Virginia:

That chapter twenty-seven of the acts of eighteen hundred and ninety-three as amended by chapter thirty-seven of the acts of eighteen hundred and nine-

Acts amended.

ty-nine, be amended and re-enacted so as to read as follows:

Foreign surety, fidelity, etc., companies.

—powers, etc., of such companies.

—proviso as to the examination of such companies.

1. That any fidelity, guaranty, surety or other company duly incorporated under the laws of any other state or territory, of the United States or District of Columbia, having under its charter the power to become surety be, and the same is hereby, authorized and empowered, upon complying fully with all the laws of West Virginia made in relation to domestic corporations incorporated for the same purpose, to exercise all the rights, powers and privileges that are conferred by law upon corporations duly incorporated under the laws of this State, and not otherwise: *provided, however,* that in lieu of the examination by the commissioner of banking required of companies incorporated under the laws of this State, such companies incorporated under the laws of any other state, or of the United States, shall be subject to examination, supervision and regulation, by the auditor of the state under all the provisions of law applicable to fire insurance companies of other states doing business in this State.

What contracts and agreements are void.

2. All contracts and agreements made by any foreign corporation in this State, before such corporation shall have fully complied with the requirements of this act, and all acts made in relation to such corporations, shall be absolutely void and incapable of being enforced by either party.

Service of process, appointment and how, or person to accept.

Instrument appointing, what to declare.

—effect of service on, or acceptance by such attorney.

3. Said company shall, by power of attorney duly acknowledged and authenticated, and filed by it in the office of the auditor, appoint some person residing in the State to accept service of process and notice, in this State, for the said company; and by the same instrument shall declare its consent that service of any process or notice in this State on said attorney, or his acceptance of service endorsed thereon, shall have the same effect as if served on him in the county where the surety is given or where the suit is instituted, and shall, in all respects, have the same effect as service thereof upon the company. And thereafter such acceptance by the said attorney, or service upon him, anywhere in the State, shall be equivalent to service in the county where the suit was brought, and for all purposes, to service upon its principal.

(House Bill No. 264.)

CHAPTER 87.

AN ACT to amend and re-enact chapter fifty-eight of the Acts of one thousand eight hundred and ninety-nine, entitled "An Act to create an Advisory Board to investigate applications for pardons," approved February 25, 1899.

[Passed February 13, 1901. In effect 90 days from passage. Approved February 15, 1901.]

Be it enacted by the Legislature of West Virginia:

That chapter fifty-eight of the acts of one thousand eight hundred and ninety-nine, entitled "An act to create an Advisory Board to investigate applications for pardons," be amended and re-enacted so as to read as follows: Acts amended.

1. The governor of the State shall on the first Monday of April, in the year one thousand nine hundred and three, or as soon thereafter as convenient, appoint two competent persons having the qualification of voters, not more than one of whom shall be from the same political party, and who shall be appointed from the two political parties receiving the highest number of votes at the last preceding election, to investigate all applications for pardon, commutation of sentence, reprieve and remission of fines, and to make recommendations to the governor thereon. Board of pardons: members of, how and when appointed.
—who to be.
—duties of.

2. The term of office of one of the persons so appointed shall begin on the first day of June next after his appointment and continue two years, and until his successor is appointed and qualified. and the term of office of the other person so appointed shall begin on the first day of June next after his appointment and shall continue four years, and until his successor is appointed and qualified. Every two years after the first appointment the governor shall, in like manner, appoint a person of like qualifications, and from the same political party as the member whom he succeeds, who shall serve for four years and until his successor shall be appointed and qualified. When the first appointment is made hereunder, the governor shall designate which of the persons so appointed shall continue in office for two years, and which of the persons so appointed shall continue in office Term of office
—regular appointment; term.
—governor to designate terms, when.

- vacancy. for four years. In case of vacancy by death, resignation or otherwise, the governor shall appoint a successor to fill such vacancy for the unexpired term.
3. The present advisory board existing under said chapter fifty-eight of the Acts of one thousand eight hundred and ninety-nine, and persons appointed under provisions of this act when organized, shall be known as the "West Virginia Pardon Board."
4. The board shall meet on the first Tuesday in April, July and October, one thousand nine hundred and one, and on the first Tuesday in January, April, July and October thereafter, at Moundsville, for the purpose of transacting such business as may come before it; and the warden of the penitentiary shall furnish said board a suitable room properly provided with everything necessary to enable it to transact the business that may come before it.
5. At the meeting of the board to be held in July one thousand nine hundred and one the board shall elect one of its members president, whose term of office shall be two years, and until his successor shall be appointed. It shall be the duty of the president of said board to preside over its meetings, preserve order, and call special meetings of the board whenever in his judgment, the public interest requires it.
6. Every application for pardon, reprieve, commutation of sentence or remission of fines shall be made directly to the said board, after ten days' notice in writing, that said application will be made, has been given to the prosecuting attorney of the county in which said person was indicted; and said board shall, as soon as may be, and after hearing all testimony and argument that may be offered for or against said pardon, reprieve, commutation of sentence or remission of fine, carefully consider the same, and shall with closed doors pass upon the same, and shall in writing recommend to the governor the advisability of granting or refusing the pardon, reprieve, commutation or remission of fine. They shall also transmit to the governor a full and concise statement of the facts in each case, together with all papers and documents pertaining thereto. But no application for pardon shall be considered when the applicant has pending in the supreme court of appeals of this State, an application for writ of error, or a writ of supersedeas.
- Official name.
- Meeting of board, when.
- place.
- warden to provide for each meeting, what.
- President, when chosen; how.
- term and duties.
- special meetings.
- Applications for pardon, etc., how made.
- action of board.
- closed doors.
- recommendation to governor.
- statement.
- no application considered, when.

7. In a case in which it is made to appear to the satisfaction of the governor, that there is imminent danger of death of a person imprisoned in the penitentiary or jail, the governor may dispense with all the foregoing provisions governing the granting of pardon, relieve or commutation, or when from any other cause it appears proper so to do.

When governor may act of himself in granting pardons, etc.

8. The board shall have power to appoint a clerk, who shall be a competent stenographer, whose duty it shall be to keep a complete and perfect record of the proceedings before said board, in a well bound book and to issue all papers necessary, and who shall be the custodian of the books, records and papers of said board, under its direction. He shall be removable at the pleasure of the board. The clerk shall take the oath prescribed by the Constitution of this State and shall receive for his services such sum out of the appropriation made for the per diem and expenses of the board, as the said board shall fix and determine.

Clerk; employment of; qualifications; duties.

—removal.

—compensation and how paid.

9. The members of the board and said clerk shall each have authority to administer oaths to witnesses and others who may come before the board.

Power to administer oaths.

10. The board shall possess the same power to punish any person for contempt which is exercised by the circuit courts of this State. In all such cases the rules and principles governing such courts shall govern the board.

Power to punish for contempt;

—rules to govern.

11. Each member of the board shall receive as compensation for his services all reasonable expenses incurred in the discharge of his duties, and seven dollars and fifty cents per day for each day he shall be actually employed in the discharge thereof, but no mileage shall be paid to any member of the board.

Compensation of members.

—no mileage

12. The board shall make a bi-ennial report to the governor, on the first day of October next preceding each session of the legislature, setting forth its action for the two years last past, together with an itemized statement of expenses incurred in the maintenance of the said board. The report shall be laid before the legislature by the governor who shall accompany it by a statement showing his action in the premises.

Biennial report of board.

—statement of expenses.

—duty of Governor as to such.

Oath of office. 13. Before proceeding to act hereunder, any member of the said board, hereafter appointed, shall take an oath to support the constitution of the United States and the constitution of West Virginia, and faithfully discharge the duties of his office to the best of his skill and judgment.

Additional pay, gift, etc., prohibited.

14. No member of the board shall receive, from any source whatever, any additional pay, gift or consideration for his services in the discharge of his duties under this act.

Power to make rules, etc.

15. The board shall have power to make such rules and regulations for time to time, for the government of its proceedings as may seem proper.

Present members, provision relating to.

16. The present members of the board shall continue in office until the end of their term, and shall discharge all the duties required of the board by the terms of this act.

Acts repealed

17. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

(House Bill No. 173.)

CHAPTER 88.

AN ACT to amend and re-enact sections fifty, fifty-one and one hundred of chapter eighteen of the Code of West Virginia, known as the Military Code.

[Passed February 16, 1901. In effect 90 days from passage. Approved February 21, 1901.]

Be it enacted by the Legislature of West Virginia:

Code amended.

That sections fifty, fifty-one and one hundred of chapter eighteen of the code of West Virginia be amended and re-enacted so as to read as follows:

National guard; camp duty, when, etc.

50. The commander-in-chief shall cause the National Guard to perform ten consecutive days of camp duty in each year, either by brigade, regiment or battalion, between the first of August and the first of October, and designate the time and place therefor.

51. Officers and enlisted men shall be warned for duty in the manner prescribed by the commander-in-chief in orders or regulations. No person belonging to the military forces of the State while performing military duty, under proper orders of their superior officers, shall be arrested on civil process, nor shall any person belonging to the military forces of the State while performing military duty, under proper orders of their superior officers, be arrested on criminal process, except upon process issued from a circuit or criminal court or a judge thereof in vacation.

Warned for duty, how.

—free from arrest on civil process, when; also on criminal process, unless, etc.

100. The military department of the West Virginia University shall be the training school of the West Virginia National Guard. Cadets receiving free tuition shall be organized into a corps, which cadet corps, in its military duties, shall be governed by the rules and regulations adopted from time to time by the board of regents. Cadets shall have the right, if they so select, to be tried, for purely military offences, by courts-martial organized from members of the cadet corps, by the commandant of cadets, and all sentences must receive his approval before being carried into effect. Should any cadet be suspended or expelled from the cadet corps by the sentence of a court-martial, he shall, if he feels aggrieved, have the right of appeal to the governor of the State for redress, in which case all records of the court shall be forwarded to the governor for final action, who shall have authority therein to approve or disapprove the entire proceedings or any part thereof. Services in the corps of cadets shall be recognized military service. The system of drill and instruction shall conform as far as practicable to the system of drill and instruction of the National Guard. Cadets satisfactorily completing the course of instruction in military science and tactics shall be eligible within five years, after graduation, to commission to the grade of first lieutenant in the National Guard without examination. The expenses incurred in the organization and equipment of the corps of cadets shall be paid out of the appropriation made for the West Virginia University.

Training school, what to be.

—free tuition; cadets receiving, how organized, etc.

—trial of cadets, how and where.

—approval of sentence.

—right of appeal, if expelled, etc.

—all records forwarded.

—power of governor.

—service in corps of cadets.

—system of drill, etc.

—cadets eligible to commissions, when and to what grade.

—expenses cadet corps, how paid.

(House Bill 134.)

CHAPTER 89.

AN ACT to amend and re-enact sections two and thirteen of chapter sixty-two of the Code of one thousand eight hundred and ninety-nine.

[Passed February 2, 1901. In effect 90 days from passage. Approved February 6, 1901.]

Be it enacted by the Legislature of West Virginia :

Code amended.

That sections one and thirteen of chapter sixty-two of the code of one thousand eight hundred and ninety-nine, be amended and re-enacted as follows:

Hunting, etc., on enclosed land of another, without permission, penalty.

2. If any person shall shoot, hunt, fish, or fowl within the enclosed lands of another person without permission of the owner, occupier, tenant or agent thereof he shall be arrested by a justice or upon a warrant issued by a justice, and upon conviction thereof he shall be fined by the justice five dollars and costs, for each offence, which fine shall be paid into the treasury of the county for the benefit of the free schools.

—third offence, what to be done.

When any person is convicted a third time of said offence, the justice rendering the judgment therefor, shall require him to give a recognizance, with good security, in a sum of not less than one hundred dollars for his good behavior for a year; or, if he fail to give such security, commit him to jail for one month unless it be sooner given. Such recognizance shall be forfeited if such person offend as aforesaid within the time limited in the recognizance. And the provisions of this section shall apply to the unenclosed lands of any person of any district of any county from and after the order of the county court of the county made to that effect. The county court of any county shall, upon the petition of ten or more freeholders of such district being filed in such court, by an order entered of record, order that the provisions of this section shall apply to all lands within such district, or to such lands within such district, as the owners thereof shall subscribe their names upon said petition, and such order shall be published once a week for four consecutive weeks in some newspaper published in such county, and posted for a like period at the front door of the court house of such county.

—to apply to what unenclosed lands.

—may apply to all lands in district, when.

—publication and posting of order.

—expenses.

The expenses of such publication shall be paid by such petitioners.

13. No person shall shoot in the public road at any time, nor when shooting on the lands of another shall discharge any firearms on any lawn, pleasure ground or orchard or other ground which is directly appurtenant to or within gunshot of an occupied dwelling house. The penalty for violating this section shall be a fine of not less than five dollars nor more than twenty-five dollars, or imprisonment not more than twenty days, or both, at the discretion of the court, and pay the cost of the prosecution.

Unlawful to shoot or discharge firearms, where.

—penalty.

2. All acts and laws inconsistent with this act are hereby repealed.

Acts repealed

(House Bill No. 172.)

CHAPTER 90.

AN ACT to amend chapter sixty-two by adding section twenty to the Code of West Virginia, concerning the skunk or polecat.

[Passed February 5, 1901. In effect 90 days from passage. Approved February 16, 1901.]

Be it enacted by the Legislature of West Virginia:

That chapter sixty-two of the code of West Virginia, be amended by adding an additional section thereto, as follows:

Code amended.

20. It shall be unlawful for any person at any time, to catch, kill or injure or to pursue with intent to catch, kill or injure the skunk or polecat, except in defence of property, in the counties of Jackson, Marshall, Wood and Brooke. The provisions of this act shall extend to all the other counties of the State: *provided*, that the county court of any county, upon the petition of two hundred voters of the county, direct to have the same enforced in their said county.

Polecats or skunks; protection of, in what counties.

—provisions of act may extend to other counties.

Any person violating this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than thirty-five dollars, nor more than fifty dollars, and may at the discretion of the court or justice trying the case, be confined in jail not more than thirty days, nor less than fifteen days. Any justice of the peace for the county in which the offence was committed, shall have concurrent jurisdiction of

—penalty for violations.

—powers of justices.

—presump- tion of guilt. all offences under this chapter, with the circuit court of the county. Any person found with any recently killed skunk or polecat skins in his possession shall be presumed to have killed the same.

(House Bill No. 193.)

CHAPTER 91.

AN ACT to amend and re-enact section twenty of chapter forty-three of the Code of one thousand eight hundred and ninety-nine, in relation to roads.

[Passed February 8, 1901. In effect 90 days from passage. Approved February 18, 1901.]

Be it enacted by the Legislature of West Virginia:

Code amended.

That section twenty of chapter forty-three, of the code of 1899, be amended and re-enacted as follows:

Road surveyors: may take wood, stone, gravel, etc., necessary for roads, etc.

20. The surveyor of any road precinct may take from any convenient lands so much wood, stone, gravel or earth as may be necessary for constructing or repairing any county road or bridge in such precinct; and may, for the purpose of draining any such roads cause a ditch to be cut through any land adjoining the same. But such wood and other articles shall not be taken from, nor such a ditch cut through any lot in a town or city without the consent of the owner. The surveyor shall, if required, allow a fair compensation to the owner for the articles so taken or damage done by cutting the said ditch; but if the surveyor and owner do not agree as to the amount, the same shall be ascertained according to the preceding section. The sum so agreed on or ascertained shall be paid by order of the court, out of any money applicable thereto.

—draining.

—consent of owner.

—compensation.

—disagree- ment.
—throwing debris, etc., on land, etc.; prohibited.

Any surveyor who shall throw, or cause to be thrown, wood, brush, stone, gravel or debris into any cultivated field, pasture or meadowland or against the fence along the road, shall upon conviction thereof be fined not to exceed fifty dollars, before a justice.

—penalty.

(House Bill No. 106.)

CHAPTER 92.

AN ACT to amend and re-enact section twelve of chapter fifty-six of the Code of West Virginia of one thousand eight hundred and ninety-nine, relating to toll roads and turnpikes.

[Passed February 8, 1901. In effect 90 days from passage. Approved February 18, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That section twelve of chapter fifty-six of the code of West Virginia of one thousand eight hundred and ninety-nine, be amended and re-enacted so as to read as follows:

Code amended.

12. The said tolls may be demanded and collected of every person passing the toll gate, whether he shall have traveled the whole or only a part of the section or fractional part: *provided*, that the said toll road or turnpike shall be made so as to conform to the following specifications: All roads or turnpikes, other than the Bethany and Wellsburg turnpike, of Brooke county, and that portion of Weston and Gauley bridge turnpike road in Nicholas county, shall have a smooth road bed of not less than fifteen feet in width, exclusive of ditches, and shall be well side ditched and drained. All cross drains shall be underdrained, or ripped, when necessary. All running streams requiring bridges of fifty feet in length, or less, and such others as the county court of a county may direct, shall have a bridge or culvert across the same sufficiently strong and sufficiently wide to insure safe passage to all kinds of vehicles: *provided, further*, that no toll shall be collected unless said toll road or turnpike be constructed in accordance with this section: but no such tolls shall be hereafter imposed and collected in Ohio county: and *provided, further*, that any citizen of this state may bring an action or suit to prevent the unlawful collection of such tolls.

Tolls on toll roads and pikes.

—proviso.

—construction; exception.

—drains, etc.

—bridges, culverts, etc.

—proviso.

—tolls in Ohio county prohibited.

—proviso as to suits, etc.

2. All acts and parts of acts conflicting with this act are hereby repealed.

Acts repealed.

(Senate Bill No. 10.)

CHAPTER 93.

AN ACT to amend and re-enact section 19a, of Chapter sixty-two of the Code of West Virginia of one thousand eight hundred and ninety-nine, relating to the appointment of a Game and Fish Warden and prescribing his duties and compensation.

[Passed February 6, 1901. In effect 90 days from passage. Approved February 22, 1901.]

Be it enacted by the Legislature of West Virginia:

Code amended. That section 19a of chapter sixty-two of the code of 1899, be amended and re-enacted as follows:

Game warden, governor to appoint. Sec. 19a. I. That it shall be the duty of the governor to appoint some person, a resident of this State, to the office of game and fish warden.

—term. Said warden shall hold his office for four years or until his successor has been appointed and qualified, unless removed for cause by the governor. He shall receive for his services the sum of one thousand (\$1,000.00) dollars a year, to be paid out of the treasury, quarterly, after being duly audited; and shall be allowed mileage of three cents a mile while traveling by railroad or steamboat, and ten cents a mile while traveling otherwise than by railroad or steamboat, for the distance necessarily traveled for the purpose of enforcing this act: *provided*, always, that the mileage expenses of said warden shall be reported quarterly under oath, to the governor, and approved by him, and he also shall have the power to fix and limit from time to time the amounts to be so expended. Said game and fish warden shall select such person or persons as he may deem fit, including any sheriff, deputy sheriff or assessor, to act as deputy game and fish warden in the several counties of the State, and if approved by the governor, he shall appoint them deputy game and fish wardens.

—salary. The deputy game and fish wardens shall receive for their services the fines accruing from such prosecutions as may be instituted by them respectively, but no money shall be paid to them out of the treasury of the State. They shall hold their offices at the pleasure of the game and fish warden.

—mileage.

—report of mileage expenses.

—governor to approve, etc.

—deputy game wardens.

—compensation of deputies.

—term of deputies.

II. It shall be the duty of the game and fish warden and of his said deputies to seize all nets of illegal mesh found in this State and all nets and other fishing apparatus or appliances found in use in violation of the laws of this State, and to enforce the statutes of this State for the preservation of fish and game, and to enforce all other laws of this State for the protection and propagation of birds, game and fish, now in force or hereafter enacted, and to bring or cause to be brought, and to prosecute or cause to be prosecuted, actions and proceedings in the name of this State to punish any parties for the violation of said statutes and laws.

—powers and duties of wardens to enforce game and fish laws and punish violators.

III. Said warden and deputies may make complaint and cause proceedings to be commenced against any person or persons for the violation of game and fish laws without the sanction of the prosecuting attorney of the county in which such proceedings are commenced, and in such cases they shall not be obliged to furnish security for costs. Said warden and deputies may also appear in any court of competent jurisdiction in this State in any case for violation of any of the laws for the protection or propagation of fish or game, and prosecute the same in the same manner and with the same authority as the prosecuting attorney of the county in which such proceedings are commenced. And in such case he may, in the event of the refusal or neglect of the prosecuting attorney to act, employ an attorney of his choice, and to such attorney, or to the prosecuting attorney, if he shall act, there shall be taxed in the costs upon conviction a fee of ten dollars in each case. Said warden and deputies shall have power to search any person and examine any boat, conveyance, railroad car, vehicle, fish-box, fish-basket, game-bag or game-coat, or any other receptacle for game or fish, when they have good reason to believe that they will thereby secure evidence of the violation of the laws; and any hindrance or interference, or attempt at hindrance or interference with such search and examination, shall be prima facie evidence of a violation of the law by the party or parties who hinder or interfere with, or attempt to hinder or interfere with such search and examination. Said game and fish warden and deputies shall at any time and at all times seize and take possession of any and all birds, animals or fish, which have been caught, taken or killed at a time, in a manner, or for a purpose, or had in possession or under control, or have

—further powers and duties of warden.

—powers as to searching, etc.

—powers as to seizure, etc., of game, etc.

—search
warrant.

been shipped, contrary to any of the laws of this State. Such seizure may be made without a warrant. Any court having jurisdiction of the offence, upon receiving proof of probable cause for believing in the concealment of any bird, animal or fish caught, taken, killed, had in possession, under control, or shipped contrary to any of the laws of this State, shall issue a search warrant, and cause a search to be made in any place, and to that end may cause any building, enclosure or car to be entered, and in any apartment, chest, bar locker, crate, basket or package to be broken open and the contents thereof examined by said game or fish warden. All birds, animals or fish, or nets or fishing appliances or apparatus, seized by the said game and fish warden or any of his deputies, or other officer or officers, shall be disposed of in such a manner as may be directed by the court before whom the offence is tried, or by any court of competent jurisdiction, and the proceeds of any sales, after deducting all legal costs, shall be paid into the treasury of the State.

—seized
birds, game,
nets, etc.,
how disposed
of.

—proceeds.

—power to
serve criminal
process
and make ar-
rest.

IV. Said game and fish warden and his deputies shall have the same power to serve criminal process as sheriffs, and shall have the same right as sheriffs to require aid in executing such process. Said warden and deputies may arrest without warrant, any person caught by him or them in the act of violating any of the aforesaid laws for the protection or propagation of birds, game or fish, and take such person forthwith before a justice of the peace, or other magistrate having jurisdiction. Such arrest may be made on Sunday, in which case the person arrested shall be taken before a justice of the peace, or magistrate having jurisdiction, and proceeded against as soon as may be, on a week day following the arrest.

—deputy
wardens to
make reports;
when; how;

V. Every deputy warden shall at the close of each calendar month report in writing and in detail to the game and fish warden the service performed by him during the last preceding month, including an account of the suits commenced at his instance, and the amount of money received by him for fines imposed for a violation of the provisions of this chapter.

—warden to
file report;
when;
where; what
to state.

VI. Said game and fish warden shall, in the month of December of each year, file in the office of the secretary of state a report in writing stating in detail an account of the suits instituted by him and his deputies, the amount of fines imposed for violation of said provisions, and the amount of fines collected.

The secretary of state shall cause said reports, or so much thereof as may be of interest to the public, to be transmitted bi-ennially to the legislature when in session.

—duty of secretary of state.

VII. Any person who hinders, obstructs or interferes with, or attempts to hinder, obstruct or interfere with said game and fish warden, or any of his deputies, in the discharge of any of their duties, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars, together with costs of suit; and in default of payment thereof shall be confined in the county jail until said fine and costs are paid: *provided*, that said imprisonment shall not exceed thirty days.

—what acts of persons deemed misdemeanors; how punished.

—proviso.

VIII. Every person, called as a witness to any violations of the provisions of this act, shall be compelled to testify fully, but his testimony shall not be given in evidence against him in any prosecution against him for such offence, and no person, against whom such witness shall so testify, shall be competent as a witness for the State in the prosecution against such witness for the same offence, or matter, as to which such witness so testified, or to any like offence committed by such witness before the commencement of the prosecution in which he is examined as such witness.

—witnesses compelled to testify, protection of.

IX. Any game warden or deputy who shall make any false return as to any moneys collected or disbursed by him, as provided for in the foregoing section, shall be deemed guilty of a felony, and upon conviction thereof be confined in the penitentiary not less than one nor more than ten years.

—false return as to moneys collected, etc., a felony; penalty.

(Senate Bill No. 86.)

CHAPTER 94.

AN ACT to amend and re-enact section six of chapter sixty-two of the Code of West Virginia of one thousand eight hundred and ninety-nine.

[Passed February 22, 1901. In effect 90 days from passage. Approved February 26, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That section six of chapter sixty-two of the code of West Virginia, of one thousand eight hundred and

Code amended.

ninety-nine, be and the same is hereby amended and re-enacted so as to read as follows:

Destruction,
of fish traps,
nets, etc., in
creeks, etc.,
made lawful.

—no re-
course.

—when law-
ful as to
rivers.

—proviso as
to fish pots
and seines.

—passage of
fish not to be
obstructed;
within what
time.

—seines;
possession
unlawful,
when; ex-
cept, etc.

—effect of
such posses-
sion.

—meshes of
seines, ex-
cept, etc.

—kind of
seines to be
used.

—search
warrant.

—presump-
tion.

6. It shall be lawful for any person, at any time, to remove and destroy any nets, seines, traps or other devices, placed in any creeks or runs within this State, and the person or persons claiming ownership or possession of such nets, seines, traps or other devices, shall have no recourse at law against the party destroying the same, (and in regard to rivers, it shall be lawful for any person to do the same thing at any time between the first day of March and the fifteenth day of November in any year): *provided, however,* it shall be unlawful for any person to catch fish in fish-pots at any time, except as hereinafter provided, and it shall be unlawful to catch fish by means of seines, from the first day of January to the first day of June of each year in the Great Capon and its tributaries, and by fish pots in the Cheat river and its tributaries, from the fifteenth day of September to the first day of April following, and by means of fish pots in the Shenandoah from the first day of September to the first day of June following. No nets, seines, traps or other devices, placed in any river of this State, between the fifteenth day of November and the first day of March, shall obstruct the free passage of fish up and down the same so as to extend a further distance from the channel bank in said river than one-third of the whole breadth of the main channel of the same. It shall be unlawful for any person or persons to be found upon the creeks or small streams of this State where fish are taken, with seines (except minnow seines) in their possession; and if so found, such possession shall be prima facie evidence that the same was used unlawfully. In all prosecutions under this section it shall be prima facie evidence sufficient on the part of the State to show that the defendant was found upon the creek or small streams where fish are taken, with such seine in his possession. Meshes of seines or nets (except minnow nets) within this State shall not be less than three inches in extension, or one and one-half inches from knot to knot. No net or seine of any kind shall be used in the rivers of this State the meshes of which are less than provided in this section. And if any person has good reason to believe that seining is carried on unlawfully, he may have leave to sue out search warrant against the person or persons suspected of keeping said seine or net in their possession, or under their control. Such

seine when found in their possession, shall be prima facie evidence that the same was used unlawfully, unless the owner or possessor of such seine can produce evidence to satisfy the justice or court that such seine has not been used unlawfully. Any person violating any of the above provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall forfeit such net or seine, if found in violation of law, (which net or seine shall be destroyed by order of the justice or court) and pay a fine of not less than ten dollars nor more than twenty-five dollars, or be confined in jail not exceeding ten days. No person shall kill any fish by the use of dynamite, or any other explosive mixture, or by the use of any poisonous drug, bait or food; any person violating this provision of this section shall be guilty of felony, and, upon conviction thereof, shall, for each offence, be confined in the penitentiary of this State for not less than one nor more than three years.

—penalty for violation of section.

—killing of fish.

—penalty.

And no person, firm or corporation, shall build erect, keep or maintain any dam, or anything, in any river, creek or water course in this State, which shall in any way or manner prevent or obstruct the free and easy passage of fish up or down such river, creek or other water course without placing, building, or erecting on such dam or other thing, a good and sufficient ladder or way so planned or built as to allow all fish to easily ascend or descend the same, and said ladder or way shall be constructed upon plans and in a manner, and at a place, satisfactory to the game and fish warden of the State of West Virginia.

—erection of dams that prevent the easy passage of fish in any waters, prohibited.

—fish ladders, etc., etc.

Any person, firm or corporation, violating this provision shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five dollars, nor more than two hundred dollars, or be confined in the county jail not less than ten days, and each ten days during the time which such person, firm or corporation shall fail to place, build or erect such ladder, or way, shall be deemed and held to be a separate and distinct offence: *provided*, that any person, firm or corporation now maintaining or keeping any such dam, or other thing, shall be allowed sixty days from the time this act takes effect in which to comply therewith. And it shall be the especial duty of the said game and fish warden, upon information of the violation of this provision, to immediately investigate the same, and cause this provision to be fully carried out.

penalty for violations hereof.

—separate offences, what.

—proviso.

—duty of warden.

(Senate Bill No. 15.)

CHAPTER 95.

AN ACT to amend and re-enact section fifteen of chapter thirty-nine of the Code of West Virginia, of one thousand eight hundred and ninety-nine, relating to the re-location of county seats.

[Passed February 21, 1901. In effect 90 days from passage. Approved February 22, 1901.]

Be it enacted by the Legislature of West Virginia:

Code amended.

That section fifteen of chapter thirty-nine of the code of West Virginia be and the same is hereby amended and re-enacted so as to read as follows:

Re-location of county seats; petition for, who to sign; affidavit to be appended.

15. Whenever the citizens of any county desire the re-location of their county seat they may file their petition or petitions for such re-location at a place or places, to be named therein, at any regular session of the county court of such county. None but legal voters of the county shall sign said petition or petitions, and an affidavit shall be appended thereto that the petitioners are, as the affiant verily believes, legal voters of said county.

—court shall make an order that a vote be taken on question of re-location; when.

Upon the filing of said petition or petitions, each place at which a re-location is sought, being petitioned for by two-fifths of all the legal voters of the said county, to be estimated by allowing one vote for every six persons in such county, as shown by the last preceding census, said court shall, at the same term at which said petition or petitions are filed, make an order that a vote be taken, at the next general election to be held in the said county, upon the question of such re-location, at the place or places named in the said petition or petitions, each having the signatures of two-fifths of the legal voters of said county as aforesaid. And if such petition or petitions be filed in any year in which no general election is to be held, the said county court shall, at the same session thereof at which such petition or petitions are filed, fix a day for, and order the holding of, a special election upon the question of such re-location; which special election shall be held in the said county not less than sixty days nor more than

—special election; when to be ordered and when held.

—proviso as to costs of special election.

four months from the date of said order: *provided*, the petitioners signing each of said petitions, if there be more than one petition, or some one for them, shall, at the same term of said court, enter into and

acknowledge a bond, with good security, to be approved by said court, in the penalty of five thousand dollars, conditioned to pay all the legal costs of holding said election, and if such bond be not given no special election shall be held. The clerk of said court shall, upon the adjournment of said court, make out and certify as many copies of said order as there are voting places in said county, and deliver the same to the sheriff thereof, whose duty it shall be to post one of the said copies, or cause it to be done, at each of said places of voting in said county at least forty days before the day of such election; and if a newspaper is printed in said county, the court shall in addition to the above notice, cause a copy of said order to be published therein, at least once in each week for four consecutive weeks prior to such election. If three-fifths of all the votes cast at said election upon the question, be in favor of the re-location at either of the places voted for, the said county court shall enter an order declaring the place so receiving three-fifths of all the votes cast therefor, to be the county seat of said county from and after that date. And the said court shall, as soon thereafter as practicable, cause all the records, papers and office property pertaining to the offices of the clerks of the county and circuit courts to be removed to the said new county-seat. The ballots used in voting on the question of such re-location shall have written or printed on them the words, "Re-location of County Seats," "For re-location of County Seat at" (naming the place,) "Against re-location of County Seat:" *provided*, that no ballot cast at such election upon such question shall be rejected because all the words described are not written or printed thereon, if it clearly appears how the voter intended to vote; and *provided*, also, that if said election be held at a general election, the ballots shall be the same as those used in voting for officers at said general election. The said votes shall be taken, superintended, conducted and returned, in the same manner, and by the same officers, as elections for county and state officers. If said election be held at a general election, the commissioners of election shall make out and sign a separate certificate of the result of said vote, and deliver the same to the clerk of the county court within the same time they are required by law to deliver the certificates of the result of the election for officers held by them. And if said election be held at a special election, then

—clerk to make copies of order for election.

—to whom delivered: where posted and when.

—publication of notice.

—three-fifths vote required to re-locate.

—what order court to enter.

—removal of records.

—ballots: how worded.

—what ballots not to be rejected.

—ballots at general election.

—votes: how taken, superintended and returned.

—if vote taken at general election, what then.

—if vote taken

at special election, what then.

—certificate of result laid before county court; when.

—result declared.

—if two petitions for different places be presented, what then.

—vote required to remove in such case.

—person signing two petitions.

—buildings at new county seat

—until completed, where court may be held.

—subscriptions for new buildings.

—may be sued for.

said county court shall at the session at which the election is ordered, appoint three commissioners of that election for each voting place in said county, who shall ascertain and certify the result of such election in the same manner as herein provided to be done at a general election. And the certificate of the result of such special election shall be laid before the court by the clerk thereof, at a special session thereof, which shall be held within five days (Sunday excepted) after said special election. Said court shall thereupon ascertain and declare the result of said vote and enter the same of record. If two petitions for such re-location at different places be presented to the county court at the same session, each signed by two-fifths of the legal voters of the said county, ascertained in the manner hereinbefore provided for, the court by a proper order entered of record at the same term at which said petition, or petitions are filed, shall direct that a vote be taken between all the places mentioned in the said petitions, but such county seat shall not be removed unless some one of the places voted for at said election shall have received three-fifths of all votes cast at said election upon the question of such re-location. In case the same person signs more than one petition for such re-location such person shall not be considered by the court as petitioning for a re-location of the county seat. In case of such re-location, the county court of said county shall proceed with all possible dispatch to cause the necessary buildings for the use of the county to be erected thereat; and until that is done the courts of said county may in case of necessity be held at the former county seat.

Such court may receive subscriptions from any person to aid in the erection of such buildings. And all subscriptions made at any time for that purpose shall be binding on the persons making the same, and may be sued for and recovered in the name of the county court of said county.

(Senate Bill No. 22.)

CHAPTER 96.

AN ACT to amend and re-enact section five of chapter seventeen, of the Code of West Virginia.

[Passed February 6, 1901. In effect 90 days from passage. Approved February 12, 1901.]

Be it enacted by the Legislature of West Virginia:

That section five, of chapter seventeen, of the code of West Virginia, be amended and re-enacted so as to read as follows:

5. Every person claiming to receive money from the treasury of the State, shall apply to the auditor for a warrant for same; and the auditor shall thereupon examine the claim, with the vouchers, certificates and evidence, if any, offered in support thereof; and for so much thereof as he may find to be justly due by the State, if payment thereof be authorized by law, and there be an appropriation not exhausted or expired out of which it is properly payable, he shall issue his warrant on the treasurer, specifying to whom and on what account the money mentioned therein is to be paid, and to what appropriation the same is to be charged. On the presentation of such warrant to the treasurer, he shall ascertain whether the same has been drawn in pursuance of an appropriation made by law, and if he find it to be so, he shall in that case, but not otherwise, endorse his check upon said warrant, directed to some depository, which check shall be payable to the order of the person who is to receive the money therein specified. If said check should not be presented for payment within three years, it shall then be the duty of the treasurer to again charge it to the depository on which it was drawn, and credit the State fund with the amount, and immediately notify the auditor to make corresponding entries on his books. And no state depository shall pay a check unless it is presented within three years after it was drawn, and the treasurer is hereby authorized to cover into the treasury by appropriate entries, all checks that have been out-standing for three years or over. All claims required by law to be allowed by any court, and payable out of the State treasury, shall have the seal of the court, allowing or authorizing the payment of the same, affixed by the clerk of such court to his certifi-

Code amended.

Payments of claims against the state; duty of the auditor.

—to issue a warrant, when; what to state therein.

—duty of treasurer when warrant presented.

—if check not presented for payment in three years, what then.

—when checks not to be paid by depositories; treasurer authorized to cover certain checks into treasury.

—seal of court to be affixed to claims certified.

cate of its allowance; and no such claims shall be audited and paid by the auditor unless the seal of such court be thereto attached as aforesaid. No tax or fee shall be charged by the clerk for affixing his seal to the certificate referred to in this act.

—no tax or fee for seal.

(Senate Bill No. 77.)

CHAPTER 97.

AN ACT concerning commercial fertilizers and repealing chapter seventy-two of the Acts of the Legislature of West Virginia of eighteen hundred and ninety-one.

[Passed February 2, 1901. In effect 90 days from passage. Approved February 9, 1901.]

Be it enacted by the Legislature of West Virginia :

1. Every person who shall sell, offer or expose for sale, or have in his possession with intent to sell in this State, any commercial fertilizer or manure, shall affix conspicuously to every package thereof a plainly printed statement, clearly and truly certifying the number of net pounds of fertilizer in a package, the name, brand or trade mark under which the fertilizer is sold, the name and address of the manufacturer, the place of manufacture and stating the percentage of nitrogen or its equivalent in ammonia, of potash soluble in distilled water and of phosphoric acid in available form, soluble in distilled water and reverted, as well as the total phosphoric acid, and the materials from which said constituents are derived. In the case of those fertilizers which consist of other cheaper materials said labels shall give a correct general statement of the composition and ingredients of the elements relied upon contained in the fertilizer which it accompanies.

Fertilizers; sellers to attach statement to package; what such statement to certify.

—as to cheap grades.

2. Before any commercial fertilizer is sold, offered or exposed for sale, in this State, the manufacturer, importer or party who causes it to be sold, exposed or offered for sale, shall file with the director of the West Virginia Agricultural Experimental Station, under oath, the statement required to be affixed under section one

Sworn statement to be filed; by whom, when and where.

of this act: *provided*, that when the manufacturer of any brand of fertilizer or manure shall file said sworn statement no agent or dealer shall be required to file such statement. The making of any affidavit required by this chapter falsely, shall be perjury.

—proviso as to agents.

—what deemed perjury.

3. The manufacturer, importer, agent or seller of any brand of commercial fertilizer or material used for manurial purposes, shall pay for each brand at the time he files a sworn statement required by section two of this act a registration fee of one dollar per annum.

Registration fee, who to pay.

4. The registration fee, required to be paid by section three of this act, shall be paid to the treasurer of the West Virginia University for the use of the Agricultural Experiment Station, and the party making such payment shall take from the said treasurer triplicate receipts therefor, one of which he shall retain, and the others shall be deposited, one with the director of the Agricultural Experiment Station, and the other with the secretary of the board of regents, and by them filed and preserved in their respective offices.

Such fee: to whom paid and how used.

—receipts for fee and how disposed of.

5. Immediately after the filing of the receipts aforesaid, with the director of the Agricultural Experiment Station, said director shall issue a certificate to the party making such payment stating the amount of fees paid, and the name, brand or trade mark under which the fertilizer is sold; the name and address of the manufacturer or importer, the place of manufacture, and that the applicant for said certificate is authorized to sell said fertilizer within the State of West Virginia for the period of one year from the first day of January to the thirty-first day of December, inclusive. Said certificate may be issued at any time for and during the current year, and may be issued during the month of December for the year commencing on the first day of January thereafter.

Certificate issued to manufacturer, etc.; when and by whom.

—what to specify.

—good for how long.

—at what time such certificates may be issued.

6. It shall be the duty of the director of the West Virginia Agricultural Experiment Station to print or cause to be printed a label or tag, setting forth the sworn statement required in section two of this act. The director shall furnish such labels or tags in quantities of one hundred or multiples thereof, to any per-

Duty of director as to printing and furnishing labels and tags.

son complying with the requirements of this act, and desiring to sell, offer or expose for sale any commercial fertilizer in this State, and shall receive pay therefor at the rate of forty cents for such number of labels or tags as may be required to be affixed to one ton of fertilizer, and shall without delay, pay the same to the treasurer of the West Virginia University, for use of the Agricultural Experiment Station, and take duplicate receipts therefor, one of which he shall retain, and the other he shall deliver to the secretary of the board of regents, who shall file and preserve the same in his office

—pay for such tags, etc., and how disposed of.

—receipts.

Disbursement of receipts, by whom and how.

—included in report.

7. The board of regents of the West Virginia University shall expend the money received under the provisions of this act in meeting the legitimate expenses of the station; in making analyses of fertilizers; in experimental tests of same, and in such other experimental work and purchases as shall inure to the benefit of the farmers of this State, and shall include in their annual report a statement of the receipts and disbursements thereof.

Samples for analysis, duty of director as to.

—rules and regulations.

—who else may take samples, and for what;

—analysis free, when.

—what to certify.

—dealers and agents to notify director, of what.

8. It shall be the duty of the director of the said experiment station, in person or by deputy, to take samples for analysis from any lot or package of any fertilizer or manure, which may be in the possession of any dealer in the State, and he is hereby authorized to prescribe and enforce such rules and regulations as he may deem necessary to carry fully into effect the true intent and meaning of this act; and any agriculturalist, purchaser of any fertilizer or manure in this State, may take a sample of the same under the rules and regulations of the director of the said experiment station and forward the same to him for analysis, and if the director has reason to believe that the manufacturer of, or dealer in, such fertilizer or manure has made any false or fraudulent representations in regard to said fertilizer, or manure, he shall cause the said sample to be analyzed free of charge, and certify the same to the person forwarding the sample. And it shall be the duty of every agent or dealer in fertilizers or manures, within the meaning of this act, in this State when ordering consignments thereof, to promptly notify the director of the said experiment station of the amount ordered, and the place and ap-

proximate time of delivery of said fertilizers and manure.

9. Said director shall also publish by bulletin, the brand, name and location of the manufacturer and chemical analysis of every fertilizer or manure analyzed or caused to be analyzed by him. Said last publication to be made, if practicable, before the time at which said fertilizer is to be applied to the soil.

Director,
what to pub-
lish by bul-
letin.
—last publi-
cation.

10. Any manufacturer or vender of any fertilizer or manure who shall sell or offer or expose for sale any fertilizer or manure without having previously complied with the provisions of this act, as hereinbefore set forth, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty nor more than five hundred dollars.

Penalty, for
what viola-
tions.

11. Any company, firm or corporation who shall wilfully remove from, or deface or change any label, or tag, or brand affixed to any package of fertilizer, under the provisions of this act, before such fertilizer has been used for manurial purposes, or who shall sell such fertilizer without such label or tag being affixed thereto at the time of the sale, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than fifty dollars for each offence.

Further pen-
alty and for
what viola-
tions.

12. Any company, firm or person who shall remove from or cause to be removed from any package of commercial fertilizer or manure any statement, label or tag affixed thereto, under the provisions of this act and affix or cause the same to be affixed to any other package of commercial fertilizer or manure, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than fifty dollars for each offence.

Same
subject.

13. Any company, firm or person, violating any of the provisions of this act, or who fails to comply with any of the requirements of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall when no other penalty is prescribed, be fined not less than ten nor more than one hundred dollars for each offence. But this act shall not be construed to apply to any one who manufactures fertilizers for his own use and not for sale.

Same
subject.

Director to report violations, etc., to prosecuting attorney.

—what received as evidence.

Acts repealed.

14. The director of said experiment station shall report to the prosecuting attorney, of the county, where the offence was committed, all violations of the provisions of this act, and failure to comply therewith; and a copy of any label, statement or tag required to be filed with said director or prepared by him, and any analysis made or caused to be made by him, when duly certified by said director, shall be received in evidence in any prosecution or suit for any violation of the provisions of this act.

15. Chapter seventy-two of the acts of eighteen hundred and ninety-one is hereby repealed.

(House Bill No. 327.)

CHAPTER 98.

AN ACT to amend and re-enact section nineteen of chapter one hundred and forty-nine of the Code of one thousand eight hundred and ninety-nine.

[Passed February 18, 1901. In effect 90 days from passage. Approved February 21, 1901.]

Be it enacted by the Legislature of West Virginia:

Code amended.

Disturbances of schools, societies, etc.

—a misdemeanor; penalty.

That section nineteen of chapter one hundred and forty-nine, of the code of one thousand eight hundred and ninety-nine, be amended and re-enacted so as read as follows:

19. If a person wilfully interrupt, molest or disturb, any free school or other school, literary society or any other society formed for intellectual, social or moral improvement, or organized or carried on under or in pursuance of the laws of this State, or any Sunday school, or other school, or school exhibition, or fourth of July celebration, Christmas tree, or church festival, or any other festival, or any society, lawfully carried on, he shall be guilty of a misdemeanor, and fined not less than ten nor more than fifty dollars, and, at the discretion of the court, be confined in the jail of the county not more than thirty days, in addition to said fine.

(Senate Bill No. 119.)

CHAPTER 99.

AN ACT to amend and re-enact section twenty-three of chapter one hundred and forty-five of the Code of West Virginia of 1899.

[Passed February 18, 1901. In effect 90 days from passage. Approved February 20, 1901.]

Be it enacted by the Legislature of West Virginia:

That section twenty-three of chapter one hundred and forty-five of the code, be amended and re-enacted so as to read as follows:

23. If any person obtain from another, by any false pretence, token or representation, with intent to defraud, money, goods or other property which may be the subject of larceny, or if he obtain from another any money, goods or other property, which may be the subject of larceny, on credit, by representing that there is money due him, or to become due him, and shall assign his claim for such money, in writing, to the person from whom he shall obtain such money, goods or other property, and shall afterwards collect the same without the consent of such assignee, with intent to defraud, he shall in either case be deemed guilty of larceny; or if any person obtain by any false pretence, token or representation, with intent to defraud, the signature of any other person to a writing, the false making whereof would be forgery; every person so offending against any of the provisions of this section shall, upon conviction thereof, be confined in the penitentiary not less than one nor more than five years, or at the discretion of the court be confined in jail not more than one year and be fined not exceeding five hundred dollars. And any person who shall remove any of his property out of any county with intent to prevent the same from being levied upon by any execution, or who shall secrete, assign or convey or otherwise dispose of any of his property with intent to defraud any creditor or prevent such property being made liable for payment of his debts, and any person who shall receive such property, with such intent, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five nor more than one thousand dollars and impris-

Code amended

False pretenses, tokens, etc.; obtaining money or property by, deemed larceny.

—obtaining signature to writing, etc.

—how punished.

—removal of property out of county, secreting, etc., with intent to defraud.

—receiving such property with such intent.

—how punished.

—justice to have jurisdiction, when.

—maximum fine, etc., in justice's court.

—what rights of creditors not affected.

oned in the county jail not to exceed one year. And when the property so removed, secreted, concealed, assigned, conveyed, received or otherwise disposed of, shall be worth fifty dollars or less such offence shall be tried by a justice of the peace in the mode prescribed for the trial of other criminal offences in chapter fifty of the code of West Virginia: *provided*, that upon conviction for such offence before a justice of the peace the person so convicted shall be fined not exceeding fifty dollars and confined in the county jail not exceeding thirty days. But nothing in this act contained shall prevent any creditor from proceeding against any such fraudulent debtor as is provided in sections thirty to thirty-seven, inclusive, of chapter one hundred and six, and sections four to seventeen, inclusive, of chapter one hundred and forty-one of the code, or of any other remedy at equity or law now existing.

(Senate Bill No. 54.)

CHAPTER 100.

AN ACT to amend and re-enact section 27a of chapter 144 of the Code of West Virginia, concerning offences against the person.

[Passed February 14, 1901. In effect 90 days from passage. Approved February 21, 1901.]

Be it enacted by the Legislature of West Virginia:

Code amended.

That section 27a of chapter 144 of the code of West Virginia be amended and re-enacted so as to read as follows:

To Suppress Prize Fighting.

Prize fighting or pugilistic encounters, made a felony.

—penalty.

27a. That any person who shall voluntarily engage in a prize fight or a pugilistic encounter with another person, for money or for other things of value, or for any championship, or to see which any admission fee is charged, either directly or indirectly, in this state, shall be deemed guilty of felony, and upon conviction shall be fined not more than one thousand dollars, and be imprisoned in the penitentiary not less than one nor more than ten years.

If any person act as second, or trainer, or time-keeper, or referee, or umpire, to any person so fighting, or if any person assist, or in any way abet another to fight a prize fight, or to engage in a pugilistic encounter, in this state, he shall be deemed guilty of a felony, and upon conviction thereof shall be fined not more than five hundred dollars, and be imprisoned in the penitentiary not less than one nor more than five years.

—what acts of persons, in any way, aiding and abetting, deemed felonies.

—penalty.

If any person come into this state for the purpose of fighting, or intending to fight a prize fight, or engage in a pugilistic encounter therein, or for the purpose of aiding as second to, or abetting, or of training, or in any way aiding or abetting another to fight a prize fight, or to engage in a pugilistic encounter, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than three hundred dollars, or shall be confined in the county jail not exceeding one year, or both, at the discretion of the court.

—what deemed a misdemeanor.

—penalty.

By the term "prize fight or pugilistic encounter," as used in this act, is meant any voluntary fight or personal encounter by blows, by means of the fists or otherwise, whether with or without gloves, between two men for money, or for a prize of any character, or for any championship, or for any thing of value, or upon the result of which any money or anything of value is bet or wagered with the knowledge of, or for the benefit of the parties engaged in the fight or pugilistic encounter, or for which any admission fee is charged, either directly or indirectly.

—term "prize fight or pugilistic encounter" defined.

Upon complaint, verified by affidavit before any justice of the peace or notary public, or mayor of any town or city, that the affiant has knowledge or information and believes that any person is about to engage in a prize fight or pugilistic encounter in this state, or to come into this state for any of the purposes in this act mentioned, such justice of the peace or notary public, or mayor of any town or city, shall issue his warrant, directed to the sheriff or any constable of his county, requiring him to arrest and bring such person before any justice of the county, and thereupon the same proceedings shall be had as in other cases of persons charged with an offence, under chapter one hundred and fifty-six of the code of West Virginia.

—complaint: how verified and what to set forth.

who may issue warrant how directed.

—proceedings.

But nothing in this act contained shall be construed to render unlawful a boxing or sparring contest

—what contests not unlawful.

in any gymnasium or athletic club, when such boxing or sparring contest is not for money or other thing of value and no admission fee is charged to see the same.

(House Bill No. 60.)

CHAPTER 101.

AN ACT to amend and re-enact sections fifteen and sixteen of chapter one hundred and forty-four of the Code of West Virginia.

[Passed February 19, 1901. In effect 90 days from passage. Approved February 23, 1901.]

Be it enacted by the Legislature of West Virginia:

Code amended.

Rape, and how punished.

—proviso as to age of both sexes.

Code amended.

Abduction of female with intent to marry or defile her, how punished.

1. That section fifteen of chapter one hundred and forty-four of the code of West Virginia be amended and re-enacted so as to read as follows:

15. If any person carnally know a female of the age of fourteen years or more, against her will by force, or carnally know a female child under that age, he shall be punished with death or by confinement in the penitentiary as follows: If the jury, upon the trial of an indictment under this section, return a verdict of guilty, merely, the accused shall be punished with death; but if the jury add to such verdict that the accused be punished by confinement in the penitentiary, he shall be confined in the penitentiary not less than seven nor more than twenty years: *provided, always*, that this section shall not apply to any person under fourteen years of age who carnally knows a female over twelve years of age with her free consent.

2. That section sixteen of chapter one hundred and forty-four of the code of West Virginia be amended and re-enacted so as to read as follows:

16. If any person take away or detain against her will a female, with intent to marry or defile her, or cause her to be married or defiled by another person, or take from any person having lawful charge of her, a female child under fourteen years of age, for the purpose of prostitution or concubinage, he shall be confined in the penitentiary not less than three nor more than ten years.

(Substitute for House Bill No. 51.)

CHAPTER 102.

AN ACT to amend and re-enact section seven of chapter seven of the Code of West Virginia of 1899, relating to the removal from office of county and district officers.

[Passed February 13, 1901. In effect 90 days from passage. Approved February 16, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That section seven of chapter seven of the code of West Virginia of 1899, be amended and re-enacted so as to read as follows: Code amended.

7. Any county or district officer including any member of a board of education may be removed from office for official mis-conduct, incompetence, habitual drunkenness, adultery, neglect of duty, or gross immorality. Such removal shall be made by the circuit court of the county wherein such officer resides. The charges against any such officer shall be reduced to writing and entered of record by the court, and a summons shall thereupon be issued by the clerk of such court containing a copy of the charges, and requiring the officer named therein to appear and answer the same on a day to be named therein, which summons may be served in the same manner as a summons commencing an action may be served, and the service must be made at least five days before the return day thereof. And the court itself shall, without a jury, hear the charges and upon satisfactory proof thereof remove any such officer from the discharge of the duties of his office, and place the records, papers, and property of his office in the possession of some other officer or person for safe keeping until the vacancy is filled. Any vacancy created under this section in the office of commissioner, clerk of the county court, constable, and justice of the peace shall be filled by the county court of the county until the next general election, and any vacancy so created in the office of prosecuting attorney, clerk of the circuit court, and all other county and district officers not herein enumerated or otherwise provided for by law, shall be filled by the circuit court of the county, or the judge thereof in vacation, until the next general election. County or district officers, removal of from office; for what causes and proceedings therefor.

2. All acts or parts of acts, inconsistent herewith, are hereby repealed. —records, etc., of officer removed. —vacancies in such cases, how filled. Acts repealed.

(House Bill No. 1.)

CHAPTER 103.

AN ACT to amend and re-enact section eighty-nine of chapter twenty-nine of the Code of West Virginia.

[Passed February 11, 1901. In effect 90 days from passage. Approved February 18, 1901.]

Be it enacted by the Legislature of West Virginia:

Code amended.

That section eighty-nine of chapter twenty-nine of the code of West Virginia be amended and re-enacted so as to read as follows:

Assessors, their compensation.

89. Every assessor shall be entitled to receive in consideration of his services, to be paid out of the county treasury, as other claims against the county are paid, such reasonable compensation as the county court shall determine, not less than three hundred nor more than five hundred dollars per annum, and in addition thereto shall be allowed a commission of three per centum on the amount of state and state school taxes assessed by him on the personal property of his county or assessment district, which allowance shall be in addition to the fees allowed in section eighty-seven of this chapter and shall be in full for all services performed under the provisions of this chapter, including the extension of the levies for state, free school, county and district purposes. There may be allowed in Ohio county, to be paid out of the county treasury, to the assessors of such county, such further sums respectively as to the board of commissioners of said county may seem just; and to each assessor in Kanawha county, such sum not exceeding nine hundred dollars, as to the county court of said county may seem just; and to each assessor in Fayette county such sum, not exceeding nine hundred dollars, as to the said county court of said county may seem just; and to each assessor in the counties of Harrison, Marshall, Randolph, and the first assessment district of the counties of Cabell, and McDowell, such sum, not exceeding six hundred dollars, nor less than three hundred dollars, as to the county court of said counties of Harrison, Marshall, Cabell, Randolph and McDowell, may seem just; and to the assessor of the first assessment district of the county of Wood, such sum, not exceeding twelve hundred dollars, as to the coun-

—commissions.

—special provisions as to allowances by certain counties.

ty court of said county of Wood may seem just: *provided*, that the whole amount allowed to the assessor of the district in which the greater part of the city of Wheeling is situated, shall not exceed fifteen hundred dollars, and the whole amount allowed to the other assessor in such county shall not exceed twelve hundred dollars. The clerk of the county court shall be entitled to receive such reasonable compensation for services rendered under this section, other than for making out the land books, as the county court may allow, to be paid from the county treasury.

—proviso, limiting maximum allowance in Ohio county.

—compensation to clerks of county courts.

(House Bill No. 143.)

CHAPTER 104.

AN ACT to amend and re-enact section twelve of chapter eighty-two of the Code of West Virginia of 1899.

[Passed February 12, 1901. In effect 90 days from passage. Approved February 12, 1901.]

Be it enacted by the Legislature of West Virginia:

That section twelve of chapter one hundred and forty-nine of the Acts of 1872-3, as found in chapter eighty-two of the code of 1899, be amended and re-enacted so as to read as follows:

Code amended.

12. Whenever a guardian shall collect any principal or interest belonging to his ward, he shall have thirty days to invest or loan the same, and shall not be charged with interest thereon until the expiration of said time, unless he shall have made the investment previous thereto, in which case he shall be charged with interest from the time the investment or loan was made: *provided, however*, that if by due diligence any guardian is unable to loan any principal or interest belonging to his ward within the time aforesaid, he may file his petition in the circuit court of the county in which he qualifies as such guardian, setting out fully the facts, which petition shall be verified as provided by section forty-two of chapter one hundred and twenty-five of the code, and of the filing of which petition ten days notice shall be served on the ward, and the circuit court or the judge thereof in vacation, shall appoint a guardian *ad litem* for the defendant to said

Guardians: within what time may invest or loan ward's money; interest.

—If by due diligence guardian is unable to loan funds of ward, what then.

—proceedings on petition.

petition, who shall answer said petition under oath, and thereupon the court or judge thereof in vacation shall hear the matters arising upon said petition, upon affidavits or depositions duly taken and returned, upon such guardian *ad litem* shall in all cases be personally present at the hearing; and such court or judge thereof in vacation, if it be made to appear that such guardian has been unable to loan the funds of his ward as hereinbefore required, may make such order in relation to the loan and investment of the funds in the hands of such guardian, as may be to the best interests of the ward. But pending a hearing upon said petition, such guardian shall not be chargeable with interest on the funds in his hands uninvested, unless the court or judge otherwise order.

—what order court may make.

—not liable to pay interest pending hearing, unless, etc.

(Substitute for Senate Bill No. 14.)

CHAPTER 105.

AN ACT to amend and re-enact section four of chapter thirty-one of the code, relating to the sale of land returned delinquent for the non-payment of taxes.

[Passed February 20, 1901. In effect 90 days from passage. Approved February 22, 1901.]

Be it enacted by the Legislature fo West Virginia :

Code amended.

Sale of delinquent lands for taxes; duty of auditor as to lists to be made out.

—what such lists to specify.

That section four of chapter thirty-one of the Code of West Virginia be amended and re-enacted so as to read as follows:

4. On or before the first day of November in each year, the auditor shall cause to be delivered to the sheriff or collector of taxes for every county two lists of the real estate therein, which, at the time said lists are made out, shall have been returned delinquent for the non-payment of taxes thereon for any previous year and not previously sold therefor, and on which the taxes and interest, or any part thereof, shall remain then unpaid and not released or otherwise discharged, with a statement of the several amounts due for state and state school taxes; county taxes for all purposes; school district and independent school district taxes; other district taxes for all purposes, and

municipal corporation taxes for all purposes, on each tract or lot for each year with interest on each amount from the twentieth day of January in the year succeeding that in which such taxes were levied until the first day of November in the year such list is delivered as aforesaid to the sheriff, or collector, at the rate of twelve *per centum* per annum added thereto. But if the real estate has been sold for the non-payment of taxes, the same shall not be charged with or again sold on account of any taxes for any year previous to that for the taxes of which the same was made; except, that if for any cause a previous sale of real estate purchased by, or in behalf of the State, has been or shall be set aside by any court, and the taxes for which it was or shall be sold, have not been paid, the auditor shall include in such lists all such real estate, and the same shall be sold for the taxes and interest due thereon for the years for which it was previously sold, in like manner and with like effect as the other real estate mentioned in said lists.

—rate of interest.

—lands once sold not to be again sold for taxes due for a previous year.—exception.

5. When by the formation of a new county, or the change of the boundary between two counties, any tract or lot returned delinquent for non-payment of taxes in one county shall after such return be included in another, the clerk of the county court of the county in which such land was included shall certify the same to the auditor before the first day of June in each year, in order that the same may be entered in the list to be delivered pursuant to the preceding section to the sheriff or collector of the county in which the said tract or lot is situated.

Lands returned delinquent in one county and afterwards included in another by change of boundary lines, etc.; duty of county court clerk in relation thereto.

(House Bill No. 109.)

CHAPTER 106.

AN ACT to amend and re-enact chapter fifty-nine of the acts of one thousand eight hundred and ninety-seven, and also sections five, ten and eleven of chapter fifty of the acts of one thousand eight hundred and eighty-seven and to add section twenty thereto, relating to mine ventilation, inspection and drainage.

[Passed February 14, 1901. In effect 90 days from passage. Approved February 21, 1901.]

Be it enacted by the Legislature of West Virginia:

Acts amended.

1. That chapter fifty-nine of the acts of the Legislature of West Virginia of one thousand eight hundred and ninety-seven, "concerning mine ventilation and inspection" be amended and re-enacted so as to read as follows:

Mine inspectors; number; how appointed.

—chief mine inspector; his powers as to mine inspection and district inspectors.

—office records of chief inspector, how kept, etc.

—inspection of such records.

—penalty on chief inspector for violation, etc.

1a. The governor of the State, by and with the consent of the senate, shall appoint one district mine inspector for each of the five mining districts created by this act, and a chief mine inspector who shall supervise and control the mine inspection of the State of West Virginia, and the chief shall have power to call the assistance of any one of the other five mine inspectors to any district in the State of West Virginia in case of emergency; and the chief mine inspector shall keep the reports furnished him by the five mine inspectors, and in addition thereto he shall copy said reports in a book or books by him purchased and kept for the purpose, and he shall index the same, and said books shall be open for inspection upon the request of any citizen of the State, and upon the request of the governor or attorney general of this State, the said chief mine inspector shall lay said books and reports before either of said officers, and also maps of mines furnished him by the said district mine inspectors.

b. Any chief mine inspector who shall violate any of the provisions of this act shall, upon conviction thereof, be fined not less than twenty-five nor more than two hundred dollars, and may, in the discretion of the court, be imprisoned in the county jail not exceeding one year.

And each of the five mine inspectors shall report in writing monthly to the chief mine inspector, the number and condition of all the mines inspected by him during each month. The chief mine inspector shall have power to remove any of the five mine inspectors, mentioned in this act, for causes hereinafter mentioned in this act, and the governor of the State shall fill all vacancies caused by removal from office. Mine inspectors created by this act shall hold their office for the term of four years, as hereinafter provided, unless they be sooner removed, as hereinafter provided. They shall continue in office until their successors in office are appointed and qualified.

—monthly reports of district inspectors.

—power of chief inspector to remove; how vacancies filled.

—term of office.

c. Every person appointed chief mine inspector must be a citizen of West Virginia and be a competent person, having had at least eight years experience in the working, ventilation and drainage of coal mines in this State, and a practical and scientific knowledge of all noxious and dangerous gases found in such mines.

—qualifications of chief inspector.

d. Every person so appointed district mine inspector must be a citizen of West Virginia, having a practical knowledge of mining and properly ventilating and draining mines, and a knowledge of the gases met with in coal mines, and must be a miner of at least six years' experience as a miner in the coal mines, or having been otherwise engaged as an employe for six years within the mines of this State; and he shall not while in office, be interested as owner, operator, agent, stockholder, superintendent or engineer of any coal mine, and he shall be of good moral character and temperate habits. An inspector of mines shall be removed from office by the chief mine inspector of this State for incompetency, neglect of duty, drunkenness, malfeasance and for other good causes.

—qualifications of district inspectors.

—what prohibited from being.

—character.

—removal, for what.

2a. Vacancies in office of inspectors shall be filled by appointment by the governor of the State for the unexpired term. Every person appointed inspector of mines, shall, before entering upon the discharge of the duties of his office, take the oath before some person authorized by law to administer oaths, that he will support the constitution of the United States and the constitution of the State of West Virginia, and that he will faithfully and impartially, to the best of his ability, discharge the duties of his office, and file a certificate of his having done so in the office of the secretary of state, and he shall give a bond in the penalty

vacancies, how filled.

—oath required of inspectors.

—where filed

—bond re-

quired; penalty, approval.

of two thousand dollars, with sureties to be approved by the governor of the State, conditioned that he will faithfully discharge the duties of his office.

—salaries and expenses of inspectors.

b. The salary of the chief mine inspector shall be eighteen hundred dollars per annum and not more than five hundred dollars for expenses, and the other five mine inspectors shall have twelve hundred dollars salary each, per annum, and not more than five hundred dollars each for expenses. Such salary and expenses shall be paid monthly out of the state treasury upon the approval of the chief mine inspector: *provided*,

—district inspectors, how paid.

—proviso as to traveling expenses.

that before payment of traveling expenses shall be made to the inspector, he shall file an account of such expenses verified by his affidavit showing that they accrued in the discharge of his official duties.

—appointment of mine inspectors, when and how.

c. On the first Tuesday in April, one thousand nine hundred and one, and every four years thereafter, the governor of the State shall, with the consent of the senate, appoint a chief mine inspector and one mine inspector for each of the five mining districts of the State created by this act, whose term of office shall begin when he has taken the oath of office and has given the approved bond, as required by this act, and whose term of office shall be four years, or until his successor shall be duly appointed and qualified.

—term of office.

—what required of inspectors.

d. Inspectors of mines shall devote their whole time and attention to the duties of their office and shall make personal examination, as set forth in sections three and four of this act, of the interior of all coal or other mines and outside of the mine where any danger may exist to the workmen employed in their respective districts.

District inspector must visit each mine, how often.

—unlawful to do what.

3a. And it shall be the duty of each district mine inspector to visit each mine in his district at least once every three months, and it shall be unlawful for any mine inspector to do any surveying for any mine owner or owners, during his term of office, and it shall be unlawful for any mine inspector to appoint any deputy or other person to do and perform any work required of such mine inspector, and it shall be his duty to personally perform the duties of his office hereunder. He shall also in each year, ending with the thirtieth day of June, make a written report to the chief mine inspector of his proceedings, stating therein the number of mines in his district, the improvements made in and at the mines, the extent to which this act is obeyed or violated, and such other informa-

—must personally perform duties.

—annual reports, what to state.

tion in relation to mines and mining as he may deem of public interest, or required of him by the chief mine inspector. He shall also suggest or recommend such legislation on the subject of mining as he may think necessary. Such report shall be filed with the chief mine inspector on or before the thirtieth day of September next succeeding the year for which it was made. The chief mine inspector shall annually make a full and complete written report of his proceedings as such chief mine inspector to the governor of the State for the year ending the thirtieth of June. Such report shall include the reports from the district mine inspectors, the number of visits and inspections made in the state by the district inspectors, the quantity of coal and coke produced in the State, and the number of men employed, number of mines operated, ovens in and out of blast, improvements made, prosecutions, etc., and such other information in relation to the subject of mines, mining inspection and needed legislation, as he may deem of public interest and beneficial to the mining interests of the State. Such report shall be filed with the governor on or before the thirtieth day of December next succeeding the year for which it was made, and such report shall be printed upon the requisition of the governor, and in order that the report may be annually printed and distributed among the operators, miners and citizens of this State, the sum of fifteen hundred dollars shall annually be allowed out of the state treasury for this special purpose.

—may suggest legislation.

—report, where filed, and when.

—chief inspector to make annual reports; to whom and when.

—what to include.

—when such report filed; to be printed annually and distributed; appropriation for.

b. Any mine inspector failing to comply with the requirements of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, and be dismissed from office.

—penalty on inspector, for what.

c. The governor of the State of West Virginia, together with the chief mine inspector created by this act, shall divide the State of West Virginia into five mining districts.

—mining districts, who to establish.

2. That sections 5, 10, and 11 of the acts of one thousand eight hundred and eighty-seven, concerning "the working, ventilation and drainage of coal mines, &c.," be amended and re-enacted to read as follows, and section twenty be added thereto:

Acts amended and sec. 20 added.

5. The operator or agent of every coal mine shall, within six months after the passage of this act, make, or cause to be made, unless already made and filed, an

Map of mines, operator or agent to make; what to show.

accurate map or plan of such mine, on a scale to be stated thereon, not exceeding one hundred feet to the inch. Such map or plan shall show the openings or excavations, the shafts, slopes, entries, airways, headings, rooms, pillars, etc., and such portions of such mine or mines as may have been abandoned, the general inclination of the coal strata, and so much of the property lines and the outcrop of the coal seam of the tract of land on which said mine is located, as may be within one thousand feet of any part of the workings of such mine. A true copy of such map or plan shall, within the six months aforesaid, be delivered by such operator to the inspector of his district, to be preserved among the records of his office, and turned over to his successor in office; and the original map, or a true copy thereof, shall be kept by such operator at the office of the mine, and open at all reasonable times for the examination and use of the inspector; and such operator shall, twice within every twelve months, and not more than seven months apart, while the mine is in operation, cause such mine to be surveyed and the map thereof extended so as to accurately show the progress of the workings, the property lines and outcrop as above provided; and he shall immediately thereafter notify the inspector of his district, who shall forward to the said operator, or his engineer, the maps held by such inspector to be extended as above required.

—copy of such map, to be delivered to district inspectors: preservation of.

—original map, where kept.

—survey of mines and extension of maps, how often.

—notice to inspector, and his duty.

Ventilation; operator to provide; amount of air to afford; extent of circulation.

—break-throughs.

—when such break-throughs to be closed.

construction of stopplugs,

10. The operator or agent of every coal mine, whether worked by shaft, slope or drift, shall provide and hereafter maintain for every such mine ample means of ventilation, affording no less than one hundred cubic feet of air per minute for each and every person employed in such mine, and as much more as the circumstances may require, which shall be circulated around the main headings and cross headings and working places, to an extent that will dilute, render harmless and carry off, the noxious and dangerous gases generated therein; and as the working places shall advance, break-throughs for air shall be made every one hundred feet in the pillars, or brattice shall be used, so as to properly ventilate the face, and all the break-throughs, not required for the passage of air, shall be properly closed with brattice, or brattices shall be used, so as to keep the working places well and properly ventilated. In all mines generating fire damp and where there is every reason to believe that

gas will be constantly encountered in the future workings and developments of the mine, all stoppings on the main entries shall be constructed in a substantial manner and as nearly as practicable air tight, except for temporary purposes; doors on main haul-ways shall be avoided in gaseous mines where practicable, and overcasts adopted when and where the same may expediently be built, and where doors are used they must be built in a substantial manner and hung so as to close automatically when unobstructed. All old unused workings and abandoned parts of the mines must be protected by such safe guards as will prevent the dangerous overflow of any standing gas therein, and all avenues leading thereto shall be so arranged and conducted as to give cautionary notice to all such workmen in such mines of the danger in entering therein. And in order to secure the safety of the workmen in general against danger in said abandoned or worked out parts of the mines notices shall be put up and kept standing as far as practical, which shall afford warning to all such workmen not to enter in such parts of said mines; and in addition thereto, all persons, other than those specially charged with that duty, are hereby forbidden to enter such abandoned parts of such mines where gas may be found. And for violation of this provision of this act, such person or persons so offending shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than one hundred dollars and be confined in the county jail not less than ten days nor more than one year. No miner or other employe shall take into the mine in this State any larger quantity of powder or other explosive than he or they may reasonably expect to use during their term of employment of one day of twelve hours. In all mines where explosive gas, or other gas of a dangerous or poisonous nature, is known to generate in large and dangerous quantities, the workmen shall be immediately instructed to withdraw from the mine in case of stoppage of the fan, or heavy falls of the roof which may obstruct the main intake or return airway, until such obstruction is removed. And it shall be unlawful in all mines where gas is being generated in large and dangerous quantities, to use any other mechanical power for ventilation purpose except fan power, or the equal thereof; and the fan or other power, shall be kept in operation night and day un-

when and how.

—in gaseous mines, what to be avoided and what adopted.

—if doors be used, how built.

—safeguards to prevent dangerous overflow of gas in unused workings etc.; cautionary notice to workmen.

—posted notices.

—persons forbidden to enter abandoned parts.

—penalty for violation.

—Quantity of explosives taken into a mine, limited.

—in mines that generate dangerous gas, workmen shall immediately withdraw therefrom, when.

—what mechanical power for ventilation must be used in mines that generate large quantities of gas; and kept in operation continuously, unless, etc.

less written permission to do otherwise be granted by the chief inspector or the district inspector in whose district the mine is situated; but no mine operator shall be required to keep such fan going where it is necessary to shut it down for the purpose of repairing machinery or doing other work in the mines which may make it necessary. It shall be unlawful for any miner after having exploded in any working place sixty cubical inches or more of powder, in one or more blasts, in any mine known to generate gas in large and dangerous quantities, to enter such working place and attempt to resume work in any manner whatever with a naked light in less than twenty minutes after the blast has been exploded.

—when operator may shut down such fans.

—unlawful when for miner to enter working place and resume work with naked light.

—“fire-boss” duty of owner or operator to employ, in what mines.

—what qualifications such boss must possess.

—duties of the “fire boss.”

—his further duties.

—same subject.

It shall be the duty of every mine owner or operator in this State whose mine or mines are known to generate fire damp or other dangerous gas or gases, in dangerous quantities, to employ a “Fire Boss” or “Bosses” where necessary, who shall be a citizen or citizens of this State, and have such knowledge of fire damp and other dangerous gases as to be able to detect the same with the use of safety lamps and shall have a practical knowledge of the subject of ventilation of mines and the machinery and appliances used for that purpose, and be a person with at least three years’ experience in mines generating such fire damp and dangerous gases. It shall be the duty of said fire boss or bosses where employed in said gaseous mines to fix and determine upon some intelligent plan to warn and give notice to all the employes of such mines when they may be permitted to enter such mine or mines to begin work upon each shift of their employment; and it shall further be the duty of said fire boss or bosses to go into all the working places of such mine or mines where gas is known to exist, or liable to exist, in dangerous quantities, and carefully examine the same with a safety lamp, and do, or cause to be done, whatever may be necessary to remove from such working place or places all dangerous gases and make the same safe for persons to enter therein as workmen in such mine or mines; such examination and removal of said gases shall be made immediately before each shift begins to work in such mines, and thereafter to at once give such notice or warning to the employes in said mine or mines on the outside thereof that the same is safe for them to enter therein and begin work. In the performance of the duties on

the part of the fire boss or bosses they shall have no superior officer, but all the employes working inside of said mine or mines shall be subordinate to said fire boss or bosses in this particular work. It shall be unlawful for any person to enter said mine or mines for any purpose at the beginning of work upon each shift therein until such signal or warning has been given by said fire boss or bosses on the outside of said mine or mines as to the safety thereof, as herein provided, except under the direction of said fire boss or bosses, and then for the purpose of assisting in making said mine safe; and each person who shall enter such mine before such notice or signal has been given shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than five hundred dollars, and imprisoned in the county jail not less than sixty days nor more than one year. In all mines generating fire damp, accumulations of fine, dry coal dust shall, as far as practicable, be prevented, and such dust shall, whenever necessary, be kept properly watered down. The safety lamps used for examining any mine or which may be used for working therein, shall be furnished by, and be the property of, the operator of the mine, and shall be in charge of some person to be designated by the "Fire Boss," and at least one safety lamp shall be kept at every coal mine whether such mine generates fire damp or not.

11. In order to better secure the proper ventilation of every coal mine and promote the health and safety of persons employed therein, the operator or agent shall employ a competent and practical inside overseer, to be called "mining boss," who shall be a citizen of this State and an experienced coal miner, or any person having three years experience in a coal mine, who shall keep a careful watch over the ventilating apparatus and the air-ways, traveling-ways, pumps and drainage; and shall see that, as the miners advance their excavations, proper break-throughs are made to properly ventilate the mine, and that all loose coal, slate and rock over head in the working places and along the haul-ways be removed or carefully secured so as to prevent danger to persons employed in such mines; and that sufficient props, caps and timbers, as nearly as possible of suitable dimensions, are furnished for the places where

—to have no superior officer.

—unlawful, when, for any person to enter mine until signal given as to safety; except, etc.

—penalty for entering before signal is given.

—provision as to dry coal dust in mines generating fire damp.

—safety lamps used for examining mines.

"Mining boss;" operator or agent must employ.

—qualifications and duties.

they are to be used; and such props, caps and timbers shall be delivered and placed at such point as the rules for the government for each respective mine provide for them to be delivered; and every workman in want of props, cap pieces and timbers shall notify the mining boss, or such other person who may be designated for that purpose, at least one day in advance, giving the length and number of props or timbers and cap pieces he requires; but in case of an emergency the timbers may be ordered immediately upon the discovery of any danger; and it shall be the duty of each miner to properly prop and secure his place in order to make the same secure for him to work therein. The said mine boss shall have all water drained or hauled out of the working places where the same is practicable, before the miners enter, and said working places kept dry as far as practical while the miners are at work. And in mines in which the operations are so extensive that all the duties devolving upon the mine boss cannot be discharged by one man, competent persons having had two years' experience in a coal mine may be designated and appointed as assistants, who shall act under the mine boss' instructions, and who shall be responsible for their conduct in the discharge of their duties under such designation or employment. On all haul-ways, space not less than ten feet along and two feet, six inches wide, between the wagon and the rib, shall be kept open at distances not exceeding one hundred feet apart, in which shelter from passing wagons may be had. It shall further be the duty of the mining boss to have bore holes kept not less than twelve feet in advance of the face, and, where necessary, on sides of the working places that are being driven toward and in dangerous proximity to an abandoned mine or part of mine suspected of containing inflammable gases or which is filled with water. On all haul-ways where hauling is done by machinery of any kind, the mine boss shall provide a proper system of signals and a conspicuous light, and also for the carrying of a conspicuous light on the front car of every trip or train of cars when in motion in a mine, and when the hoisting or lowering of men occurs before daylight in the morning or at evening after darkness at any mine operated by shaft, the said mine boss shall provide and maintain at the shaft mouth a light of a stationary character sufficient to show the landing and all surrounding objects distinctly, and

—workmen in want of props, etc., must notify such boss; when and how.

—emergency order.

—duty of miner.

—further duties of "mine boss," when.

—space on haul-ways.

—duty of "mine boss" as to bore holes.

—duty of boss where hauling is done by machinery.

—duty of such boss when mine is operated by shaft

sufficient light of a stationary character shall be located at the bottom of the shaft so that persons coming to the bottom may clearly discern the cages and other objects closely contiguous thereto. No cages on which men are riding shall be lifted or lowered at a rate of speed greater than six hundred feet per minute. No mine cars, either empty or loaded, shall be hoisted, while men are being lowered or hoisted, and no cage having an unstable self-dumping platform shall be used for the carrying of workmen unless the same is provided with some device by which the same can be securely locked when men are being hoisted or lowered into the mine. At every mine where fifty men are employed underground, it shall be the duty of the operator thereof to keep always on hand at the mine a properly constructed stretcher, woolen and a waterproof blanket, and all necessary requisites which may be advised by the medical practitioner employed by the company, and if as many as one hundred and fifty men be employed two stretchers with the necessary equipments as above advised. The mining boss, or his assistant, shall visit and examine every working place in the mine as often as practicable and as to him may seem necessary while the miners of such places are at work, and shall direct that each and every working place shall be secured by props or timbers whenever necessary, which shall be placed and used by the miners working therein as in this act provided, to the end that such working places shall be made safe, and the said mine boss shall not direct anyone to work in an unsafe place unless it be for the purpose of making it safe. The mining boss shall notify the operator or agent of the mine of his inability to comply with any of the requirements of this section, and it shall then become the duty of any operator or agent to at once attend to the matter complained of by the mining boss, so as to enable him to comply with the provisions hereof if the same can be practicably done.

—cages containing men; rate of speed.

—mine cars, not to be hoisted; when.

—unstable cages not to be used, etc.

—duty of operator to provide stretchers, etc.

—duty of "mining boss" to visit and examine working places; what security to provide.

—to notify operator, of what.

—duty of operator, when so notified.

20. There shall be adopted by the operator of every mine in this State special rules for the government and operation of his mine or mines, covering all the work pertaining thereto in and outside of the same, which, however, shall not be in conflict with the provisions of the mining laws of this State. Such rules when established shall be printed on cardboard and shall be posted up in the drum-house, tippie or some

Special rules for government, etc., of mines; operator must adopt.

—such rules to be printed; and posted, where.

—effect of such posted notice.

—copy to be furnished employees, when requested.

other conspicuous place about the mines where the same may be seen and observed by all the employes at such mines, and when said rules are so posted the same shall operate as notice to all the employes at such mine of their acceptance of the contents thereof. And it shall be the duty of each mine operator to furnish a printed copy of said rules to each of his employes when requested by either or any of them.

(Senate Bill No. 55.)

CHAPTER 107.

AN ACT to amend and re-enact section one, seven, eight, nine, ten, eleven and thirteen of chapter thirty-four of the Code of West Virginia concerning insurance, telegraph, telephone and express companies.

[Passed February 6, 1901. In effect 90 days from passage. Became a law without approval of the Governor.]

Be it enacted by the Legislature of West Virginia:

Code amended.

That sections one, seven, eight, nine, ten, eleven and thirteen of chapter thirty-four of the code of West Virginia be amended and re-enacted so as to read as follows:

Insurance, telegraph, telephone and express companies; what are domestic, what foreign.

1. Every insurance, telegraph, telephone or express company having its principal place of business in this State and incorporated by an act of the general assembly of Virginia passed before the twentieth day of June, one thousand eight hundred and sixty-three, or heretofore or hereafter incorporated under and pursuant to any act of the Legislature of this State, shall be deemed a domestic company; and every other insurance, telegraph, telephone or express company, a foreign company.

Foreign companies to make annual returns to auditor.

—provisos.

7. Every foreign insurance, telegraph, telephone and express company doing business in this State, or the agent or agents thereof, shall annually make returns to the auditor as follows: *provided*, that where there are several agents of any such company in this State, the returns may be made by any one of them on behalf of all; and *provided, further*, that this act shall not apply to telegraph lines owned and oper-

ated by railroad companies for railroad purposes only.

8. If such returns be made on behalf of any insurance company they shall show the amount of risks on all insurance made, renewed or negotiated, within this State or on any subject of insurance within this State, on behalf of such company, during the period for which the said returns relate.

Returns by foreign insurance companies, what to show.

9. If the returns be made on behalf of a telegraph or telephone company they shall show the full number of miles of telegraph or telephone line used or operated by the said telegraph or telephone company within this State during the period for which such returns relate, but in ascertaining said mileage no more than one line of wire shall be counted or measured.

Returns from foreign telegraph or telephone companies, what to show.

10. If the returns be made on behalf of any express company they shall show the full number of miles of road used or operated by said express company within this State during the period to which such returns relate.

Returns of foreign express companies, what to show.

11. The said returns shall be made within twenty-one days after the first day of February in every year, and shall include the full amount of all risks of insurance either written or renewed, or the full number of miles of road used or operated by said express company, or the full number of miles of telegraph or telephone line used or operated by said telegraph or telephone company, during the twelve months preceding the first day of January in that year. The returns so made shall be verified by the affidavit of the officer or agent making the same.

Such returns when made and what to include.

—how verified.

13. At the time of making such returns by any foreign insurance, telegraph, telephone or express company, the officer or agent making the same shall pay into the treasury of the state for each insurance company, telegraph, telephone or express company, a license tax as follows: For each insurance company a tax on the total amount of all risks written within the State as follows:

License taxes, when to be paid.

—rate of such tax on insurance companies.

Fire insurance companies one-fourth of one mill on each dollar; life and accident insurance companies one and one-half mills on each dollar; all companies classified as miscellaneous, including fidelity, guaranty and security companies, one tenth of one mill on each dol-

—on express companies. lar; for express companies one dollar and fifty cents per mile of road upon or over which it carries expressage; telegraph companies one dollar per mile of telegraph wire over which telegraph messages are sent or received, except as hereinbefore provided; telephone companies one dollar per mile of telephone wire over which messages are sent or received as common carriers between cities, towns or villages, but not over local exchanges in such cities, towns or villages. All of which license taxes shall be credited to the state fund, and the company paying such taxes, shall take duplicate receipts therefor, one of which shall be filed with the auditor. Should any company fail to make such payment and file such report the auditor shall not issue to such company the certificate mentioned in the third section of this chapter, so long as such failure shall continue.

—on telegraph companies.

—on telephone companies.

—to what fund credited

—receipts.

—failure to make report, what then.

(House Bill No. 224.)

CHAPTER 108

AN ACT to amend and re-enact section 53 of chapter 54 of the Code of West Virginia, relating to the incorporation of joint stock companies, and the consolidation of railroads thereunder.

[Passed February 14, 1901. In effect 90 days from passage. Approved February 21, 1901.]

Be it enacted by the Legislature of West Virginia:

Code amended.

That section fifty-three of chapter fifty-four of the code of West Virginia, be and the same is hereby amended and re-enacted so as to read as follows:

Consolidation of Stock with Other Road, Etc., Leasing, Etc.

Railroads may extend line beyond termini; when.

53. Any railroad corporation which has been, or shall be, organized under the general laws of this State, or deriving its franchise therefrom, or organized under special charter, may extend, with the consent of the stockholders owning a majority of the stock present at any general or special meeting thereof, its line beyond either or both termini named in the articles of incorporation or special charter under which its line is located; and such extension may be

—extension, how located.

located by the most practical route, and may pass out of this State into any other state, with the assent of such state, and back again into this State, as often as may be found necessary in locating such extension, and such corporation may construct, own or operate such extension or extensions in the same manner and to the same extent as if such extension or extensions had been included in the original articles of association or special charter: *provided, however*, that any railroad company organized under special charter, by extending its line, shall not carry with it any special privileges guaranteed it under its charter, as to such extension, but only such rights and privileges as are conferred under the general law: *provided*, that such corporation before commencing any such extension, in this State, shall file in the office of the secretary of state, a certificate stating the point at or near which such extension in this State shall commence and terminate. No railroad corporation owning or operating a railroad wholly or in part within this State, shall consolidate its capital stock with any other railroad running a parallel or competing line, without the consent of the Legislature, but any such railroad corporation whose line of railroad is made, or is in process of construction, may merge or consolidate with, or lease its railroad or any part thereof for a term of years to any other corporation of this or an adjoining state owning or operating a line of railroad completed or in process of construction, wholly or partly within this or an adjoining state, and connected directly or by means of an intervening railroad or railroads, in order to make a continuous line of railroad to be run and operated with or without changes of cars, or break of bulk, or exchange or transfer of passengers or freight; and may sell to or purchase such connecting line of railroad; and may adopt another name for their said road thus merged, consolidated or connected, by filing in the office of the secretary of state a declaration of the adoption of such other name; and shall publish such declaration for sixty days in all newspapers published along the line of such railroad; but such merger, consolidation or sale, shall be made only upon such terms and conditions as shall be agreed to by the stockholders owning a majority of the stock in each of the companies so merging, consolidating, purchasing or selling: *provided*, that where two or more railroad companies have been heretofore in-

—may own or operate such extension.

—proviso as to special privileges.

—certificate of extension; filing of, etc.

—consolidation of certain lines prohibited, without, etc.

—but certain lines may merge or lease, etc., to make a continuous line, etc. —for what term.

—may sell or purchase connecting lines.

—may adopt new name, how.

—terms, etc., of such merger, etc.

—proviso permitting certain roads

located and partly constructed to merge and consolidate; how.

incorporated under and by virtue of the laws of this State, for the construction of two or more lines of railroad which have been located or surveyed along the same line between any points or places, and each of said corporations has acquired separate and distinct rights and interests under their respective charters, or made or performed any work toward the construction of the improvements contemplated by their respective charters, it shall be lawful for the boards of directors of said corporations, with the consent of the stockholders owning a majority of the stock of each of the corporations interested, to merge or consolidate the capital stock of their respective companies, or to consolidate different interests in the same road, upon such terms as they may agree upon; or for one or more of such corporations to make sale of all their right, title and interest, including the franchises of such corporations to such other corporations, in such manner as may be deemed advisable: *provided, however,* that such merger or consolidation or purchase shall not invalidate any action, suit, claim or demand against any or either of the companies who are parties thereto, and any such action, suit, claim or demand shall be held to be in full force against the company owning such consolidated or merged line of railroad; and in no case shall any consolidation or merger or sale take place, except after sixty days' notice, which notice shall be given in the manner prescribed in section forty-five of this chapter: *provided,* that every railroad corporation doing business in this State under charters granted or laws passed by the State of Virginia, is hereby declared to be as to its works, property operations, transactions and business in this State, a domestic corporation, and shall be so held and treated in all suits and legal proceedings which may be commenced or carried on by or against any such railroad corporation as well as in all other matters relating to such corporation; but such corporation shall not be required to file a copy of its charter or any writing with the secretary of state, as provided in section thirty of chapter fifty-four of the code of West Virginia; and all leases of railroads heretofore made between railroad companies, as provided in this section, shall be deemed valid. And it shall be lawful for any railroad company, created under the laws of this State, or of this State and any other state or states, to consolidate with any other railroad or railroads in this State or

—one or more may sell to other corporation.

—such merger sale, etc., not to affect legal status of merged companies.

—notice of merger, etc., required.

—what railroad corporations declared domestic.

—such railroads relieved from filing charter, etc.

—former leases valid.

—further authority to consolidate.

other states; or such railroad company of this State, or of this State and other states, may purchase the railroad, corporate rights and franchises of any railroad company created under the laws of this State or of this State and any other state or states: *provided*, the railroad or railroads so proposed to be consolidated or purchased, are not parallel or competing railroads to the company consolidating or purchasing the same; and *provided, further*, that the railroad or railroads so proposed to be consolidated or purchased, form with the railroad of the company consolidating or purchasing the same, either directly or by means of other intervening railroad or railroads, a through line for the transportation of persons and property; and *provided, further*, that the agreement for such consolidation, or purchase, shall be first made between directors of the different companies so proposing to consolidate or purchase and sell, and before the same shall be effective the same shall be ratified by the votes of two-thirds in amount of all the stockholders of each of the companies, parties to such agreement. Such agreement may be ratified by such stockholders at any annual or special meeting of such stockholders, due notice of such meeting showing the time, place and object of such meeting, shall be published once a week for four weeks in the newspapers in which the notice of the annual meetings of such companies is published, and a printed copy of such notice shall also be mailed, postpaid, to the address of each stockholder of record, of each of the companies parties to said agreement, at least thirty days prior to the time of such meeting; and *provided, further*, that the portion of railroad or railroads in this State so proposed to be consolidated, or purchased, shall continue, in all respects, subject to the jurisdiction of the laws of this State and especially in respect to the laws relating to taxation.

—but not to be parallel, etc., roads.

—roads that consolidate must form a through line.

—what must be done to make such agreement effective.

—at what meeting such agreement ratified.

—notice and how given.

—all railroads so consolidated to continue subject to what laws.

(House Bill No. 239.)

CHAPTER 109.

AN ACT to amend and re-enact chapter eighteen of the Acts of the Legislature of West Virginia of one thousand eight hundred and ninety-seven, extending the time within which railroad companies organized since the first day of June, one thousand eight hundred and eighty, may complete their railroads and put them in operation.

(Passed February 22, 1901. In effect 90 days from passage. Approved February 23, 1901.)

Be it enacted by the Legislature of West Virginia :

Acts amended.

That chapter eighteen of the acts of the Legislature of West Virginia of one thousand eight hundred and ninety-seven be amended and re-enacted so as to read as follows

Time extended in which certain railroad companies may complete their roads and put them in operation.

—when corporate existence, etc., to remain, etc.

—no forfeiture, etc., when.

—when, for what and to what extent, corporate powers to cease.

1. That any railroad company organized under the laws of this State since the first day of June, one thousand eight hundred and eighty, which has complied with section eight, chapter twenty of the acts of one thousand eight hundred and eighty-five, and which has commenced the construction of its road, and has actually and in good faith expended thereon ten per cent. of its capital stock actually subscribed, and which shall, within five years after the passage of this act, complete its railroad or some part thereof, and put the same or the part so completed into actual operation, then and in every such case the corporate existence, franchise and powers of such railroad company shall be and remain, so far as the part of said road so completed and operated is concerned, the same as though the provisions of section sixty-six of chapter seventeen of the acts of one thousand eight hundred and eighty-one had been fully complied with by such company, and no forfeiture or judgment of ouster shall be rendered against said company by reason of its failure to comply with said section. But if any of said railroad companies shall not complete its road, or some part thereof, and put the same, or the part so completed, into actual operation within five years from the passage of this act, its corporate existence and powers shall cease, and in case it shall have completed some part thereof, only, and put such part into operation, its corporate powers and rights shall cease as to all of said proposed road not so completed and put into actual operation within said time.

(Senate Bill No. 6.)

CHAPTER 110.

AN ACT authorizing the union of the Chesapeake and Ohio Railway Company and the Glen Jean, Lower Loup and Deepwater Railroad Company, by purchase, consolidation or merger.

[Passed February 7, 1901. In effect 90 days from passage. Approved February 18, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That it shall be lawful for the Chesapeake and Ohio Railway Company and the Glen Jean, Lower Loup and Deepwater Railroad Company to unite with each other upon such terms for the purchase of the franchises, rights, privileges and property of the latter company by the former company, or for the consolidation of the said latter company with the said former company, or the merger of said latter company into the former company, by deed, contract, resolution of stockholders, or otherwise, as may be approved by a majority in interest of the stockholders of said companies, respectively, at any general, special or adjourned meeting, and in the event of such purchase, union, consolidation or merger the said Chesapeake and Ohio railway company shall be entitled to and shall have and possess all the rights, privileges and property of the said Glen Jean, Lower Loup and Deepwater railroad company.

Authorizing the C. & O. Railway Co. and Glen Jean, Lower Loup & Deepwater R. R. Co. to unite by purchase or merger.

—when and how.

—what rights the C. & O. to possess, etc.

2. In the event of such purchase, union, consolidation or merger, the said Chesapeake and Ohio railway company shall assume all of the lawful debts and obligations of said Glen Jean, Lower Loup and Deepwater railroad company, and it shall be lawful for the holders of such debts and obligations to enforce the same directly against the said Chesapeake and Ohio railway company, subject, however, to the right of the said Chesapeake and Ohio railway company to make any and all defences in law, or in equity which the said Glen Jean, Lower Loup and Deepwater railroad company would have had the right to make to the same, had such purchase, union, consolidation or merger not taken place.

Surviving company to assume all lawful debts, etc.; subject to what rights.

3. It shall be the duty of the said The Chesapeake and Ohio railway company to file in the office of the secretary of state, a copy of the terms of such pur-

Copy of agreement or resolution filed, where and when.

chase, union, consolidation or merger, or a certified copy of the resolutions of the stockholders of each company, respectively, within sixty days after the date thereof.

What stock C. & O. may hold pending purchase.

4. Pending such purchase, union, consolidation or merger, the Chesapeake and Ohio railway company is expressly authorized to hold the stock of the Glen Jean, Lower Loup and Deepwater railroad company, with all the rights of any stockholder.

(Senate Bill No. 9.)

CHAPTER 111.

AN ACT authorizing the union of the Chesapeake and Ohio Railway Company and the Guyandot Valley Railway company, by purchase, consolidation or merger.

[Passed February 7, 1901. In effect 90 days from passage. Approved February 18, 1901.]

Be it enacted by the Legislature of West Virginia:

C. & O. Railway Co., and Guyandot Valley Railway Co., authorized to unite by purchase, merger, etc.

—when and how.

—what rights, etc., the C. & O. railway company to possess.

Surviving company to assume all lawful debts, etc.; subject to what rights.

1. That it shall be lawful for the Chesapeake and Ohio railway company and the Guyandot Valley railway company to unite with each other upon such terms for the purchase of the franchises, rights, privileges and property of the latter company by the former company, or for the consolidation of the said latter company with the said former company, or the merger of the said latter company into the former company, by deed, contract, resolution of stockholders, or otherwise, as may be approved by a majority in interest of the stockholders of said companies, respectively, at any general, special or adjourned meeting, and in the event of such purchase, union, consolidation or merger, the said Chesapeake and Ohio railway company shall be entitled to and shall have and possess all the rights, privileges, franchises and property of the said Guyandot Valley railway company.

2. In the event of such purchase, union, consolidation or merger, the said Chesapeake and Ohio railway company shall assume all of the lawful debts and obligations of the said Guyandot Valley railway company, and it shall be lawful for the holders of such debts and

obligations to enforce the same directly against the said Chesapeake and Ohio railway company, subject, however, to the right of the said Chesapeake and Ohio railway company to make any and all defences in law or in equity which the said Guyandot Valley railway company would have had the right to make to the same, had such purchase, union, consolidation or merger not taken place.

3. It shall be the duty of the said The Chesapeake and Ohio railway company to file in the office of the secretary of state a copy of the terms of such purchase, union, consolidation or merger, or a certified copy of the resolution of the stockholders of each company, respectively, within sixty days from the date thereof.

Copy of agreement or resolution to be filed, where and when.

4. Pending such purchase, union, consolidation or merger the Chesapeake and Ohio railway company is expressly authorized to hold the stock of the Guyandot Valley railway company, with all the rights of any stockholder.

Pending purchase, etc., C. & O. to hold what.

(Senate Bill No. 7.)

CHAPTER 112.

AN ACT authorizing the union of the Chesapeake and Ohio railway Company and the Greenbrier Railway Company, by purchase, consolidation or merger.

[Passed February 7, 1901. In effect 90 days from passage. Approved February 18, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That it shall be lawful for the Chesapeake and Ohio railway company and the Greenbrier railway company to unite with each other upon such terms for the purchase of the franchises, rights, privileges and property of the latter company by the former company, or for the consolidation of the said latter company with the said former company, or the merger of said latter company into the former company, by deed, contract, resolution of stockholders or otherwise, as may be approved by a majority in interest of the stockholders of said companies, respectively, at any general, special or adjourned meeting, and in the event of such purchase, union, consolidation or merger, the

C. & O. Railway Co. and Greenbrier Railway Co. union of, authorized by purchase; merger, etc.

—how and when.

—what rights etc. the C. & O. to possess, etc. said Chesapeake and Ohio railway company shall be entitled to and shall have and possess all the rights, privileges, franchises and property of the said Greenbrier railway company.

—Surviving company to assume all lawful debts, etc.; subject to what rights.

2. In the event of such purchase, union, consolidation or merger, the said Chesapeake and Ohio railway company shall assume all of the lawful debts and obligations of the said Greenbrier railway company, and it shall be lawful for the holders of such debts and obligations of the said Greenbrier railway company, and Chesapeake and Ohio railway company, subject, however, to the right of the said Chesapeake and Ohio railway company to make any and all defences in law or in equity which the said Greenbrier railway company would have had the right to make to the same, had such purchase, union, consolidation or merger not taken place.

Copy of agreement or resolution to be filed, where and when.

3. It shall be the duty of the said The Chesapeake and Ohio railway company to file in the office of the secretary of state a copy of the terms of such purchase, union, consolidation or merger or a certified copy of the resolution of the stockholders of each company, respectively, within sixty days from the date thereof.

What stock C. & O. may hold pending purchase;

4. Pending such purchase, union, consolidation or merger, the Chesapeake and Ohio railway company is expressly authorized to hold the stock of the Greenbrier railway company, with all the rights of any stockholder.

(Senate Bill No. 80.)

CHAPTER 113.

AN ACT to amend and re-enact section two of chapter fifty of the acts of one thousand eight hundred and eighty-one, entitled "An Act to change the name of the Potomac and Piedmont Coal and Railroad Company, and to confer additional power thereon."

[Passed February 1, 1901. In effect 90 days from passage. Approved February 8, 1901.]

Be it enacted by the Legislature of West Virginia:

That section two of chapter fifty of the acts of one thousand eight hundred and eighty-one entitled "An act to change the name of the Potomac and Piedmont coal and railroad company, and to confer additional powers thereon," be amended and re-enacted so as to read as follows:

2. That the authorized capital stock of the said company shall be twenty-five millions of dollars, to be divided into shares of one hundred dollars each, and shall be considered as personal property, and shall be transferable in such manner as may be provided for by the by-laws of said company, and each share thereof shall entitle the holder thereof to one vote in all the meetings of the stockholders of said company, to be given either in person or by proxy, and payment may be made for the whole or any part of such capital stock, either in land or other property, or money, and if land or other property, then at such price and valuation as may be agreed upon; the president and directors of said company shall have power at any time thereafter, and without opening new books of subscription, to receive further subscription to said capital stock, and to augment the same to such extent as may be authorized and fixed at any general meeting of stockholders of said company, not to exceed twenty-five million dollars. And it may be lawful for all persons and bodies corporate or politic, whatsoever, to become subscribers for and owners of the capital stock of the said company. The capital stock so authorized may be used for the extension and construction of such branch and connecting lines of railroad as the stockholders may determine.

Act amended relating to Potomac & Piedmont Coal & R. R. Co.

Authorized capital stock; value of shares; character of, etc.

—holders entitled to vote and how.

—payment of Capital stock.

—new subscriptions.

—who may subscribe.

—for what purposes stock used.

(Senate Bill No. 107.)

CHAPTER 114.

AN ACT providing for copying certain records, books, documents and papers relating to land titles, liens, releases and wills, in the county of Mingo, to be procured from the offices of the surveyor and clerk of the county court of Logan county, and from the office of the auditor of the State of West Virginia; providing for the appointment of a commission to procure such copies, and making the same parts of the public record of the offices of the surveyor and clerk of the county court of Mingo county, and providing how the same, or copies therefrom, and certificates based thereon, may be used as evidence.

[Passed February 18, 1901. In effect 90 days from passage. Approved February 20, 1901.]

Preamble.

Whereas, The act creating Mingo county in the year eighteen hundred and ninety-five failed to make provision for transcribing and transferring to the county of Mingo the records relating to the titles to lands located in Mingo county, which occasions great inconvenience and expense to the citizens of Mingo county; therefore,

Be it enacted by the Legislature of West Virginia:

Land titles, etc., in Mingo county; records of Logan county, relating to, to be copied; governor to appoint commission-ers.

—what records to be copied.

1. The governor of this State be and is hereby authorized and directed to appoint a committee, consisting of three citizens of said Mingo county, whose duty it shall be to transcribe into well-bound books prepared for the purpose, from the records of Logan county, all of the following records pertaining to lands situate in Mingo county, as the same may be found in the offices of the surveyor and clerk of the county court of said Logan county, to-wit: The records of land entry and survey books; the records of delinquent lands; the record of lands sold for the non-payment of taxes; the record of judgment liens; the record of trust deeds; the record of release of liens; the record of all other liens and releases of the same; the record of wills; the record of deeds.

And the following records from the office of the auditor of this State, to-wit:

The land books upon which are entered for the purposes of taxation the lands situated in said Mingo county from the formation of this State to the creation of the said county of Mingo.

Records in office of auditor to be copied.

2. The books mentioned in the next preceding section, into which such records as are mentioned therein are to be transcribed, shall be such as are required by existing law to be kept in the offices of the county surveyors and clerks of the county courts of this State, and shall be provided by the commissioners appointed under this act, and paid for out of the treasury of Mingo county, as provided by law, for the purchase of other record books.

Character of books to be used.

—how provided.

3. The surveyor and county clerk of Logan county, and the auditor of this State, shall permit the commissioners appointed under this act, and all persons appointed under this act, and all persons employed thereby, to freely use and copy, without charge, the records and books mentioned in section one of this act.

Permission given for access to records.

4. The commissioners appointed under this act shall have power to employ such assistants as they may deem necessary to perform the work authorized by this act, for all of which work the said commissioners shall receive the following compensation, which shall be allowed by the county court of Mingo county and paid out of the treasury thereof: three dollars each per day for each day actually engaged in and about this work, except for the time they are engaged in copying and transcribing, and for such transcribing and copying there shall be paid ten cents for each hundred words as transcribed or copied, which shall likewise be paid out of the county treasury of Mingo county.

Commissioner authorized to employ assistant.

—compensation: how paid.

—pay for copying records.

5. All books, records and documents transcribed as provided by this act from the office of the surveyor of Logan county shall be placed and remain in the office of the surveyor of Mingo county, as parts of the records thereof. All such books, records, documents and papers transcribed from the auditor's office of the State shall be placed and remain in the office of the

Where records placed, when copied.

clerk of the county court of Mingo county, as parts of the records thereof.

Records when copied, how held.

—for what purpose used.

—proviso in case of errors.

6 All copies in whole or in part of books, records, documents and papers transcribed, as provided by this act, and which shall be placed and kept in the offices of the surveyor and clerk of the county court of Mingo county, as provided by this act, shall be treated and held to be *prima facie* correct and may be used for all purposes in like manner and with like effect as the originals from which they were copied could be used; and certified copies therefrom shall be received in evidence with the like effect as copies certified from the originals: *provided, however*, that any person shall have the right to prove that any such copy, or any part thereof, was not correctly made from the records of Logan county and the auditor's office and is not a correct copy from such records.

What provisions of code to apply to such copies; for what purposes.

7. The provisions contained in sections five, five *a*, and six, of chapter one hundred and thirty of the code of West Virginia, shall apply to a copy of or from any of the books, records, documents or papers transcribed by virtue of this act, and which shall be placed and kept in the offices of the surveyor and clerk of the county court of Mingo county, attested as provided in said sections, and to any certificate of the clerk of the county court of Mingo county, in whole or in part, upon the contents of any of the records transcribed as provided by this act as to the nature of any real estate as delinquent, or sale thereof for taxes or non-payment of taxes, or forfeited or delinquent lands, or non-entry of land on the land books.

(House Bill No. 330.)

CHAPTER 115.

AN ACT providing for preserving the purity of the waters of the New and Great Kanawha Rivers.

[Passed February 22, 1901. In effect 90 days from passage. Approved February 23, 1901.]

Whereas, The New and Great Kanawha rivers have for several years, last past, been greatly contaminated and discolored to the injury of all riparian owners along the same within this State, and

Preamble.

Whereas, It is represented that this is the result of the washing of iron and other ores along said New river, in the State of Virginia, therefore,

Preamble.

Be it enacted by the Legislature of West Virginia:

1. It shall be the duty of the governor to cause examination to be made by such agent as he may appoint for the purpose, who shall report fully to the governor in writing concerning the cause of such contamination; and if it shall appear by said report that the same is caused by the use of the waters of New River in the State of Virginia, then the governor may, if he sees fit, direct the attorney general to take such proceedings, either at law or in equity, in the name of the State in the Supreme Court of the United States or in the United States Circuit Court for West Virginia if jurisdiction can be had of defendants, and if not, then in such court in the State of Virginia, either in the name of this State, or in the name of any riparian owner therein of said New or Great Kanawha rivers, as may permit his name to be used for the purpose, to cause said contamination and discoloring to be discontinued.

Contamina-
tion of waters
of New and
Kanawha riv-
ers; governor
to cause ex-
amination of.—proceedings
may be
taken when
and in what
courts.—whose
name.

2. In case such proceedings be taken in the name of any such riparian owner, then the costs and expenses of the same shall be defrayed by the State.

State to pay
costs, etc.,
when.

3. The sum of five hundred dollars is hereby appropriated, payable out of the general state fund, upon the requisition of the governor, to pay the costs of any such proceeding.

Anpropria-
tion to pay
costs.

(House Bill No. 320.)

CHAPTER 116.

AN ACT to authorize the town council of the town of Buckhannon to issue bonds to the amount of nineteen thousand dollars to refund the old bonds of said town.

[Passed February 18, 1901. In effect 90 days from passage. Approved February 20, 1901.]

Be it enacted by the Legislature of West Virginia:

Town council of Buckhannon authorized to issue bonds; amount; rate of interest. 1. That the town council of the corporation of the town of Buckhannon is hereby authorized and empowered to issue bonds to an amount not exceeding the sum of nineteen thousand dollars in the aggregate, at any rate of interest not exceeding four per centum per annum.

Interest may be paid, when.
—what must be expressed on coupons. 2. That the town council of the corporation of the town of Buckhannon shall designate whether the interest on said bonds shall be paid annually, semi-annually or quarterly, and the time when, and the place where, the same shall be payable; all of which shall be expressed on the face of coupons for the payment of said interest attached to the said bonds.

Principal, when payable. 3. The principal of said bonds shall be payable after five years at the option of the said council at such times and place as are declared on the face thereof, not exceeding twenty years after date of their issue.

Bonds, sold at par.
—proceeds, how applied.
—no increase of debt. 4. That no bonds shall be sold or delivered or exchanged for less than their face value, and the proceeds arising from the sale of said bonds shall only be used to pay, cancel and redeem, the present outstanding bonds of said corporation and there shall be no increased indebtedness made or paid by said bonds.

Council to provide for payment of interest and principal. 5. That the said town council of the corporation of the town of Buckhannon shall provide annually for the payment of the interest on said bonds, and after five years provide also for the payment of the principal within the time expressed on the face of said

bonds, in accordance with section eight of article ten, of the constitution of West Virginia.

6. The bonds authorized to be issued under this act shall be exempt from taxation for municipal purposes, which fact shall appear on the face thereof as part of the contract with the purchaser.

Bonds exempt from city taxation.

(House Bill No. 305.)

CHAPTER 117.

AN ACT authorizing the Council of "The Town of Point Pleasant," Mason County, to fund the bonded indebtedness of said town.

[Passed February 12, 1901. In effect 90 days from passage. Approved February 15, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That the council of "The Town of Point Pleasant" is hereby authorized to issue and sell thirty thousand dollars of refunding bonds of the denomination of five hundred dollars each, dated September first, one thousand nine hundred and one, and payable to bearer in thirty-four years after date, with interest thereon at the rate of four per centum per annum, payable annually; said bonds and the interest coupons thereto attached shall be payable at the Merchants' national bank of West Virginia at Point Pleasant, West Virginia. But any of such bonds shall be redeemable and payable at the pleasure of said town at any time after ten years from the date thereof.

Bonds; council of Pt. Pleasant, authorized to issue and sell; kind; amount; when payable, etc.

—rate of interest.

—where bonds and interest paid.

—bonds may be paid, when.

2. There shall be levied and collected by a direct annual tax sufficient sum of money to pay annually the interest on said bonds and the principal thereof within and not exceeding thirty-four years.

Annual tax to pay.

3. Nothing herein contained shall be construed as authorizing any increase of the bonded indebtedness of said town; nor shall the bonds issued under this act, or the proceeds of sale thereof, be used for or applied to any other purpose than the payment and redemption of the present bonded indebtedness of said town.

No increase of bond debt; proceeds, how applied.

Bonds; how
sold.

4. Said bonds shall be sold at not less than their par value; and shall be issued and sold pursuant to the provisions of the ordinance passed by the council of said town on the fifth day of February, nineteen hundred and one.

(House Bill No. 222.)

CHAPTER 118.

AN ACT authorizing the corporation of Shepherdstown to refund its bonded indebtedness by the issue of new bonds at a lower rate of interest than six per cent.

[Passed February 19, 1901. In effect 90 days from passage. Approved February 21, 1901.]

Be it enacted by the Legislature of West Virginia:

Bond debt
of Shep-
herdstown
authorized to
be funded;
how and
when.

1. That the mayor, recorder and common council of the corporation of Shepherdstown, in the county of Jefferson, is hereby authorized, when its present bonded indebtedness becomes due and payable, to fund the same, or any part thereof, by the issue and sale of new bonds of the denomination of one hundred dollars, or multiplies thereof, payable in twenty years from the date of their issue, with the right reserved to pay same at any time after ten years from date. Said new bonds to bear interest at a rate of not exceeding five per centum per annum, payable annually.

—rate of
interest

No increase
of bond debt.

—bonds sold
at par.

—proceeds
used only, for
what pur-
poses.

2. Nothing in this act shall authorize any increase of the bonded indebtedness of said corporation; nor shall said new bonds be sold or disposed of for less than par, or the proceeds thereof be used for or applied to any other purpose than the payment and redemption of the present outstanding bonds of said corporation.

(Senate Bill No. 126.)

CHAPTER 119.

AN ACT conferring additional authority on the Council of the City of Grafton, Taylor County, in relation to funding the bonded indebtedness of said City and to increase its bonded indebtedness.

[Passed February 11, 1901. In effect from passage. Approved February 18, 1901.]

Be it enacted by the Legislature of West Virginia :

1. That the council of the city of Grafton, Taylor county, shall have authority to issue bonds of said city not to exceed the sum of one hundred thousand dollars, payable in not less than ten years and not to exceed thirty-four years from their date, but redeemable at the pleasure of said city, at any time after ten years from their date; which said bonds, or so many thereof as may be issued, shall bear interest at the rate of four per centum per annum, payable semi-annually.

City of Grafton; council of, authorized to issue bonds; amount; when payable or redeemable, rate of interest, etc.

2. The council of said city shall have authority to appropriate a sufficient number of bonds issued by said council that may be necessary to fund so much and such parts of the present bonded indebtedness of said city as remains unpaid, and the proceeds arising from the sale of the residue of the issue shall be applied to the general improvement of the streets, alleys, sewerage and the general improvement of said city of Grafton.

For what purposes such bonds may be used.

3. The council of the said city shall annually levy a sum not to exceed fifty-five cents on the one hundred dollars valuation of the taxable property in the said city of Grafton, which said sum shall thereupon be applied to the payment of said bonds by said council, beginning at the lowest number of bonds, and the bonds so paid together with the coupons thereto attached, or belonging, shall thereupon be cancelled and annulled by the council, and a proper record of said cancellation shall be kept, giving the number, date and amount of each bond and coupon so cancelled and annulled.

Annual levy to pay bonds.

—order of payment.

—cancellation and record.

4. No bonds shall be issued by the said city of Grafton, under and by virtue of the authority given

Voters, to authorize issue.

in this act, unless all questions connected with the same shall have been first submitted to the qualified voters of the said city of Grafton and shall have received a majority of all the votes cast for and against the same.

Authority given council, how and for what.

5. The council of said city of Grafton shall have the authority, by proper ordinances, to carry into full force and effect the provisions of this act.

Acts repealed

6. All acts or parts of acts relative to the said city of Grafton inconsistent with this act are hereby repealed.

(House Bill No. 213.)

CHAPTER 120.

AN ACT to authorize the County Court of Braxton County to fund at a lower rate of interest one hundred and sixteen Five Hundred Dollar Bonds.

[Passed February 4, 1901. In effect 90 days from passage. Approved February 6, 1901.]

Be it enacted by the Legislature of West Virginia:

Bonds; Braxton county authorized to issue; when; amount; interest; principal; when payable.

1. The county court of Braxton county is hereby authorized, at any time within one year from the passage of this act, to issue not exceeding fifty-eight thousand dollars of coupon bonds of said county, in such form as may be provided by the county court, and of the denominations of one hundred dollars and five hundred dollars, bearing four per centum interest, payable semi-annually, the principal of which bonds shall not be demandable for thirty-three years from the date of issue.

Bonds may be paid, when.

2. The said bonds, or any portion thereof, may be paid at any time after ten years, and this proviso shall be expressed on the face of the bonds.

Sale of such bonds.

3. The county court of Braxton county shall sell and dispose of the bonds issued under this act at not less than the par value, or so much of them as is necessary to pay off the bonded indebtedness, unpaid, of the said county.

4. The county court shall dispose of the bonds hereby authorized in conformity with any plan adopted by it, for selling such bonds to the best advantage and for the most money. Further provisions as to such sale.

5. The county court shall provide for the payment of interest on the bonds hereby authorized. Further provision as to interest.

6. The bonds to be paid shall be designated by their numbers and public notice of the time of payment shall be given for three weeks, by advertisement in one or more newspapers in said county. Further provisions as to payment of bonds.

7. The bonds authorized under this act shall be exempt from taxation for county, district and municipal purposes as a part of the contract with the purchasers thereof. Exempt from taxation.

8. Nothing in this act shall authorize any increase in the bonded debt of said county; nor shall the bonds issued under this act, or the proceeds thereof, be issued or applied for any other purpose than the payment and redemption of the outstanding bonds of said county. No increase of bond debt. —only for what purpose, bonds etc., to be applied.

(Senate Bill No. 91.)

CHAPTER 121.

AN ACT to amend and re-enact sections one, two, six and nine of chapter one hundred and four of the Acts of the Legislature of one thousand eight hundred and ninety-seven, and add a new section there-to numbered forty-five.

[Passed February 15, 1901. In effect 90 days from passage. Approved February 16, 1901.]

Be it enacted by the Legislature of West Virginia:

That sections one, two, six and nine of chapter one hundred and four of the acts of the legislature of one thousand eight hundred and ninety-seven be amended and re-enacted, and that section forty-five be added thereto, so as to read as follows: Acts amended.

1. That the corporate limits of the city of Hinton shall be as follows: Hinton: corporate limits.

Beginning at a stone, corner of the Chesapeake and Ohio railway company's land, and corner to the form-

er town of Upper Hinton, thence north thirty-four degrees, east two hundred and eighty poles to a beech on Grimmett's branch; thence north forty-three degrees, west ninety-eight poles to the mouth of Grimmett's branch, thence south forty-two degrees, west sixty-six poles, south fifty-four degrees, west seventy-six poles, south eighty-five degrees, west one hundred and twelve poles, south forty-five degrees, west one hundred and twelve poles, south five degrees, east fifty-two poles to a station, corner to corporate limits of said Upper Hinton, thence south eighty-one degrees, east to the place of beginning.

Municipal
authorities.

2. The municipal authorities of the city shall be a mayor, recorder and six councilmen, who shall be a common council.

Officials; how
elected.

—present
councilmen.

—number of
councilmen
hereafter
elected.

—term.

6. The mayor, recorder, treasurer and sergeant shall be elected by the citizens of said corporation, who may be entitled under this act to vote. All the members of the council now in office from the first, second and third wards, hereinafter mentioned, shall serve the terms for which they were respectively elected, and at each annual election hereafter three councilmen only, that is one from each ward, shall be elected by the qualified voters thereof, and such councilmen shall hold their office for a term of two years.

Wards.

—new wards,
etc., when
and how.

—elections,
when held.

—supervision
of.

9. The said city shall consist of three wards. The first ward shall embrace that portion of the territory within the corporate limits established by this act, lying north-east or below a line extended along the center of Fifth street to the intersection of the outer lines of the corporation. The second ward shall include all the territory lying between the extended line on center of Third and Fifth streets to the outer line of the corporation. The third ward shall include the residue of the said territory included in the said city of Hinton. But the council may during the year next succeeding any United States census, by a two-thirds vote of the members elected, make additional wards, or so change the boundaries thereof as to make the population of said wards more nearly equal. Elections under this act shall be held on the first Tuesday in December in each year, at such places in the respective wards as the council may from time to time prescribe by ordinance, the said election to be under the supervision of three commissioners at each precinct

of said city, not more than two of whom shall be of the same political party, who are to be annually elected and appointed by the council of said city, and who shall be governed by such rules and regulations as the council may prescribe. And from the time that this act shall go into effect the present members of the council of said city from the fourth and fifth wards, as provided for by said chapter one hundred and four of the acts of one thousand eight hundred and ninety-seven, shall cease to be members thereof.

—councilmen from certain wards cease to be members, when.

45. It shall be the duty of the officers of the city of Hinton, when this act goes into effect, and upon the re-incorporation of the town of Upper Hinton, in the manner prescribed by general law, to at once turn over to the authorities of such town of Upper Hinton all records and property, formerly belonging to said town prior to its merger with the city of Hinton under said chapter one hundred and four.

Duty of authorities as to records of Upper Hinton, and when.

(House Bill No. 171.)

CHAPTER 122.

AN ACT amending and re-enacting chapter eleven of the Acts of the Legislature of 1891, entitled, "An act authorizing the City of Wheeling to generate, distribute, sell and use electricity and gas."

[Passed February 21, 1901. In effect 90 days from passage. Approved February 22, 1901.]

Be it enacted by the Legislature of West Virginia:

1. Chapter 11 of the acts of the legislature of one thousand eight hundred and ninety-one, entitled, "An act authorizing the city of Wheeling to generate, distribute, sell and use electricity and gas," is hereby amended and re-enacted so as to read as follows:

Acts amended.

1. The city of Wheeling, in the county of Ohio, a municipal corporation, shall have full power and authority to purchase, erect, build, improve and maintain, any and all buildings, works, plants, pipes, pipelines, wires, supports and other fixtures to be used in generating, distributing, controlling or otherwise using electricity and the products of any combination or combinations used for producing or generating

a City of Wheeling authorized to do what, for the purpose of generating, etc., electricity and gas. —for what purposes.

electricity, and also any building or buildings, works, plants, pipe-lines or other thing necessary to be used in transporting and using gas of any sort, whether made from any substance or combination thereof, or otherwise obtained by the said city; and to use, generate, distribute, sell and control electricity and gas for heat, light and power, and for the purpose of furnishing light for the streets, buildings, stores and other places in and about the said city, and also for the purpose of heating furnaces, factories, buildings and houses, and of furnishing and selling power for use in said city. The said city of Wheeling shall also have power and authority to assess against each and every person, corporation or firm using such electricity or gas, furnished by the said city, such levies or assessments for the use thereof, as the council of the said city may deem proper; which levies and assessments may be collected in the same way as other city taxes are collected, and the payment enforced as the payment of such other taxes is enforced. But the city before offering to sell or selling any electricity, or the products thereof, to private consumers, shall purchase all of the physical assets belonging to the Wheeling Electrical Company, located within said city, exclusive of franchises or good will, at a price to be agreed upon between the city and the said company; and in the event of their not agreeing upon such price, the same shall be determined by the award, in writing, of a majority, at least, of a board of arbitrators selected in the following manner: one member thereof by the said city, one by the said company, and the third by the two thus chosen. If, however, the two shall fail to agree upon the third member within thirty days from the date of their appointment, then the third shall be selected in the following manner: The said city shall apply to the person who at the time shall be judge of the circuit court for Ohio county, part one, or of any court which may have then succeeded to the jurisdiction of said circuit court, part one, for the appointment of the third member of said board, after giving the said company five days' notice of such application. Such person shall thereupon appoint the third member of said board with the same effect as if such member had been selected by the two first chosen. The decision of a majority of such board, constituted in either of said ways, shall be final.

—to assess levies for use of.

—collection of levies.

—city to purchase what assets, and when.

—price, how determined.

—board of arbitrators, how constituted.

—decision.

If, however, the said company shall fail to appoint an arbitrator hereunder, within thirty days after notice in writing from the city of its desire that such appointment shall be made, or in event said company shall fail, within thirty days after such award shall have been made, to transfer and convey to the said city, unincumbered, the property so valued, upon tender of the amount of said award, then, and in either event, the city shall not be required to purchase any of said company's property, as a condition precedent to its having the right to sell electricity and the products thereof for any and all purposes.

—failure of electrical company to do what, effect of.

2. All acts or parts of acts coming within the purview of this act and inconsistent herewith are hereby repealed.

Acts repealed.

(House Bill No. 69.)

CHAPTER 123.

AN ACT authorizing the Council of the City of Martinsburg to issue bonds to the amount of seventy-six thousand dollars to refund the old bonds of said city.

[Passed February 7, 1901. In effect from passage. Approved February 18, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That the council of the corporation of Martinsburg is hereby authorized and empowered to issue bonds to an amount not exceeding the sum of seventy-six thousand dollars in the aggregate, at any rate of interest not exceeding four per centum per annum.

Bonds; council empowered to issue; amount and rate of interest.

2. That the council of the corporation of Martinsburg shall designate whether the interest on said bonds shall be paid annually, semi-annually or quarterly, and the place where same shall be payable, all of which shall be expressed on the face of coupons for the payment of said interest attached to said bonds.

Interest; council to designate when, and place to pay.

—what expressed on coupons.

3. The principal of said bonds shall be payable at such times as are declared on the face thereof, not exceeding thirty-four years after the date of their issue.

Principal; when payable.

Not to be sold, etc., under par.—proceeds, for what purpose used.

4. That no bonds shall be sold or delivered or exchanged for less than their face value, and the proceeds arising from the sale of said bonds shall only be used to pay, cancel and redeem the present outstanding bonds of said corporation, and there shall be no increased indebtedness made or paid by said bonds.

Payment of interest and principal, when.

5. That the said council of the corporation of Martinsburg shall provide annually for the payment of the interest, and the principal within the time expressed on the face of said bonds, in accordance with section eight of article ten of the constitution of West Virginia.

Bonds exempt from taxation.

6. The bonds authorized to be issued under this act shall be exempt from taxation for municipal purposes, which fact shall appear on the face thereof as a part of the contract with the purchaser.

(House Bill No. 68.)

CHAPTER 124.

AN ACT authorizing the council of the City of Martinsburg to issue bonds to the amount of thirty-three thousand dollars, for the improvement of the water works of said city.

[Passed February 4, 1901. In effect from passage. Approved February 8, 1901.]

Be it enacted by the Legislature of West Virginia:

Bonds; council authorized to issue; amount; rate of interest.

1. That the council of the corporation of Martinsburg is hereby authorized and empowered to issue bonds to an amount not exceeding the sum of thirty-three thousand dollars in the aggregate, at any rate of interest not exceeding four per centum per annum.

Interest; provisions relating to,

2. That the said council of the said corporation of Martinsburg shall designate whether the interest on said bonds shall be paid annually, semi-annually or quarterly, and the place where the same shall be payable, all of which shall be expressed on the face of

coupons for the payment of said interest attached to said bonds.

3. The principal of said bonds shall be payable as such times as are declared on the face thereof, not exceeding thirty-four years after the date of their issue.

Principal:
when payable.

4. The proceeds arising from the sale of said bonds shall be applied to improving and repairing the water works and water system of the said town and corporation, as the said council of the said corporation shall decide, authorize and direct.

Proceeds:
how applied.

5. Whenever the said corporate authorities shall provide by ordinance for the issue of the bonds authorized by this act, and for the purposes mentioned herein, such ordinance shall not become operative, and shall not have force and effect, until it shall have been published in some newspaper of general circulation, in the town of Martinsburg, for four weeks, consecutively, and been approved by three-fifths of the legal votes of said town, cast for and against the same, at an election to be held at the usual voting places within ten days after the expiration of the publication for four weeks of such ordinance as is herein provided, and in the publication of said ordinance, notice shall be given of the day on which said election shall be held. And in such election the conduct and returns thereof shall be as provided by law for all other elections held in said town for officers and other purposes.

When ordinance for issue of bonds to become operative.

—election returns, etc.

6. The said council of the corporation of Martinsburg shall provide annually for the payment of the interest, and the principal within the time expressed on the face of the said bonds, in accordance with section eight of article ten of the constitution of West Virginia.

Payment of interest and principal; when.

7. Bonds authorized to be issued under this act shall not be sold or negotiated for less than par value, and shall be exempt from taxation for municipal purposes, which fact shall appear upon the face thereof as a part of the contract with the purchasers.

Bonds not be sold, etc., under par.

—exempt from taxation.

(House Bill No. 194.)

CHAPTER 125.

AN ACT to establish a County Court and Board of Commissioners for the County of Pendleton, under the twenty-ninth section of the eighth article of the Constitution of West Virginia.

[Passed February 20, 1901. In effect 90 days from passage. Approved February 22, 1901.]

Be it enacted by the Legislature of West Virginia:

- County redistricted.
- present districts.
- election of commissioners, when.
- term.
- what offices incompatible.
- compensation.
- vacancies.
- Provisions of law applicable to court and commissioners.
- clerk.
- Adoption of system submitted to voters, when.
1. The county of Pendleton shall be laid off in not less than six districts, as nearly equal as may be in territory and population. The present division of the said county into districts shall constitute such districts until changed by the county court hereafter mentioned. At the general election in nineteen hundred and two and every second year thereafter, there shall be elected in each district, by the voters thereof, a commissioner, who shall reside in his district, and hold his office for the term of two years, and until his successor is elected and qualified. The office of commissioner and justice of the peace shall be deemed incompatible; each commissioner shall receive for his service, two dollars per day for every day he shall attend court, to be paid out of the county treasury. A vacancy in the office of commissioner shall be filled by the county court hereinafter mentioned.
 2. So far as they are not inconsistent herewith, all the provisions of chapter thirty-nine of the code of West Virginia, "concerning county courts, their jurisdiction and powers," and all provisions of law respecting county courts generally, shall be applicable to the county court herein provided for, and to the commissioners composing the same; and the clerk of the county court of Pendleton county, now in office, and his successors, shall be clerk of the county court herein provided. A majority of such commissioners shall be a quorum for the transaction of business.
 3. At the next general election to be held at the several voting places of the said county of Pendleton, on Tuesday next after the first Monday in November,

one thousand nine hundred and two, after the passage of this act, the question of the adoption of the system provided by this act shall be submitted to the voters of the county of Pendleton, voting at such election. Notice of such election shall be given by publication of this act in any newspaper that may be published at the county seat of said county, and by posting the same at the different places of voting in said county at least ten days before said election; and further notice shall be given in such manner as required by law, but the failure to give such notice shall not invalidate the election held hereunder. Those voting for said system shall have written or printed on their ballots the words, "For Modification of County Court," and those voting against it shall have written or printed on their ballots, "Against Modification of County Court."

—notice, how given.

—failure to give notice.

—ballots, how worded.

4. The commissioners of the several districts shall constitute a tribunal to be known as the county court of Pendleton county, by which name it shall sue and be sued, plead and be impleaded, and contract and be contracted with. Such tribunal shall be in lieu of the county court established by article eight of the constitution of West Virginia, as amended, for the transaction of business required to be performed in the county court created by the said article.

County court, how constituted; name of.

—powers.

—to be in lieu of what.

5. The first meeting of the county court, herein provided, shall be held on the first Monday in January, in the year one thousand nine hundred and three, or as soon thereafter as a majority of them may assemble for the purpose, at which time, and annually thereafter, at the first meeting in each year, or as soon thereafter as practicable, they shall elect one of their number president of the court.

First meeting of court.

—election of president.

6. Such election, as herein provided for, at each place of voting in said county shall be superintended, conducted and returned by the same officers, and in the same manner, as the election of the members of the legislature is superintended, conducted and returned, and the result at each place of voting shall be certified and returned to the county court now in existence in Pendleton county; and said court shall ascertain and declare the result of said election the same as the result of the election for other officers are ascertained and declared under the laws of this State, as far as they are applicable thereto.

Election; how conducted, returned, etc.

—to what court certified.

—ascertaining and declaring result.

Vote required
to adopt or
reject.

7. If a majority of the votes cast upon the question be "For Modification of the county court," this act shall be and remain in full force and effect, but if a majority of such votes be "Against Modification of the county court," this act shall be of no further effect.

Provision for
extension to
other
counties.

8. The provisions of this act shall extend to all the counties of the State, provided that the county court, or other tribunal in lieu of a county court, may, upon the petition of one hundred voters of the county, submit the question of making this act the law of said county to the voters of said county, at an election to be held at a time and with such notice as may be specified by said court. If, at said election, a majority of the votes cast shall be in favor of making this act the law of said county, the said county court, or other tribunal in lieu of said court, shall, at its next meeting after the said election, by resolution declare this act to be in full force and effect in said county.

(House Bill No. 36.)

CHAPTER 126.

AN ACT to appropriate money for the erection of a monument to Levi Morgan, one of the pioneers of West Virginia.

[Passed February 16, 1901. In effect 90 days from passage. Approved February 19, 1901.]

Preamble.

Whereas, Levi Morgan was one of the great patriots and pioneers of our country, and lived in West Virginia, and was of inestimable service to this country in preventing the attack of the Indians upon the early settlements of this State; and

—further
preamble.

Whereas, The said Levi Morgan by innumerable acts of patriotism and bravery and at the risk of his life, and oftentimes undergoing terrible privations, did preserve the settlements of this State from massacre at the hands of the Indians, and by his acts saved the lives of hundreds of the early settlers of this country, and left an imperishable record for honesty, bravery and fortitude to his countrymen; and

Whereas, The said Levi Morgan built a fort at New Martinsville in the county of Wetzel, in what is now the State of West Virginia, and thereby prevented all of the northern settlements of the State from destruction at the hands of the Indians; and

—further
preamble.

Whereas, There is no monument to the said Morgan in the State for whose benefit he did such service; therefore,

—further
preamble.

Be it enacted by the Legislature of West Virginia:

1. That there shall be appropriated the sum of three thousand five hundred dollars, to be paid out of the treasury of this State, for the purpose of erecting to Levi Morgan a monument in the county of Wetzel commemorating his life and patriotic actions; which said monument is to be erected under the supervision of the governor of this State, the president of the Senate, the speaker of the House, and the member of the legislature from the county of Wetzel, and two persons to be appointed by the governor.

Appropriation for erecting a monument to Levi Morgan.

—comission
of supervision.

2. The said above mentioned members shall constitute a board which shall have the right to contract for the erection of this monument and to pay for the same, and the said money is hereby appropriated out of the treasury of the State from moneys not otherwise appropriated, and shall be drawn from the treasury for said purpose by the governor of this State, who shall be ex-officio chairman of this board.

Board authorized to contract for erection of monument, and pay for same.

—money, how drawn,

3. A majority of this board shall have the right to act, and upon the death or disability of any member thereof the governor of the State shall fill the vacancy by his appointment.

Majority, the right to act; vacancies.

(Senate Bill No. 96.)

CHAPTER 127.

AN ACT to provide for the presentation to Congress of a statue of Francis H. Pierpont, and making an appropriation to pay for same.

[Passed January 22, 1901. In effect 90 days from passage. Approved January 29, 1901.]

Be it enacted by the Legislature of West Virginia:

Commission constituted to procure statue, in marble, of Francis H. Pierpont.

—to be erected, where.

1. That the governor, the president of the Senate and the speaker of the House of Delegates, ex-officio, and James F. Brown, Clarence L. Smith, John Frew and Thomas C. Miller, shall constitute a commission to procure from a competent artist a statue, in marble, of the late Francis H. Pierpont, an eminent citizen of this Commonwealth, to be erected in the capitol at Washington, in pursuance to the laws of the United States; said presentation shall be made as a part of the contribution of the State of West Virginia to the national gallery.

Appropriation for statue and its erection.

—how drawn, and when.

2. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury, not otherwise appropriated, to pay for said statue and its erection, as provided in section one of this act; and the auditor shall issue his warrant upon the treasurer for the price of such statue and its erection, not to exceed the sum aforesaid, when the said Commission, or a majority of them, shall certify the price of such statue to him, and that the same has been erected as aforesaid.

No pay allowed commission.

3. The members of said commission shall serve without compensation.

(House Bill No. 9.)

CHAPTER 128.

AN ACT to repeal chapter two hundred and two of the Acts of one thousand eight hundred and eighty-two, and to provide for the lease or sale of the public property known as Berkeley Springs.

[Passed February 7, 1901. In effect from passage. Approved February 12, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That chapter two hundred and two of the Acts Act repealed. of the legislature of one thousand eight hundred and eighty-two, be and the same is hereby repealed.

2. That the possession, management and control of the public property in the town of Bath in the county of Morgan, known as "The Public Square," and Berkeley Springs property, and the lots added thereto by purchase or otherwise, be, and the same is hereby vested in a board of trustees, to be known as the "Berkeley Springs Board," in trust as heretofore for the public use and benefit. Berkeley Springs property: control and possession of vested in a board of trustees. —name of such board.

3. The present trustees of Berkeley Springs shall surrender and deliver to the said Berkeley Springs board hereby created, or to such person as it may designate, as soon as this act shall take effect, all the property under their management and control, and all books, papers and records pertaining to such property; and the said Berkeley Springs board shall, until such sale may be made and confirmed, as hereinafter provided, have all the rights, privileges and powers, and perform all the duties vested in or required to be done by the present trustees, by chapter two hundred and two of the acts of one thousand eight hundred and eighty-two, and such additional rights, privileges and powers as are conferred by this act. Surrender of property, books, etc., by present trustees: to whom and when. —rights, powers and duties of new board.

4. The said Berkeley Springs board shall, as soon as practicable, either lease in whole or in part the said property for a term of not to exceed fifty years to some good and solvent person or persons, firm or corporation, upon such terms and conditions as it may deem proper, taking a bond or bonds payable to the New board authorized to lease property. —term of lease. —conditions of lease.

—advertisement.

—authorized to sell property in whole or in part; how.

—what to pay in case of sale.

—surplus.

—power conferred defined.

Fixed conditions if property be leased or sold.

—title to re-vest in state, when.

certain existing rights not affected by sale or lease.

Confirmation of lease or sale; by whom.

State of West Virginia in such penalty as may be by them approved, with good security, conditioned for the faithful performance of all the obligations imposed upon or assumed by such lessee or lessees, by the terms of this act, or by any provisions which may be contained in the contract of lease which may be made, which lease shall be made after advertisement in such manner as in the judgment of said Berkeley Springs board may appear to be proper, and as in the judgment of said board, will best promote the interests of the State; or the said board may sell the said property in whole or in part subject to the conditions hereinafter provided, and such other conditions as may be agreed upon, by public auction, after such advertisement, and on such terms as to cash and credit, as it may seem proper, and promotive of the interests of the State; and in the case of such sale, they shall from the proceeds thereof pay, first, the costs incidental thereto, and next the indebtedness now owing by the trustees of Berkeley Springs, for improvements heretofore made thereon, and lastly, the surplus shall be paid to the State. The power above conferred to lease or sell shall be deemed to include the power to lease part and sell part of said property.

5. Any sale or lease which may be made hereunder shall be made on and subject to the conditions that the said property shall be perpetually maintained and operated as a public watering place and health resort without discrimination against or any special and exclusive privileges in favor of any person, and when the purchaser or his grantees shall cease to so maintain and operate it, the title thereto shall re-vest in the State of West Virginia. Any rights of the Berkeley Springs water works and improvement company, as at present existing, and any rights of any other persons now existing to take water from the springs on said property, shall not be affected by this act, or any sale or lease made hereunder.

6. Any lease or sale made under the provisions hereof shall be submitted for confirmation to the board of public works of this State, and shall not be valid unless and until confirmed by the said board of public works.

7. Said Berkeley Springs board shall consist of five members, to be appointed by the governor, as soon as practicable after the fourth day of March, one thousand nine hundred and one, and the governor shall have power to remove any member at his discretion, and to fill from time to time any vacancy therein occurring by death, resignation or otherwise. No two members of said board shall reside in the same county, nor shall any one of said board be appointed from any county adjoining or adjacent to the county of Morgan. That before entering upon the duties herein provided for, each member of said board shall take an oath, before some officer authorized to administer the same, to support the constitution of the United States and the constitution of the State of West Virginia, and to faithfully discharge the duties of his office to the best of his skill and judgment, which oath shall be filed with the governor of this State within thirty days after the notice of his appointment as a member of said board.

Members of new board, how and when appointed.

—power to remove and fill vacancies.

—restriction as to residence of members of board.

—oath of members of board.

—where filed and when.

8. In case any sale be made of said property under the provisions of this act, the deed therefor shall be executed without warranty of title, in the name of the State of West Virginia, by the governor, who is hereby given power to execute such deed and acknowledge the same for record.

Deed of sale; who to execute, and how.

9. The said members of said Berkeley Springs board, and their successors are hereby created a body corporate under the name of "Berkeley Springs Board," with power to sue and be sued, to elect officers, adopt by-laws, and a corporate seal, and generally to exercise such powers as may be necessary or proper to perform the duties and obligations imposed by this act, and shall have power to enforce the provisions of any lease or deed of conveyance of said property which may be made as hereinbefore provided, and in case of any forfeiture of any such lease or deed, it shall have power as often as any such forfeiture may occur to make a new lease or sale upon the terms and conditions hereinbefore set out. The expenses incurred by the said Berkeley Springs board or by the members thereof in carrying out the provisions of this act and in discharging their duties thereunder shall be paid out of the treasury of the

New board made a body corporate; name of.

—corporate powers.

—power to make new lease or sale; when.

—expenses of members of new board, how paid.

State, and the auditor shall from time to time issue his warrants therefor upon certificates of the president and secretary of said board approved by the governor. The expenses of the members of said board shall include the sum of four dollars per day to each member for each day spent in the discharge of his duties hereunder.

—per diem.

Acts repealed. 10. All acts and parts of acts in conflict or inconsistent herewith are hereby repealed.

(House Bill No. 19.)

CHAPTER 129.

AN ACT to provide for the reassessment of the value of all the real estate in Mercer and Tyler counties, West Virginia.

[Passed February 1, 1901. In effect from passage. Approved February 9, 1901.]

Preamble reciting the reasons and necessity for reassessment of real estate in Mercer and Tyler counties.

Whereas, By reason of the fact that no competent person would serve for the compensation provided in making a reassessment of the real estate in the counties of Mercer and Tyler under the provisions of the acts of the Legislature of one thousand eight hundred and ninety-nine, chapter twenty-one, providing for the reassessment of the real estate in the several counties of this State, and in consequence thereof no actual reassessment of the real estate was in fact made as provided in said act in either of said counties; therefore,

Be it enacted by the Legislature of West Virginia:

Mercer and Tyler counties divided into two assessment districts, for what purpose.

1. That Mercer and Tyler counties for the purpose of having a proper reassessment of the valuation of the real estate therein shall each be divided into two assessment districts for the assessment of the real estate and minerals therein only under the provisions of this act.

Tyler county; first assessment district.

The first assessment district of Tyler county shall consist of all the lands and minerals lying within the boundaries of Ellsworth and Lincoln districts; the

second assessment district shall consist of all the lands and minerals lying within the districts of Centerville, McElroy, Meade and Union. The first assessment district of Mercer county shall consist of all the lands and minerals lying within the boundaries of Beaver Pond and East River districts; the second assessment district of said county shall consist of all lands and minerals lying within the boundaries of Plymouth, Jumping Branch and Rock districts.

—second district.

Mercer county; first assessment district.

—second district.

2. The county court of each of said counties of Mercer and Tyler shall as soon as possible, after this act takes effect, recommend three capable and discreet men from each of the said assessment districts, out of which number the board of public works shall appoint one commissioner for each of said districts in each of said counties who shall be a resident freeholder of the district wherein the appointment is made, and who shall not be a land broker or speculator in lands, minerals, oils or gas royalties, and whose duty it shall be to reassess the value of all real estate in his assessment district.

Re-assessment commissioners; how and when appointed.

—who eligible and who ineligible.

—duty.

3. Each commissioner so appointed shall, within ten days after notice of his appointment, execute a bond with security in the penalty of four thousand dollars conditioned for the faithful performance of his duties, to be approved by the county court of his county, or the clerk thereof in vacation, with two or more good securities, and shall take an oath to support the constitution of the United States, the constitution of this State, and that he will faithfully and impartially discharge the duties of his office to the best of his skill and judgment, and that he will neither directly nor indirectly receive nor agree to receive any gift or reward from the owner of any lands in his assessment district, or any other person, to influence his action in the making of such assessment, and that he will assess all the real estate, minerals, oils and gas royalties in his district without bias, fear or favor. The said bond and oath shall be filed in the office of the clerk of the county court of his county, who shall certify a copy thereof within five days thereafter to the auditor, and also furnish the auditor the post-office address of each commissioner.

Board of commissioner.

—penalty, condition and approval.

—oath and its conditions.

—where bond and oath filed; duty of clerk of court.

—failure of commissioner to qualify; vacancy in office; what then.

If either of the said commissioners so appointed fail to qualify and give bond as herein required, within the time prescribed, or in case either should die or resign or in any way the office becomes vacant before making or completing his valuation, a successor shall be immediately appointed, as hereinbefore provided, who shall at once give bond and qualify as herein prescribed, and enter upon the discharge of the duties of the office.

Auditor to furnish books and instructions.

4. The auditor shall, as soon as possible, cause to be provided for each commissioner three books similar in form to the assessors' land books, with such changes as the nature of the work requires, and shall also furnish each commissioner with instructions describing in detail the manner in which he is to arrive at proper valuations of the real estate under the provisions of this act, and the manner of making up his books and returns.

Re-assessment, when to begin.

5. Each commissioner so appointed and qualified shall, on or before the first day of March, one thousand nine hundred and one, or as soon thereafter as practicable after receiving the books and instructions to be furnished by the auditor, and which shall be sent to the clerk of the county court of each of said counties and be by him, at his office, delivered to each of said commissioners, whose duty it shall be to proceed to examine, in person, all the tracts of land and town lots, with buildings and improvements, if any thereon, within his district; and shall upon examination, and in accordance with his instructions, and the provisions of this act, ascertain and assess the fair cash value thereof, and in such assessment the minerals, oil and gas underlying the developed and producing leaseholds, and the location of the lands, shall be considered by the commissioner in ascertaining the value of such land, in current money; and when mineral, mineral water, oil, gas or coal privileges or royalty interests, are held by a party or parties, or any company, association or organization, exclusive of the surface, the privileges or royalty interests shall be assessed separately, to such party or parties, company, association or organization, at its cash or market value at the time of such re-valuation; and the said commissioner, in order to assist him in ascertaining

—delivery of books, etc., to commissioners.

—duties.

—to assess the fair cash value.

—minerals, etc., to be considered.

—separate assessment of minerals, etc., when.

and fixing the value of said lands and mineral grants or royalty rights shall, when practicable, examine the owner of said lands, or in the absence of the owner of said lands, mineral grants or royalty interests, his local agent, and in order to further aid the commissioner in the discharge of his duties he shall have access to the records in the office of the clerk of the county court of his county, and he may, if he should deem it advisable, further examine the owner of adjacent lands, mineral grants or royalty rights under oath, and he shall act in all cases upon his own judgment and upon all the information he can obtain as to such value.

—minerals, etc. to be assessed separately; when.
 —owner of local agent may be examined.
 —access to records of clerk's office.
 —owner of adjacent lands.

In ascertaining and fixing the value of any land within the limits of any city, town or village or elsewhere, which has been laid off into lots and opened up as lots by the construction and maintenance of roads and streets through the same, the said commissioner shall adopt as the value of such land, the value thereof as so laid off into such lots, valuing the same by the lot and not by the acre or tract. And to further assist him, the commissioner may require the owner of the land, mineral right or royalty grant to produce the lease, deed or the title bond, or other evidence of title, for examination; and he shall obtain from the clerk of the county court of his county, a copy of the land books of the assessment district he is to assess, made for the year one thousand nine hundred, and carry it with him for reference in making this assessment.

—valuation of lots within any city, etc.
 —production of lease, deed, etc.
 —copy of land books to be furnished.

6. In all cases, where it is practicable, the commissioner shall exhibit the entry of any lands, city or town lots, found on said books, to the owner of said lands or lots, or his agent, and ascertain from him if the said entry be correct, as to the location, title and quantity, as well as the value of any buildings or the addition to any buildings, which may have been placed thereon since the last assessment, and which have not been assessed, and may require such owner or agent to answer on oath questions relative to such lands or lots, and the entry thereof, as may be pertinent for this purpose, as well as to ascertaining the true value of all real estate in each of said counties. The commissioner shall be authorized to administer said oath. Any person refusing to be sworn, or to answer

Verifications of entries on land books.
 —owner, etc., may be sworn.
 —refusal to be

sworn or answer; penalty.

under oath questions that may be propounded to him in reference to said assessment, or ratification of lands or real estate, shall be guilty of a misdemeanor, and upon a conviction thereof be fined not less than twenty-five dollars, nor more than two hundred dollars for every such refusal, to be recovered before the circuit court of the proper county as other fines, and paid into the State treasury; and it is made the duty of the commissioner to report such refusal to the prosecuting attorney of his county.

—commissioner to report refusal; to whom.

Re-assessment books.

7. As soon as the commissioner shall have completed the assessment in his district he shall make three copies thereof, in the books so furnished him under the provisions of section four of this act, and shall make and subscribe an oath or affirmation to the following effect: "I, _____, a commissioner appointed to ascertain and reassess the value of all real estate in _____ district of my county, do solemnly swear (or affirm) that I have diligently endeavored to ascertain the value of all tracts of land, town lots or tenements, mineral rights and royalty grants and other interests, properly chargeable in my district, and have entered the same in the foregoing book; that I have faithfully, fairly and impartially, and without bias or favor, assessed the same, with the improvements thereon, at a fair cash value; and in making the said books I have followed the law and been guided by the instructions furnished me by the auditor for my guidance, and to the best of my ability and judgment, so help me God." Which oath may be taken and subscribed before any person authorized to administer oaths, and a copy of same shall be subjoined to each of said books properly subscribed and certified; two of said books shall be filed by the commissioner with the clerk of the county court of the proper county on or before the fifteenth day of July, in the year one thousand nine hundred and one, and shall be used by the clerk as a guide in making up and extending the levy on the land books for the year one thousand nine hundred and one. The other book shall be transmitted to the auditor on or before the first day of August, one thousand nine hundred and one. The county court of the proper county shall examine said books and see if there is inequality in said assessments as between two assessment districts,

—oath to accompany; before whom taken.

—where books delivered, and when.

—inequality in districts; how corrected.

and make such order as will correct and equalize any inequality that may exist.

8. Any person feeling himself aggrieved by the assessment of his real estate as herein provided for, made under the provisions of this act, may, within one year after the filing of a copy of such assessment with the clerk of the county court of his county, apply, by himself or his agent, to said court for redress, first giving reasonable notice in writing of his intention to the prosecuting attorney, and stating in said notice the character of the correction he desires. It shall be the duty of the prosecuting attorney, upon being notified, to attend to the interest of the State at the trial of such application. If upon hearing the evidence offered, the county court shall be of the opinion that there is error in the assessment complained of, or that the valuation fixed by the commissioner is too high or too low, the court shall make such order correcting the assessment as is just and proper. The limitation of one year provided in this section shall only apply to real estate and not to minerals, mineral rights and royalty grants herein mentioned, which rapidly increase and depreciate in value, may upon application of the party aggrieved, his agent or attorney as herein provided, during the enforcement of this act, be reduced in value or dropped from the land books where it is clearly shown to the county court of his county that said minerals, mineral rights or royalty grants have depreciated in value or become worthless: and the assessor of personal property of his county may upon his motion to the county court of said county, in session, increase the valuation of any mineral right or royalty grant not assessed and placed on the land books under the provisions of this act, and said county court may summons before their body, by summons regularly issued by the clerk of said court, such persons as the prosecuting attorney may deem competent to give evidence pertaining to the value of said mineral right or royalty grant, and, after hearing such evidence relating to the valuation of said mineral right or royalty grant, cause the clerk of said county court of his county to enter the same of record on the land books of the county at a fair cash or market value of said mineral right or royalty grant. The right of appeal

—Correction of assessment.

—In what time.

—notice.

—duty of prosecuting attorney.

—court to correct any error.

—limitation of one year to correct assessed values, not to apply to minerals, etc.

—how value of minerals, etc., reduced.

—how value of minerals, etc., increased.

—summons.

—entry on land books.

—appeal.

from any order made by the county court of either county shall lie to the circuit court, and may be taken either by the applicant or the State; and in case the applicant, or the State by its prosecuting attorney or agent, desires to take an appeal from such order, the party desiring to take such appeal shall have the evidence taken at the hearing of such application certified by the county court, and such appeal when allowed, by the court or judge in vacation, shall have precedence over all other cases pending in said court. A copy of any order or orders entered in any court, making any such correction as herein provided for, shall be made and certified to the auditor by the clerk within twenty days after the entering of the same; but any order or judgment made upon such application shall show that the prosecuting attorney was present and defending the interest of the State; and in the event that it shall be ascertained that the land, mineral right or royalty grant has been assessed too high and the owner has paid the excess of such taxes, the court shall order that the excess by virtue of the assessment under this act be refunded to him, and if not paid that he be relieved from the payment of such excess. No cost on such application shall, in any event, be taxed against the State, but if the applicant fail to obtain any relief, upon the hearing of his application, he shall be taxed with the costs of the officers of the court incurred therein, otherwise no cost shall be taxed against the applicant.

—evidence to be certified; by whom.

—precedence of appeal.

—order correcting, certified to auditor; when and by whom.

—order to show, what.

—excess refunded, etc.

—no costs against state.

—costs against applicant, when.

Pay of commissioners.

—how verified; allowed and certified.

—maximum pay.

—additional time, how allowed and paid.

9. For services rendered by the commissioners, under this act, they shall be allowed four dollars for each day actually and diligently employed, to be paid out of the State treasury. But the account for services rendered shall be verified by the affidavit of each of the commissioners and presented to the county court of the county and approved, allowed, and certified to the auditor for payment: *provided*, that the total compensation to be paid by the State to the commissioners shall not exceed four hundred and sixty dollars each, and should either of said commissioners require any additional time specified in this act for the completion of the reassessment of the real estate within either of said counties, said excess shall not exceed twenty-five days additional to

the time herein provided, and shall be certified as herein provided to the county court of the proper county, and said excess shall be paid out of the county treasury by an order granted by the county court of the proper county, upon the sheriff, payable out of the general fund to the credit of the county. If either of said commissioners shall neglect, fail or refuse to perform any of the duties required of him by this act, or shall make an improper and unfair valuation of any property, through fear, favor or malice, or shall receive money or other consideration for making an unfair or partial valuation of any property, shall be guilty of a misdemeanor, and upon a conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars.

—misconduct,
etc., of com-
missioner;
penalty.

10. If either of the said commissioners shall fail to comply with the requirements of this act, within the time specified, he shall forfeit all right to compensation for his services, from the State or county, unless, and until, he shows to the county court of his county and the auditor on oath satisfactory reasons for delay.

Failure of
commission-
ers to, etc.,
forfeits pay;
unless, etc.

11. The re-assessment of the real estate in said counties, under the provisions of this act, shall be subject to revision and equalization by the State board of equalization provided for in section ten of chapter twenty-one, acts of one thousand eight hundred and ninety-nine, and composed of the same members as appointed under the provisions of said section, and should any vacancies exist or hereafter occur before the provisions of this act shall have been carried into effect, then it shall be the duty of the board of public works to fill said vacancy, and said State board of equalization shall consist of one freeholder from each of the four congressional districts as proportioned in the year one thousand nine hundred, and there shall be one member of said board of equalization from the State at large, not more than three of whom shall be recognized as being in accord with and in good standing in the political party from which he is appointed, and to be selected from the two parties casting the greatest number of votes at the last general election, whose duty it shall be to correct and equalize the assessment made under this act in

Re-assess-
ment under
this act sub-
ject to revi-
sion, etc., by
whom.

—provisions
as to vacan-
cies that may
exist, etc., in
present state
board of
equalization.

—duty of
board.

—report and
certification;
to whom, by
whom.

—compensa-
tion of board.

—clerk of
board.

Act applies to
taxes for
1901.

each of said counties between said county and the other counties and assessment districts of this State; if it shall appear to them that the average value of the real estate so assessed under the provisions of this act, in said counties is either too high or too low, the board shall hear all evidence that may be presented to them, and shall increase or reduce the average value of real estate in said counties according to the evidence so taken and any other evidence that may come to their knowledge. When they shall have completed their labors they shall report the same to the auditor, who shall certify the same to the clerk of the county court of his proper county. The members of said board of equalization shall be paid four dollars per day for each day necessarily engaged in their duties, and their actual expenses. The said board may employ such necessary clerical and other assistance, and fix their compensation, as shall be approved by the said board of equalization.

12. The re-assessment made under the provisions of this act shall apply to the taxes to be levied and collected in each of said counties in the year one thousand nine hundred and one.

(Senate Bill No. 132.)

CHAPTER 130.

AN ACT to amend and re-enact section two of chapter one of the Acts of one thousand eight hundred and eighty-nine, and section two of chapter seventy-four of the Acts of one thousand eight hundred and ninety-one, and chapter fifty-six of the Acts of one thousand eight hundred and ninety-five, and section twelve of chapter one of the Acts of one thousand eight hundred and eighty-nine, and section twelve of chapter eighty-three of the Acts of one thousand eight hundred and ninety-seven, and section twenty-three of chapter one of the Acts of one thousand eight hundred and eighty-nine, and section twenty-three of chapter eighty-three of the Acts of one thousand eight hundred and ninety-

seven, in relation to election of School Commissioners for the School District of Huntington.

[Passed February 21, 1901. In effect from passage. Approved February 22, 1901.]

Be it enacted by the Legislature of West Virginia:

That section two of chapter one of the acts of one thousand eight hundred and eighty-nine, and section two of chapter seventy-four of the acts of one thousand eight hundred and ninety-one, and chapter fifty-six of the acts of one thousand eight hundred and ninety-five, and section twelve of chapter one of the acts of one thousand eight hundred and eighty-nine, and section twelve of chapter eighty-three of the acts of one thousand eight hundred and ninety-seven, and section twenty-three of chapter one of the acts of one thousand eight hundred and eighty-nine, and section twenty-three of chapter eighty-three of the acts of one thousand eight hundred and ninety-seven, be amended and re-enacted so as to read as follows:

2. There shall be elected by the voters of said district at the bi-ennial election for municipal officers, on the first Thursday in April, one thousand nine hundred and one, two commissioners, whose terms of office shall commence the first Monday in May, following their election, and continue for four years, and until their successors are elected and qualified, and on the first Thursday in April, one thousand nine hundred and three, at the bi-ennial election then to be held for municipal officers of the city of Huntington, four commissioners shall be elected by the voters of said district, whose terms of office shall commence the first Monday in May, following their election. And the terms of three of said commissioners shall continue for four years, and until their successors are elected and qualified, and the term of one of said commissioners shall continue for two years, and until a successor is elected and qualified. The ballots to be voted at said election in one thousand nine hundred and three shall designate the terms of service of each of the four commissioners then to be elected. At the bi-ennial election for municipal officers of said city of Huntington to be held on the first Thursday in April, one thousand nine hundred and five, there shall be elected by the voters of said district three

Acts amended and re-enacted.

Independent school district of Huntington; school commissioners; when elected; how many; when terms of office to begin and when to end.

—ballots, what to designate.

—biennial election of commissioners; how many; term.

—what commissioners to hold over.

—board of education, who to constitute; name; compensation.

—manner of electing.

Additional annual levy for support of schools.

—term of schools.

—proviso as to rate of tax.

—teachers fund, what to constitute; how used.

commissioners, and at each bi-ennial election thereafter there shall be elected by said voters three commissioners, whose terms of office shall commence the first Monday in May, following their election and continue for four years, and until their successors are elected and qualified. But the two commissioners of said district whose terms will expire May first, one thousand nine hundred and two, shall continue as such commissioners until their successors shall be elected at the said election on the first Thursday in April, one thousand nine hundred and three, and thereafter qualified, and the commissioners of said district now in office shall continue in such offices and to exercise the duties thereof until the terms for which they have been heretofore elected shall have expired. The said commissioners shall constitute a board of education to be denominated "Board of Education of Huntington District." They shall receive a reasonable compensation for their services not to exceed five dollars monthly. All of the said commissioners provided for by this act shall be elected in the manner provided for city elections in the act, amending and re-enacting chapter sixty of the acts of one thousand eight hundred and ninety-five, incorporating the city of Huntington, passed at the session of the legislature in one thousand nine hundred and one, on the —— day of January, one thousand nine hundred and one.

12. In addition to the levy named in the preceding section the board of education shall, for the support of the schools of the district, annually levy such tax on the taxable property of the district as will, with the money received from the State for the support of the free schools, be sufficient to keep said schools in operation not less than eight nor more than ten months in the year: *provided*, that the said tax shall not in any year exceed the rate of fifty cents on every hundred dollars valuation, according to the latest available assessment made for State and county taxation. The proceeds of this levy, together with the money received from the State as aforesaid, shall constitute a special fund, to be called the "teachers' fund," and no part thereof shall be used for any other purpose than the payment of teachers' salaries, and the salary of the city superintendent.

In addition to the preceding levies the board may annually levy a tax, not to exceed one mill on the dollar valuation, for the establishment, support and maintenance, and increase of a public library, said library to be under the control of the board of education. Upon failure of the board of education to lay the levies required by this act, or either of them, they shall be compelled to do so by the circuit court by writ of mandamus.

—library fund, levy for; rate; who to control library.

remedy for failure to lay levies.

23. A superintendent or principal of schools for the city of Huntington shall be appointed by the said board for a term of not more than four years, and his salary fixed by said board; but no person shall be employed as superintendent who shall not have had an experience of at least five years as superintendent or principal of public schools. Said superintendent in addition to the duties specified in this act, shall perform such other appropriate duties with relation to the schools of the city as the board may prescribe. He shall be liable to removal by the board of education for any palpable violation of the law or omissions of duty, but he shall not be removed unless charges shall be preferred to the board by a member thereof, and notice of a hearing with a copy of the charges, delivered to him and an opportunity given him to be heard in his defence. When the office shall have become vacant from any cause, before the expiration of the term for which the superintendent shall have been elected, the board of education shall fill the same by appointment for the unexpired term. It shall be the duty of the city superintendent to make such report to the board of education of the character and condition of the schools of the city of Huntington, as shall enable the secretary to make his required report to the county superintendent. The city superintendent shall not directly or indirectly receive any gift, emolument or reward, for his influence in recommending the use of any book, apparatus or furniture of any kind whatever, in the schools of the district.

Superintendent of schools; how appointed; term, etc.

—who not to be employed.

—duties.

—removal; for what and how.

—vacancy.

—report by superintendent to board of education.

—to receive no gift, reward, etc.; for what.

(Senate Bill No. 133.)

CHAPTER 131.

AN ACT to create and establish the Independent School District of Central City, in Cabell county.

[Passed February 19, 1901. In effect from passage. Approved February 22, 1901.]

Be it enacted by the Legislature of West Virginia:

Independent school district of Central City, established: boundary lines.

1. That the incorporated town of Central City and the suburbs and territory of Guyandotte district, Cabell county, contained within the following boundaries, to-wit: Beginning at a stake in Johnson's lane on the east bank of the Ohio river, thence with said Johnson's lane to Fourth avenue and a line of the city of Huntington, thence with said line of Huntington to the west line of said city of Huntington, and thence with said west line of the city of Huntington to Four Pole, thence with the meanders of Four Pole to Wayne county line, thence with line of Wayne county to the Ohio river, and thence with the Ohio river to Johnson's lane, the place of beginning, shall constitute an independent district to be known as the Independent School District of Central City.

Commissioners: when and how elected.

—term of office.

—ballot to designate, what.

—board of education, who to constitute.

Election, when and how held.

2. There shall be elected by the voters of said district at an election to be held at the public school building in Central City, on the first Tuesday in April, nineteen hundred and one, five commissioners, and every year thereafter one commissioner whose term of office shall commence the first day of July following their election and continuing five years, and until their successors are elected and qualified, except that one of the commissioners elected in the year nineteen hundred and one shall serve one year, another only two years, another only three years, and another only four years, the ballot designating the term of office of each member. The said commissioners shall constitute a board of education to be denominated the board of education of the Central City Independent School District.

3. The election for school commissioners in the year nineteen hundred and two, and annually there-

after, shall be held at the school house in Central City, on the first Tuesday in April and in the manner prescribed by the general school law for the election of school officers.

4. Any vacancy that may occur in the office of school commissioner, by death, resignation, refusal to serve, or otherwise, shall be filled by the board of education of the district at their first regular meeting thereafter, or as soon as circumstances will permit, by the appointment of a suitable person who shall hold his office until the next election of school commissioners, when a commissioner shall be elected for the unexpired term.

vacancy in office of commissioner, how filled.

5. The board of education shall elect annually at their first meeting on the first Monday in July, or as soon thereafter as may be practicable, one of their members to act as president of said board, who shall perform all the duties which are required to be performed by such officer of any board of education, which may not be inconsistent with the provisions of the act.

President of board of education, when and how elected.

—duties.

The board shall elect at the same time a secretary, who shall perform such duties for said board as are required of secretaries of other boards of education.

—election of secretary.

The president shall have one vote as commissioner and shall not vote upon any question arising in the board by reason of being said officer.

—president's vote.

6. The secretary shall record in a book provided for the purpose, all the official acts and the proceedings of the board which shall be a public record, open to the inspection of all persons interested therein. He shall preserve in his office all papers containing evidence of title, contracts and objections; and in general shall record and keep on file in his office all such papers and documents as may be required by any of the provisions of this act, or by any order of the board of education. He shall annually, between the first and twentieth of July, make report to the county superintendent of such facts in his possession as may be required by general school law of the State. For his services he may receive such compensation, not exceeding one hundred dollars per annum, as the board may allow. In his absence the board may appoint a secretary pro tempore.

Secretary; his duties.

—compensation.

—secretary pro tem.

Board of education; meetings; quorum.

—special meetings.

—compensation.

7. The board of education shall hold stated meetings at such times and places as they may appoint, not less than three members being required to constitute a quorum for the transaction of business. Special meetings may be called by the president, or at the request of any member, by the secretary. The concurrence of three members of the board shall be required to elect superintendent or teachers, and to decide all questions involving the expenditure of money. The members of the board of education shall each receive a compensation of one dollar for each meeting of the board attended by them, and no compensation shall be paid said commissioners for any meeting of the board at which they are not present.

Board of education, a corporation; corporate powers.

8. The board of education of the Independent School District of Central City shall be a body corporate in law; and as such may purchase, hold, sell or convey real or personal property for the purpose of education within the district; may receive any gift, grant, donation, or devise, may become party to suits and contracts and do other corporate acts. They shall have the management and be vested with the title to all real and personal property for the use of public schools within the district, and shall manage and dispose of the same as will in their opinion best subserve the interests of the district.

Board, its powers and duties relating to schools.

9. The board of education shall have exclusive control of all schools within the district; shall have power to make all necessary rules and regulations for the government of the schools of the district, for the admission of pupils therein, for the exclusion of pupils whose attendance would be dangerous to the health or detrimental to the morals or discipline of the school. They may prescribe a uniform list of textbooks for the use of the schools in the district and may furnish books and stationery for the use of indigent children in attendance at the schools. They may furnish all necessary apparatus and books for the use of the schools, and incur all other expenses necessary to make the system efficient for the purpose for which it was established and pay the same from the building fund of the district.

10. The board of education shall have power to establish within the district such schools, including a high school, by such name as may be prescribed by said board, as may in their judgment be best for the interest of the district. The branches to be taught in the high school and other schools within the district shall be such as are prescribed by the board of education. The schools of the district shall be subject to such grading as the board may direct. The said high school shall be open to all pupils in the district, but no pupil shall be entitled to enter them until the city superintendent shall have been satisfied that the said pupil has made due proficiency in the branches taught in the other schools of the district.

High school and other schools power of board to establish.

—branches to be taught.

—grading.

—who admitted.

11. Admission to the various schools of the district shall be gratuitous to all white children, wards and apprentices, or actual residents within the district between the ages of six and twenty-one years: *provided*, that admission of pupils, residents of one sub-district to the schools of another shall rest with the board of education. Non-residents of the district may be allowed to attend the schools of the district upon payment in advance of such tuition as the board of education may prescribe.

Admission to schools free, to whom.

—proviso.

—non-residents,

12. The board of education shall establish within the district one or more separate schools for colored children, whenever they may deem it necessary, so as to afford them as far as practicable the advantages and privileges of a free school education. All such schools shall be under the management and control of the board of education, and shall be subject to like general regulations as other schools of the district; but under no circumstances shall colored children be allowed to attend the same school, or be classified with white children.

Schools for colored children.

—mixed schools. Prohibited.

13. No money shall be paid out by the sheriff except on a draft signed by the president and secretary of the board of education, and specifying on its face the particular account to which the same is chargeable, nor shall any credit be allowed to the sheriff, in his annual settlement upon any voucher except such draft.

Sheriff to pay out money only on draft: how signed, etc.

—no credit allowed, except, etc.

Sheriff's
annual settle-
ment; com-
mission
allowed, etc.

14. The sheriff shall annually, on or immediately before the first day of July, make such settlement with the board of education as the general school law may provide; and for collecting and disbursing the taxes assessed by the board of education as the general school law may provide, and for collecting and disbursing the taxes assessed by the board of education, he shall be entitled to a commission of not more than five per centum upon the amount collected, except for money received for sale of bonds, and collection of railway companies' tax, he shall not receive more than two per centum for receiving and disbursing the same.

Sheriff's
further
settlement.

15. The sheriff shall annually as hereinbefore provided make such settlement with the board of education, and account to said board for all moneys, from whom, and on what account, and the amount paid out for school purposes in the district, since the last settlement.

Penalty for
failure to
make annual
settlement;
how en-
forced.

16. In case the sheriff shall fail to make the annual settlement within the time prescribed, in the preceding section, he shall forfeit five hundred dollars, to be recovered before any court having jurisdiction, for the use of the schools of the district. And it is hereby made the duty of the secretary of the board of education to proceed forthwith, in case of such failure, by suit against such sheriff and his securities, to recover the penalty as aforesaid. But if before suit shall have been entered, the sheriff shall satisfy the board that owing to sickness or other causes, which may seem to them sufficient, said settlement has been rendered impracticable, such further time may be allowed, as the board may deem reasonable and just.

—further time
may be
allowed,
when.

Superintend-
ent, board to
appoint;
when.

—duties.

—removal.

17. Annually, on the first Monday in July, or as soon thereafter as circumstances will allow, the board shall appoint a superintendent of schools for the district, and fix his salary. Said superintendent, in addition to the duties specified in this act, shall perform such other appropriate duties with relation to the schools of the district as the board may prescribe. He shall be liable to removal by the board of education, for any palpable violation of law or omission of duty,

but he shall not be removed unless charges shall be preferred to the board by a member thereof, and notice of a hearing, with a copy of the charges delivered to him, and an opportunity be given him to be heard in his defence. When the office shall have become vacant from any cause, before the expiration of the term for which the superintendent shall have been elected, the board of education shall fill the same by appointment for the unexpired term. It shall be the duty of the superintendent to make such report to the board of education, of the character and condition of the schools of the district, as shall enable the secretary to make his required report to the county superintendent. The superintendent shall not directly or indirectly receive any gift, emolument or reward for his influence in recommending the use of any book, apparatus or furniture of any kind whatever in the schools of the district.

—vacancy

—his report.

—to receive
no gift or
reward, etc.,
for what.

18. The board of education shall appoint two competent persons to act with the superintendent as an examining committee. It shall be the duty of said committee to examine all applicants, for positions as teachers in the schools of the district, in all the common branches and such other branches as they may be required to teach, and each person so examined shall pay a fee of one dollar, but no applicant shall be entitled to examination who shall not furnish evidence satisfactory to the committee of good moral character; certificates of qualification shall be granted according to the following scheme, numbering from one to three according to the merits of the applicant, thus: Number one shall denote a very good teacher; number two, good; number three, medium. A number three certificate shall not be issued more than twice to more than any one person; but the board may make special regulations as they may seem fit, concerning the certificates of colored teachers. No certificate shall be granted for the longer period than one year; but a number one certificate may be renewed at the option of the examining committee.

Examination
of teachers.—in what
branches.

—fee.

—good char-
acter.—grading of
certificates.—no 3 certifi-
cate.—as to col-
ored teachers.—provision
as to period.

—meetings.

The committee shall hold meetings for the examination of teachers at such times and places as the superintendent may appoint. They may receive such compensation as the board may allow out of the fees received for examining teachers. The excess of such

—compensa-
tion.
excess of
fees.

fees, if any, shall go into the building fund of the district.

Teachers;
subject to
what rules;
removal.

19. Teachers shall be subject in all respects to the rules and regulations adopted by the board of education, and they may be removed by the board for incompetency or grossly immoral conduct, upon complaint of the superintendent or any member of the board.

Teachers,
appointment
of; when,
salaries.

—what re-
quired.

—exception.

—mode.

20. The board of education shall appoint all teachers for public schools of any grade within the district, and fix their salaries, and the meeting held not later than the third Monday in August of any year; but no person shall be employed to teach in any public school in the district who shall not first have obtained a certificate of qualification to teach a school of the grade for which the appointment is made, except that the superintendent and the members of the examining committee shall not be required to obtain any certificate. All appointments of superintendent and teachers shall be in writing.

Board, its
general pow-
ers and duties
as to school
houses,
grounds, etc.

—to pay,
what.

—Annual tax.

—building
fund, what to
constitute.

21. It shall be the duty of the board of education to provide by purchase, condemnation, leasing, building or otherwise, school houses and grounds, furniture, fixtures and appendages, and keep the same in good order and repair, and to supply the said school houses with fuel and other things necessary for their comfort and convenience; to pay the principal and interest on loan made pursuant to this section, and all other expenses incurred in the district in connection with schools not chargeable to the teachers' fund. For the purposes mentioned in this section, the board of education shall annually levy a tax on the property taxable in said district, not to exceed in any one year forty cents on every hundred dollars valuation thereof, according to the latest assessment of the same for State and county taxation. The proceeds of the taxes so levied, of school houses and sites sold, of all donations, devises and bequests applicable to the purposes mentioned in this section, shall constitute a special fund to be called "The building fund," to be appropriated expressly for the purposes named in this section.

22. In addition to the levy named in the proceeding section the board of education shall, for the support of the schools of the district, annually levy such tax on the taxable property of the district as will with the money received from the State for the support of free schools be sufficient to keep said schools in operation not less than seven months in the year: *provided*, that the said tax shall not in any year exceed the rate of sixty cents on every hundred dollars' valuation, according to the latest available assessment made for the State and county taxation. The proceeds of this levy, together with the money received from the State as aforesaid, shall constitute a special fund to be called the "Teachers' fund, and no part thereof shall be used for any other purpose than the payment of teachers' salaries, and the salary of the city superintendent. In addition to the preceding levies, this board may annually levy a tax not to exceed one-tenth of a mill on the dollars' valuation for the establishment, support and maintenance and increase of a public library, said library to be under the control of the board of education. Upon failure of the board of education to lay the levies required by this act, or either of them, they shall be compelled to do so by the circuit court by writ of mandamus.

Teachers fund: annual levy for.

—limit.

—what to constitute.

—how used.

—library levy.

—failure to make levies, what then.

23. The assessments made under the provisions of this act shall be collected as now provided by law. The board of education shall not, during any one year, incur any expense that shall exceed the amount of available funds received for school purposes during that year.

Collection of assessments.

—limit to expenses.

24. If any person or persons shall mar, deface or otherwise injure any school house, out building, fence, furniture or other school property, of the district, the person or persons so offending shall be liable to prosecution before any court having jurisdiction, and upon conviction shall be subjected to a fine of not less than five dollars and costs of prosecution; and if the amount of damage shall exceed five dollars, the person or persons convicted of the offence shall be liable for the full amount thereof.

Injury to school property, penalty for.

25. If the injury be done by a minor, the parent or guardian of said minor shall be liable as aforesaid. It

If injury done by a minor, who liable.

—duty
board as to
such injuries.

shall be the duty of the board of education of the district, in which the property damage may be located, to ascertain, if possible, by whom the offence was committed, and, when satisfied thereof, to cause the party or parties to be arrested and tried for the offence, in the name and on behalf of the board of education; and all fines or damages collected, by virtue of this section, shall be paid into the district treasury, and be appropriated for the benefit of the schools of the district.

—fines, etc.,
collected.

Establish-
ment of dis-
trict, when
and how.

26. The provisions of section one of this act shall not apply to the territory named until the people of said Guyandotte district by a majority of the votes, cast at an election to be held within sixty days after this act takes effect, or at any subsequent election, at the usual voting places in said district, shall declare in favor thereof.

Election,
where held.

27. The election, provided for in section twenty-six of this act, shall be held at the places therein specified and shall be by ballot, and those voting in favor of the establishment of said independent district shall have written or printed on their tickets the words, "For Independent District," and those voting against the establishment thereof shall have written or printed on their tickets the words, "Against Independent District." The election shall be superintended, conducted and the result thereof ascertained and declared by officers appointed for that purpose by the board of education at the time ordered by the board, and notice thereof shall be published once a week for two successive weeks, next prior to the time of holding said election, in two daily newspapers of different politics, published in Cabell county; and the provisions of the election law in this State, so far as applicable, shall be in force and govern such election, unless otherwise provided.

—ballots,
how worded.

—how elec-
tion con-
ducted, and
result ascer-
tained, etc.

—notice.

—law to
govern.

Conflicting
laws void.

—what law
in force.

28. All provisions of the general school law of the State, and all laws and acts heretofore existing, which are in any manner inconsistent with the provisions of this act, shall be void within the district; otherwise the said general school law shall remain in full force and effect in this district as elsewhere in the State.

(House Bill No. 325.)

CHAPTER 132.

AN ACT to amend and re-enact sections one and two of chapter fifty-one of the Acts of the Legislature of West Virginia of one thousand eight hundred and ninety-five as amended and re-enacted by chapter eighty-two of the Acts of the Legislature of West Virginia of one thousand eight hundred and ninety-seven.

[Passed February 16, 1901. In effect from passage. Approved February 19, 1901.]

Be it enacted by the Legislature of West Virginia:

That sections one and two of chapter fifty-one of the acts of the legislature of West Virginia, of one thousand eight hundred and ninety-five, as amended and re-enacted by chapter eighty-two of the acts of the legislature of West Virginia of one thousand eight hundred and ninety-seven, be and the same are hereby amended and re-enacted so as to read as follows:

1. The board of education for the independent district of the city of Charleston shall consist of nine commissioners to be elected as provided in the next succeeding section, and who shall control all the free schools within the said independent district which shall be co-extensive with the corporate limits of the city of Charleston.

2. On the third Tuesday in May, one thousand nine hundred and three, there shall be elected by the qualified voters of the independent school district of the city of Charleston, six commissioners, who, together with the three commissioners who were elected at the last school election for said independent district, and whose terms expire on June thirtieth, one thousand nine hundred and five, shall constitute the board of education for the independent school district of the city of Charleston, and shall have all the powers, duties and liabilities that belong to a district board of education under the general school law, together with additional powers granted by law. Said

Acts amended.

Board of education to consist of nine commissioners; its control.

Commissioners elected in 1903; how many.

—who to constitute board.

—powers and duties.

—board as now constituted to remain, except, etc.

—board to elect one member; when; his term.

—terms of commissioners elected in 1903.

—three elected every two years.

—when term commences.

—election of president.

board shall remain as now constituted, except as to the three members whose terms expire on June thirtieth, one thousand nine hundred and one, to-wit: S. F. Beckwith, George S. Morgan and L. E. McWhorter, leaving eight members remaining in the board, the terms of five of them expiring on June thirtieth, one thousand nine hundred and three. The ninth member shall be appointed by the board at a meeting to be held by them on or after July first, one thousand nine hundred and one, and whose term shall expire on June thirtieth, one thousand nine hundred and three.

Three of the six commissioners to be elected on the third Tuesday in May, nineteen hundred and three shall hold their office for six years, and three of the six commissioners to be so elected shall hold their office for four years, so that three commissioners shall be elected on the third Tuesday in May every two years thereafter. The terms of office of said commissioners shall commence on July first immediately following their election. Said commissioners shall bi-ennially elect one of their number president.

(House Bill No. 126.)

CHAPTER 133.

AN ACT to amend and re-enact section one of chapter fifty-seven of the Acts of eighteen hundred and ninety-five.

[Passed January 28, 1901. In effect from passage. Approved January 31, 1901.]

Be it enacted by the Legislature of West Virginia:

Acts amended.

Boundary lines of independent school district of Wellsburg, changed: when and how.

That section one of chapter fifty-seven of the Acts of eighteen hundred and ninety-five be amended and re-enacted so as to read as follows:

1. In the event a majority of the votes cast at an election to be held on the second Tuesday in April, one thousand nine hundred and one, be in favor thereof, the following described territory in the county of Brooke, including the town of Wellsburg, Lazearville and Midway, and such other territory as is in-

cluded in the section, shall after the result of said election is ascertained, and declared to be in favor of it, be the independent school district of Wellsburg, to-wit:

All of the town of Wellsburg, Lazcarville and Midway and the territory thereto adjacent, bounded and described as follows: Beginning at the Ohio river at the southwest corner of the lands of Forbes Carmichael and Company, known as the Gover property, and including said lands of said Forbes Carmichael and Company, thence following the south line of the Gover property in a northeasterly direction along what is known as the old "Fetter" line through lands now owned by Tersa L. Walsh and John J. Walsh to the southwest corner of lands of Nicholls and Mathews known as the Hagan Frank farm, including that part of the lands of Tersa L. Walsh and John J. Walsh that lies north of the Fetter line and including all of the lands of Nicholls and Mathews known as the Hagan Frank farm; thence following the south line of the Nicholls and Mathews, or Hagan Frank farm, eastwardly to Buffalo Creek corner to lands of H. C. Brenneman; thence running up said creek to mouth of Panther Run; thence including the lands owned February nineteenth, one thousand eight hundred and eighty one by Samuel Jacob, Campbell Tarr's heirs and William L. Miller; thence including the lands owned July eleventh, one thousand eight hundred and sixty-eight by James W. Cox and George Cox, senior, to the Ohio river; thence down said river to the place of beginning, shall constitute one school district to be called <sup>—new bound-
ary lines.</sup> the independent school district of Wellsburg. ^{—name.}

(Senate Bill No. 165.)

CHAPTER 134.

AN ACT to establish the Independent School District of Flatwoods, in the county of Braxton, in the State of West Virginia.

[Passed February 22, 1901. In effect 90 days from passage. Approved February 23, 1901.]

Be it enacted by the Legislature of West Virginia:

Independent school district of Flatwoods, act to create election, when held.

—what lands to include.

—boundary.

—name of.

Board of education; how composed and elected.

—their rights and duties.

1. That in the event of a majority of the votes cast at an election to be held on the fourth Tuesday in May, one thousand nine hundred and one, be in favor thereof, the following described territory, in the county of Braxton, including the town of Shaversville and Flatwoods, and such other territory as is included in this section, shall, after the result of such election is ascertained and declared, be the independent school district of Flatwoods, to-wit: All of the town of Shaversville and Flatwoods, and the territory thereto adjacent, bounded and described as follows: Beginning at a corner of lands owned by B. F. Fisher and F. H. Stout and running with the northwestern line of said Stout (including therein the lands of the said Stout) to the land of W. H. Berry, and with said Berry's line so as to include the said Berry, thence by direct course to the corner of lands of J. F. Beamer, and P. L. Curry, thence with a line including said Curry's land and lots to the convenient corner of lands known as the N. M. Hyer land, thence with a line of lands owned by J. A. Ross, Mary B. Dyer, N. W. Singer, and the several parcels of an entire tract of land known as the A. C. Dyer farm at Gauley Junction, so as to include the whole of the said several tracts herein, thence by a straight line to the beginning, shall, constitute one school district to be called the "Independent School District of Flatwoods."

2. The board of education for said district shall consist of three members, who shall be elected by the qualified voters resident therein, and shall be invested with the same rights and exercise the same powers, perform the same duties, and be governed by the same

laws, that boards of education elsewhere in the county are or may hereafter be governed, except in so far as changed by the provisions of this act; and in the event of the establishment of the school district a board of education shall be elected on the second Tuesday of July, one thousand nine hundred and one, who shall serve as such board until their successors are elected and qualified, and thereafter such board of education shall be elected as provided by law for magisterial districts; and the members of such board shall be elected for such terms as will conform to the interests and meaning of the foregoing.

—time of election; term.

3. The board of education herein provided for shall be a corporation by the name of the "Board of Education of Flatwoods District" and by that name may sue and be sued, plead and be impleaded, contract, purchase, hold and grant estate, real and personal, make ordinances, by-laws and regulations, consistent with the laws of this State, for the government of all persons and things under its authority, and the due and orderly execution of its affairs.

Board a corporation; name of.

—corporate powers.

4. The board of education shall, at a convenient point, establish in said district a polling place or places, which shall be taken, held and used as a polling place or places for voters of said district in all elections; until such polling place or places are changed by law.

Polling places; duty of board.

5. At the first meeting of the board in July of each year, the board shall organize by electing a president, who shall be one of their number; and shall also elect a clerk, who may or may not be a member of the board, who shall be allowed the same compensation to which other clerks of boards of education in this State are entitled.

President and clerk; election of.

—pay or clerk.

6. The said board of education shall have authority to prescribe the school books to be used, and the courses of study to be pursued in the schools of said district. They also, out of the building fund of said district, may provide free text-books for indigent pupils or for all pupils of said district.

Text books and course of study.

—may provide free books. for whom.

Number of school months.

7. The said board of education shall have power to determine the number of months the school shall be kept in operation.

Election, mode of voting ballots, how worded.

8. The election provided for, in section one of this act, shall be by ballot, and those voting in favor of the establishment of said independent district shall have written or printed on their tickets, the words, "For Independent District," and those voting against the establishment thereof shall have written or printed on their tickets the words, "Against Independent District." The election shall be superintended, and the result thereof ascertained and declared by election officers to be appointed by the county commissioners of Braxton county; and all the provisions of the election laws in this State, so far as applicable, shall be enforced and govern such election, unless otherwise provided.

—ascertaining result.

—state election law to govern.

(Senate Bill No. 166.)

CHAPTER 135.

AN ACT to amend and re-enact section three of chapter twenty of the Acts of one thousand eight hundred and eighty-three, entitled "An Act to establish the Independent School District of New Cumberland, in Hancock County."

[Passed February 21, 1901. In effect 90 days from passage. Approved February 22, 1901.]

Be it enacted by the Legislature of West Virginia:

Acts amended.

That section three of chapter twenty of the acts of one thousand eight hundred and eighty three, entitled "An Act to establish the independent school district of New Cumberland, in Hancock county," be amended and re-enacted so as to read as follows:

Board of Education to prescribe text-books used and branches taught.

3. The branches to be taught and the text-books to be used in the schools of the independent school district of New Cumberland, Hancock county, shall be prescribed by the board of education. The independent school district of New Cumberland, herein authorized to be established, shall conform to and be governed by the general school law in this State, except where it is otherwise provided by this act.

—what law governs, except, etc.

(Senate Bill No. 171.)

CHAPTER 136.

AN ACT relating to education in the counties of Brooke and Hancock.

[Passed February 22, 1901. In effect 90 days from passage. Approved February 23, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That every person having under his control a child or children, between the ages of eight and fourteen years, shall cause such child or children to attend some public or private school in the city, independent district or district, in which he resides, and such attendance shall begin with the opening of the school term, and shall continue for at least sixteen weeks of the school: *provided*, that the school be in session for as many as sixteen weeks; and for every neglect of such duty, the person so offending shall be guilty of a misdemeanor and shall upon conviction thereof, before any justice, be fined two dollars for the first offence, and two dollars for each subsequent offence; and any person who does not pay immediately the fine so imposed against him, shall be committed to jail for not less than five, and not more than twenty days.

Compulsory education; between what ages.

—when child must begin; how long continue.

—penalty.

—imprisonment, when.

2. An offence, as understood in this act, shall consist in failure for one day in any week to send to school any child, except it be shown to the satisfaction of the teacher that the bodily or mental condition of the child does not permit of its attendance; or that such child has attended for a like period of time a private school or has been otherwise instructed for a like period of time, in the branches of learning required by law to be taught in the public schools; or has already satisfactorily completed such branches. The board of education, on the order of the teacher, may at their discretion purchase out of the building fund of the district the necessary text books for pupils whose parents are not financially able to provide them; but such purchase shall not exceed one dollar in amount per year, for each child so supplied with books; but if there be no public school in session within two miles by the nearest traveled road of any

What failure constitutes an offence, except, etc.

—text books for indigent pupils.

—limit of purchase, per child.

—when person not liable to penalty.

person, in the school district, he shall not be liable to the provisions of this act.

Duty of trustee and teacher: fine for failure.

—such fine, where placed.

3. And it shall be the duty of every trustee and every teacher to inform against any one so offending and upon a failure so to do they shall be guilty of a misdemeanor and fined not exceeding five dollars. Any fine so collected shall be placed to the credit of the building fund of the district.

Truant officers; who to be.

—when and what to investigate, and what to report.

—duty of justice.

—teacher, of what to notify officer.

—board may appoint truant officer, when; his pay.

4. For the better enforcement of this act, all marshals and town sergeants in incorporated towns, and all constables in every district, shall be and are hereby designated truant officers; whose duty it shall be upon notification from the teacher of the absence of any child, or children, to investigate the causes of such absence and if it seems probable that such absence on account of such bodily or mental condition is unavoidable, the said truant officer shall report the facts to the teacher; but if he do not find such causes for absence he shall report to a justice of the peace, who shall thereupon enforce the provisions of this act. Moreover, if the teacher finds that the cause of absence, in any case reported to him by the truant officer, is not due to some bodily or mental defect, he shall notify the truant officer, who shall as in all other cases report to the justice of the peace; but if for any reasons, whatsoever, there is no constable or special police in the district the duties of truant officer shall devolve upon some one designated by the board of education, whose salary shall not be more than two dollars per day for time actually engaged in his duties as truant officer.

Provision as to disorderly pupils.

5. Boards of education may set apart school rooms in public school buildings for children who are insubordinate or disorderly during their attendance upon instruction in the public schools.

Provisions of act limited to Brooke and Hancock counties.

—may be extended to other counties, how.

6. This act shall take effect and be in force only in the counties of Brooke and Hancock, unless upon the petition of one hundred voters of any county, the county court of said county shall submit the question of making this act a law of said county to the voters of said county at an election to be held at a time and with such notice as may be specified by said court.

If at said election a majority of the votes cast should be in favor of making this act the law of said county, the said county court, or other tribunal in lieu thereof, shall at its next meeting after said election, by resolution, declare this act to be in full force and effect in said county as the law of said county, as heretofore provided for Brooke and Hancock counties.

(House Bill No. 136.)

CHAPTER 137.

AN ACT to repeal chapter eighty-three of the Acts of one thousand eight hundred and eighty-three, making provision for free schools for the town of New Haven, in Mason county.

[Passed February 16, 1901. In effect 90 days from passage. Approved February 19, 1901.]

Be it enacted by the Legislature of West Virginia:

1. The act passed February the twenty-third, one thousand eight hundred and eighty-three, entitled, "An Act to create an Independent School District out of Sub-District Number Two in Graham District, Mason county, to be known as The Independent School District of New Haven," is hereby repealed.

Act creating independent school district of New Haven, repealed.

2. The property, real and personal, vested at the time this act takes effect in the board of education of the independent school district of New Haven, shall by this act vest in the board of education for the school district of Graham in Mason county: *provided*, that this act shall not be construed as impairing any obligation heretofore created or existing of any indebtedness of the said board of education of the independent school district of New Haven.

Property held in what board to vest.

—proviso as to existing indebtedness.

(Senate Bill No. 174.)

CHAPTER 138.

AN ACT to authorize the Board of Education of Greenbrier District, of Summers County, to fund at a lower rate of interest one hundred and twenty one hundred-dollar bonds.

[Passed February 20, 1901. In effect from passage. Approved February 23, 1901.]

Be it enacted by the Legislature of West Virginia:

Board of education of Greenbrier district authorized to issue bonds, amount, denomination, rate of interest and when payable.

—principal, when demandable.

May be paid at any time, when.

Sale of such bonds.

Same subject.

Payment of interest.

Notice of payment of bonds.

1. The board of education of Greenbrier district, in Summers county, is hereby authorized, at any time within one year from the passage of this act, to issue not exceeding twelve thousand dollars of coupon bonds of the said district, of said county, in such form as may be provided for by the board of education thereof, and of the denomination of one hundred dollars, bearing four per centum interest, payable annually; the principal of which bonds shall not be demandable for fifteen years from date of issue.

2. The said bonds, or any portion thereof, may be paid at any time after this proviso shall be expressed on the face of the bond.

3. The board of education of Greenbrier district, of Summers county, shall sell and dispose of the bonds issued under this act, at not less than their par value, or so much of them as is necessary to pay off the bonded indebtedness unpaid of the said Greenbrier district, of the said county.

4. The board of education of Greenbrier district, of said county, shall dispose of the bonds hereby authorized in conformity with any plan adopted by them for selling such bonds to the best advantage and for the most money.

5. The board of education of Greenbrier district, of Summers county, shall provide for the payment of interest on the bonds hereby authorized.

6. The bonds to be paid shall be designated by their numbers, and public notice of the time of pay-

ment shall be given for three weeks by advertisement in one or more newspapers in said county.

7. The bonds authorized under this act shall be exempt from taxation for county, district and municipal corporations, as a part of the contract with the purchasers thereof.

8. Nothing in this act shall authorize any increase in the bonded debts of said district, nor shall the bonds issued under this act, or the proceeds thereof, be issued or applied for any other purpose than the payment and redemption of the outstanding bonds of said Greenbrier district of Summers county.

(Senate Substitute for House Bill No. 22.)

CHAPTER 139.

AN ACT enlarging the powers of the Board of Education of the School District of Wheeling.

[Passed January 29, 1901. In effect from passage. Approved February 2, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That sections nine, ten, twelve, sixteen, twenty-one, twenty-two, twenty-three, and twenty-nine of chapter eleven, of the acts of one thousand eight hundred and seventy-two, entitled "An Act Relating to the School District of Wheeling," as amended and re-enacted by chapter one hundred and fifteen of the acts of one thousand eight hundred and seventy-five, and by chapter sixteen of the acts of one thousand eight hundred and eighty-two, be amended and re-enacted so as to read as follows:

9. The board of education of the district of Wheeling shall be a body corporate in the law, and as such may purchase, hold, sell or convey real or personal property for the purposes of education within the district; may establish, maintain, support and increase a public library and branches thereof for the use and benefit of the residents of said district and such other persons as the board may, by rule, prescribe; may re-

ceive any gift, grant, donation or devise; may become party to suits and contracts, and do other corporate acts. They shall, also, have the management of, and be vested with the title to all real and personal property, except such public library property, for the use of the public schools within the district, and shall manage and dispose of the same as in their opinion will best subserve the interests of the schools. They shall also have the management of, and be vested with the title to all real and personal property they may, in any manner, acquire for the uses and purposes of such library and branches thereof.

Annual enumeration: when and what to show.

10. Annually, not later than the first day of April, the board of education shall cause to be taken an enumeration of all the youth between the ages of six and twenty-one years, resident in each election district of the district, distinguishing between males and females, white and colored, and the result thereof, verified by the oath or affidavit of the persons employed to take the same, to the effect that the enumeration is correct, and that they have used all the means in their power to have it so, shall be recorded in the office of the clerk of the board, and the clerk shall thereupon, not later than the first day of May, communicate the result of the enumeration to the district superintendent and the state superintendent of free schools. The persons employed to take said enumeration may be required at the same time to take the census of the district.

—where recorded.
—duty of clerk.

—census of district.

Annual estimate: what the board to determine, and what to levy.

12. It shall be the duty of the board of education, annually, in the month of July, to determine, as nearly as practicable, the amount of money necessary, in addition to all other available funds, for the support, maintenance and increase of such public library and branches, including the payment of the interest on any bonds which may be issued therefor, and of any such bonds that may become payable within the next year; also for continuing the schools of the district for a period of not less than nine months; and for all other purposes relating to the schools of the district, such as the repairing and improvement of school premises, the purchase of sites and the building of school houses, and for the payment of debts previously contracted, which may fall due within the year; and

said board shall cause the amount to be levied on all the taxable property of the district, as assessed and returned for city taxation: *provided*, that not more than four mills on the dollar valuation of said taxable property shall be levied in any one year for the purpose of continuing the schools for said period of not less than nine months, and for the ordinary repairs and incidental expenses; not more than three mills on the dollar valuation for the purchase of sites, the building of houses and permanent improvements; and not more than three-fifths of a mill on the dollar valuation for the establishment, support, maintenance and increase of such public library and branches, and for the payment of such bonds, and of the interest thereon. The amount collected under the levy first named shall be known as the "School Fund," that under the levy second named shall be known as the "Building Fund," and that collected under the levy last named shall be known as the "Library Fund." The amount so levied under the provisions of this section shall be collected and disbursed by the same officer by whom the city levies are collected. The amounts thus collected shall severally be certified to by the collecting officer to the clerk of the board of education and shall be paid out only upon the drafts, signed by the clerk and issued by order of the board, specifying upon their face the particular account to which the same is chargeable; nor shall any credit be allowed to the collector in his annual settlement upon any other voucher than such drafts.

—limit to levy.

—name of different funds.

—who to levy and disburse.

—by and to whom certified, and how paid out.

—credit allowed collector.

16. The collector for collecting and disbursing the taxes levied by the board of education shall be entitled to receive such commission as the board may allow, not exceeding two and one-half per centum of the amount collected; and for all other school moneys received by him he shall be allowed a commission not exceeding one per centum on the amount received and disbursed: *provided*, that no commission shall be allowed the collector for receiving or disbursing money derived from sale of bonds for the purchase of a site for such library.

Collector: his commission.

—but no commission, for what.

21. When ground shall have been designated by the board of education as a suitable site for a school house and the necessary buildings, or for a public

Condemnation of land for school buildings, etc.; proceedings.

library or branch thereof, or for enlarging a school house, or library lot, if the owner or owners refuse or are legally incompetent to sell the same, or if they demand therefor a price which is deemed by the board unreasonable, the board of education may petition the circuit court of Ohio county to have such ground condemned for school and library purposes, and upon proceedings had in the case as prescribed in chapter forty-two of the code, the title to such ground shall be absolutely vested in the board of education in fee simple.

School property, etc., exempt from taxation, etc.

22. All school houses, school house sites and other property for the use of the public schools of the district, and all property, real and personal, pertaining to such public library and branches, shall be exempt from taxation, and also from distraint or sale on execution, or other process in the nature of an execution.

Supt. of schools; when and how elected.

—salary.

—to be an officer of board; his additional duties.

—removal.

—charges, notice, etc.

—vacancy, how filled.

—his reports to state supt.

23. The board shall, bi-ennially, at their regular meeting in the month of July, beginning in the year one thousand nine hundred and three, appoint a superintendent of schools for the district and fix his salary. Said superintendent shall be an officer of the board, and in addition to the duties specified in this act he shall perform such other appropriate duties with relation to the schools of the district or such public library and branches as the board may prescribe. He shall be liable to removal by the board of education for any palpable violation of law or omission of duty. But he shall not be removed unless charges shall be preferred to the board by a member thereof, and notice of a hearing, with a copy of the charges, delivered to him, and opportunity be given him to be heard in his defence.

When the office shall become vacant from any cause, before the expiration of the term for which the superintendent shall have been elected, the board of education shall fill the same by appointment for the unexpired term. It shall be the duty of the district superintendent to make from the report of the clerk of the board of education and from his own information, such report to the state superintendent of free schools, of the character and financial condition of the schools of the district, as may be necessary in order to secure to the district its quota of the state

school fund, and to convey to said state superintendent all necessary information of the character and condition of the schools of the district. The district superintendent shall not directly or indirectly receive any gift, emolument or reward for his influence in recommending the use of any book, apparatus, supplies or furniture or any kind whatever in the schools of the district, or public library or branches thereof.

—to receive no gift, reward, etc.; for what.

29. The provisions of the general school law of the State, not included in this act, shall not be regarded as applicable to the district of Wheeling and all laws and acts heretofore existing which are in any manner inconsistent with the provisions of this act shall be void within said district: *provided*, that this section shall not be so construed as to prevent the citizens of any election district within the district, from appropriating any moneys belonging thereto, not otherwise appropriated, for school or library purposes.

General school law not applicable, unless, etc.

—acts void.

election district moneys.

2. And he it further enacted, that the following section be added to said chapter eleven of the acts of one thousand eight hundred and seventy-two, as part thereof, namely:

Section added.

31. The board of education may, at any time within three years of the passage of this act, incur indebtedness not exceeding fifty thousand dollars, for the purchase of a site for a library building, and may issue and sell at not less than par its bonds for the said sum, bearing interest at not more than five per centum per annum: *provided*, that no debt shall be contracted under this section unless provisions be made at the same time for the collection of a direct annual tax sufficient to pay annually the interest of such debt, and to pay the principal thereof within thirty-four years; nor unless all questions connected with said debt shall have been first submitted to a vote of the people, and received three-fifths of all the votes cast for and against the same.

Board authorized to incur indebtedness and issue bonds for library.

—proviso as to payment of interest and principal.

—vote.

An election for this purpose shall be provided for and conducted and the result ascertained and declared as the board of education may direct by resolution. Such resolution shall state the purpose and the amount of the bond and the rate of interest thereon; and such resolution, together with the list of the

—election.

—what the resolution directing election to state.

—publication.

places for voting, one in each sub-district, shall be published at least four weeks before such election, in two newspapers of opposite politics, published in the city of Wheeling.

(House Bill No. 316.)

CHAPTER 140.

AN ACT to establish a Preparatory Branch of the West Virginia University at Keyser, in Mineral County, and to abolish the Preparatory Department of the West Virginia University at Morgantown.

[Passed February 15, 1901. In effect 90 days from passage. Approved February 15, 1901.]

Be it enacted by the Legislature of West Virginia :

School established at Keyser ; its name.

—its powers.

1. There shall be established at Keyser, in the county of Mineral, a school to be called the "Keyser Preparatory Branch of the West Virginia University," by which name it shall hold all the property, funds, investments, rights and powers granted, and may receive and hold by bequests, private subscriptions, donations or otherwise, money and other property.

Appropriations for erecting buildings ; how expended.

2. It being estimated that the sum of twenty thousand dollars will be needed for the purpose of erecting suitable buildings for said school, therefore, the sum of seven thousand five hundred dollars is hereby appropriated out of the revenues of the fiscal year, one thousand nine hundred and one, and the sum of twelve thousand five hundred dollars out of the revenues of the fiscal year one thousand nine hundred and two, is hereby appropriated out of any money in the treasury, to be expended under the directions of the board of regents of said school for said purpose. For the government and control of said school, there shall be a board of regents consisting of six members who shall be appointed by the governor, not more than four of whom shall be of the same political party, and who, with

—board of regents ; number and appointment.

—political

the state superintendent of free schools, who shall be ex officio a member, shall constitute said board; two of the members of said board of regents shall hold their office for the term of two years beginning the first day of June, nineteen hundred and one; two for the term of four years; and two for the term of six years. Vacancies occurring in the board shall be filled by the governor as they occur. The members of said board shall be appointed from the citizens of Mineral, Grant, Hardy, Morgan, Pendleton, Tucker, Preston and Hampshire counties, and before entering upon the discharge of their duties, the members of the board shall take an oath to faithfully discharge their duties. The said board shall be known as the board of regents of the "Keyser Preparatory Branch of the West Virginia University," by which name said board shall sue and be sued, make contracts, receive and hold real and personal property as aforesaid.

complexion
of board.
—state supt.
a member.

—terms of
office.

—vacancies.

—residence of
members.

—oath.

—board of
regents, how
known.

—powers of
board.

3. Said board of regents shall, as soon as practicable after this act takes effect, contract and provide for the erection of suitable buildings upon the site selected and furnished for said school by the town of Keyser, in Mineral county. Said buildings to be completed, and said school opened by the first day of October, 1902. Said board shall provide suitable books, furniture and apparatus necessary for the successful operation of said school. All of which shall be paid for as herein provided.

Board to con-
tract for erec-
tion of build-
ings.

—when to be
completed
and school to
open.

—furniture,
etc.

4. That the property, buildings and improvements erected under the provisions of this act, shall be vested in the board of regents of said school, to be used and controlled for the purposes of this act.

Property, etc.,
to be vested
in board.

5. There shall be taught in said school such branches of learning as are taught in the Preparatory Department of the West Virginia University and in the Normal schools of this State, including mechanics and such other branches as shall fit the pupils for useful trades and callings. But no student shall receive instruction free of tuition in any of the branches herein designated, except as to such as are taught free in the Preparatory Department of the West Virginia University.

Branches to
be taught.

—no free tui-
tion, except,
etc.

Board to employ teachers and officers, and fix salaries; how paid.

6. It shall be the duty of said board of regents to employ and fix the salaries of a sufficient and competent corps of teachers and officers, to be paid as provided by law, and as directed by said board of regents.

—Pay students.

7. All students of this or other states desiring to take other branches of study than those designated in said preparatory course, or to take other courses of study in said school, shall pay such tuition as shall be fixed by the board of regents.

Money arising from tuition, etc., how used.

8. All money arising from tuition, matriculation fees or otherwise coming into the hands of the treasurer of said school, shall be used and applied to the payment of the teachers' salaries, and other liabilities of said school.

No part of appropriation available, until when.

9. No part of this appropriation provided for in this act shall be expended in the construction of buildings, providing furniture for said school, nor be used for that purpose, until the board of regents shall certify to the auditor that the town of Keyser, or the citizens thereof, have donated to the board for the purposes of this act at least the sum of five thousand dollars, in land, money or other property.

Auditor authorized to draw his warrant; when and how.

10. And the auditor is hereby authorized to draw his warrant on the treasurer of this State, payable to the treasurer appointed by said board, for the money appropriated by this act when payable according to the terms of this act.

Board to appoint treasurer; his bond; also a secretary.

—to appoint executive committee; their duties.

11. The board of regents of said school shall have power to appoint a treasurer, and require him to give bond, with good security to be approved by said board; and also a secretary, and to appoint an executive committee of not more than three persons, citizens of Keyser, to have the care, control and management of said school, under the order and direction of the board of regents.

Per diem of members of board.

12. The members of the board of regents shall receive three dollars per day for the time actually employed by them and their actual expenses while attending the meetings of the board, which shall be verified by oath.

13. The preparatory Department of the West Virginia University is hereby abolished to take effect on the first day of July, 1904. Preparatory department at university, abolished.

(House Bill No. 115.)

CHAPTER 141.

AN ACT to make Davies' "Facts in Civil Government" a supplementary and optional text book in the free schools of the State, and fixing the price thereof.

[Passed January 25, 1901. In effect 90 days from passage. Approved January 30, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That Davies' "Facts in Civil Government" be and the same is hereby made a supplementary and optional text-book for use in the free schools of the State, the same to contain the constitution of West Virginia. The price at which such book shall be furnished to be fifty-five cents per copy. Optional text book in schools. —price.

(House Bill No. 216.)

CHAPTER 142.

AN ACT authorizing the county court of Kanawha county to take up from Peter Silman, late sheriff, orders allowed on the school fund and allow in lieu thereof orders on the general fund of the county.

[Passed February 22, 1901. In effect 90 days from passage. Approved February 23, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That the county court of Kanawha county be authorized and empowered to take up from Peter Silman, late sheriff, orders heretofore allowed by said court out of the school fund, to the amount of three hundred dollars, and allow to him in lieu thereof an order on the general fund of the said county for said amount. County court authorized to substitute school fund orders allowed Peter Silman for orders on general fund.

(House Bill No. 153.)

CHAPTER 143.

AN ACT to amend and re-enact sections one, two, seven and twenty-four of chapter eleven of the Acts of the Legislature of one thousand eight hundred and ninety-nine, entitled "An act to amend and re-enact the Charter of the City of Fairmont, and to change the Corporate limits of said city, so as to include Palatine and West Fairmont."

[Passed February 11, 1901. In effect from passage. Approved February 12, 1901.]

Be it enacted by the Legislature of West Virginia:

Acts
Amended.

City of Fair-
mont; cor-
porate lines
of changed.

That sections one, two, seven and twenty-four of chapter eleven of the acts of the legislature of one thousand eight hundred and ninety-nine, be amended and re-enacted so as to read as follows:

1. The corporate limits of the city shall be as follows, to-wit:

Beginning at a point on the west side of the Monongahela river, that bears south sixty-nine degrees forty-five minutes east, seven hundred and sixty-two feet distant from a point on the east side of the alley between Parks avenue and Minor avenue, as laid down on the map of the Fairmont Development Company's addition to the town of Fairmont, and which is a corner of Joseph M. Fleming's reservation, and running thence north sixty-nine degrees forty-five minutes west, seven hundred and sixty-two feet, and running on the line between Joseph M. Fleming's reservation and the lands of the Fairmont Development Company's addition to the town of Fairmont, to the east side of said alley south twenty-nine degrees forty-five minutes west, seven hundred and sixty-one feet, crossing Eighth street to the south side of Ninth street, and thence along the south side of Ninth street north sixty degrees fifteen minutes west, one thousand eight hundred and ten feet to the west side of Benoni avenue; thence along the west side of Benoni avenue north twenty-nine degrees forty-five minutes east, one thousand one hundred and sixty feet to the south side of Seventh street; thence along the south side of Seventh street, north sixty degrees

fifteen minutes west, and the same course continued for a total distance of one thousand one hundred and thirteen feet to the corporation line of West Fairmont; and thence with the lines of said West Fairmont corporation south forty-nine degrees west, three hundred and thirteen feet; thence north seventy-nine degrees fifty minutes west, two hundred and sixty-five feet to a corner of lands formerly owned by W. R. White; thence north forty-two degrees forty minutes west, one thousand one hundred and five feet to a hickory on a ridge south of the pike and above Locust avenue school-house; thence north seven degrees fifteen minutes west, one thousand eight hundred and sixty-five feet to a stake on a point in the field; thence north eighty-one degrees ten minutes east, two thousand five hundred and eighty-five feet to a large white oak on a ridge in William Ridgely's field; thence leaving the lines of the West Fairmont corporation and running north fifty-three degrees east, two thousand four hundred and thirteen feet to a stake, corner to the lands of C. B. Carney and F. C. Fisher; thence north eighty-five degrees thirty minutes east, one thousand three hundred feet to a post, corner to the Arnett addition to the town of Fairmont; thence north sixty-six degrees east, one thousand three hundred and forty-one feet to a stake in William Gaskill's field; thence south twenty-six degrees thirty-five minutes east, running with the eastern line of Woodlawn cemetery and the same course continued for a total distance of three thousand three hundred and seventy-five feet to the said Monongahela river; thence the same course (south twenty-six degrees thirty-five minutes east,) continued, crossing the river to the east side thereof; thence the same course (south twenty-six degrees thirty-five minutes east,) continued (from said point on the east side of said river) one thousand six hundred feet to a stake in Mary Morrow's field and north of the Morgantown and Bridgeport turnpike road; thence south thirty-three degrees west, crossing said turnpike road and to drain in lands of R. E. Harr; thence south with the meanders of said drain to Havmond street; thence with said street to Walnut street; thence with and including said street to Clay street; thence with and including said street to Strodes coal mine; thence with the meanders of the

drain of said mine to the Monongahela river; thence up the river with its meanders on the east side thereof to a point that bears south sixty-nine degrees forty-five minutes east from the beginning corner thereof; and thence north sixty-nine degrees forty-five minutes west re-crossing said river to the beginning.

- Wards.** 2. The territory of said city shall consist of five wards, and such division shall be as follows:
- first ward.** The First ward shall include all the territory lying within said corporate limits on the east side of the said Monongahela river.
- second ward.** The Second ward shall include all that territory within the said city, beginning at the suspension bridge crossing the Monongahela river, and extending north with the middle of Madison street to Jackson street, west with the middle of Jackson street to Jefferson street, north with the middle of Jefferson street to the corporation line, thence in an easterly direction with said corporation line to the Monongahela river, thence up the same to the place of beginning.
- third ward.** The Third ward shall include all that territory within said city lying north of the Monongahela river and between Second ward on the east and the Fifth ward on the west.
- fourth ward.** The Fourth ward shall include all that territory lying west of Coal run, and south of Tom Black's run, and heretofore known as the South Side or new addition to the town of Fairmont.
- fifth ward.** And the Fifth ward shall include all that territory lying within said city heretofore known as the town of West Fairmont.
- power to change wards: when and how.** But the city council may during the year next succeeding any census that may be taken by order of the city council, by a two-thirds vote of the members elected, so change the boundaries of said wards as to make the population of said wards more nearly equal; and may in the same manner increase the number of wards in said city: *provided*, the number of wards shall not at any time exceed nine.
- proviso.**
- Who entitled to vote.** 7. Every male person residing in said city shall be entitled to vote for all officers elected under this act; but no person who is a minor or of unsound mind, or pauper, or is under conviction of treason, felony or
- who not to vote.**

bribery in an election or has not been a resident of this State for one year, and the city of Fairmont for six months and of the ward in which he offers to vote for thirty days, next preceding such order, shall be permitted to vote at any election under this act while such disability continues.

24. Whenever anything for which a State license is required is to be done within said city, the council may require a city license therefor, and may impose a tax thereon for the use of the city; and whenever said city license is granted by the council for the sale of brandy, whiskey, rum, gin, wines, porter, ale or beer, or any other spirituous, vinous or malt liquors, or drinks of like nature, the county court shall grant a State license for the sale thereof within the corporate limits of said city. The council shall require from every person so licensed, a bond with good security, to be approved by the council, in a penalty of at least three thousand five hundred dollars, payable to said city, by its corporate name, conditioned as prescribed in section twenty-two of chapter thirty-two of the code of West Virginia, and may revoke such license at any time the condition of said bond be broken, upon ten days' previous notice to the person holding the same.

And suits may be prosecuted and maintained on such bonds as prescribed in said section of said chapter, by the same person in the same manner and to the same extent as upon the bonds mentioned in said section, and all the provisions of said sections in relation to the bonds therein mentioned shall be applicable to the bonds required by section thirty-three of chapter forty-seven of the code of West Virginia.

The council may require from any person so licensed a bond with approved security, payable to said city in such penalty and with such conditions as it may think proper, and may revoke such license at any time, if the conditions of the bond be broken; and the council shall have the authority to subject any person or persons, who, without having paid the taxes imposed by the said council for the privilege, shall do any act or follow any employment or business in said city upon which the council are or shall be authorized to impose a tax, to any fine or imprisonment which they are or may be authorized to impose or inflict for the enforcement of their ordinances.

Licenses; for what.

—liquor license.

—bond.

—revocation of license.

—suits on bonds.

—license bonds, generally.

—doing business without paying license tax; what then.

(House Bill No. 5.)

CHAPTER 144.

AN ACT to create the municipal corporation of "The City of Morgantown" in the county of Monongalia, to grant a charter thereto, and to annul the charter of the town of Morgantown, the town of South Morgantown, the town of Greenmont, and the town of Seneca.

[Passed January 24, 1901. In effect from passage. Approved January 30, 1901.]

Be it enacted by the Legislature of West Virginia:

The City of Morgantown,

1. That the inhabitants of that portion of Monongalia county in the State of West Virginia, included in the boundary described in section two of this act be and they are hereby made a municipal corporation by the name of "The City of Morgantown," by which name they shall have perpetual succession and a common seal, and by which name they may sue and be sued, plead and be impleaded, contract and be contracted with, and purchase, otherwise acquire, and hold real estate and personal property needed in the discharge of the functions of government conferred by this charter.

City of Morgantown incorporated; corporate powers.

Boundaries.

2. The corporate boundaries of the said city shall be as follows, that is to say:

New corporate lines.

Beginning at Target Rock, a large rock in the Monongahela river below Morgantown, said Target Rock being nearest the right bank of said river, thence north fifty-six degrees east, two hundred and three and eight-tenth poles to a locust on the northeast side of the Collins' ferry road, opposite to the entrance to a lane leading to Oliver H. Dille's farm house; thence south sixty-one degrees and fifteen minutes east, two hundred, fifty-three and seven-tenth poles to a post on the southeast side of the Stewartstown road, opposite the intersection of a lane leading to the Hoffman farm house, and the intersection of the old and

new Stewartstown roads; thence south fifty-eight degrees and two minutes east, two hundred, one, and five-tenths poles to a stone on the southeast side of the Ice's ferry pike, at its intersection with the old Robinson road; thence south eleven degrees and nine minutes east, two hundred, nineteen, and five-tenth poles to a stone on the south-west side of the Decker's creek road, opposite its intersection with the Sturgiss road; thence south thirty-four degrees and fifteen minutes west, two hundred, thirty-one, and five-tenth poles to a large stone on the top of the hill on land of George Harner; thence south fifty-eight degrees and twenty-five minutes west, two hundred, twenty-seven, and five-tenth poles to a stone on the north-east side of the Kingwood pike, at its intersection with a lane leading to the William Will's farm house; thence south sixty-seven degrees and fifty-three minutes west, three hundred and forty-four poles to a stone at the intersection of the Evansville pike, with the Morgantown and Fairmont road; thence north eighty-eight degrees and twenty-five minutes west, seventeen and eighty-eight one hundredths poles to a sycamore on the right bank of the Monongahela river; thence with the shore line of said river and down the same to Target Rock, the place of beginning.

Wards.

3. The territory included in the said city shall, from time to time, be divided into wards by the common council thereof. The wards shall be as nearly equal as may be in area and population, and when the wards and the boundaries thereof shall have been once established by an ordinance of the common council, the wards shall thereafter be entitled to elect an equal number of councilmen; but until such establishment of wards by an ordinance of the common council, the wards shall be as follows, and shall be entitled to elect the number of councilmen provided for in the twelfth section of this act:

The first ward shall include the territory within the corporate limits of the town of South Morgantown, together with all additional territory included in the city limits under this act lying south of the Kingwood pike.

The second ward shall include all the territory with-

Wards, how created.

—wards established.

—first ward.

—second ward.

in the corporate limits of the town of Greenmont, together with all additional territory included in the city limits under this act lying north of the Kingwood pike and south of Decker's creek.

—third ward.

The third ward shall include all territory within the corporate limits of the town of Morgantown, together with all additional territory included in the city limits under this act lying between Falling Run and Decker's creek.

—fourth ward.

The fourth ward shall include all the territory within the corporate limits of the town of Seneca, together with all additional territory included in the city limits under this act lying north of Falling Run and on the east side of the Monongahela river.

Municipal Authorities.

Common council, who to be.

—word "council" construed.

4. The municipal authorities of the said city shall consist of a mayor, a recorder, and not less than nine councilmen, who together shall form a common council. The word council in this act shall be construed as synonymous with common council.

Exercise of Corporate Powers.

Corporate powers, how exercised.

5. All the corporate powers and functions pertaining to the said city shall be exercised by its common council, or under its authority, in the corporate name of the city, unless otherwise provided by state law or municipal ordinance.

Subordinate Officers.

Subordinate officers, how appointed.

6. The mayor shall nominate, and, by and with the advice and consent of the council, shall appoint a superintendent of streets, a chief of police, an attorney, an assessor, a collector, a treasurer, and all other officers whose offices may be established by an ordinance of the council.

Eligibility of Officers.

Who entitled to hold office.

7. No person shall be eligible to the office of mayor, recorder, or councilman, unless at the time of his election he is legally entitled to vote in the city election for member of the common council, and was for the preceding year assessed with taxes upon real

or personal property within the said city of the assessed value of five hundred dollars, and shall actually have paid the taxes so assessed. And no person shall be eligible to any subordinate office under said city, who is not at the time of his election or appointment entitled to vote for members of the common council.

Tenure of Office.

8. The officers first elected in said city shall hold their offices until the first day of May in the year one thousand nine hundred and two, and until their successors are elected and qualified. The terms of all officers elected after the first election held under this act, shall commence on the first day of May next after their election, and shall continue for one year, and until their successors are elected and qualified, unless they are sooner removed in the manner required by law. All appointed officers shall hold their offices during the pleasure of the common council.

Terms of
elective
officers.

—of officers
appointed.

Powers, Duties, and Compensation of Officers.

9. The powers, duties, and compensation of all officers shall be established by ordinance. But the compensation pertaining to any office shall not be increased or diminished so as to affect any officer subsequent to his election or appointment and during the term for which he was elected or appointed.

Officers; powers, duties and compensation of.

Vacancies in Office.

10. Whenever a vacancy shall occur from any cause in the office of mayor, recorder, or councilman, the common council shall fill the same by election by a viva voce vote until the end of the term.

Vacancies in
elective
offices,
how filled.

Who Are Voters.

11. Every person who has been a bona fide resident of the city for six months next preceding the city election therein, and who is a qualified voter under the constitution and laws of this State, shall be entitled to vote at any city election, in the ward in which he actually resides. But no person shall be deemed a resident of such city by reason of being a student of

Who entitled
to vote and
where.

any school or college therein, or by reason of being stationed therein for any temporary purpose.

First Election of Officers.

First election; when and where.

—how conducted, etc.

—who to be elected.

—number of councilmen elected.

—notice of election.

—duty of council of towns included in corporate limits as to result of such election.

12. The first election in said city under this act shall be held on the first Thursday in April, in the year one thousand nine hundred and one, at the regular voting place or places in each ward, under the supervision of the common council of the town in which each voting place is situated, and shall be conducted, certified, returned, and finally determined, as near as may be, in accordance with the law in force in this State governing municipal elections on the first day of January, one thousand nine hundred and one. At this election there shall be elected by the voters within the corporate limits of the said city, a mayor and a recorder, and by the voters within each of the wards designated in section three of this act, the following number of councilmen, that is to say: By the voters of the first ward, two councilmen; by the voters of the second ward, one councilman; by the voters of the third ward, four councilmen; by the voters of the fourth ward, two councilmen.

Notice of such election shall be given by a joint proclamation of the mayors of the towns of Morgantown, South Morgantown, Greenmont, and Seneca, or by a publication of this section by the recorder of the town of Morgantown, published in some daily newspaper published in said city, for a period of ten days (Sundays excepted) next preceding such election. The common council of each of the towns of Morgantown, South Morgantown, Seneca, and Greenmont, or a majority thereof, shall, as soon as the results of the said election are ascertained in their town, make and sign a certificate containing a statement of the results of said election at each voting place under the supervision of such common council, as to each officer voted for under the provisions of this act, which shall conform in all essential respects to the certificates required by law to be made out and signed by the board of canvassers in each county for state officers. The said certificates shall be enclosed in an envelope, together with the ballots, and the certificates of the commissioners holding such elections, which shall be sealed up and endorsed by the members

of the common council of such town, or a majority of them; and shall be delivered by the recorder of such town to the recorder of the town of Morgantown, within two days after the results of the said election shall have been ascertained as herein prescribed. The recorder of the town of Morgantown shall present such certificates of the councils of said towns to the common council of the town of Morgantown, who shall examine the same and shall ascertain the true aggregate result of such election in the said city, and shall deliver to each person, appearing by said certificates to be elected, a certificate signed by the mayor and recorder of the town of Morgantown, in the form prescribed by law for district officers. The aggregate result of such election shall be entered upon the council journal of the town of Morgantown.

—duty of recorder of Morgantown and of council.

—what entered of record.

Regular Elections.

13. The regular annual election in said city shall be held on the first Thursday in April in each year, at which there shall be elected a mayor and a recorder by the voters at large within the corporate limits of said city, and an equal number of councilmen from each ward, as hereinbefore provided for. The elections shall be held, conducted, and the results thereof ascertained, certified, returned and finally determined, under an ordinance of the common council of such city, which shall not be inconsistent with the general statutes of the State governing municipal elections, and shall conform as nearly as practicable to such statutes. Whenever two or more persons receive an equal number of votes for the same office, if such number be the highest cast for such office, the persons under whom the supervision is held, shall decide by lot which of them shall be returned elected, and shall make their return accordingly. All contested elections shall be heard and decided by the common council.

Annual elections; when, how conducted, etc.; who to be elected.

—tie vote, how decided.

—contested elections.

Qualification of Officers.

14. Every person elected or appointed to an office in such city, shall, within twenty days after his election or appointment and before entering upon the duties of his office, take and subscribe the oath of office.

—where filed. fee prescribed by law in the case of district officers, which may be done before the mayor or recorder of such city, or before any person authorized by law to administer oaths; and the certificate of the officer administering the oath shall be filed with the recorder of the city.

Meetings of the Council.

Council meetings, who to preside. 15. The council shall be presided over at its meetings by the mayor, or in his absence by the recorder; or in the absence of both mayor and recorder by one of the councilmen selected by the majority of the council present. A majority of the council shall be necessary to form a quorum for the transaction of business.

—quorum.

Votes of Members.

Votes in council. 16. The mayor and recorder shall have votes as members of the council. No member of the council shall vote upon any order, measure, resolution, or proposition, in which he may be interested otherwise than as an inhabitant of such city. Upon the call of any member the yeas and nays on any question shall be taken and recorded in the journal.

—yeas and noes.

Records of the Council.

Record of proceedings; how kept. 17. The council shall cause to be kept in a well bound book called the "Council Journal" an accurate record of all its proceedings, by-laws, ordinances, orders, and resolutions, which shall be fully indexed, and shall be open to the inspection of any one who is required to pay taxes to such city. The records of the towns of Morgantown, South Morgantown, Seneca and Greenmont, shall be deposited with the council of said city, and it shall make suitable provision for the safe-keeping and preservation of the same. At each meeting of the council the proceedings of the last meeting shall be read, corrected if erroneous, and signed by the presiding officer for the time being.

—records of proceedings of towns included in corporate limits, where deposited.

—reading and correcting of proceedings.

Powers and Duties of the Council.

Powers, etc., of council. 18. The council of said city shall have power therein to lay off, vacate, close, open, alter, curb, pave, and

keep in good repair, roads, streets, alleys, side-walks, cross-walks, drains, and gutters, for the use of the inhabitants thereof, and of the public, and to improve and light the same, and to have them kept free on and over them; to regulate the width of sidewalks on the streets, roads and alleys, and to order the sidewalks, drains and gutters to be curbed and paved and kept in good order, free and clean, by the owners or occupants of the real property next adjacent thereto; to establish and regulate markets, prescribe the time of holding the same, provide suitable and convenient buildings therefor, and prevent the forestalling of such markets; to prevent injury or annoyance to the public or individuals from any thing dangerous, offensive, or unwholesome; to regulate or prohibit slaughter houses, tan houses, tan yards, soap factories, and all other structures for carrying on any business trade or employment in said city that is unhealthy, offensive, or dangerous; to abate any nuisance within the city limits, or to require and compel the abatement or removal thereof by the person causing the same, or at his expense, or by the owner or occupant of the ground on which such nuisance exists, or at the expense of the owner of such ground; to cause to be filled up, raised, or drained, by the owner thereof or at his expense, any lot or tract of land covered with stagnant water; to prevent hogs, horses, cattle, sheep, and other animals, and fowls of all kinds from going at large in such city: to provide for impounding and confining all kinds of cattle, animals, and fowls running at large within said city, until the fines and penalties therefor have been paid, and in default of such payment to make sale of the cattle, animals, or fowls impounded to satisfy such fines and penalties; to protect places of divine worship, and to preserve order in and about the places where held: to regulate the keeping of gun powder and other inflammable or dangerous substances; to provide in or near the city places for burial of the dead, and to regulate the interment therein: to provide for the regular building of houses or other structures; to provide for the making and maintenance of division fences and party walls by the owners of adjacent premises; to provide for the proper drainage of lots or other parcels of land, by the owner or occupant thereof, or at his ex-

—as to roads,
streets,
alleys, etc.

—as to side-
walks.

—to establish
and regulate
markets.

—to prevent
annoyance,
etc., to per-
sons.

—to regulate
etc., slaughter
houses, etc.

—to abate
nuisances.

—stagnant
water.

—to prevent
animals, etc.,
going at
large.

—to protect
places of
worship.

—to regulate
keeping of
gun powder,
etc.

—burial of
dead.

—building of
houses, etc.

—drainage.

- fire protec-
 tion. pence; to make regulations for guarding against
 danger by fire; to impose punishment for assault,
 assault and battery, and breach of the peace; to pro-
 ---assault etc. hibit loitering in or visiting houses of ill fame, or
 ---houses of loitering in saloons, upon the streets, or in any pub-
 ill-fame, loit- lic place; to define offences against good morals and
 ering, etc. decency and provide penalties therefor; to prevent
 ---good mor- the illegal sale of all intoxicating liquors, mixtures,
 als, etc., ille- and preparations; to make use of the county jail of
 gal sale of Monongalia county for a city prison, and to provide
 liquors. a separate prison for the city; to erect, own, control,
 ---city prison. and maintain, or authorize or prohibit the erection
 ---water- of any waterworks in the said city or any gas plant,
 works and or electric light plant, for light, heat, and power, or
 lights. for either of said purposes; to prevent and punish
 ---pollution any pollution of the water supply within said city,
 of water. and to prevent and punish any injury to any gas plant,
 ---injury to electric plant, or waterworks within said city; to
 gas plant, etc. provide for and regulate the weighing or measuring
 ---weighing, of hay, coal, lumber, and other articles sold or kept
 etc., hay, for sale in the city, and to establish rates and
 coal, etc. charges therefor; to protect the person of the inhab-
 ---protection itants of the city; and to protect all property, public
 to persons and private, within the city; to preserve the peace
 and property. and good order therein; to preserve and promote the
 ---good order, health, safety, comfort, and well being of the inhab-
 etc. itants thereof; to provide for the appointment of a
 ---police suitable police force; to provide for the examination,
 force. regulation and licensing of stationery engineers, and
 ---licensing of others having charge or control of stationary engines,
 engineers. boilers, or steam generating apparatus within said
 ---revenue city; to provide a revenue for the city and apply the
 ---tax assess- same to its purposes; to provide for the an-
 ment and li- nual assessment of taxable property therein; to
 cense tax. impose a license tax on persons or companies
 keeping for hire carriages, buggies, wagons, or
 ---bond of vehicles of any kind, or for carrying passengers
 officers. for pay in such city; to require and take from
 any officer when deemed necessary a bond, pay-
 ---rules. able according to law, with such sureties, and in such
 penalty as the council may see fit, conditioned for
 the faithful discharge of the duties of the office; to
 adopt rules for the transaction of business, and for
 the government and regulation of its own body.

Enforcement of Powers.

19. To carry into effect these enumerated powers, and all other powers conferred upon such city, or its council, by this act or by any other future act of the legislature of this State, the council shall have power to make and pass all needful orders, by-laws, ordinances, resolutions, rules, and regulations, not contrary to the constitution and laws of this State; and to prescribe, impose, and enact reasonable fines, penalties, and imprisonments in the county jail or other place of imprisonment in said corporation, if there be one, for a term not exceeding thirty days for a violation thereof. Such fines, penalties and imprisonments shall be recovered and enforced under the judgment of the mayor of such city; or the person lawfully exercising his functions.

Powers of council to pass ordinances, etc.

—to impose fines, etc.

—enforcement of fines etc.

Annual Estimate of Expenditures.

20. The council shall cause to be annually made up and entered upon its journal not later than the first day of July in each year, an accurate estimate of all sums that are, or may become, chargeable to such city, and which ought to be paid, within one year; and it shall order a levy of so much as may, in its opinion, be necessary to pay the same.

Annual estimate of expenditures to be made.

Annual Levy.

21. The levy so ordered shall be upon all dogs in the said city, and upon all real and personal property therein subject to state taxes upon the basis of the valuation of such property as fixed for state purposes; but the taxes so levied upon property shall not exceed the rate of one dollar on every one hundred dollars of the valuation thereof, in any one year for current purposes, unless authorized by ordinance in the manner prescribed by law. The council shall cause to be published annually a summary statement of receipts and expenditures.

Annual levy upon what and how made.

—limit to rate.

—publication of receipts, etc.

Control of Liquor Traffic by Council.

22. The council shall have full power to make and enforce ordinances for the regulation and control of the sale of all spirituous, vinous, and malt liquors within the city; to provide for the forfeiture, cancella-

Power of council to control sale of all spirituous, etc., liquors.

tion and annulment of any license for the violation of any condition of the bond given by any licensee, or for a violation of any ordinance regulating and controlling the sale of such liquors; to make and enforce ordinances determining the class, character and qualification of licensees and their employes; to impose a license tax for the sale of such liquors, upon the licensee, for the use of the city, in excess of the amount required to be paid to the State for the same purpose. But nothing contained in this act shall be construed to authorize the corporate authorities of said city to grant state licenses for the sale of spirituous liquors, wines, ale, beer or drinks of like nature within the corporate limits of said city without the consent and approval of the county court of Monongalia county.

—but consent of county court must be had, for liquor license.

Other Licenses.

23. When any thing for which a state license is required, other than the sale of spirituous, vinous, and malt liquors, is to be done within such city, the council may require a city license therefor, in the manner prescribed by law, and may impose a tax thereon for the use of the city. And the council may make and enforce all reasonable ordinances respecting the same, provided only that such ordinances shall not be in conflict with the constitution and laws of this State.

Licenses other than for sale of liquors, etc.

—enforcement of such licenses.

Sidewalks; Street Paving, Etc.

24. If the owner or occupant of the real property abutting on any sidewalk, footway, or gutter in such city, shall fail or refuse to curb, pave, or keep the same clean, in the manner or within the time required by council, it shall be the duty of the council to cause the same to be done at the expense of the city, and to assess the amount of such expense upon such property, or upon the owner or occupant thereof, and the same may be collected by the collector in the manner provided herein for the collection of city taxes.

Paving, etc., of sidewalks, footways and gutters.

—paving of streets and alleys.

Upon the petition, in writing, of the persons owning the greater amount of frontage of the lots abutting on any street or alley, between any two cross streets, or between a cross street and alley, the council of the city, by a lawful majority thereof,

may order such part of any street or alley to be paved between the sidewalks with cobblestone, brick, Belgian blocks, asphaltum, or other suitable material, from one of such cross streets or alleys to the other, under such regulations as may be fixed by ordinance duly passed by council; two thirds of the cost of such paving shall be assessed to the owners of the lots or fractional parts of lots abutting on that part of the street or alley so paved, in proportion to the distance such lot or part of a lot abuts on such street or alley, and the remaining one-third of the cost of such paving shall be paid by the city. In making such assessments the basis shall be the cost of paving that part of the street or alley on which the property lies, included between the adjoining cross streets or alleys; and the amount assessed against the owners of each lot or fractional part of a lot, shall be in the proportion which the frontage of such lot or part of a lot bears to the whole cost of paving said street or alley between said cross streets or alleys as aforesaid.

—how paid for.

—basis of assessments to pay costs of paving.

—in what proportion assessed.

Lien for Taxes, Assessments, Etc.

25. There shall be a lien on all real estate within the city for the city taxes assessed thereon, from the day fixed by law for the commencement of the assessment of such taxes in each year, and the interest upon such taxes, at the rate of six per centum per annum from the first day of January next after such assessment until payment, which may be enforced by the council in the same manner now provided by law for the enforcement of the lien for State or county taxes or in such other manner as the council may by ordinance prescribe. There shall also be a lien on all real estate within the city for other assessments, fines, and penalties assessed or imposed upon the owners thereof by the authorities of the city from the time the same are so assessed or imposed, which shall have priority over all other liens except the lien for taxes, and may be enforced by the council by suit in equity, in the corporate name of the city, in the same manner now prescribed by law for the enforcement of the lien for State or county taxes, or in such other manner as the council may by ordinance prescribe. If any real estate within the city be return-

Lien on real estate for city taxes and interest.

—how such lien enforced.

—lien also for other assessments, fines, etc., from what time.

—priority of such liens.

—how enforced.

—sale of land delinquent for non-payment of taxes by auditor; when and how.

ed delinquent for the non-payment of the taxes thereon, a copy of such delinquent list may be certified by the council to the auditor, and the same may be sold for the taxes, interest and commissions thereon, in the same manner, at the same time and by the same officer as real estate is sold for the non-payment of State taxes.

The City Collector.

City collector to collect city taxes, fines, etc.

—power to distrain and sell; when and how.

—his compensation.

—to account for and pay over same.

—remedy against collector for failure.

—notice to be given.

26. It shall be the duty of the collector to collect the city taxes, fines, levies, and assessments, under such regulations as may be prescribed by law and the ordinances of the city; and in case the same are not paid within one month after they are placed in his hands for collection, he may distrain and sell therefor in like manner as the officer collecting the State taxes may distrain therefor, and he shall have in all other respects the same powers to enforce the payment and collection thereof. His compensation shall not exceed five per cent. on the amount duly collected and accounted for. He shall account for and pay over all taxes, fines, levies, and assessments in accordance with the ordinances prescribed by council. In case the collector shall fail to collect, account for, and pay over all or any of the moneys with which he may be chargeable, belonging to the city, according to the conditions of his bond and the ordinances of the council, the city shall have the right in its corporate name to recover the same by action or motion in the circuit court of Monongalia county, or where the sum does not exceed his jurisdiction, before a justice of the peace, against the collector and his sureties or any of them, or his or their personal representatives, upon giving ten days' notice of any such motion.

The City Assessor.

City assessor, duties of.

—access to books, records, etc.

27. It shall be the duty of the assessor to make an assessment of the property within the city subject to taxation, substantially in the manner and form in which assessments are made by the assessor of the county, and return the same to the council on or before the first day of June in each year; and for this purpose he shall have access to all public books and records of Monongalia county and to all documents

and papers in the hands of the county assessor relating to assessments for State and county purposes between the first day of April and the first day of June in each year, without expense to the city, and shall have all the powers conferred by law on county assessors. In case the assessor of the city shall discover any property subject to taxation which has not been listed by the county assessor, it shall be his duty to enlist the same, and make report of the fact, with a description of the property and its owner, to the county assessor; and it shall be the duty of the county assessor to list the same for State and county purposes and to make a proper valuation of the same, and report his valuation to the assessor of the city. The assessor of the city shall list the dogs in the city, with the name of the owners thereof, and return the list to the council. The council shall have power to make and enforce regulations respecting the listing and taxation of dogs in the city, and to provide for impounding and killing such as appear to have no owner, or upon which the tax has not been paid. And it shall have power to make and enforce all needful ordinances respecting the assessment of property.

—his powers.

—his duty as to property not listed by the county assessor.

—duty of county assessor in such cases.

—listing of dogs.

—power of Council to tax dogs; may impound and kill same, when.

—power of council respecting assessment.

Exemption from District Poor and Road Levies.

28. The city shall support its own poor, and shall conduct and maintain its own roads and streets; and by reason thereof shall not be required to pay any district poor levies for the support of the poor outside of the city limits, or any district road taxes for the construction and maintenance of roads outside of the city limits; but the county shall remain at present chargeable for the construction and maintenance of bridges within the city.

City to support its own poor and maintain its roads, etc.

—exempt from district poor and road tax.

—bridges within city.

Powers and Duties of the Mayor.

29. The mayor shall be the chief executive officer of the city, and shall take care that the orders, by-laws, ordinances, acts and resolutions of the council thereof, are faithfully executed. He shall be ex-officio a justice and conservator of the peace within the city, and shall within the same have, possess and exercise all the powers and perform all the duties vested by law in a justice of the peace, except that he shall have no jurisdiction in civil cases or causes of action

Mayor, his executive powers.

—judicial powers.

—exceptions.

—power to issue attachments in civil cases, but not to try.

—processes issued.

—control of police.

—special police.

—good order, etc.

—may arrest without warrant, when.

—power to issue executions for fines, etc., and to imprison.

—term of such imprisonment.

—to recommend to council, what.

—city to pay jail expenses; exception.

—not to receive money belonging to state, etc., unless, etc.

—may sentence offenders to work out fines, etc.

arising out of the corporate limits of the city. He shall have the same power to issue attachments in civil suits as a justice of his county has, though the cause of action arose out of his city. But in such case he shall have no power to try the same, but said attachment shall be returnable to and be heard before some justice in his county. Any warrant or other process issued by him may be executed at any place in the county; he shall have control of the police of the city, and may appoint special police officers whenever he deems it necessary, and it shall be his duty especially to see that the peace and good order of the city are preserved, and that persons and property therein are protected, and to this end he may cause the arrest and detention of all riotous and disorderly persons in the city before issuing his warrant therefor. He shall have the power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof, and in default of such payment he may commit the party in default to the jail of the county of Monongalia or other place of imprisonment in such corporation, if there be one, until the fine or penalty and costs shall be paid, but the term of imprisonment in such cases shall not exceed thirty days. The mayor shall, from time to time, recommend to the council such measures as he may deem needful for the welfare of the city. The expense of maintaining any person committed to the jail of the county by him, except it be to answer an indictment or be under the provisions of sections two hundred and twenty-seven and two hundred and twenty-eight of chapter fifty of the amended code of this State, shall be paid by the city. But the mayor shall not receive any money belonging to the State or individuals, unless he shall give the bond and security required of a justice of the peace by chapter fifty of the said code, and all the provisions of said chapter relating to money received by justices shall apply as to like moneys received by the mayor.

The mayor shall have power, when authorized by a proper ordinance of the city, in the case of an offender upon whom a fine has been imposed and who shall neglect or refuse to pay the same, to sentence such offender to work out the amount of the fine imposed, together with the costs, and the costs of the maintenance of such offender from day to day, by

compelling him to labor without compensation upon any of the public works or improvements undertaken by the city, or upon any work upon which the city may employ labor, for which he shall receive such commutation per day, to be fixed by the council, as is allowed by laborers regularly employed, until such fines, costs, and costs of maintenance, shall have been fully paid: *provided*, that no person shall be compelled to labor as aforesaid for more than thirty days for any one offence.

—allowance to offenders so laboring.

—number of days limited.

Appeals shall lie from the judgment of the mayor to the circuit court of Monongalia county, under the regulations prescribed by law.

—appeals from judgment of mayor.

Powers and Duties of the Recorder.

30. It shall be the duty of the recorder to keep the journal of the proceedings of the council, to have charge and preserve all records and archives of the city, and to perform such other duties pertaining to his office as the council may prescribe. In the absence of the mayor from the city, or in case of his sickness or disability to act, or during any vacancy in the office of mayor, the recorder shall perform the duties belonging to the office of mayor and for that purpose shall have and possess all the powers of the mayor.

Recorder.

—his duties.

—may perform duties of mayor, when.

The Police Officers.

31. The chief of police shall be ex-officio a constable within the corporate limits of his city. He may execute any writ or process issued by the Mayor or a justice of the peace at any place in Monongalia county. He shall have all the powers, rights, and privileges within the corporate limits of the city, in regard to the arrest of persons, the collection of claims, and the execution and return of process, that can be legally exercised by a constable of the district in which the said city is situated, and he and his sureties shall be liable to all the fines, penalties, and forfeitures that a constable of a district is liable to, for any failure or dereliction in his office, to be recovered in the same manner and in the same courts that the fines, penalties, and forfeitures may be recovered against such constable. All special police officers shall have and possess all the powers, rights,

Chief of police: his powers.

—his liabilities.

—special police officers; their powers.

—may not
give bond,
when.

and privileges of a constable of the district within the corporate limits of the city, in regard to the arrest of persons, and the execution and return of all criminal writs and process issued by the mayor; but the council may exempt them from giving the bond required of constables.

Right to Condemn Real Estate.

Council;
right of to
condemn real
estate; when
and how.

32. The council shall have the right to institute proceedings in the name of the city for the condemnation of real estate for the use of roads, streets, alleys, drains, public buildings and grounds for the use of the city; and the manner of procedure shall, as nearly as practicable, conform to the provisions of chapter forty-two of the code, and the expense thereof shall be borne by the city.

—expense of.

Repeal of Certain Acts.

Acts repealed.

—what not
changed or
modified, ex-
cept, etc.

33. All acts and parts of acts which are in conflict and inconsistent with this act, are hereby declared inoperative in so far only as they are in conflict or inconsistent with this act. And this act shall not be construed to repeal, change, or modify any previous act, not inconsistent with this act, authorizing the said town of Morgantown, the town of South Morgantown, the town of Greenmont, or the town of Seneca, to contract debts, or borrow money, or to take away any of the powers conferred upon any of said towns, or upon the council or any officer thereof, conferred by general law, except so far as the same may be inconsistent with the powers conferred by this act.

Rights and Liabilities of the City.

City succeeds
to all rights
and liabilities
of the towns
incorporated.

34. The said city shall succeed to all the rights and liabilities of the said town of Morgantown, the town of South Morgantown, the town of Greenmont, and the town of Seneca. It shall be liable for all the debts and obligations of the said several towns the same as if the bond or other evidences of indebtedness were issued in the corporate name of the city.

Ordinances.

35. The ordinances in force in the town of Morgantown, on the first day of May, one thousand nine hundred and one, so far as they are not inconsistent with this charter, shall continue in force as ordinances of the city of Morgantown until amended or repealed by the council of said city.

What ordinances continued in force.

(House Bill No. 292.)

CHAPTER 145.

AN ACT to amend and re-enact and to reduce into one act the several acts incorporating the Town of Mannington, in the county of Marion, defining the powers thereof and describing the limits of said Town, and incorporating the City of Mannington in said Marion County.

[Passed February 16, 1901. In effect from passage. Approved February 20, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That the inhabitants of so much of the county of Marion as is within the bounds prescribed by section two of this act, and their successors, shall he and remain, and they are hereby made, a body politic and corporate by the name of "The City of Mannington," and as such shall have perpetual succession and a common seal, and by that name may sue and be sued, plead and be impleaded, purchase, lease and hold real estate and personal property necessary to the purpose of said corporation.

City of Mannington incorporated.

—corporate name and powers.

2. The corporate limits of said city shall hereafter be as follows:

Corporate limits.

Beginning at a sugar tree on the east bank of Buffalo creek below Burt tannery, an old corner, thence down the east side of said creek S. 54 E. 20 poles to a sycamore, S. 60 E. 28 poles to a stone, S. 75 E. 26 poles to a sycamore, N. 85 E. 32½ poles to a willow, thence leaving the creek and crossing the railroad and pike, N. 5 W. 34 poles to a stone on the east side of Marion street, thence with east side of same N. 9 W.

—corporate
limits, con-
tinued.

24 poles to a stone, thence through lands of the Mannington development company N. 13 W. 64 poles to a post corner to lands of Dr. M. F. Hamilton and through the same N. 12 W. 37 poles to a maple on a point, thence through lands of said Hamilton, Rymer's and Erwin's N. 20 W. 66 poles to a stone in line of J. Blackshere's heirs and with their line N. 53 W. 17 poles to Knott's land and with their line N. 45 W. 24½ poles to a walnut tree, thence through land of Simon's N. 84 W. 29 poles to east end of stock loading pens, thence crossing the railroad and down east side of Pyle's Fork creek S. 36 W. 32 poles to a stone, S. 10 W. 16 poles crossing the creek to a stone by the country road, thence crossing the road N. 89 W. 10 poles to a white oak tree, thence through lands of U. A. Clayton and Koen heirs N. 87½ W. 41 poles to a walnut tree, thence N. 73 W. 42 poles to a stone, thence through Koen's and Furbee's lands S. 32 W. 64 poles crossing the pike to a white oak tree on the bank of Buffalo creek, thence crossing the creek S. 33 W. 20 poles to a willow, thence up the creek through the lands of M. J. Hough S. 16 W. 14 poles to a willow, thence leaving the creek S. 41 E. 16 poles to a small gum, thence S. 11 E. 31 4-10 poles to a crab apple tree, thence through lands of T. F. Koen and J. T. Koen N. 72 E. 44½ poles to an ash tree by stone quarry, thence N. 61 E. 40 poles to a stone in line of town lots, thence S. 31 E. 32 poles to a linn tree an old corner, thence through lands of J. T. Koen S. 21 E. 46 poles crossing the Clarksburg pike to a stone corner to Thomas Smith's land and with same S. 53 E. 30 poles to a stone by Buffalo creek, thence crossing the creek S. 69½ E. 38 poles to the beginning.

Wards.

3. The territory of said city shall be divided as follows:

—first.

First Ward: All that portion of said city lying on the north-east side of Buffalo creek and Pyles fork creek.

—second.

Second Ward: All that portion of said city included in the forks of Buffalo creek, or between Pyles fork creek and upper Buffalo creek.

—third.

Third Ward: All that portion of said city lying on the south side of Buffalo creek.

Municipal
authorities.

4. The municipal authorities of said city shall consist of a mayor, and six councilmen, who together

shall form a common council, and who shall receive such compensation as the council shall from time to time determine, and which shall not be increased nor diminished during their term of office. and what to form. —compensation.

5. All the corporate powers of said corporation shall be exercised by said council or under their authority, except when otherwise provided. Corporate powers, who to exercise.

6. The mayor, recorder and councilmen at the time of their election shall be free holders in said city and shall be entitled to vote for the members of the common council of said city as residents and legal voters therein. Qualification of mayor, recorder and councilmen.

7. There shall be a chief of police, city attorney, superintendent of streets, commissioner of water-works, city physician, assessor, three auditors, city collector and treasurer, city surveyor and recorder of said city, who at the time of their election or appointment shall be entitled to vote for the members of its common council. The city attorney, city physician and city surveyor shall be appointed by the common council, to hold their respective offices for the term of one year from the first day in April, or until their successors shall have been appointed and qualified. Officers other than mayor and councilmen. —qualification. —appointive offices. —term.

8. On the second Monday in March nineteen hundred and one, and on said day of every succeeding year, there shall be elected by the qualified voters of said city a mayor, city collector, chief of police, three auditors and city recorder, who shall hold their respective offices for one year and until their successors shall be elected and qualified. Election of officers. —term.

9. On the same day two members of the council shall be elected in each ward in said city who shall reside in the ward for which they are elected, and the candidate receiving the highest number of votes shall be elected for two years, from the first day in April, succeeding his election, and the candidate receiving the next highest number of votes shall be elected for one year from the first day in April succeeding his election. And on the same day of each succeeding year one member of the council shall be elected in each ward in the said city whose term of office shall be for two years from the first day in April Election of councilmen. —terms and how determined.

—election by ward. succeeding his election, and until his successor shall be elected and qualified. Each ward shall constitute an election precinct, and the council shall establish a voting place in each, and the election of councilmen shall be by wards. No voter shall be entitled to vote at any city election except in the ward in which he resides, and if any voter shall vote for any person for councilman who is not a resident of the ward in which he is voted for, such vote or votes shall not be counted for such person or persons.

—voter must reside in ward.

Who may vote, who not.

10. Every male person residing in said city shall be entitled to vote for all officers elected under this act, but no person who is a minor or of unsound mind, or a pauper, or who is under a conviction of treason, felony or bribery in an election, or who has not been a resident of this State for one year, and of the city of Mannington for sixty days, and is a bona fide resident of the ward in which he offers to vote, and each voter shall be entitled to vote for only two auditors.

—vote for two auditors.

Elections; method of voting.

—held and determined, how.

—duties of authorities; laws governing.

11. In all the elections by the people the mode of voting shall be by ballot; but the voter shall be left free to vote by open, sealed or secret ballot, as he may elect. The election in said city shall be held and conducted and the result thereof certified, returned and finally determined under the laws in force in this State, relating to general elections, on the tenth day of March, eighteen hundred and ninety-one. The corporate authorities of said city shall perform the duties in relation to such election required by general law of county courts and officers on March tenth, eighteen hundred and ninety-one, and the provisions of chapter three, of the Code of West Virginia, in effect on that date concerning elections by the people, shall govern such election and be applicable thereto, and the penalties therein prescribed for offenders relating to elections shall be enforced against the offenders at such corporate elections, and said act shall have the same force and effect as if it were specially applicable to such corporate elections.

The vote.

12. Whenever two or more persons shall receive an equal number of votes for councilman or other city officers, such tie shall be decided by the council in being.

13. All contested elections shall be heard and decided by the common council for the time being; and the contest shall be made and conducted in the same manner as provided for in contests for county and district officers; and the common council shall conduct their proceedings in such cases as nearly as practicable in conformity with the proceedings of the county court in such cases.

Contests: decided how.

14. Whenever a vacancy shall occur from any cause in the office of mayor, councilman, city collector, chief of police, superintendent of streets, commissioners of water works, city assessor or recorder, the council for the time being shall, by a vote of the majority of those present, fill the vacancy until the next election, at which time a successor to fill the unexpired term of such office shall be elected by the people, or be appointed by the council.

Vacancies, how filled.

15. The superintendent of streets, commissioner of water works, city attorney, city physician, and city surveyor, shall be appointed by the council. The council shall also have authority to provide by ordinance for the appointment of such other officers as shall be necessary and proper to carry into full force any authority, power, capacity, or jurisdiction which is or shall be vested in the said city, or in the council, or in the mayor, or any other officer or body of officers thereof, and to grant to the officers so appointed the power necessary or proper for the purpose above mentioned. The council shall by ordinance define the duties of all officers so appointed or elected as aforesaid and allow them reasonable compensation, which shall be by monthly salaries, and not otherwise, except as to the collection of taxes, and which compensation shall not be increased or diminished during their term of office; and shall require and take from all of them whose duty it shall be to receive its funds, assets or property, or have charge of the same, such bonds, obligations or other writings as they shall deem necessary or proper to insure the faithful performance of their several duties. All officers so appointed or elected may be removed from office for malfeasance, non-feasance, or misfeasance by the council, and, unless their term of office be otherwise fixed by ordinance, they shall be considered as holding their respective offices at the pleasure of the council. The chief of police shall

Appointive officers; who.

—other such officers; when; powers.

—council to define duties of all officers.

—compensation.

—bonds, and when.

—removal and for what.

—term.

—chief of police; his powers and duties; his liability, etc.

have all powers, rights and privileges, within the corporate limits of said city, in regard to the arrest of persons, the collection of claims, the execution and return of processes that can be legally exercised by a constable of a district within the same, and he and his sureties shall be liable to all fines, penalties and forfeitures, that a constable of a district is legally liable to for any failure or dereliction in his said office, to be recovered in the same manner and in the same courts that the said fines, penalties and forfeitures are now recovered against such district constable. It shall be the duty of the collector and treasurer to collect city taxes, licenses, levies, assessments, and such other city claims as are placed in his hands for collection by the council, and may distrain and sell for city taxes, and he shall have in all other respects the same power as a sheriff to enforce the payment and collection thereof. All officers appointed by the council must be residents of the city and qualified voters at the time of their appointment.

—collector and treasurer; his duties; power to distrain.

—qualifications of appointive officers.

Bonds, etc., how made payable.

—proceedings on such bonds, etc.

16. All bonds, obligations and other writings, taken in pursuance of any provision of this act, shall be made payable to "The City of Mannington," and the respective persons, and their heirs, executors, administrators and assigns bound thereby, shall be subject to the same proceedings on the said bond, obligation or other writings, for enforcing the conditions of the terms thereof, by motion or otherwise, before any court of record held in and for the county of Marion that collectors of county levies, and other sureties, are or shall be subject to on their bonds for enforcing the payment of the county levies.

Bond and oath of office.

—who may administer oath.

17. The mayor and council and all other officers provided for in this act shall each, before entering upon the duties of their office and within one week from the date of their election or appointment, give the bond required from any officer by section fifteen of this act and take the oath prescribed by law for all officers of this State, and make oath or affirmation that they will truly, faithfully and impartially, to the best of their ability, discharge the duties of their respective offices so long as they continue therein. Said oath or affirmation may be taken before any person authorized to administer oaths under the laws now in force, or before the mayor or recorder of said city.

18. The mayor and all other officers provided for in this act shall enter upon the duties of their offices upon the first day of April each year, or as soon as they are qualified, and shall continue therein until their successors are elected or appointed and qualified.

Term of office, when to begin, when end.

19. If any person elected to the office of mayor, councilman, collector, auditor or recorder, shall not be eligible to such office under the provisions of this act, or shall fail to qualify as herein required, the council for the time being shall declare his said office vacant and shall proceed to fill the vacancy as required by this act.

Ineligibility or failure to qualify.

20. The mayor shall be the chief executive officer and treasurer of the city and shall take care that the orders, by-laws, ordinances, acts and resolutions of the council thereof are faithfully executed. He shall be ex-officio a justice and conservator of the peace within the city, and shall within the same have, possess and exercise all the powers and perform all the duties vested by law in a justice of the peace, except that he shall have no jurisdiction in civil cases or causes of action arising out of the corporate limits of the city. He shall have the same power to issue attachments in civil suits as a justice of his county has though the cause of action arose out of his city. But in such cases he shall have no power to try the same, but said attachment shall be returnable to and be heard before some justice of his county.

Mayor, his executory duties and power.

—judicial powers.

—exception.

—power to issue attachments, but not to try.

Any warrant or other process issued by him may be executed at any place in the county; he shall have control of the police of the city and may suspend any policeman for cause, and he may appoint special police officers whenever he deems it necessary; and it shall be his duty especially to see that the peace and good order of the city are preserved, and that persons and property therein are protected, and to this end he may cause the arrest and detention of all riotous and disorderly persons in the city before issuing his warrant therefor. He shall have the power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof, and in default of such payment he may commit the party in default to the jail of the county of Marion

—processes may be executed, where.

—control of police.

—special police.

—conservator of the peace.

—may arrest without warrant.

—power as to the collection of fines, etc.

—power to imprison; limit.

- or other place of imprisonment in such corporation, if there be one, until the fine of penalty and costs, shall be paid, but the term of imprisonment in such cases shall not exceed thirty days. And in all cases where a person is sentenced to imprisonment or to the payment of a fine of ten dollars or more (and in no case shall a judgment for a fine of less than ten dollars be given by the mayor if the defendant, his agent or attorney object thereto) such person shall be allowed an appeal from such decision to the intermediate or circuit court of Marion county, upon the execution of an appeal bond with surety deemed sufficient by the mayor, in a penalty double the amount of the fine and costs imposed by the mayor, with condition that the person proposing to appeal will perform and satisfy any judgment which may be rendered against him by the said courts on such appeal. If such appeal be taken, the warrant of arrest, (if there be any) the transcript of the judgment, the appeal bond and other papers of the case, shall be forthwith delivered by the mayor to the clerk of said courts, and the court shall proceed to try the case as upon indictment or presentment, and render such judgment including that of the costs as the law and the evidence may require. The mayor shall, from time to time, recommend to the council such measures as he may deem needful for the welfare of the city. The expense of maintaining any person committed to the jail of the county by him, except it be to answer an indictment or be under the provisions of sections two hundred and twenty-seven and two hundred and twenty-eight of chapter fifty of the amended code of this State, shall be paid by the city. But the mayor shall not receive any money belonging to the State or individuals, unless he shall give the bond and security required of a justice of the peace by chapter fifty of the said code, and all the provisions of said chapter relating to money received by justices shall apply as to like moneys received by the mayor.
21. The recorder shall keep the journal of the proceedings of the council and have charge of and preserve the records of the city, and in the absence from the city, or in the case of sickness or inability of the mayor, or during any vacancy in the office of mayor, he shall perform the duties of mayor which pertain to him as the chief executive of said city, and be vested
- appeal.
- appeal bond.
- transcript, etc.
- proceedings on appeal.
- to recommend to council, what.
- expense of maintaining person committed, who to pay.
- what moneys not to receive, unless, etc.
- Recorder, his duties.
- in absence of mayor.

with all the power necessary for the performance of such duties. He shall be a conservator or the peace within the city.

—peace officer.

22. The presence of a majority of the council shall be necessary to make a quorum for the transaction of business.

Quorum.

23. The council shall cause to be kept by the recorder in a well-bound book, to be called the "minute book" an accurate record of all its proceedings, ordinances, acts, orders and resolutions, and in another to be called "ordinance book" accurate copies of all general ordinances adopted by the council; both of which shall be fully indexed and open to the inspection of any one required to pay taxes to the city or who may be otherwise interested. All oaths and bonds of offices in the city and all papers of the council shall be endorsed, filed and securely kept by the recorder. The bond of officers shall be recorded in a well-bound book, to be called the "Record of bonds." The recorder shall perform all such other duties as may by ordinance of the council be prescribed. All printed copies of such ordinances purporting to be published under authority of the council, and transcripts of such ordinances, acts, orders and resolutions, certified by the recorder, under the seal of the city, shall be deemed prima facie correct, when sought to be used in any court or before any justice.

Recorder, his duties as to minute and ordinance books.

—duty as to oaths, bonds, etc.

—record of bonds.

—other duties.

—transcript, etc., or ordinances, etc.

24. At each meeting of the council the minutes of the last meeting shall be read and corrected, if erroneous, and signed by the presiding officer for the time being. Upon the call of any member the ayes and noes on any question shall be taken and recorded in the journal or minutes, and the roll shall be called alphabetically.

Reading of proceedings.

—ayes and noes.

25. The mayor shall have a vote only in case of a tie.

Mayor's vote.

26. The meeting of the council shall be held at such places and at such times as they shall from time to time ordain and appoint, but it shall be lawful for the council, by ordinance, to vest in any officer of said city, or in any member or number of members of their own body, the authority to call special meetings; and

Meetings of council.

—special meetings.

—majority
must be
present.

— less than
a majority,
what then.

it shall, by ordinance, prescribe the mode in which notice of such meetings shall be given, and no business shall be transacted unless a majority of all the members of which it then consists shall be present, except that a less number may compel the attendance of absent members under such reasonable penalties as they may think proper to impose, and all questions put, except in such matters as are hereinafter provided for shall be decided by a majority of the members present.

Mayor: all
moneys paid
to him: how
paid out.

27. All moneys belonging to the city shall be paid over to the mayor, and no money shall be paid out by him except as the same shall have been appropriated by the council and upon an order signed by the mayor and recorder, and not otherwise.

Public build-
ings, council
authorized to
erect, etc.,
free libraries
authority to
establish, etc.

—other public
buildings.

28. The council shall have authority to erect a city hall, engine-house or houses, and to regulate the same; to establish and maintain free public libraries and reading rooms, to purchase books, papers and manuscripts therefor, and to receive donations and bequests of money and property for the same, in trust or otherwise, and to designate such agents or trustees to manage the same in such manner as it shall, by ordinance, prescribe; and to erect a work-house, jail, house of refuge, hospital or infirmary, and other buildings necessary for said city; and the use and occupation of said buildings shall be prescribed by ordinance.

County jail,
use of by city.

29. The said city shall be allowed to use the county jail of Marion county for the confinement of all persons who shall be sentenced to imprisonment under the ordinances of said city; and all persons confined in said county jail by virtue hereof shall be under the charge and custody of the sheriff of said county, who shall receive, keep and discharge the same in such manner as shall be prescribed by the ordinances of said city, or otherwise according to law.

Burial of the
dead: ceme-
teries.

30. The council shall have authority to regulate the burial of the dead within said city, and to preserve the peace within the cemeteries therein, and to keep the same in good repair; and in general to have such care and control over said cemeteries as will promote the public good.

31. Upon the petition, in writing, of the persons owning the greater amount of frontage of the lots abutting on any street or alley, between any two cross streets, or between a cross street and alley, the council of said city, by a lawful majority thereof, may order such part of any street or alley to be paved between the sidewalks with cobblestone, brick, Belgian blocks, asphaltum, or other suitable material, from one of such cross street or alleys to the other, under such regulations as may be fixed by ordinance duly passed by council; two-thirds of the cost of such paving shall be assessed to the owners of the lots or fractional parts of lots abutting on that part of the street or alley so paved, in proportion to the distance such lot or part of a lot abut on such street or alley, and the remaining one-third of the cost of such paving shall be paid by the city. In making such assessments the basis shall be the cost of paving that part of the street or alley on which the property lies, included between the adjoining cross streets or alleys; and the amounts assessed against the owners of each lot or fractional part of a lot shall be in the proportion which the frontage of such lot or part of a lot bears to the whole cost of paving said street or alley between said cross streets or alleys as aforesaid.

There shall be a lien on all real estate within such city for the city taxes assessed thereon, from the day fixed by law for the commencement of the assessment of such taxes each year, and the interest upon such taxes at the rate of six per centum per annum, from the first day of January next after such assessment until payment, which may be enforced by the council in the same manner now provided by law for the enforcement of the lien for state or county taxes, or in such other manner as the council may by ordinance prescribe. There shall also be a lien on all real estate within such city for other assessments, fines and penalties assessed or imposed, which shall have priority over all other liens except the liens for taxes, and may be enforced by the council by suit in equity in the corporate name of the town in the same manner now prescribed by law for the enforcement of the lien for State or county taxes, or in such other manner as the council may by ordinance prescribe.

Streets and alleys; paving of, when.

—material.

—cost of paving; how paid.

—basis of assessment.

—lien for city taxes.

—interest and rate of.

—enforcement of lien.

—liens for other assessments, etc., priority and enforcement of.

Delinquent taxes; how sale may be made for.

32. If any real estate within said city be returned delinquent for the non-payment of the taxes thereon, a copy of such delinquent list may be certified by the council to the auditor and the same may be sold for the taxes, interest and commissions thereon, in the same manner, at the same time and by the same officer, as real estate is sold for the non-payment of State taxes.

Council, general-corporate powers and duties of.

—proviso as to bridges.

33. The council of said city shall have power to lay off, vacate, close, open, alter, grade and keep in good repair the roads, streets, alleys, pavements, sidewalks, cross-walks, drains and gutters therein, for the use of the citizens or of the public, and to improve and light the same, and to keep them free from obstructions of every kind; to regulate the width of the pavements and sidewalks on the streets and alleys, and to order the pavements, sidewalks, footways, drains and gutters to be kept in good order, free and clean, by the owner or occupants of the real property next adjacent thereto: *provided, however,* that nothing in this act shall be construed as to require the city of Mannington to build or keep in repair any bridge or bridges within said corporation owned by the county, and the officers of the said city in preservation of law and order shall have jurisdiction over said bridges within said corporation; to establish and regulate markets, prescribe the time of holding the same, provide suitable and convenient buildings therefor, and prevent the forestalling of such markets; to prevent injury or annoyance to the public or to individuals from any thing dangerous, offensive or unwholesome; to prohibit or regulate slaughter houses, tan houses and soap factories within the city limits; or the exercise of any unhealthy or offensive business, trade or employment; to abate all nuisances within the city limits, or to require and compel the abatement or removal thereof at the expense of the persons causing the same, or by or at the expense of the owner or occupant of the grounds on which they are placed or found; to cause to be filled up, raised or drained, by or at the expense of the owner, any city lot or tract of land covered or subject to be covered by stagnant water; to prevent horses, hogs, cattle, sheep or other animals and fowls of all kinds, from going or being at large in such city, and as one means of prevention, to provide for

impounding and confining such animals and fowls, and upon failure to reclaim, for the sale thereof; to protect places of divine worship, and preserve order in and about the premises where and when such worship is held; to regulate the keeping of gun-powder, nitro-glycerine and other inflammable or dangerous substances; to provide for the regular building of houses or other structures, and for the making and maintaining of division fences by the owners of adjoining premises, and for the proper draining of city lots or other parcels of land by or at the expense of the owner or occupant thereof; to provide against danger or damage by fire; to punish for assaults and batteries; to prohibit the keeping of, loitering in or visiting houses of ill fame, or loitering in saloons, or upon the streets; to prevent lewd or lascivious conduct; the making, sale of or exhibition of indecent pictures or representations; the desecration of the Sabbath day, profane swearing, the illegal sale of all intoxicating liquors, mixtures, and preparations, beer, ale, wine or drinks of a like nature; to protect the persons of those residing or being within the city; to appoint when necessary or advisable a police force permanent or temporary, to assist the chief of police in his duties; to build, or purchase or lease and use as a suitable place of imprisonment within or near the said city for the safe keeping or punishment of persons charged with or convicted of the violation of ordinances; to erect or authorize or prohibit the erection of gas or water works within the city limits; to prevent injury of such works, or the pollution of any gas or water used or intended to be used by the public or by individuals; to provide for and regulate the weighing or measuring of hay, coal, lumher and other articles sold or kept, or offered for sale within said city, and to establish rates and charges for said weighing or measuring; to regulate the running and speed of engines and cars within the said city; to create by ordinances such committees and boards, and delegate such authority thereto, as may be deemed necessary or advisable to provide for the annual assessment of the taxable property therein, including dogs kept in said city, and regulate their running at large, and to provide a revenue for the city for municipal purposes, and to appropriate such revenue to its expenses, and generally to take such measures as may be deem-

—council,
general cor-
porate powers
and duties—
continued.

—council, general corporate powers and duties—*continued.*

ed necessary or advisable to protect the property, public and private, within the city; to preserve and maintain peace, quiet and good order therein, and to preserve and promote the health, safety, comfort and well being of the inhabitants thereof.

Ordinances, council authorized to pass; and for what.

34. The council shall have authority to pass all ordinances (not repugnant to the constitution and laws of the United States and of this State) which shall be necessary or proper to carry into full effect and power and authority, capacity and jurisdiction which is or shall be granted or vested in the said city, or in the council, or in any officer or body of officers of said city, and to enforce any or all ordinances by reasonable fines and penalties, and by imprisoning the offender or offenders, and upon failure to pay any fine or penalty imposed by compelling them to labor without compensation on any of the public works or improvements undertaken or to be undertaken by said city, or to labor at any work which the city may lawfully employ labor upon, at such rate per diem as the council may fix, but not at a less rate than is fixed by said city council for like labor from other employes of said city, until any fine or fines imposed upon any such offender or offenders by said city shall have been fully paid and discharged, after deducting charges of support while in the custody of the officers of said city; and all ordinances relating to licenses, and the sale of spirituous liquors, malt liquors or wines, and the keeping of, or dwelling or loitering in, houses of ill fame, and such police regulations as may be ordained of said city, and the right and power to enforce the same shall extend one mile in the State of West Virginia beyond the corporate limits of the said city: *provided, however,* that no fine shall be imposed exceeding one hundred dollars, and that no person shall be imprisoned or compelled to labor, as aforesaid, for more than thirty days for any one offence, and in all cases where a fine is imposed for an amount exceeding ten dollars, or a person be imprisoned or compelled to labor as aforesaid, for a term greater than ten days, an appeal may be taken from any such decision, upon the same terms and conditions that appeals are taken from the Judgment of a justice of this State. Such fines and penalties shall be imposed and recovered, and such imprisonments inflicted and enforced by and under the judgment of the mayor

—enforcement of ordinances, how.

—rate of labor in payment of fines, etc.

—ordinances to extend beyond corporate limits, for what purpose.

—proviso, limiting fine, imprisonment, etc.

—appeal, when and upon what conditions.

—fines, etc. imposed and collected, and

of the city, or in case of his absence or inability to act, by the recorder of said city, or if he be unable to act, then a member of the council, to be appointed by the council for that purpose.

In addition to the powers above enumerated the said city council shall have power to improve, amplify and expand the water works of the said city, and to contract for an adequate supply of pure, healthful water for said city, and to do all things necessary to adequately supply said city with pure, wholesome water; and provide, contract for and construct an adequate sewerage system for said city.

35. That said city council shall have, and are hereby granted, exclusive control of all licenses required by law: *provided, however,* that the council shall cause to be submitted to the voters of the city at the annual election in each year the question whether a license for the sale of spirituous liquors, vinous and malt liquors, shall be granted within the city. In case a majority of votes cast at said election are against licenses no such license shall be granted during that year; and all such other licenses it may see fit to impose and require within the corporate limits of said city, not contrary to the constitution of the State of West Virginia. And in case of any such license granted by said city council it shall not be necessary for the person or persons, or corporation, holding the same to apply for, obtain or hold any State license or other additional license from the county court of Marion county, West Virginia, for the carrying on or conducting the business so licensed by said city council. But the person, persons or corporations so licensed by said city council shall not be exempt from paying the usual State license tax required by law. When any such license as hereinbefore mentioned is granted by said city council, said council may impose a tax thereon for the use of the city in conformity with the requirements of the State law, and shall also require bond payable to said city in its corporate name, with good security from the person, persons or corporations so licensed, said bond to be approved by said council in the same sum and penalty as required by the State law. The said city council shall upon granting any such license required by law, within ten days thereafter, furnish to the clerk of the county court, the prosecuting attorney, and the as-

to imprisonment enforced, by whom.

—water works; power of council.

—sewerage.

Licenses, exclusive control of, vested in council; but question of liquor license submitted to voters.

—no such license granted, when.

—other licenses.

—person, etc., having city license not required to have county license.

—but such person not exempt from paying state license tax. —city license tax.

—bond of licensee.

—council to certify orders granting licenses, to whom and when.

—duty of county assessor and sheriff.

—revocation of license by council.

—suits on license bond.

essor of Marion county, by mail to their respective post-office addresses, duly certified copies, under the corporate seal of the said city, of the order granting every such license, whereupon such assessor shall cause the sheriff of Marion county to collect the State tax thereon, in the same manner as if said license was granted by the county court of Marion county, West Virginia. And said city council may revoke such license at any time the condition of said bond be broken upon ten days' previous notice to the person, persons or corporation holding the same. And suits may be prosecuted and maintained on such bond as prescribed in section twenty-two of chapter thirty-two of the code of West Virginia by the same person, in the same manner and to the same extent as upon the bonds mentioned in said section, and all the provisions of said section in relation to the bonds therein named and mentioned shall be applicable to the bonds required by this section.

—majority vote of councilmen elected required to grant liquor license.

—when granted.

No license to sell brandy, whiskey, rum, gin, porter, ale, beer, or any other spirituous, vinous, or malt liquor or drink of like nature, shall be granted without the affirmative vote of at least a majority of the councilmen elected in said city entered of record, in each case. No such license shall be granted until after the first election of councilmen under this act.

Mayor's docket: what must be noted therein.

—signing of record: original papers.

—duty as to his successor.

36. A book, well bound and indexed, to be denominated the "docket" shall be kept in the office of the mayor, in which shall be noted each case brought before or tried by him, together with the proceedings therein, including a statement of the complaint, the summons, the return, the fact of appearance or non-appearance, the defence, the hearing, the judgment, the costs, and in case the judgment be one of conviction, the action taken to enforce the same. The record of each case shall be signed by the mayor, and the original papers thereof, if no appeal be taken, shall be kept together and preserved in his office, and the mayor shall deliver to his successor the docket and all books pertaining to his office.

Annual estimate of expenses.

—levy to pay.

37. The council shall cause to be made up annually and spread upon its minute book an accurate estimate of all sums which are or may become lawfully chargeable against the city, and which ought to be paid within one year, and it shall order a levy of so much as will in its judgment be necessary to pay

the same. Such levy shall be upon all tithables and upon all real and personal property therein subject to State and county taxes, including a poll tax of not more than one dollar upon each male resident of said corporation over twenty-one years of age: *provided*, that such levy shall not exceed one dollar on each tithable and one dollar on every one hundred dollars of the ascertained value of such property. At least once in each year the council shall cause to be made up and be published in one or more newspapers of the city a statement of the revenue received from the different sources, and of the expenditures upon the different accounts for the preceding year or portion of year, as the case may be.

—poll tax.

—proviso as to rate.

—annual publication of statement.

38. It shall be the duty of the assessor to make an assessment of the property within the city subject to taxation substantially in the manner and form in which the assessments are made by the assessor of the county, and return the same to the council on or before the first day of June of each year, and for this purpose he shall have all the powers conferred by law on county assessors. He shall list the number of dogs in the city and the names of the persons owning the same, which list shall be returned to the council (see chapter forty-seven section forty-one, code of West Virginia). In order to aid the said council in ascertaining the property and tithables subject to taxation by said city, the assessor of said city shall have access to all books and public records of Marion county without expense to said city or assessor, and he also shall have the same power and be subject to the same penalties in ascertaining and assessing the property and subjects of taxation in said city as are granted and imposed upon the county assessors throughout the State by general law, and the council shall also have authority to prescribe by ordinance such other rules and regulations as may be necessary to enable and require such assessor to ascertain and properly assess all property and tithable liable to be taxed by said city, so that such assessment and taxation shall be uniform, and to enforce such ordinance by reasonable fines and penalties; and the said city assessor in making his valuation for assessments shall make the same valuation for both real and personal property as the assessor for said county for the

Assessor to make assessment, how and when.

—his powers.

—dogs to be listed.

—access to books, etc.

—penalties, etc.

—ordinances, rules etc., by council.

—uniform taxation.

for assessment.

same assessment year assessed by the county assessor.

—return made by assessor, duty of council.

—delivery of one book to collector.

The council upon the return of the assessor shall cause the assessor's books to be correctly copied by the recorder into two well bound books to be provided for the purpose and the taxes extended in each book, one of which shall be delivered to the city collector taking his receipt therefor, as well as for the taxes therein contained.

Collector, what to receipt for.

—collection of taxes.

—his duty when taxes are paid.

—other moneys than taxes.

—account.

—his books.

—payment of moneys, out.

—annual statement to council, of receipts and disbursements.

—other statement, when.

—to receive taxes on license, and receipt therefor; report.

39. It shall be the duty of the city collector when the extended copies are completed, to receive one copy thereof, receipting to the council for the same and for the tax therein extended, and it shall be his duty to collect from the parties the entire amount of the taxes with which they are therein severally charged, from and after the first day of June of each year, until the first day of August of each year, and he shall in said book write the word "paid" opposite the name of the person so paying, and shall also receipt to such tax-payer for the tax so paid. He shall also receive such other moneys of the city as he is authorized by this chapter to receive, and all moneys ordered paid him by the council, giving receipts therefor to the parties paying, and shall keep an accurate account of the same; and his books shall at all times be open for inspection to any tax-payer of the city, and he shall produce said books to said council for inspection at any meeting thereof upon order of the council. He shall pay out the moneys in his hands upon the orders of the council signed by the mayor or the recorder.

He shall on or before the tenth day of January of each year present to the council a full, complete and detailed statement of all moneys with which he is chargeable or that have been received by him up to the first day of January of that year, and shall at the same time in like manner furnish a statement of all disbursements made by him during such previous year, with vouchers evidencing the same. He shall, upon the order of the council at any time, submit a statement of the amount with which he is chargeable, and his collections and disbursements. He shall receive all taxes upon licenses and receipt to the party paying the same by the endorsement upon the permit granted by order of the council, which permit shall be furnished him by the recorder, and charge himself

with the amount so received, and report to the council at its next regular meeting thereafter the amount so received by him. He shall upon all moneys coming into his hands as such collector, and duly paid out or turned over by him upon orders of council, receive as compensation therefor a sum to be fixed by the council, not exceeding three per cent. on the amount collected. —compensation.

He shall, upon the expiration of his term of office turn over to the council all moneys, books and other property in his possession belonging to said city; and shall, before entering upon the duties of his office, execute a bond with good security payable to the city of Mannington, in the penalty of not less than ten thousand dollars, conditioned for the faithful performance of the duties of his office, and for the accounting for and paying as required by law all money which may come into his hands by virtue of his office. He shall be chargeable with all city taxes, levies and assessments and money of the city that may come into his hands, and shall account therefor. —duty, when succeeded in office.
—bond.
—chargeable, with what.

40. The council shall prescribe by ordinance the manner in which license of all kinds shall be applied for and granted, and it shall require the payment of the tax thereon before delivery to the person applying therefor. Licenses, application for and payment of tax.

41. The provisions of the twenty-ninth section of chapter thirty-two, of the code of West Virginia, relating to State licenses, shall be deemed applicable to licenses of a similar character to those therein mentioned, when granted by or under authority of the council of said city. Licenses for the keeping of dogs shall expire on the thirteenth day of April next after they are granted, and all other licenses may be for such time as the council may determine. Licenses, provisions of law governing.
—expiration of licenses.

42. The council shall have the right to institute proceedings in the name of the city for the condemnation of real estate for streets, alleys, drains, market grounds, city prison and other work or purpose of public utility. Such proceedings shall conform to the provisions of chapter forty-two of the code of West Virginia, and the expenses thereof shall be borne by the city. Condemnation of real estate for public use, how.

Repeal of inconsistent laws.

43. All acts or parts of acts inconsistent with this act are hereby repealed; but this act shall not be construed to repeal, change or modify any previous act not inconsistent with this act authorizing the city of Mannington to contract debts, or to borrow money, or to take away any of the powers conferred upon said city of Mannington, or upon the mayor or council, or any of the officers, conferred by general law, except so far as the same may be inconsistent with the powers hereby conferred.

Council in being to provide voting places, etc.

44. The council in being at the time this act shall take effect, shall appoint and provide places for voting in the several wards in said city, as herein prescribed, for the election herein provided for to be held in said city and appoint the election officers thereof; and shall pass all proper ordinances and orders to give this act full force and effect.

Succeeds to what rights, powers, etc.

45. The said city shall succeed to all the rights, powers and responsibilities of the town of Mannington, and all officers of said town acting as such at the time this act takes effect shall continue until the first day of April one thousand nine hundred and one (and until their successors, the officers herein mentioned, are elected or appointed and qualified) to exercise the powers, perform the duties, and receive the compensation heretofore conferred, prescribed and allowed by former charter, by general law, or by the ordinance of said town. Such ordinances in force at the time referred to shall continue to have full operation and effect, as ordinances of the city of Mannington until amended, repealed or superseded by the council of said city.

—present officers.

—their powers, etc.

—existing ordinances.

(House Bill No. 179.)

CHAPTER 146.

AN ACT to amend and re-enact section twenty-eight of Chapter four of the Acts of the Legislature of one thousand eight hundred and ninety-nine, being an Act to amend and re-enact and to reduce into one Act the several Acts incorporating the Town of Sistersville, in the county of Tyler; defining the powers thereof, and describing the limits of said town and incorporating the City of Sistersville in said Tyler county.

[Passed February 8, 1901. In effect from passage. Approved February 18, 1901.]

Be it enacted by the Legislature of West Virginia :

That section twenty-eight of chapter four of the acts of the legislature of one thousand eight hundred and ninety-nine be amended and re-enacted so as to read as follows:

28. The council of said city shall have power to lay off, vacate, close, open, alter, grade, and keep in good repair the roads, streets, alleys, pavements, crosswalks, sidewalks, drains and gutters therein, for the use of the citizens or of the public, and to improve and light the same, and to keep them free from obstructions of every kind; to regulate the width of the pavements, sidewalks, on the streets and alleys and to order the pavements, sidewalks, footways, drains, and gutters to be kept in good order, free and clean, by the owner or occupants of the real property next adjacent thereto; to establish and regulate markets, prescribe the time of holding the same, provide suitable and convenient buildings therefor, and prevent the forestalling of such markets; to prevent injury or annoyance to the public, or to individuals from anything dangerous, offensive or unwholesome; to prohibit and regulate slaughter houses, tan houses and soap factories within the city limits; or the exercise of any unhealthy or offensive business, trade or employment; to abate all nuisances within the city limits, or to require and compel the abatement or removal thereof, or at the expense of the persons causing the same, or by or at the expense of the owner or occupant of the ground on which they are placed or found; to cause to

Act amended.

Council; general powers of, as to.

—streets, alleys, etc.

—pavements, etc.

—markets.

—slaughter-houses, etc.

—nuisances.

be filled up, raised or drained, by or at the expense of the owner, any city lot or tract of land covered or subject to be covered by stagnant water; to prevent horses, hogs, cattle, sheep or other animals, and fowls of all kinds from going or being at large in such city, and as one means of prevention, to provide for impounding and confining such animals and fowls, and upon failure to reclaim, for the sale thereof; to protect places of divine worship, and to preserve order in and about the premises where and when such worship is held; to regulate the keeping of gun-powder and other inflammable or dangerous substances; to provide for the regular building of houses or other structures, and for the making and maintaining of division fences by the owners of adjoining premises, and for the proper draining of city lots or other parcels of land by or at the expense of the owner or occupant thereof; to provide against danger or damage by fire; to punish for assaults and batteries; to prohibit the keeping of or loitering in or visiting houses of ill fame, or loitering in saloons, or upon the streets; to prevent lewd or lascivious conduct, the sale or exhibition of indecent pictures or other representations; the desecration of the Sabbath day, profane swearing, the illegal sale of all intoxicating liquors, mixtures and preparations, beer, ale, wine or drinks of a like nature; to protect the persons of those residing or being within said city; to appoint when necessary or advisable a police force, permanent or temporary, to assist the chief of police in the discharge of his duties: to build or purchase or lease and to use as a suitable place of imprisonment, within or near said city, for the safe keeping or punishment of persons charged with or convicted with the violation of ordinances: to erect or authorize or prohibit the erection of gas or water works within the city limits; to prevent injury of such works, or the pollution of any gas or water used or intended to be used by the public or by individuals; to provide for and regulate the weighing or measuring of hay, coal, lumber or other articles sold or kept, or offered for sale within said city, and to establish rates and charges for said weighing or measuring; to regulate the running and speed of engines and cars within said city; to create by ordinance such committees and boards and delegate such authority thereto as may be deemed necessary or advisable to provide for the annual assessment of the taxable property therein, including dogs kept in said

—horses, cattle, fowls, etc.
—places of divine worship.
—gun powder, etc.
—building houses, etc.
—fire.
—assaults.
—loitering, etc.
—lewdness, etc.
—sabbath day; etc.
—illegal sales.
—persons.
—police.
—prison.
—gas or water works.
—hay, coal, etc.
—engines and cars.
—committees and boards.
—annual assessment.

city and to regulate their running at large, and to provide a revenue for the city for municipal purposes, and to appropriate such revenue to its expenses, and generally to take such measures as may be deemed necessary or advisable to protect the property, public and private, within the city; to preserve and maintain peace, quiet and good order therein, and to preserve and promote the health, safety and comfort and well being of the inhabitants thereof.

—appropriation of revenues.

—good order, etc.

The council shall have authority to pass all ordinances (not repugnant to the constitution and laws of the United States and of this state), which shall be necessary or proper to carry into full effect and power the authority, capacity and jurisdiction which is or shall be granted or vested in said city, or in the council, or in any officer or body of officers of said city, and to enforce any and all ordinances by reasonable fines and penalties, and by imprisoning the offender or offenders, and upon failure to pay any fine or penalty imposed by compelling them to labor without compensation on any of the public work or improvements, undertaken or to be undertaken by said city, or to labor at any work which the said city may lawfully employ labor upon, at such a rate per diem as the council may fix, but not at a less rate than is fixed by said city council for like labor from other employes of said city, until any fine or fines imposed upon any such offender or offenders, by said city, shall have been fully paid and discharged, after deducting charges of support while in the custody of the officers of said city; and all ordinances relating to licenses and sale of spirituous liquors, malt liquors or wines, and the keeping of or dwelling or loitering in houses of ill fame; and such police regulations as may be ordained for said city, and the right and power to enforce the same, shall extend one mile, in the State of West Virginia, beyond the corporate limits of the city: *provided, however,* that no fine shall be imposed exceeding one hundred dollars and that no person shall be imprisoned or compelled to labor, as aforesaid, more than thirty days for any one offence. And in all cases where a fine is imposed for an amount exceeding ten dollars, or a person be imprisoned or compelled to labor, as aforesaid, for a

—ordinances and for what purposes.

—offenders; imprisonment and labor.

—licenses, etc.

—power beyond corporate limits.

—maximum fine, imprisonment, etc.

- appeal. term greater than ten days, an appeal may be taken from such decision, upon the same terms and condition that appeals are taken from the judgment of a justice of this State. Such fines and penalties shall be imposed and recovered, and such imprisonment inflicted by and under the judgment of the mayor of the city, or in the case of his absence or inability to act, by the clerk of said city, or if he be unable to act, then a member of the council, to be appointed by the council for that purpose. The said city council shall have full power and authority to change and enlarge the corporate limits of said city in manner and form and under the provisions provided by chapter forty-seven, sections forty-eight and forty-nine of the code of West Virginia, edition of one thousand eight hundred and ninety-nine. In addition to the powers above enumerated, the said city council shall have power to improve, amplify and expand the water works of said city, and to contract for an adequate supply of pure, healthful water for said city, and do all things necessary to adequately supply said city with pure, wholesome water; and provide, contract for and construct an adequate sewerage system for said city.
- recovery, etc., of fines etc. Whenever anything for which a state license is required, is to be done within the limits of said city, the council may decide whether such license may be granted, or not, and if granted it shall be assessed and collected the same as if granted by the county court of Tyler county; such license shall be issued in the manner and form provided by sections ten and eleven of chapter thirty-two of the code of West Virginia. And sole and exclusive power is vested in the said city council to grant or refuse state licenses within the limits of said city. When any such license, as is hereinbefore mentioned, is granted by said city council, said city council may impose a tax thereon for the use of the city in conformity with the state law and shall also require of the licensee bond payable to said city in its corporate name, with good security; such bond to be approved by said council, and to be in the same penalty as required by the state law. And said city council may revoke such license. And suits may be prosecuted and maintained on such bond, as prescribed in section twenty-two, chapter thirty-two of the code of West Virginia, by
- change of corporate limits.
- additional powers of council as to water works, etc.
- as to sewerage.
- granting of licenses.
- has sole power.
- tax on license.
- Bond of licensee.
- may revoke license.
- suit on bond;

the same person, in the same manner, and to the same extent, as upon the bonds mentioned in said section, and all the provisions of said section in relation to the bonds therein mentioned shall be applicable to the bonds required by this section.

No license to sell brandy, whisky, rum, gin, porter, ale, beer or any other spirituous, vinous, or malt liquor or drink of like nature, shall be granted without the affirmative vote of at least a majority of the councilmen elected in said city, entered of record in each case. No such license shall be granted until after the first election of councilmen under this act.

—Liquor licenses; special provision as to.

(Senate Bill No. 135.)

CHAPTER 147.

AN ACT to amend and re-enact and to reduce into one act the several acts incorporating the town of St. Marys, in the County of Pleasants, and State of West Virginia, defining the powers thereof, and describing the limits of said town and incorporating the City of St. Marys in said Pleasants County.

[Passed February 15, 1901. In effect from passage. Approved February 18, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That the inhabitants of so much of the county of Pleasants as is within the bounds described by section two of this act, and their successors, shall be and remain, and they are hereby made a body politic and corporate by the name of "The City of St. Marys," and as such shall have perpetual succession and a common seal and by that name may sue and be sued, plead and be impleaded, purchase, lease and hold real estate, and personal property necessary to the purpose of said corporation.

St. Marys incorporated anew,

—new name.

2. The corporate limits of said city shall hereafter be as follows:

New boundary lines of corporate limits.

Beginning at the mouth of a slough on the bank of the Ohio river, thence up said slough and binding thereon north seventy-seven east eight poles, north thirty and one-half east ninety-six poles to a post in

the Gallaher and Bills line; thence with the same in an easterly direction eighty-two poles to a large chestnut tree, thence south twenty and one-half west one hundred and fifteen poles, to a post in the S. Barkwill line, thence with the same south sixty-one and one-half east nineteen and one-half poles to a post in the east line of Fifth street in the Barkwill addition to the said town, thence with said street south forty and one-half west seventy poles to the center of the alley back of the court house; thence with said alley north fifty-two west twenty-one and one-half poles to west line of Barkwill street in said addition, thence with same twenty-four poles in Mrs. Rachel Barxwill's line, thence with same fifteen and one-half poles to corner of land owned by Lawrence, thence with Lawrance southwest line one hundred and sixty feet to the court house road in the present corporation line, thence with the said corporation line to the Ohio river, and binding thereon to the place of beginning.

Wards.

—first
ward.

—second
ward.

—third
ward.

3. The territory of said city is hereby divided into three wards, each of which is bounded and described as follows: all of that part of the territory above described lying south and west of the center of George street in said city shall constitute the First ward; all of that part of said territory included between the center of George street and the center of Clay street, shall constitute the Second ward; and the boundary line between said First and Second wards shall extend on a line with the center of said George street from the Ohio river to the east line of the corporation, and the division line between the Second and Third wards shall extend on the line with the center of Clay street from the Ohio river to the east line of the corporation, and all of the remaining territory above described and included within said corporation shall constitute the Third ward.

Municipal
authorities.

—compensa-
tion.

4. The municipal authorities of said city shall consist of a mayor, recorder and six councilmen, two of which councilmen shall be elected in and for each of the wards of said city, who together shall form the common council, and who shall receive such compensation as the council shall from time to time determine, and which shall not be increased or diminished during the term of office for which they shall have

been elected. The councilmen elected from each ward —councilmen must be residents of the ward for which they are elected, and a removal from said ward shall vacate his office as such councilman. —councilmen must be residents of ward from which elected.

5. All the corporate powers of said corporation shall be exercised by said council or under their authority, except when otherwise herein provided. Council, powers of.

6. The mayor, assessor and councilmen, at the time of their election or appointment, shall be freeholders in said city and be entitled to vote for the members of the common council thereof. Elective officers, who eligible.

7. There shall be a city sergeant, city attorney, assessor and street commissioner of said city who shall be appointed by the common council, to hold their respective offices for the term of one year from the date of their appointment: *provided*, that any or all of said officers may be sooner removed by the council, and shall be considered to hold their said offices at the pleasure of the council. Appointive officers. —term.

8. On the first Tuesday after the first Monday in April of each succeeding year, there shall be elected by the qualified voters of said city a mayor and recorder, who shall hold their respective offices for a period of one year and until their successors are elected and qualified, and at the same time there shall be elected in each ward one member of the common council, who shall hold his office for two years and until his successor is elected and qualified: *provided*, that at the first election for city officers held under this charter there shall be two members of the council elected from each of said wards, one of whom shall be elected for a term of one year and the other for a term of two years from the date of installation into office, and the member elected for the long term, and the one elected for the short term, at such first election, shall be designated upon the ticket voted at such election. Elections, when held. —term of office. —provisions for first election under new charter. —councilmen for long and short term.

9. The terms of all officers elected shall commence on the first day of May in each year, except the officers elected at the first election held under this charter, whose term shall begin as soon as they shall qualify after having been elected. Term of office, when to commence.

Who entitled to vote. 10. Every male person residing in said city shall be entitled to vote for all officers elected under this act, but no person who is a minor, or of unsound mind, or a pauper, or who is under conviction of treason, felony or bribery in an election, or who has not been a resident of this State for one year and of the city of St. Marys for sixty days, and is not a bona fide resident of the ward in which he offers to vote, shall be entitled to vote.

Mode of voting. 11. In all elections by the people the mode of voting shall be by ballot; but the voter shall be left free to vote by open, sealed, or secret ballot, as he may elect. The election in said city shall be held and conducted, and the result thereof ascertained, certified, returned and finally determined under the laws in force in this State relating to elections by the people at the time such election is held. The corporate authorities of said city shall perform the duties in relation to such election required by general law of county courts and officers, and the provisions of chapter three, of the code of West Virginia, in effect concerning elections by the people, shall govern said election, and be applicable thereto, and the penalties therein prescribed for offenders relating to elections shall be enforced against the offenders at such corporate elections, and said act shall have the same force and effect as if it were specially applicable to such corporate elections.

—provisions of law governing elections.

Tie vote: how decided. 12. Whenever two or more persons shall receive an equal number of votes for councilman or other city officer, such tie shall be decided by the council in being.

Contest: how decided. 13. All contested elections shall be heard and decided by the common council for the time being; and the contest shall be made and conducted in the same manner as provided for in contests for county and district officers, and the common councils shall conduct their proceeding in such cases as nearly as practicable in conformity with proceedings of the county court in such cases.

—how conducted.

Vacancy: how filled. 14. Whenever a vacancy shall occur from any cause in any elective office in said city the council for the time being, shall by a vote of the majority of

those present, fill such vacancy until the next election, at which time a successor to fill the unexpired time of such officer shall be elected by the people.

15. The council shall also have authority to provide by ordinance for the appointment of a water works board, to act as trustees in the management of the water works and sewerage system of said city, and provide for such other officers as shall be necessary and proper to carry into full force any authority, power, capacity or jurisdiction which is, or shall be, vested in the said city, or in the council, or in the mayor, or any officer or body of officers thereof, and shall grant to the officers so appointed the power necessary or proper for the purpose above recited. The council shall by ordinance define the duties of all officers so appointed or elected as aforesaid and allow them reasonable compensation, which shall be by monthly salaries, and not otherwise, except as to the collection of taxes, and which compensation shall not be increased or diminished during their term of office, and shall require and take from all those whose duty it shall be to receive its funds, assets or property, or have charge of the same, such bonds, obligations or other writings as they shall deem necessary or proper to insure the faithful performance of their several duties. All officers so appointed or elected may be removed from office for malfeasance, non-feasance or misfeasance, by the council, and unless their term of office be otherwise fixed by ordinance, they shall be considered as holding their respective offices at the pleasure of the council.

Water works board, how created; duties and power.

—officers; duties of to be defined by council.
—salaries of; fixed by council.

—bond of, required when.

—removal and for what causes.

16. It shall be the duty of the council of said city to, at the first regular meeting in each year, appoint three persons, residents of said city, to act in the capacity of trustees of the sinking fund accrued from any and all special levies made and collected, for the purpose of paying the interest and principal upon the bonded indebtedness of said city, and it shall be the duty of said trustees to take charge of and invest said sinking fund in safe securities at their discretion and in such manner as to yield to the said city of St. Marys the best interest thereon that said trustees can obtain, which interest shall be received by said trustees for the benefit of the said city, and paid over by them at the time of making their settlement to such

Sinking fund trustees; how appointed; their duties.

—bond re-
quired;
where filed.

person or persons as the council may direct. Before entering upon their duties as trustees of said sinking fund, said three trustees so appointed shall execute and file with the recorder of said city, a bond in a sum to be fixed by the council sufficient to cover and secure all moneys coming into their hands by reason of their said office, which bond shall be executed by them, together with good personal security to be approved by the council. Said trustees of the sinking fund shall make and file with the council a full and complete statement once each year, or as often as the council may deem necessary and require, and said trustees shall make a full and complete settlement and pay over all moneys in their hands as such trustees, whenever required by the council so to do.

—must file
statement
annually.

Bonds, made
how, etc.,
payable.

17. All bonds, obligations or other writings, taken in pursuance of any provision of this act, shall be made payable to "the City of St. Marys" and the respective persons and their heirs, executors, administrators and assigns bound thereby, shall be subject to the same proceedings on the said bond, obligation and other writing, for enforcing the condition of the terms thereof, by motion or otherwise, before any court of competent jurisdiction in and for the county of Pleasants, that collectors of county levies and other sureties are, or shall be subject to, on their bonds for enforcing the payment of the county levies.

—enforcing
conditions.

Mayor and
councilmen
must qualify
and give
bond, within
what time.

18. The mayor and council and all other officers provided for in this act, shall each, before entering upon the duties of their office and within one week from the date of their election or appointment, give the bond required from any officer by section fifteen of this act, and take the oath prescribed by law for all officers of this State, and make oath that they will truly, faithfully and impartially, to the best of their ability discharge the duties of their respective offices, so long as they continue therein. Said oath or affirmation may be taken before any person authorized to administer oaths, under the law now in force, or before the mayor or recorder of said city.

Ineligibility
and failure
to qualify.

19. If any person elected to any office under the provisions of this act, shall not be eligible to such office under the provisions of this act, or shall fail to qualify as herein required, the council for the time being shall declare his said office vacant and shall proceed to fill the vacancy as required by this act.

20. The mayor shall be the chief executive officer of the city, and shall take care that the orders, by-laws, ordinances, acts and resolutions of the council thereof are faithful executed. He shall be ex-officio a justice and conservator of the peace within the city, and shall within the same have, possess and exercise all the powers and perform all the duties vested by law in a justice of the peace, except that he shall have no jurisdiction in civil causes of actions arising out of the corporate limits of the city. He shall have the same power to issue attachments in civil suits as a justice of his county has, though the cause of action arose out of his city. But in such cases he shall have no power to try the same, but said attachment shall be returned to and be heard before some justice of his county. Any warrant or other process issued by him may be executed at any place in the county; he shall have control of the police of the city, and may suspend any policeman for cause, and he may appoint special police officers whenever he deems it necessary, and it shall be his duty especially to see that the peace and good order of the city are preserved, and that persons and property therein are protected, and to this end he may cause the arrest and detention of all riotous and disorderly persons in the city before issuing his warrant therefor. He shall have the power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof, and in default of such payment he may commit the party in default to the jail of the county of Pleasants, or other place of imprisonment in such corporations, if there be one, until the fine or penalty and costs shall be paid; but the term of imprisonment in such case shall not exceed thirty days. And in all cases where a person is sentenced to imprisonment, or to the payment of a fine of ten dollars or more, (and in no case shall a judgment for a fine of less than ten dollars be given by the mayor if the defendant, his agent or attorney object thereto such person shall be allowed an appeal from such decision to the circuit court of said Pleasants county, upon the execution of an appeal bond with security deemed sufficient by the mayor, in penalty double the amount of the fine and costs imposed by the mayor, with condition that the person proposing to appeal will perform and satisfy any judgment which may be rendered against him by the circuit court on such appeal. If

Mayor, his powers and duties.

—jurisdiction of mayor; control of police; may appoint special.

—fines, etc., how collected.

—right of appeal; how secured.

—appeal bond.

- when appeal taken; what done. such appeal be taken, the warrant of arrest (if there be any), the transcript of the judgment, the appeal bond, and other papers of the case, shall be forthwith delivered by the mayor to the clerk of said court, and the court shall proceed to try the case as upon indictment or presentment, and render such judgment, including that of costs, as the law and the evidence may require: *provided*, that no judgment for costs shall be rendered in any such case against the city. The mayor shall from time to time, recommend to the council such measures as he may deem needful for the welfare of the city. The expense of maintaining any person committed to the jail of the county by him, except it be to answer an indictment or be under the provisions of sections two hundred and twenty-seven and two hundred and twenty-eight of chapter fifty, of the amended code of this State, shall be paid by the city. But the mayor shall not receive any money belonging to the State or individuals unless he shall give the bond and security required of a justice of the peace by chapter fifty of the code, and all the provisions of said chapter relating to money received by justices shall apply as to like moneys received by the mayor. The mayor shall pay all moneys received by him for fines, or by virtue of his office, belonging to the city, to the sergeant of the city, within one week after he receive the same.
- costs: judgment for, not to be rendered against city.
- mayor may recommend measures to council.
- prisoners in jail, expense of, how paid.
- mayor to give bond, when.
- money received by mayor; when and to whom paid.
- Recorder: duties of.
21. The recorder shall keep the journal of the proceedings of the council, and have charge of and preserve the records of the city, and in the absence from the city, or in the case of sickness or inability of the mayor, or during any vacancy in the office of mayor, he shall perform the duties of mayor which pertain to him as the chief executive of said city, and be vested with all the powers necessary for the performance of such duties. He shall be a conservator of the peace within the city.
- Council: quorum of.
22. The presence of a majority of the council shall be necessary to make a quorum for the transaction of business.
- Minute book.
23. The council shall cause to be kept by the recorder in a well bound book, to be called the "minute book," an accurate record of all its proceedings, ordinances, acts, orders and resolutions, and in another

to be called the "ordinance book," accurate copies of all general ordinances adopted by the council; both of which shall be fully indexed and open to the inspection of any one required to pay taxes to the city, or who may be otherwise interested. All oaths and bonds of officers in the city, and all papers of the council shall be endorsed, filed and securely kept by the recorder. The bonds of officers shall be recorded in a well bound book to be called the "record of bonds." The recorder shall perform all such other duties as may by ordinance of the council be prescribed. All printed copies of such ordinances purporting to be published under authority of the council, and transcript of such ordinances, acts, orders and resolutions, certified by the recorder, under the seal of the city, shall be deemed *prima facie* correct, when sought to be used in any court or before any justice.

—ordinance book.

—oaths and bonds to be filed by recorder; those of officers to be recorded.

—printed ordinances or transcript of same certified by recorder, *prima facie* correct.

24. At each meeting of the council the proceedings of the last meeting shall be read and corrected, if erroneous, and signed by the presiding officer for the time being.

Proceedings of council, how approved.

25. The mayor shall have a vote on all questions, and shall decide all ties.

Mayor's vote.

26. The meetings of the council shall be held at such place in said city, and at such times as, they shall from time to time ordain and appoint; but it shall be lawful for the council, by ordinance, to vest in any officer of said city, or in any member or number of members of their own body, the authority to call special meetings; and it shall, by ordinance, prescribe the mode in which notice of such meetings shall be given; and no business shall be transacted unless a majority of all the members of which it then consists shall be present, except that a less number may compel the attendance of absent members, under such reasonable penalties as they may think proper to impose; and all questions put, except in such matters as are herein provided for, shall be decided by a majority of the members present.

Council meetings, when and how held.

27. All moneys belonging to the city shall be paid over to the sergeant, except as otherwise herein provided; and no money shall be paid out by him except as the same shall have been appropriated by the coun-

Money of the city, to whom paid, and how paid out.

cil, and upon an order signed by the mayor and recorder, and not otherwise.

28. The council of said city shall have power to lay off, vacate, close, open, alter, grade and keep in good repair the roads, streets, alleys, pavements, sidewalks, cross-walks, drains and gutters therein, for the use of the citizens or of the public, and to improve and light the same, and to keep them free from obstructions of every kind; to regulate the width of the pavements and sidewalks on the streets and alleys, and to order the pavements, sidewalks, footways, drains, and gutters to be kept in good order, free and clean, by the owners or occupants of the real property next adjacent thereto; to establish and regulate markets, prescribe the time of holding the same, provide suitable and convenient buildings therefor, and prevent the forestalling of such markets; to prevent injury or annoyance to the public, or to individuals from any thing dangerous, offensive or unwholesome; to prohibit or regulate slaughter houses, tan houses and soap factories within the city limits, or the exercise of any unhealthy or offensive business, trade or employment; to abate all nuisances within the city limits, or to require and compel the abatement or removal thereof, at the expense of the person causing the same, or by or at the expense of the owner or occupant of the grounds on which they are placed or found; to cause to be filled up, raised or drained, by or at the expense of the owner, any city lot or tract of land covered or subject to be covered by stagnant water; to prevent horses, hogs, cattle, or other animals, and fowls of all kinds, from going or being at large in such city, and as one means of prevention, to provide for impounding and confining such animals and fowls, and upon failure to reclaim, for the sale thereof; to protect places of divine worship, and preserve order in and about the premises where and when such worship is held; to regulate the keeping of gun powder and other inflammable or dangerous substances; to provide for the regular building of houses or other structures, and for the making and maintaining of division fences by the owners of adjoining premises, and for the proper draining of city lots or other parcels of land, by or at the expense of the own-
- Council, additional powers of.**
—as to streets, etc.
- markets.
- injury to public.
- nuisances.
- stagnant pools.
- horses, etc., at large.
- places of divine worship.
- keeping of gun powder.
- building of houses.
- division fences.

er or occupant thereof; to provide against danger or —fire.
 damage by fire; to punish for assault and batteries; —assault
 to prohibit the keeping or loiterings in or visiting —and battery.
 houses of ill fame, or loitering in saloons, or upon the —houses of
 streets; to prevent lewd or lascivious conduct, the —ill fame.
 sale or exhibition of indecent pictures or other repre- —lewd con-
 sentations; the desecration of the Sabbath day, pro- —duct.
 fane swearing, the illegal sale of intoxicating liquors, —sabbath.
 mixtures and preparations, beer, ale, wine or drinks —sale of
 of like nature; to protect the persons of those residing —liquors.
 or being within the said city; to appoint, when nec- —police force.
 essary or advisable, a police force permanent or tem-
 porary, to assist the chief of police in the discharge of
 his duties; to build or purchase, or lease and use a —city prison.
 suitable place of imprisonment within or near the
 said city, for the safe keeping or punishment of per-
 sons charged with or convicted of the violation of
 ordinances; to erect or authorize or prohibit the erec-
 tion of gas, electric light or water works, within the —water
 city limits; to prevent injury of such works, or the —works, &c.
 pollution of any gas or water used or intended to be
 used by the public, or by individuals; to provide for
 and regulate the weighing or measuring of hay, coal,
 lumber, and other articles sold or kept, or offered for
 sale, within said city, and to establish rates and
 charges for said weighing or measuring; to regulate —seed of
 the running and speed of engines and cars within the —engines, &c.
 said city; to create by ordinance such committees and
 boards, and delegate such authority thereto, as may
 be deemed necessary or advisable; to provide for the
 annual assessment of the taxable property therein, —assessment
 including dogs kept in said city, and regulate their —of taxes.
 running at large, and to provide a revenue for the city
 for municipal purposes, and to appropriate such
 revenue to its expenses; and generally, to take such
 measures as may be deemed necessary or advisable —general
 to protect the property, public and private, within the —powers.
 city; to preserve and maintain peace, quiet and good
 order therein, and to preserve and promote the health
 safety, comfort and well being of the inhabitant's
 thereof. The council shall have authority to pass all
 ordinances (not repugnant to the constitution and
 laws of the United States and of this State), which
 shall be necessary or proper to carry into full effect
 and power the authority, capacity and jurisdiction
 which is, or shall be, granted or vested in the said city,

or in the council, or in any officer or body of officers of said city, or to enforce any or all ordinances by reasonable fines and penalties, and by imprisoning the offender or offenders, and upon failure to pay any fine or penalty imposed, by compelling them to labor without compensation on any of the public works or improvements undertaken, or to be undertaken by said city; or to labor at any work which the said city may lawfully employ labor upon, at such a rate per diem as the council may fix, but not at a less rate than is fixed by said city council for like labor from other employes of said city, until any fine or fines imposed upon any such offender or offenders by said city shall have been fully paid and discharged, after deducting charges of support while in the custody of the officers of said city; and all ordinances relating to licenses and the sale of spirituous liquors, malt liquors or wines, and the keeping of or dwelling or loitering in houses of ill-fame; and such police regulations as may be ordained for said city, and the right and power to enforce the same shall extend one mile, in the state of West Virginia, beyond the corporate limits of the city: *provided, however,* that no fine shall be imposed exceeding one hundred dollars, and that no person shall be imprisoned or compelled to labor, as aforesaid, more than thirty days for any one offence. And in all cases where a fine is imposed for an amount exceeding ten dollars, or a person be imprisoned or compelled to labor as aforesaid, for a term greater than ten days, an appeal may be taken from any such decision, upon the same terms and conditions that appeals are taken from the judgment of a justice of this State. Such fines and penalties shall be imposed and recovered and such imprisonment inflicted and enforced, by and under the judgment of the mayor of the city, or in case of his absence or inability to act, by the recorder of said city, or if he be unable to act, then a member of the council, to be appointed by the council for that purpose. In addition to the powers above enumerated, the said city council shall have power to improve, amplify, expand and maintain the water works of said city, and to provide for an adequate supply of pure, healthful water for said city, and to do all things necessary to adequately supply said city with pure, wholesome water; and provide, contract for, construct and maintain an adequate

—penalties; how enforced.

—jurisdiction of city: relating to license and sale of spirituous liquors.

—fine not to exceed one hundred dollars.

—right of appeal, in what cases.

—enforcement of fines, etc.

—additional power of council in relation to water works.

sewerage system for said city. When any thing for which a state license is required is to be done within the limits of said city, the council may decide whether such license may be granted or not, except as hereinafter provided, and if granted it should be assessed and collected the same as if granted by the county court of Pleasants county; such license shall be issued in the manner and form provided by sections ten and eleven of chapter thirty-three, (as amended), of the code of West Virginia, and the sole and exclusive power is vested in the said city council to grant or refuse state license within the limits of the said city, except as hereinafter provided.

—granting of licenses.

—power vested in city council.

29. There is hereby constituted in and for the said city of St. Marys an excise board, to be composed of three commissioners who shall be elected at large by the voters of said city in the manner hereinafter provided. After this charter shall have been ratified by the voters of said city, as herein provided, there shall be an election called by the council then in office, at a time to be fixed by them, for the purpose of electing three members of said excise board, one of whom at said election shall be elected for a term of one year, one for a term of two years, and one for a term of three years, and until their successors are elected and qualified. Thereafter there shall be elected annually in said city at the general election for city officers, one member of said excise board to succeed the members whose term shall expire, who shall be elected for a term of three years and until his successor is elected and qualified. Each member of said board shall, before entering upon the duties of his office, take and subscribe, before some person authorized to administer oaths, the oath required from district officers, and in addition that he will faithfully and impartially discharge the duties of his office, assigned by law, and the ordinances, and that he will not do any act as such commissioner for favor or reward, directly or indirectly. No person shall be eligible to the office of commissioner of the excise board, who shall not at the time of his election be a citizen and qualified voter of said city, or who shall be directly or indirectly interested in the sale of intoxicating liquors. The sole and exclusive power is vested in said license bond to grant or refuse state license in said city, for the sale of spirituous liquors, wines, malt and other

Excise board created; its power and duties.

—elected by the people.

—term of office.

—oath required of members.

—who eligible.

—power to grant or refuse license.

- intoxicating drinks and liquors, in accordance with the provisions of this act. Said excise board shall hold regular sessions, at the council room of said city on the first Monday in May and October of each year, for the purpose of hearing, considering and acting upon applications for liquor license as above stated, and shall hold special meetings when, in the judgment of the board, the same shall be necessary, and any such license may be granted at any regular or special meeting. When any such license is granted by said excise board, the council may impose a tax thereon for the use of the city, and shall require of the licensee a bond in the penalty of thirty-five hundred dollars, with good security, payable to the said city in its corporate name, conditioned as required by State law. Said excise board may for legal cause shown, revoke any state license issued by them, upon ten day's notice to the holder of such license, and if any such license be revoked for cause, no part of the license tax shall be refunded, and no new state license shall be issued to such person whose license shall have been so revoked, for at least one year after such revocation. Suits may be prosecuted and maintained on such bonds as are provided for in this act, in the same manner, and in the same courts as prescribed in section twenty-two of chapter thirty-two of the code of West Virginia, and all the provisions of said section of the code in relation to the bonds therein mentioned, shall be applicable to the bonds required by this section. No State license to sell brandy, whiskey, rum, gin, porter, ale, beer, or other spirituous, vinous, or malt liquor, or drink of like nature shall be granted in said city, except by a majority vote of said excise board, and upon a permit from the city council. Said excise board shall have power to sue out from the mayor's office subpoenas for all witnesses required by said board, and to compel their attendance. The fee for all State licenses shall be as fixed by State law, and shall be paid and disposed of according to the State law in force.
30. A book, well bound and indexed, to be denominated the "docket," shall be kept in the office of the mayor, in which shall be noted each case brought before or tried by him, together with the proceedings therein, including a statement of the complaint, the summons, the return, the fact of appearance or non-
- shall hold regular sessions; when.
- tax imposed; when license granted; bond required.
- may revoke license; how.
- suits on bonds; how prosecuted.
- no liquor license to be granted, except by excise board.
- fee for state license.
- Mayor's docket, how kept.

appearance, the defence, the hearing, the judgment, the costs, and in case the judgment be one of conviction, the action taken to enforce the same. The record of each case shall be signed by the mayor, and the original papers thereof, if no appeal be taken, shall be kept together and preserved in his office, and the mayor shall deliver to his successor the docket and all books and papers pertaining to his office.

31. The council shall cause to be made up annually and spread upon its minute book, an accurate estimate of all sums which are or may become lawfully chargeable against the city, and which ought to be paid within one year; and it shall order a levy of so much as will, in its judgment, be necessary to pay the same. Such levy shall be upon all tithables and upon all real property and personal property therein subject to state and county taxes, including a poll tax of not more than one dollar upon each male resident of said corporation over twenty-one years of age: *provided*, that such levy shall not exceed one dollar on each tithable, and one dollar on every one hundred dollars of the ascertained value of such property. At least once in each year the council shall cause to be made up and published, in one or more newspapers of the city, a statement of the revenue received from the different sources, and of the expenditures upon the different accounts for the preceding year, or portion of the year, as the case may be.

Levy: how ascertained and laid.

—poll tax provided.

—levy not to exceed what.

—financial statement to be published annually.

32. It shall be the duty of the assessor to make an assessment of the property within the city subject to taxation, substantially in the manner and form in which assessments are made by the assessor of the county, and return the same to the council on or before the first day of June in each year; and for this purpose he shall have all powers conferred by law on county assessors. He shall list the number of dogs in the city and the names of the persons owning the same, which list shall be returned to the council. In order to aid the said council in ascertaining the property, and tithable subject to taxation by said city, the assessor of said city shall have access to all books and public records of Pleasants county, without expense to said city or assessor, and he shall also have the same power and be subject to the same penalties in ascertaining and assessing the property and sub-

Assessor: duties of.

—dogs to be listed for taxation.

—assessor shall have access to record of Pleasants county.

—power of and penalties.

jects of taxation in said city as are granted and imposed upon the county assessors throughout the State by general law; and the council shall also have authority to prescribe by ordinance such other rules and regulations as may be necessary to enable and to require such assessor to ascertain and properly assess all property and tithables liable to be taxed by said city, so that such assessment and taxation shall be uniform, and to enforce such ordinance by reasonable fine and penalties.

Assessors' return to be copied by recorder.

33. The council, upon the return of the assessor, shall cause the said assessor's books to be correctly copied by the recorder into well bound books to be provided for the purpose, and the taxes extended in each book, one of which shall be delivered to the sergeant, taking his receipt therefor, as well as for the taxes therein contained.

Taxes and fines a lien on personal property and real estate.

—priority of such lien.

—sale for taxes.

34. There shall be a lien on personal property and real estate within said city for the city taxes assessed thereon, and for all fines and penalties assessed or imposed upon the owners thereof by the authorities of such city from the time the same are so assessed or imposed, which shall have priority over all other liens, except the lien for taxes due the State and county; and which may be enforced by the council in the same manner provided by law for the enforcement of the lien for county taxes. If any real estate within said city be returned delinquent for the non-payment of taxes due thereon, a copy of such delinquent list may be certified by the council to the auditor, and the same may be sold for city taxes, interest and commissions thereon, in the same manner, at the same time and by the same officers, as real estate is sold for State taxes.

Sergeant: his power and duties.

35. It shall be the duty of the sergeant, when the extended copies are completed, to receive one copy thereof, receipting to the council for the same and for the taxes therein extended, and it shall be his duty to collect from the parties the entire amount of taxes with which they are therein severally charged, from and after the first day of June of each year, at which time all taxes shall be due, and he shall, in said book, write the word "paid" opposite the name of the person so paying, and shall also receipt to such taxpayer for the taxes so paid. He shall also receive

such other moneys of the city as he is authorized by this chapter to receive, and all moneys ordered paid him by the council, giving receipts therefor to the parties paying, and shall keep an accurate account of the same, and his books shall at all times be open for inspection to any taxpayer of the city, and he shall produce said books to said council for inspection at any meeting thereof, upon the order of the council. He shall pay out the moneys in his hands upon the orders of the council, signed by the mayor and the recorder. He shall, on or before the fifteenth day of April of each year, present to the council a full, complete and detailed statement of all moneys with which he is chargeable, or that have been received by him up to the first day of April of that year, and shall at the same time, in like manner, furnish a statement of all disbursements made by him during such previous year, with vouchers evidencing the same. He shall upon the order of the council at any time, submit a statement of the amount with which he is chargeable, and his collections and disbursements. He shall receive all taxes upon licenses, and receipt to the party paying the same by the endorsement upon the permit granted by order of the council or excise board, which permit shall be furnished him by the recorder, and charge himself with the amount so received, and report to the council at its next regular meeting thereafter the amounts so received by him. He shall upon all moneys coming into his hands as such sergeant, and duly paid out or turned over by him upon order of the council, receive as compensation therefor, a sum to be fixed by the council, not exceeding five per cent. on the amounts collected. He shall upon the expiration of his term of office turn over to the council all moneys, books and other property in his possession belonging to said city; and shall, before entering upon the duties of his office, execute a bond with good security payable to the city of St. Marys in the penalty of not less than five thousand dollars, conditioned for the faithful performance of the duties of his office, and for the accounting for and paying as required by law, all money which may come into his hands by virtue of his office. He shall be chargeable with all the city taxes, levies and assessments and money of the city that may come into his hands, and shall account therefor.

—books to be at all times open for inspection.

—moneys; how paid out.

—annual statement: how and to whom made.

—license taxes.

—compensation.

—bond required: penalty and conditions.

—with what charged.

Licenses, how obtained.

36. The council shall, in conformity to this act, prescribe by ordinance the manner in which licenses of all kinds shall be applied for and granted, and it shall require the payment of the tax thereon before delivery to the person applying therefor.

Provisions of law applicable to licenses.

—expiration of dog license, etc.

37. The provisions of the twenty-ninth and thirtieth sections of chapter thirty-two, of the code of West Virginia, relating to state licenses, shall be deemed applicable to licenses of a similar character to those therein mentioned, when granted by or under the authority of the said city. Licenses for the keeping of dogs shall expire on the thirtieth day of April next after they are granted, and all other city licenses may be for such time as the council may determine.

May condemn land for streets, etc.

38. The council shall have the right to institute proceedings in the name of the city, for the condemnation of real estate for streets, alleys, drains, market grounds, city prison or other work or purposes of public utility. Such proceedings shall conform to the provisions of chapter forty-two of the code of West Virginia, and the expenses thereof shall be borne by the city.

Acts, inconsistent, repealed; but not to repeal or change any previous act, not inconsistent, etc.

—previous obligations binding.

39. All acts, or parts of acts, inconsistent with this act, are hereby repealed; but this act shall not be construed to repeal, change or modify any previous act not inconsistent with this act, authorizing the town of St. Marys to contract debts or to borrow money, or to take away any of the powers conferred upon said town of St. Marys, or upon the mayor or council, or any of the officers, conferred by general law, except so far as the same are inconsistent with the powers hereby conferred; and the city of St. Marys, hereby created, shall be held in all things to be the legal successor to the town of St. Marys, heretofore existing and all legal obligations of the said town shall be valid and binding upon the city of St. Marys.

Council in being at time act takes effect to conduct election.

40. The council in being at the time this act shall take effect, shall appoint and provide places for voting in said city, as herein prescribed, for the elections herein provided for to be held in said city, and appoint the election officers thereof; and shall pass all proper ordinances and orders to give this act full force and effect.

41. The mayor and council in being and all elective officers of the town of St. Marys, in office at the time of the passage of this act, shall hold their respective offices and exercise all the powers and discharge all the duties thereof until their successors are elected and qualified; and shall exercise the powers, perform the duties, and receive the compensation heretofore conferred, prescribed and allowed by former charter, by general law or by the ordinances of the said town, while they shall remain in office under the provisions of this act.

Present municipal officers to hold until successors are elected.

All ordinances in force in the town of St. Marys at the time of the passage of this charter, and the taking effect of the same, shall continue to have full operation and effect as ordinances of the city of St. Marys until amended, repealed or superseded by the council of said city, except such thereof as are inconsistent with the provisions of this act.

—all ordinances now in force to continue in force, until, etc.

42. The said city council shall have full power and authority to change and enlarge the corporate limits of said city in manner and in form, and under the provisions provided by sections forty-eight and forty-nine, chapter forty-seven, of the code of West Virginia, edition of one thousand eight hundred and ninety-nine.

Council may enlarge corporate limits.

This act shall be in force as soon after its passage as it shall have been ratified by a majority vote of all the qualified voters voting on the same, under this charter, within the territory described in section two of this act. The present council of the town of St. Marys shall have power to call an election, or elections, to take the vote of the people upon the ratification or rejection of this charter and shall publish in two newspapers in said town, and post in public places, notices of such election.

—act in force when ratified by majority vote of the voters in limits prescribed.

(Senate Bill No. 105.)

CHAPTER 148.

AN ACT to amend and re-enact and to reduce into one act, the several acts incorporating the Town of New Martinsville in the county of Wetzel, defining the powers thereof and prescribing the limits of said town.

[Passed February 5, 1901. In effect from passage. Approved February 12, 1901.]

Be it enacted by the Legislature of West Virginia:

New Martinsville, acts incorporating the town of, consolidated and amended.

—corporate powers.

Corporate limits.

—police jurisdiction.

—Wards, number of;

1. The inhabitants of so much of the county of Wetzel as is within the bounds prescribed by section two of this act, and their successors, shall be and remain, and they are hereby made a body politic, incorporated by the name of the town of New Martinsville and as such shall have perpetual succession and a common seal, and by that name may sue and be sued, plead and be impleaded, purchase, lease and hold real estate and personal property necessary for the use and purpose of said incorporation.

2. The corporate limits of said town shall hereafter be as follows: Beginning at the intersection of Big Fishing creek with the Ohio river at low water mark; thence up said Ohio river with the meanders thereof at low water mark, five thousand eight hundred feet to a stake at low water mark of said river; thence leaving said river south eighty-two and one-half degrees east three thousand one hundred feet to a stake; thence south eight degrees west four thousand three hundred feet to a stake; thence south fifty degrees west one thousand nine hundred and forty feet to a stake; thence south forty-three degrees west nine hundred and fifty feet to said Big Fishing creek; thence down the same with the meanders thereof and at low water mark two thousand feet to the point of beginning at the mouth of said Big Fishing creek; and the corporate authorities of the said town shall have, for police purposes, jurisdiction over the waters of the Ohio river and said Big Fishing creek.

3. The territory of said town shall be divided into three wards, as soon as convenient after the passage

of this act, by the council in being of said town, which said wards shall be as nearly equal in population as is possible and shall consist of compact territory; which said wards so laid off shall remain until otherwise changed by the council of said town, and a record and map of the said wards shall be entered upon the journal of the council of said town and preserved. No change shall be made in the limits of the said wards within six months previous to any regular election to be held for the election of town officers.

when and
how laid off.

—record of
wards.

—change of
wards.

4. The municipal authorities of said town shall consist of a mayor and six councilmen, who together shall form a common council, and shall receive such compensation as the council shall from time to time determine, which shall not be increased or diminished during their term of office.

Common
council, who
to constitute.

—compensa-
tion.

5. All the corporate powers of said corporation shall be exercised by said council or under their authority except when otherwise provided.

Corporate
powers, how
exercised.

6. There shall be elected by the qualified voters of said town, as hereinafter provided, a mayor, six councilmen and a recorder, who at the time of their election shall be freeholders in said town and be entitled to vote for the members of the common council of said town as residents and legal voters therein.

Municipal
officers, how
elected; qual-
ifications.

7. There shall be a chief of police, street commissioner, assessor and tax collector, each of whom at the time of their election shall be entitled to vote for the members of the common council, each of which officers shall be elected by the qualified voters of said town and shall hold office for the period of one year from the date of their election.

Same subject.

—term.

8. The said mayor and recorder shall each be elected for the period of two years, except that the mayor and recorder first elected under this charter shall hold office respectively until the second Tuesday in January, the year nineteen hundred and three, and until their successors are elected and qualified.

Term or
mayor and
recorder; ex-
ception.

9. On the first Monday in April, one thousand nine hundred and one, there shall be elected by the qualified voters of said town a mayor, recorder and six councilmen, chief of police, street commissioner, assessor and tax collector, and two councilmen shall be

Election of
officers,
when; who
to be elected;
terms.

A

—councilmen
classified;
how deter-
mined.

—intent and
meaning of
section.

Election pre-
cincts.

—councilmen
elected by
wards.

—where
voter must
vote.

Who entitled
to vote.
who not.

electd from each ward in the said town, as the same shall be laid out and designated as hereinbefore provided. The said mayor and recorder shall each hold office until the second Tuesday in January, nineteen hundred and three, and every two years thereafter, the voters of said town shall elect a mayor and recorder. The councilmen elected on the first Monday in April, nineteen hundred and one, shall, as soon as convenient thereafter and as soon as the council shall be organized, be divided into two classes: one class of whom, being one member of the council from each ward, shall hold office until the second Tuesday in January, nineteen hundred and two, and the second class shall hold office until the second Tuesday in January, nineteen hundred and three, so that one-half of said council, or one member from each ward shall thereafter be elected at each annual election, and hold his office for the period of two years, and the said council first organized under this charter shall determine by lot one councilman from each ward who shall hold until the second Tuesday in January, nineteen hundred and two, and one councilman from each ward who shall hold office until the second Tuesday in January, nineteen hundred and three. It being the meaning and intent of this section that one-half of said council, or one member from each ward, shall be elected annually.

10. Each ward shall constitute an election precinct and the council shall establish a voting place in each, and the election of councilmen shall be by wards. No voter shall be entitled to vote at any town election except in the ward in which he resides, and if any voter shall vote for any person for council who is not a resident of the ward in which he voted, such vote or votes shall not be counted for such person or persons.

11. Every male person residing in said town shall be entitled to vote for all officers to be elected under this act, but no person who is a minor or of unsound mind or a pauper or who receives aid from the treasury of said town or who is under conviction of treason, felony or bribery in an election, or who has not been a resident of this State for one year and of the said town of New Martinsville for sixty days, and is not a bona fide resident of the ward in which he offers to vote, shall be entitled to vote at any election.

12. In all municipal elections the mode of voting shall be by ballot, but the voters shall be left free to vote by open, sealed or secret ballot as he may elect. The election in said town shall be held and conducted and the result thereof certified, returned and finally determined under the laws in force in this State relating to general elections on the first day of March, nineteen hundred and one. The corporate authorities of said town shall perform the duties in relation to such election, required by general laws of county courts and officers, in force on the first day of April, nineteen hundred and one, concerning elections by the people and such laws shall govern such election and be applicable thereto, and the penalties therein prescribed for offenders relating to such elections shall be enforced against the offenders at such election, and such laws shall have the same force and effect as if they were especially applicable to corporate elections.

Mode of voting.

—holding elections: result, etc.

—laws governing.

13. When two or more persons shall receive an equal number of votes for councilman or other city officer, such tie shall be decided by the council in being.

Tie vote.

14. All contested elections shall be heard and determined by the common council for the time being, and the contest shall be made and conducted in the same manner as provided for in contests for county and district officers, and the common council shall conduct their proceedings in such case as nearly as practicable in conformity with the proceedings of the county court in such cases.

Contested elections and how conducted.

15. Whenever a vacancy shall occur from any cause in the office of mayor, councilman, or recorder, chief of police, street commissioner, assessor and tax collector, the council shall immediately fill such vacancy by vote of the majority of the council until the next election.

Vacancies, how filled.

16. The tax collector shall have power to collect all taxes levied and assessed by the council of said town and all other assessments and money due the said town, and for that purpose shall have the power to distrain and sell property for the enforcement of such payment. The council shall also have authority to provide by ordinance for the appointment of such

Tax collector, powers of.

—power of council to appoint officers.

and for what. other officers as shall be necessary and proper to carry into full force any authority, power or jurisdiction which is or shall be vested in the said town or in the council or mayor or any officer or body of officers thereof, and to grant to such officers so appointed the power necessary or proper for the purpose above mentioned. And said council shall have power, also, to appoint policemen whenever the necessities of public safety of the people of said town in their judgment shall require it, who shall be under the direction and supervision of the chief of police and of the said council; and the said council shall by ordinance define the duties of all officers so elected or appointed as aforesaid, and allow them a reasonable compensation, which shall be by monthly salaries, and not otherwise, except as to the collection of taxes, and which compensation shall not be increased or diminished during their term of office; and shall require and take from all those whose duty it is to receive its funds, assets or property, or have charge of the same, such bonds, obligations and other writings, as they shall deem necessary or proper to insure the faithful performance of their said duties. All officers appointed or elected by the council shall hold their office or appointment during the will and pleasure of the said council, but no appointee shall hold beyond the current year for which he shall have been appointed without a new election by the said council. The said chief of police shall have all powers, rights and privileges within the corporate limits of said town, and within one mile outside of the corporate limits thereof, in regard to the arrests of persons, the execution and return of process, that can be legally exercised by a constable of the district within the same, and he and his sureties shall be liable to all fines, penalties and forfeitures that a constable of a district is legally liable to for any failure or dereliction in his said office, to be recovered in the same manner and in the same courts that the same fines, penalties and failures are now recoverable against such district constable. It shall be the duty also of said collector of taxes to collect all town taxes, licenses, levies, assessments and such other claims as are placed in his hands for collection by the council, and he may distrain and sell for taxes and assessments, and he shall have in all other respects the same power as a sheriff of the county to enforce the payment and collection

—power to appoint policemen.

—council to define duties of all officers; compensation.

—bonds of officers who receive money, etc.

—term of officers elected by council.

—ch of police: has powers of constable within what limits, and for what.

—liable to what penalties.

—how recovered.

—collector, his duty and power as to collections.

thereof. All officers appointed by the council must be residents of the said town at the time of their appointment, and a removal from town shall vacate their said offices.

—qualifications of appointive officers.

17. All officers elected and appointed under this chapter shall each, before entering upon the duties of their office, and within one week from the date of their election or appointment, give the bond required for any officer, and take the oath prescribed by law for all officers of this State, and shall make oath that they will truly, faithfully and impartially, to the best of their ability, discharge the duties of their respective offices so long as they continue therein. Said oath may be taken before any person authorized to administer oaths or before the mayor of said town.

Bond and oath required of all officers.

—oath, and before whom taken.

19. The mayor, councilmen and recorder, chief of police, street commissioner, assessor and tax collector shall enter upon the duties of their said offices within one week after they shall have been elected and shall continue therein until their successors are elected, or appointed and qualified.

When duties of officers to begin and end.

20. If any person elected or appointed to office shall be found to be ineligible to such office, or shall fail to qualify, the said council shall declare the office vacant and it shall be filled in the manner prescribed in this charter.

Ineligibility and failure to qualify.

21. The mayor shall be the chief executive officer of the said town, and shall take care that the ordinances, by-laws and resolutions of the council thereof are faithfully executed; he shall be ex-officio a justice and conservator of the peace within the town, and shall within the same have, possess and exercise all the powers and perform all the duties vested by law in a justice of the peace, except that he shall have no jurisdiction in civil cases or causes of action arising out of the corporate limits of said town. Any warrant or other process issued by him may be executed at any place in the county. He shall have control of the police in the town and may suspend any policeman for cause, and may appoint special officers whenever he deems it necessary; and it shall be his duty to especially see that the peace and good order of the town are preserved, and the persons and property therein protected, and to this end he may cause the arrest and detention of all riotous and dis-

Mayor; his executive powers and duties.

—Judicial powers.

—warrants, etc., may be executed, where.

—to control police.

—special police.

—conservator of the peace.

—arrest without warrant.

orderly persons in the town before issuing his warrant therefor. He shall have the power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof, and in default of such payment thereof, he may commit the offending party to the jail of Wetzel county or other place of imprisonment in said corporation until the fine or penalty and costs shall be paid, but the term of imprisonment in such cases shall not exceed sixty days. In all cases where a person is sentenced to prison or to the payment of a fine of ten dollars or more (and in no case shall a judgment for a fine of less than ten dollars be ordered by the mayor if the defendant or his agent, or attorney object thereto), such person shall be allowed an appeal from such decision to the circuit court of Wetzel county, and upon the execution of an appeal bond and a surety deemed sufficient by the mayor in a penalty of at least double the amount of the fine and costs imposed by the mayor, with condition that the persons purporting to appeal will perform and satisfy any judgment which may be rendered against him by the circuit court on such appeal. If such appeal be taken the warrant of arrest, if any, the transcript of the judgment, the appeal bond and other papers of the case, shall be forthwith delivered by the mayor to the clerk of said court, and the court shall proceed to try the case as upon indictment or presentment and render such judgment, including that of costs, as the law and the evidence may require, but no judgment shall be rendered against said town for costs on such appeal. The mayor may from time to time recommend to the council such measures as he may deem needful for the welfare of the town. The expense of maintaining any person committed to the jail of the county by him, except it be to answer an indictment or be under provisions of sections two hundred and twenty-seven and two hundred and twenty-eight of chapter fifty of the code of this State, shall be paid by said town. Said mayor shall pay all moneys received by him for fines or by virtue of his office belonging to the said town, to the recorder of the same within one week after he receives the same.

—power as to fines, etc., and imprisonment.

—limit to imprisonment.

—appeal and appeal bond.

—what papers delivered to clerk of appellate court.

—proceedings.

—what to recommend to council.

—expense of support in jail.

—moneys received by mayor.

Recorder:
duties or.

22. The recorder shall keep a journal of the proceedings of the council and have charge of and pre-

serve the records of the town. In the absence, or in case of sickness or inability, of the mayor, or during any vacancy in the office of mayor, the recorder shall perform the duties of the mayor which pertain to him as the chief executive of said town and be vested with all the powers necessary for the performance of such duties.

—when to perform duties of mayor.

23. The presence of a majority of the council shall be necessary to make a quorum for the transaction of business.

Quorum.

24. The council shall cause to be kept by the recorder in a well bound book, to be called the Journal, an accurate record of all the proceedings, ordinances, acts, orders and resolutions, and in another book, to be called the Book of Ordinances, accurate copies of all general ordinances adopted by the council, both of which shall be fully indexed and open to the inspection of any citizen of the State of West Virginia. All oaths and bonds of officers, and all papers of the council shall be indorsed, filed and securely kept by the recorder. The bonds of officers shall be recorded in a well bound book, to be called the Record of Bonds. Said recorder shall perform all such other duties as may by ordinance of the council be prescribed. Said council may bind and print in pamphlet form all the general ordinances of the said town and transcripts of such ordinances, acts, orders and resolutions, certified by the recorder under the seal of the town, shall be deemed prima facie correct when sought to be used before any court or before any justice.

Recorder, his further duties.

—printing of general ordinances by council: effect of copies of, certified.

25. At each meeting of the council the proceedings of the last meeting shall be read and corrected if erroneous, signed by the presiding officer for the time being, and countersigned by the recorder. Upon the call of any member, the "ayes" and "noes," upon any question, shall be taken and recorded in the journal, and the roll for that purpose shall be called alphabetically.

Reading the proceedings, etc.

—ayes and noes.

26. The mayor shall have a vote only in case of a tie.

Mayor's vote.

27. The regular meetings of the council shall be on the first Monday night in each month, and at such times as may be deemed necessary for the transaction

Regular meetings, when.

—special meetings and notice of.

—quorum required.

—less than a quorum. may do what.

—majority vote.

Moneys; to whom paid; how disbursed.

Recorder to be treasurer, his bond.

Council; its general corporate powers and duties.

of the business of said town, and shall be held at such place in said town as the council shall from time to time ordain and appoint; and said council shall meet in special session upon the call of said mayor or upon the call of any two of the councilmen. And council shall by ordinance prescribe the mode in which notice of special meetings shall be given; and no business shall be transacted at such special meetings unless a majority of all the members of the council shall be present, except that a less number may compel the attendance of absent members under such reasonable penalties as they may think proper to impose; and all questions put, except in such matters as are hereinafter provided for, shall be decided by a majority of the members present.

28. The moneys belonging to the town shall be paid over to the recorder, and no money shall be paid out by him except as the same shall have been appropriated by the council, and upon an order signed by the mayor and himself.

29. The recorder of said town shall be ex officio treasurer of the same, and shall give bond in such penalty and with such sureties as the council shall prescribe, conditioned for the faithful performance of his duties.

30. The council of said town shall have power to lay off, vacate, close, open, alter, grade and keep in good repair the roads, streets, alleys, pavements, sidewalks, cross-walks, drains and gutters therein for the use of the citizens and of the public and to improve and light the same and to keep them free from obstructions of every kind; to regulate the width of the pavements, and sidewalks, the streets and alleys, and to cause the pavements, side walks, footways, drains and gutters to be kept in good order, free and clean by the owner or occupants of the real property next adjacent thereto; to establish and regulate markets, prescribe the time of holding the same, provide suitable and convenient building therefor, and prevent the fore-stalling of such markets; to prevent injury or annoyance to the public or to individuals from any thing dangerous, offensive, or unwholesome; to prohibit or regulate slaughter houses, tan houses, and factories within the corporate limits; and to prohibit the exercise of any offensive business, trade or employment;

to abate all nuisances within the corporate limits, and to require or compel the abatement or removal thereof, at the expense of the person causing the same, or by or at the expense of the owner of the ground at the place they are found; to cause to be filled up, raised or drained by or at the expense of the owner, any city lot or tract of land covered or subject to be covered by stagnant water; to prevent horses, hogs, cattle, sheep and other animals and fowls of all kinds from going or being at large in said town, and as a means of prevention, said council may provide for impounding and confining said animals and fowls, and upon the failure to reclaim for the sale thereof; to protect places of divine worship and preserve order in and about the premises where and when such worship is held; to protect places of public instruction, schools and high schools, and to preserve order in and about all school buildings therein; to regulate the keeping of gun powder and other dangerous explosives and substances; to regulate the building of houses and other structures; for the maintaining and making of division fences by the owners of adjacent premises; and for the proper drainage of town lots and other parcels of land by or at the expense of the owner or occupant thereof, when such drainage shall be deemed necessary for the protection of the public health; to provide against danger or damage by fire; to punish assaults and batteries; to prohibit the keeping of or loitering in or visiting houses of ill fame, or congregating or loiterings in saloons or upon the streets of said town; to prevent lewd or lascivious conduct; the sale or exhibition of indecent pictures or other representations; the desecration of the Sabbath day; to prevent swearing, the illegal sale of intoxicating liquors, mixtures and preparations, porter, beer, ale, wine or other drinks of like nature; to protect the persons of those residing or being within said town; to appoint when necessary or advisable a police force, permanent or temporary, to assist the chief of police in the discharge of his duties; to build or purchase or lease and use a suitable place of imprisonment within said town for the safe keeping or punishment of persons charged with or convicted of the violation of ordinances; to erect or authorize or prohibit the erection of gas or water works within the corporate limits; to prevent injury of such works, or the pollution of

Council, general corporate powers and duties.—Continued.

Council:
general cor-
porate pow-
ers and
duties.—Con-
tinued.

any gas or water used or intended to be used by the public or by individuals; to provide for and regulate the measuring and weighing of hay, coal, lumber or other articles sold or kept or offered for sale within said town, and to establish rates and charges for said weighing or measuring; to regulate the running and speed of engines and cars within said town; to create by ordinance such committees and boards, and delegate such authority thereto as may be deemed necessary or advisable; to provide for the annual assessment of the taxable property therein, including dogs, kept in said town, and to regulate their running at large; to provide a revenue for the town for municipal purposes and to appropriate such revenue to its expenses, and to take such measures as may be deemed necessary or advisable to protect the property, public and private, within said town; to preserve and maintain peace, quiet and good order therein; and to preserve and promote the health, safety and well being of the inhabitants thereof.

—council au-
thorized to
pass and en-
force ordi-
nances, for
what.

The said council shall have authority to pass all ordinances which shall be necessary or proper to carry into full effect and force, the authority and jurisdiction which is or shall be granted or vested in said town, or in the council thereof, or in any officer, or body of officers of said town, and to enforce any and all ordinances by reasonable fines and penalties and by imprisonment, and upon failure to pay any such fine or penalty imposed, by compelling defaulting party to labor without compensation on any of the public works or improvements undertaken or to be undertaken by said town, or to labor at any work which the said town may lawfully employ labor upon, at such a rate per diem as the council may fix, but not at a less rate than is fixed by said council for like labor from other employes of the town, until all fines imposed upon such offenders have been paid and discharged, after deducting charges of support while in the custody of the officers of said town; and said council shall have power to pass all ordinances relating to and regulating licenses for the sale of spirituous liquors, and such by-laws and regulations as shall be required for said town and the right and power to enforce the same shall extend one mile in the State of West Virginia beyond the corporate limits of said town: *provided, however*, that no fines shall be imposed

spirituous
liquors, etc.,
power of
council as to
sale of.

—proviso as

exceeding one hundred dollars, and no person shall be imprisoned or compelled to labor as aforesaid more than sixty days for any offence; and in all cases where a fine is imposed for an amount exceeding ten dollars or a person be imprisoned or compelled to labor as aforesaid for a term greater than ten days, an appeal may be taken from such decision upon the same terms and regulations that appeals are taken from the judgment of a justice of this State; such fines and penalties shall be imposed and recovered and such punishment inflicted and enforced by and under the judgment of the mayor of said town, or, in case of his absence or inability to act, by the recorder, or if he be unable to act, then a member of the council shall be appointed by the council for that purpose. In addition to the powers already enumerated, the said council shall have power to amplify, improve, extend and expand the water works of said town, to contract by public contract for an adequate supply of pure, healthful water for said town, and do all things necessary to secure an adequate supply of pure wholesome water, and to provide, contract by public contract for, and construct, an adequate sewerage system for said town. When any thing for which a state license is required is to be done within the limits of said town, the council may decide whether such license may be granted or not, and if granted it shall be assessed and collected the same as if granted by the county court of Wetzel county. Such license shall be issued in the manner and form prescribed by sections ten and eleven, chapter thirty-two of the code of West Virginia; and the sole and exclusive power is vested in said town council to grant or refuse state licenses within the limits of said town. When any such license as is hereinbefore mentioned is granted by said council, said council may impose a tax thereon for the use of said town in conformity with the state law, and shall also require license bonds payable to the said town in its corporate name, with good security, such bonds to be approved by said council, to be in the same penalty as required by the state law, and the said council may revoke such license at any time the condition of the bond shall be broken, upon ten days' previous notice to the person, persons or corporations holding the same, and suits may be prosecuted and maintained on such bond as is prescribed in section

to fine, imprisonment and labor.

—appeal.

—fines, etc., imposed; how recovered; punishment inflicted, how enforced.

—water works; power of council as to.

—sewerage.

—licenses.

—issuing of licenses.

—power to grant or refuse.

—may impose a tax on licenses.

—bond of licensee.

—revocation of license.

--suits on forfeited bond. —

twenty-two of chapter thirty-two of the code of West Virginia, by the same person, in the same manner and to the same extent, as upon the bonds mentioned in the said section, and all the provisions of said section in relation to the bonds therein mentioned shall be applicable to the bonds required by this section.

—liquor license, vote required to grant.

No license to sell brandies, liquors, wines, porter, ale, beer, or drinks of like mixture, shall be granted without the affirmative vote of at least a majority of the councilmen elected in said city, entered of record in such case.

—taxes; power to levy and collect.

—annual estimate of expenses.

—levy.

—rate.

—poll tax.

—streets and alleys, paving of.

—water works and fire companies.

—limit to indebtedness to be incurred.

—direct annual tax to pay interest and principal.

Said council shall also have power to levy, assess and collect taxes upon the real and personal property within said town, but such taxes shall be uniform with respect to persons and property within the jurisdiction of said town; and the said council as soon as convenient after the first day of May, in each year, and after the annual assessment, shall cause to be made up and entered upon its journal an account and estimate of all sums which ought to be paid within one year; and it shall order a levy of so much as in its opinion may be necessary to pay the same not exceeding that allowed by law. The levy so ordered shall be upon the male persons, residents of the said town, all real and personal estate within the said town subject to State and county taxes, but in no year shall such levy exceed one dollar on each one hundred dollars of valuation. Such levy shall also include a poll tax of not more than one dollar upon each male resident of said corporation over twenty-one years of age.

Said council shall also have power to contract by public contract, for the paving of its streets and alleys; to establish and regulate the grade thereof, and to provide for the maintenance and repair of the same; to provide for the maintenance, continuance and enjoyment of its water works; to provide for the maintenance, establishment and enjoyment of fire companies, for the purposes of protecting the property of the citizens of said town from destruction or damage by fire. But said town shall not hereafter be allowed to become indebted in any manner for any purpose to an amount including the existing indebtedness, in the aggregate, exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for State and county purposes previous to the incurring of such indebted-

ness, without at the same time providing for the collection of a direct annual tax sufficient to pay annually the interest on such debt and the principal thereon within and not exceeding thirty-four years: *provided*, that no debt shall be contracted under this charter unless all questions connected with the same shall have been first submitted to a vote of the people and have received three-fifths of all the votes cast for and against the same. Said council shall not grant any franchise to any person, or corporation, within said town limits which shall be either exclusive or perpetual, but all such grants shall have annexed to them the power to rescind, revoke, alter, modify or regulate, the exercise thereof; and the said council shall have power upon ten days' notice, and for cause, to revoke, rescind, alter or modify, the exercise of any such franchises; and no franchise involving the use of any of the public property, streets, alleys, side-walks, cross-walks, or involving the use or occupancy of the same, shall be granted except by an ordinance to that effect; and no such ordinance shall be passed unless the question of the granting of such franchise shall have been first submitted to a vote of the people, and shall have and receive a majority of all the votes cast upon the question: *provided*, such submission shall have been petitioned for by at least one-tenth of the qualified voters of said town, to be ascertained according to the number of votes cast at the last preceding election.

—proviso requiring 3-5 vote before contracting debt.

—franchises, provisions relating to the granting of.

—franchises involving the use of public property, etc., what then.

—proviso.

31. It shall be the duty of the assessor of said town, who shall be elected by the council, on or before the first day of April of each year, to make an assessment of the property within said town, subject to taxation, substantially in the manner and form in which assessments are made by the assessor of the county, and to return the same to the council on or before the first day of May in each year, and for this purpose he shall have all power conferred by law on the county assessors. He shall list the number of dogs in the town and the names of the persons owning the same, which list shall be returned to the council. In order to aid said council in ascertaining the property of persons subject to taxation by said town, the assessor of the same shall have access to all the books and public records of Wetzel county without expense to said town or assessor, and he shall also have the same power, and be subject to the same penalties, in

Assessor; assessment of property by, when made and when returned.

—dogs, listing of.

—access to books, etc.

—power of

and penalties
on, assessor.

—what may
be done by
council in aid
of assessor.

—books, etc.,
return of, by
assessor to
council.

—inspection
and revision
of such
books, etc.

—approval of
assessment.

—copying of
assessment
and extension
of taxes.

—one book
delivered to
collector.

Wharves,
landings and
docks, con-
struction,
etc., of.

—tax on
vessels.

—power of
council as to
wharves, etc.

—wharf-
master.

Lien for
taxes, etc.,
and how en-
forced.

ascertaining and assessing the property and subjects of taxation in said town, as are granted and imposed upon the county assessors by general law; and the council shall also have authority to prescribe, by ordinance, such other rules and regulations as may be deemed necessary to enable and require such assessor to ascertain and properly assess all property and persons liable to be taxed in said town, so that such assessment and taxation shall be uniform; and to enforce such ordinances by reasonable fines and penalties. Upon the return of the assessor's books to the council as herein provided, with the list and valuation of the personal and real property and all other subjects of taxation, the same shall be laid before the council for its inspection and consideration, and the council shall have power to revise the action of the assessor as well also as to revise the valuations made by him upon the subjects of taxation, and authority to increase or diminish such valuation. After such inspection by the said council and such correction, if any, the council shall then approve the said assessment, and cause the same to be correctly copied by the recorder into two well bound books provided for the purpose, and the taxes extended into each book, one of which shall be delivered to the tax collector taking his receipt therefor, as well as for the taxes therein contained.

32. It shall be lawful for the council to establish and construct landings, wharves and docks on any ground, street or alley which does or shall belong to said town, and to repair, alter and remove any building, wharf or dock, and to collect a reasonable tax on vessels coming to or using the same; and shall have power to pass and enforce such ordinances as shall be proper to keep the same in good order and repair; to preserve peace and good order at the same and regulate the manner in which they shall be used; it shall also have power to appoint a wharfmaster if the same shall be deemed necessary, or to confer that duty upon any other officer, and to prescribe the duties of such acting wharfmaster, fix his fees, and make all regulations in respect thereto as it may deem necessary.

33. There shall be a lien on real estate within said town for the town taxes assessed thereon, and for all fines and penalties assessed to, or imposed, which shall have priority over all other liens except

the liens for taxes due the State and county, and which may be enforced by the council in the same manner provided by the law for the enforcement of lien for county taxes. If any real estate within said town be returned delinquent for the non-payment of taxes due thereon, a copy of such delinquent list may be certified by the council to the auditor of the State and the same may be sold for said taxes, interest and commission thereon, in the same manner, at the same time and by the same officers as real estate is sold for State taxes.

—real estate delinquent for non-payment of taxes, may be sold: how.

34. It shall be the duty of the collector of taxes, when the extended copies of the assessor's books are completed to receive one copy thereof, receipting to the council for the same, and for the taxes therein extended, and it shall be his duty to collect from the parties the net amount of taxes with which they are therein severally charged, and such levy and assessment shall be delivered to such collector on or before the first day of June in each year. From and after the first day of June in each year, and until the fifteenth day of July succeeding, any citizen and taxpayer shall have the right to make payment of his taxes to such collector, and if paid by such taxpayer, within that time he shall be entitled to a discount of two per centum, and the tax receipt delivered up to him. If the taxes so levied, assessed and placed in the hands of said collector for collection shall not be paid on or before the fifteenth day of July in each year, then it shall be the duty of said collector to collect all such taxes remaining unpaid by distraint and sale and otherwise according to law. He shall also receive such other moneys of the town as he is authorized by this charter to receive, and all moneys ordered paid him by the council, giving receipts therefor to the parties paying, and shall keep an accurate account of the same, and his books shall at all times be open for inspection to any tax payer of the said town, and he shall produce said book to said council for inspection at any meeting thereof upon the order of the council; he shall pay over promptly all moneys which he may receive within ten days into the hands of the said recorder, who shall be ex-officio treasurer, of said town. He shall also on or before the first day of January of each year, present to the council a full, complete and detailed statement of all moneys with which he was chargeable or that have been received by

Collector of taxes to receive one of the extended copies of assessor's books: his receipt.

—his duty.

—when levy, etc., delivered to assessor.

—payment of taxes.

—discount.

—distraint and sale for taxes, when.

—other moneys received by collector.

—books and account.

—to pay moneys received to recorder, when.

—annual report to council.

—uncollected taxes, etc. him up to that time; and shall at the same time furnish a statement of all dues, taxes and assessments uncollected and a statement of the reason for the same.

—call statement. He shall at any other time upon the order of the council submit a statement of the amount of money and dues with which he is chargeable; and shall receive all taxes upon licenses and receipt to the party paying the same by endorsement upon the permit granted by order of the council, which permit shall be furnished him by the recorder, and charge himself with the amount so received, and report to the council at its next regular meeting thereafter the amount so received, and pay the same to the recorder. He shall, upon all moneys coming into his hands, and duly turned over by him to the recorder, receive as compensation therefor a sum to be fixed by the council, not exceeding five per centum on the amount collected; and shall upon the expiration of his term of office turn over to the council, all moneys, taxes and other property in his possession belonging to the town. He shall on enterings upon the duties of his office execute a bond with good security, payable to the town of New Martinsville, in the penalty of not less than ten thousand dollars, conditioned for the faithful performance of the duties of his office and for the accounting for and paying over, as required by law, all moneys which may come into his hands by virtue of his office; he shall be chargeable with all town taxes, levies, assessments and moneys, of the town that may come into his hands and shall account therefor. He shall pay into the hands of the said recorder and treasurer all moneys in his hands taking the said recorder's receipt therefor.

—license tax.

—compensation.

—duty when his term expires.

—his bond.

—with what chargeable.

—to pay recorder all moneys.

35. Council shall prescribe by ordinance the manner and form in which licenses of all kinds shall be applied for and granted, and shall require the payment of the tax thereon before delivery to the person applying therefor.

36. The provisions of the twenty-ninth section of chapter thirty-two of the code of West Virginia, relating to state license shall be deemed applicable to license of a similar character as those therein mentioned, when granted by or under authority of the council of said town. License for the keeping of dogs shall expire on the thirtieth day of April next from

Provisions of law applicable to license.

—dog license, when to expire.

their granting; all other licenses may be for such term as the council may determine.

—other license.

37. The council shall have the right to institute proceedings in the name of the town for the condemnation of real estate for streets, alleys, drains, markets, market ground, town prison or other work or purposes of public utility; such provision shall conform to chapter forty-two of the code of West Virginia. And said council shall also have power to acquire by purchase, gift or condemnation one or more lots necessary for municipal buildings on which to place such buildings as they may deem necessary for the meeting of said council and for the keeping of the offices of said council, and for the keeping of the property of said town; and said council shall also have the power to organize or authorize the organization of fire companies, hose companies or any other company or aggregation of persons for the purpose of protecting the property of the citizens of said town against destruction by fire, and authorize such companies to create and hold property necessary and ordinarily held and used by such fire companies. Council shall not have power to release or relieve any taxpayer from payment of taxes levied on or assessed against him or them.

Condemnation of real estate, for what.

—proceedings.

—buildings for municipal purposes; council may acquire land for.

—fire companies.

—may authorize such companies to hold property.

—no release of taxes.

38. The council shall have power to require every male resident residing in said town, between the ages of twenty-one and fifty years, to expend two days' labor upon the streets, alleys and public works of said town during each current year when properly notified so to do by the commissioner of streets; and the council shall have power also to permit such persons liable to perform work upon the streets, alleys and public works, of the said town, to commute for the same by paying into the treasury of said town not to exceed one dollar and twenty-five cents per day for each day that he may fail so to labor when properly warned so to do; and in case any person liable to perform such labor shall fail to do so for ten days after having been properly and legally notified, to that effect, the said recorder of the said town, upon a return of that fact to him by the said commissioner, shall make out and sign a tax bill, stating the amount for which such individual is delinquent, and shall place the same in the hands of the collector of taxes, who shall have the same power, in relation thereto, to levy, distrain

Who liable to labor upon streets, etc., and for what time.

—commutation of such labor.

—failure to perform such labor.

—duty of recorder and street commissioner as to such failure.

—duty of tax collector.

and sell the property for the collection of such bill as he has under this charter or any by-law in regard to the collection of taxes of said town.

The poor ;
provision relating to.

39. The council shall have full power to provide for the keeping of its poor or indigent persons within the limits of the said town, and the citizens of said town shall be exempt from the payment of all county poor taxes for each and every year which the said town council shall provide for the keeping of its own poor.

Board of
health ; pro-
vision relating to.

40. The council shall have power to appoint and constitute a board of health consisting of one reputable physician and two of its own members, which said board of health under the supervision and with the approval of said council shall have full power to make all needful rules and regulations for the keeping and maintaining of the said town in proper healthful condition, and when such board of health shall have been elected and organized it shall have exclusive control of all matters relating to the public health within the limits of the said town.

Chief of po-
lice.

41. It shall be the duty of the chief of police to preserve order in the town under the supervision of the mayor.

Street com-
missioner ;
his duties.

42. The street commissioner, under direction of the council, shall have charge of the opening, maintenance, construction and repair of the streets, alleys, ways and wharves of the town and the control of the laborers thereon.

Repeal of in-
consistent
acts.

43. All acts or parts of acts inconsistent with this act are hereby repealed, but this act shall not be construed to repeal, change or modify any previous act, not inconsistent with this act, authorizing the town of New Martinsville to contract debts or to borrow money or to take away any of the power conferred by general law upon the said town, or upon the mayor or council or any of the officers, except so far as the same may be inconsistent with the power hereby conferred.

Council in
being,
charged with
what duties.

44. The council in being, at the time this act shall take effect, shall appoint and provide places for voting in the different wards of said town, as herein prescribed, for the election herein provided for to be held in said town, and to appoint the election officers

thereof, and shall pass all proper orders and ordinances to give this act full force and effect; and all officers of the town acting as such at the time this act takes effect shall continue until the first Monday of April, 1901, and until their successors are elected and qualified, to exercise the powers and perform the duties and receive the compensation heretofore conferred, prescribed and allowed by former charter, general law, by-law, or ordinance of said town. Such ordinances in force at the time referred to shall continue to have full operation and effect as ordinances of the town of New Martinsville until amended, repealed or superseded by the council of said town.

—present officers: when term to expire: their powers and duties: compensation.

—what ordinances to remain operative, until, etc.

(House Bill No. 231.)

CHAPTER 149.

*AN ACT to amend and re-enact, an Act of the Legislature of West Virginia, passed February twenty-fourth, one thousand eight hundred and eighty-seven, in relation to the city of Wellsburg, as to sections three, six, fourteen, thirty, thirty-one, thirty-two and thirty-six.

[Passed February 22, 1901. In effect from passage. Approved February 23, 1901.]

Be it enacted by the Legislature of West Virginia:

That sections three, six, fourteen, thirty, thirty-one, thirty-two and thirty-six of an act of February twenty-fourth, one thousand eight hundred and eighty-seven, in relation to the city of Wellsburg, be amended and re-enacted so as to read as follows:

Acts Amended.

3. The officers of said city shall be a mayor, four councilmen from each ward, city collector and treasurer, city clerk and street commissioner. The mayor, members of council, city collector and treasurer and clerk shall be elected by the voters of said city as hereinafter provided.

City of Wellsburg: its officers. —election of.

Duties of Collector and Treasurer.

6. It shall be the duty of the city collector and treasurer, at least once in every six months during his continuance in office, and oftener, if required by

Account to render and list returned: when.

*NOTE BY THE CLERK—This act (Chapter 149) passed as printed.

council, to render an account of the taxes, fines, penalties, assessments and other claims in his hands for collection, and return a list of such as he shall not have been able to collect, by reason of insolvency, removal or other causes; to which list he shall make affidavit that he used due diligence to collect the same, but has been unable to do so; and if the council shall be satisfied of the correctness of said list and affidavit, it shall allow the city collector and treasurer a credit for said claims. He shall pay any money in his hands belonging to the city upon the order of council and not otherwise. For services rendered, he shall receive the same per centum on the amount collected, and accounted for, as the sheriff of Brooke county receives for similar services. For all moneys received by the city collector and treasurer, outside of the ordinary revenues of said city, he shall receive such compensation as council may prescribe, not exceeding five per cent.

—affidavit to such list.

—credit allowed and when.

—payment of moneys.

—compensation.

Officers—When Elected.

Officers; election of when.

—term of office.

—proposed amendment.

14. At the first election of officers held after the passage of this act, there shall be elected a mayor, city collector and treasurer, clerk and twelve councilmen; and thereafter the mayor and city collector and treasurer shall be elected every two years, and shall hold their offices for the term of two years, and until their successors are elected and qualified.

In the fifty-third line of section twenty-four strike out the words "to appoint when necessary a police force to assist the marshal in the discharge of his duties."

Sidewalks.

Proposed amendment.

30. In section thirty, in line six, from the top, strike out the word "Marshal" and insert in lieu thereof the words "City Collector and Treasurer."

Collection of Taxes.

Collection of taxes, fines, etc., by whom.

—may dis-train, when.

31. It shall be the duty of the city collector and treasurer to collect all taxes, licenses, fines, levies, assessments and other revenues of said city, and in case the same are not paid one month after they are placed in his hands for collection, he may distrain and sell property therefor in like manner and with

like effect, as the sheriff of a county may distrain and sell property in the collection of State and county taxes, and said city collector and treasurer shall have in all other respects the same power to enforce the payment and collection of such taxes; levies, fines, licenses and assessments and other revenues, as such sheriff now has or may hereafter have to enforce the payment and collection of State and county taxes; the city collector and treasurer shall, before entering upon the discharge of his duties, execute a bond, conditioned according to law with surety to be approved by council, payable to the city of Wellsburg, in such penalty not less than eight thousand dollars, as council may prescribe.

—power of collector, etc.

—bond and conditions.

32. In section thirty-two, strike out the word "marshal" and insert in lieu thereof the words "city collector and treasurer."

Proposed amendment.

36. Election of Officers.—In the said section thirty-six, strike out the word "marshal" and insert in lieu thereof the words "city clerk."

Proposed amendment.

Be it enacted by the Legislature of West Virginia:

That sections thirty and thirty-one of chapter fourteen of the acts of the legislature of West Virginia, passed February twenty-second, one thousand eight hundred and ninety-five, amending and re-enacting said sections thirty and thirty-one of an act passed by the legislature of West Virginia, on the twenty-fourth day of February, one thousand eight hundred and eighty-seven, incorporating the city of Wellsburg: That the said section thirty be so amended and re-enacted that the word "Marshal" shall be stricken out and the words, "city collector and treasurer" be inserted in lieu thereof, and that section thirty-one be amended so as to read as follows: It shall be the duty of the city collector and treasurer to collect the taxes, fines, licenses, levies, assessments, and other revenues of said city. All licenses shall be payable at the time the license is granted, and shall be paid to the city collector and treasurer at that time; and no license shall issue until the license tax therefor is paid to the city collector and treasurer. All taxes, levies and assessments may be distrained for by the city collector and treasurer, after the first day of November of each year; or at any time before that day, if the goods or chattels of the person assessed

Proposed amendments.

—duties of collector, etc., in collecting the revenues of city.

—may detain, when.

for taxes are about to be removed from the county of Brooke; and the city collector and treasurer shall have power and authority to make a levy for taxes due to the city anywhere within the county of Brooke.

The city collector and treasurer may distrain and sell property for taxes and assessments in like manner and with like effect as the sheriff of a county may distrain and sell property in the collection of state and county taxes; and said city collector and treasurer shall have in all other respects the same power to enforce the collection and payment of taxes, fines, licenses, levies, assessments and other revenues as such sheriff now has or may hereafter have to enforce the payment and collection of state and county taxes. And on all taxes which are not paid by the first day of February next succeeding the year for which they are assessed, there shall be charged and collected interest at the rate of six per cent. per annum. The city collector and treasurer shall before entering upon the duties of his office, execute a bond conditional according to law, with surety to be approved by council, payable to the city in such penalty as the council may prescribe, but not less than eight thousand dollars.

—power to
make levy
when.

—further
power as to
distrain and
sale for taxes,
etc.

—interest on
taxes, when.

—bond and
conditions.

(House Bill No. 33.)

CHAPTER 150.

AN ACT amending and re-enacting chapter sixty of the Acts of one thousand eight hundred and ninety-five, incorporating the City of Huntington.

[Passed January 25, 1901. In effect from passage. Approved February 4, 1901.]

Be it enacted by the Legislature of West Virginia:

Acts
amended.

That chapter sixty of the acts of the legislature of one thousand eight hundred and ninety-five be amended and re-enacted so as to read as follows:

City of Hunt-
ington rein-
corporated;
corporate
powers.

1. That part of the county of Cabell included in the limits hereinafter mentioned, is hereby made a city corporate and body politic, by the name of "The

City of Huntington," and shall have perpetual succession and a common seal, and by that name may sue and be sued, plead and be impleaded, and purchase, lease, and hold real and personal property necessary to the purpose of the said corporation.

2. The corporate limits of said city shall hereafter be as follows: Corporate
limits.

Beginning at a stake at low water mark on the Ohio river forty feet west of the northwest boundary line of Consolidated Light and Railway company land (upon which its electric power house and gas plant stand); thence up said river at low water mark to the west bank at of the Guyandotte river at low water mark; thence up the last mentioned river at low water mark, and with the east line of the lands of the Central Land company of West Virginia, to a point where said line leaves said river; thence with the east line of the Central Land Company of West Virginia lands to the south-east corner of said lands; thence with the south and west boundary line of said Central Land company of West Virginia lands to the southwest corner of lands formerly owned by W. H. Hagan; thence in a direct line to the southeast corner of the lands formerly owned by J. M. Hendley; thence with the south boundary line of the lands of the Central Land company of West Virginia to the southwest corner of the lands of the late Samuel Johnson; thence with the south line of the said late Samuel Johnson's land to the southeast corner of said Johnson's lands; thence with the west line of the Central Land company of West Virginia lands to the northeast corner of the lands of Thomas H. Harvey; thence with the said Thomas H. Harvey's north line to the west side of a street known as Johnson street; thence north along the west line of said street to the point of beginning.

3. The territory of said city shall be divided into three wards, and such division shall be as follows: Wards.

The first ward shall include all that portion of said territory which is situated to the west of what is known and designated on a map of said city, drawn by one Rufus Cook, and of record in the office of the clerk of the county court of said county, as Ninth street extended to the southern boundary line of said city. 1st ward.

The second ward shall include all that portion of —2nd ward.

said territory which is situated to the west of what is designated on said map as Sixteenth street, extended to said southern boundary line, and which lies east of the first ward.

—3rd ward.

The third ward shall include all the remaining territory of said city, which is situated east of the second ward.

—number
may be
increased.

It is provided, however, that the common council of said city, after the expiration of four years from the time this act takes effect, may, in their discretion, increase the number and fix the boundaries of wards.

Municipal
authorities,
and what
to form.

4. The municipal authorities of said city shall consist of a mayor and twelve councilmen (subject to be increased according to the provisions of section nine hereof) who together shall form a common council, and who shall receive such compensation as the council may from time to time determine (subject to the provisions and the maximum amounts prescribed by section twenty hereof), and which shall not be increased or diminished during their term of office.

—compensation.

Corporate
powers, who
to exercise.

5. All the corporate powers of said corporation shall be exercised by said council, or under their authority, except where otherwise provided.

Qualification
of mayor and
councilmen.

6. The mayor and councilmen must at the time of their election be entitled to vote for the members of the common council of said city.

Mayor's term
of office.

7. The term of office for the mayor shall be two years, and until his successor shall have been elected and qualified, as hereinafter provided.

Elective
officers, other
than mayor;
qualifications
term
of office.

8. There shall be a treasurer, city clerk and city assessor elected by the qualified voters of said city, and who at the time of their election shall be entitled to vote for members of its said common council. They shall hold their office for the term of two years, and until their successors shall be elected and qualified; and shall receive such compensation (subject to the provisions and the maximum amounts prescribed by section twenty hereof), as the said council may determine, and which shall not be increased or diminished during their term of office.

—compensation.

First election.
—when.

9. The first election under this act shall be held on the first Thursday in April, anno domini one thou-

sand nine hundred and one, at such places in each ward as may be designated by the common council of the city; at which election a mayor, a treasurer, a clerk and a city assessor shall be elected for the term of two years, and six councilmen (two from each ward) shall be elected for the term of four years; and on the first Thursday in April in every second year thereafter an election shall be held in said city at such places in each ward as may be designated by the common council of said city, at which a mayor, a treasurer, a clerk and a city assessor shall be elected for the term of two years, and six councilmen (two from each ward) shall be elected for the term of four years. But the six councilmen of said city who were elected at the election held in and for said city on the first Thursday in April, anno domini one thousand nine hundred, or such person or persons as may be appointed to fill any vacancy or vacancies caused in any manner in the said offices of the six councilmen, shall continue in said offices and continue to exercise all the duties of their said offices until six councilmen are elected and qualified as their successors (two from each ward) at the election to be held in said city under the provisions of this act on the first Thursday in April, anno domini one thousand nine hundred and three.

Councilmen shall be elected by wards so that the voters shall vote for councilmen only of the wards in which such voters may reside. And if the number of wards at any time be increased, as provided by section three of this act, there shall be elected as provided therein four councilmen from each ward, to be classified as to their terms of office by the council making changes in wards and boundaries thereof, but so that after the first two years of such changes, two councilmen shall be elected from each ward for the term of four years.

10. Every male person residing in said city and not disqualified as hereinafter stated, shall be entitled to vote for all officers elected under this act, and also at all elections of said city held by the corporate authorities thereof; but no person who is a minor, or of unsound mind, or a pauper, or who is under conviction of treason, felony or bribery in an election, not having been pardoned or punished therefor, or who has not been a resident of this State for

—where.
—who elected.
—for what term.

—regular election; when.
—where.
—who elected.

—their term of office.
—special provisions as to councilmen elected in 1900 for two years.

—councilmen, how elected.

—if number of wards be increased, what then.

Who entitled to vote.

—who not to vote.

one year, and of the city of Huntington for sixty days, and of the ward in which he offers to vote for ten days next preceding such offer, shall be entitled to vote at any election held under this act while such disability continues.

Elections,
method of
voting; law
governing.

—duties of
council; what
laws to ap-
ply.

11. At all elections the vote shall be given by ballot, and in the manner prescribed by the general election law of the State as to the holding of elections in municipalities; and the common council of said city shall perform the duties in relation to such elections as are required by general law of the State from county courts concerning general elections held in the State and said county; and for the preservation of the purity of the ballot and for the prevention of fraud in relation thereto, the provisions of chapter five of the code of West Virginia, concerning offences relating to elections, so far as the same are practicable, shall govern the elections held in and for said city; and the penalties therein prescribed for offences relating to elections shall be enforced against the offenders at such corporate elections, and said chapter shall have the same force and effect, as if it were especially applicable to such corporate elections.

The vote
how decided.

12. Whenever two or more persons shall receive an equal number of votes for the same office, the common council under whose directions such election may have been held, shall decide by a majority of all the members elected which of such persons shall be returned as elected, and shall make return accordingly.

Contested
elections:
how heard
and decided.

13. All contested elections shall be heard and decided by the common council for the time being, and the contest shall be made and conducted in the same manner as provided for in such contest for county and district offices; and the common council shall conduct their proceedings in such cases as nearly as practicable in conformity with the proceedings of the county court in such cases.

Vacancies:
how filled.

14. Whenever a vacancy shall occur from any cause in the office of mayor, councilman, treasurer, city clerk or city assessor, the council for the time being shall by a majority vote of all the members elected, fill the vacancy until the next general election, at which time a successor shall be elected by the qualified voters of said city.

15. There shall be a police judge, chief of police, Appointive officers, by council. commissioner of streets, city attorney, city physician, city engineer, wharf-master, weigh-master, inspector of buildings, lights and water, and cemetery sexton, appointed by the common council, who at the time of their appointment shall be entitled to vote for members of the said council, and who shall hold their office for the term of two years, and until their successors shall have been appointed and qualified: —qualifications. *provide* that a person appointed to fill a vacancy in any office mentioned in this section, shall only hold the office for the unexpired term of his predecessor. —term. —vacancies.

The council shall also have authority to provide by ordinance for the appointment of such other officers —council may appoint other officers when their powers. as shall be necessary and proper to carry into full force and authority, power, capacity, or jurisdiction which is or shall be vested in the said city, or in the council, or in the mayor, or any officer thereof, and to grant to such other officers so appointed the power necessary and proper to carry into full effect the object and purposes of their said appointment. The additional officers so provided for by ordinance shall hold their offices at the pleasure of the council. —term.

16. The council shall by ordinance define the duties of all officers appointed by them as aforesaid subject to the provisions of sections twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four and thirty-five of this act and allow reasonable compensation, subject to the maximum amounts of certain officers as set forth in section twenty of this act, which shall be monthly salaries, and not otherwise, except as to the collection of taxes and as to the wharf-master and weigh-master, and cemetery sexton, and so as to any additional officers which may be provided for by ordinance pursuant to the preceding section; and which compensation shall not be increased or diminished during the term of the officers so appointed. Duties of officers appointed; their pay. —exception. —shall not increase, etc., pay.

17. The council shall require and take from all officers elected or appointed as aforesaid, whose duty it shall be to receive its funds, assets or property or have charge of the same, such bonds, obligations or other writings as they shall deem necessary and proper to insure the faithful performance of their several duties. Bonds, from what officers taken.

18. All bonds, obligations or other writings taken in pursuance of any provisions of this act shall be Official bonds, etc.

made payable to "The City of Huntington," and the respective persons, and their heirs, executors, administrators and assigns bound thereby, shall be subject to the same proceedings on said bonds, obligations and other writings, for enforcing the conditions of the terms thereof, by motion or otherwise, before any court of record held in and for the county of Cabell, that collectors of county levies and other sureties are or shall be subject to on their bonds for enforcing the payment of the county levies.

—how enforced.

Removal of elective officers: when and how.

19. The mayor, treasurer, city clerk and city assessor may be removed from office for malfeasance, misfeasance, incompetency to perform the duties required of their offices, and gross immorality, by a vote of three-fourths of all of the members elected to the common council, but no elective officer as aforesaid shall be removed until he shall have been served with a notice thereof in writing, specifying the charges and reasons for such removal, for at least ten days prior thereto.

—appointive officers: when and how.

All appointive officers provided for by this act, may be removed from office at the pleasure of the council, a majority of all of the members elected to the council, concurring in such removal: *provided*, that such appointive officer shall not be removed before receiving notice as provided in the case of elective officers as aforesaid.

Salaries of officers for first two years.

20. The common council of said city shall provide for and fix the compensation and salaries to be paid to the councilmen and officers elective and appointive aforesaid; which in the case of councilmen and elective officers for the first two years next after the time this act takes effect and becomes operative, shall be paid as follows:

—maximum salaries thereafter.

To each councilman, five dollars a month; to the mayor, fifty-dollars a month; to the treasurer, seventy-five dollars a month; to the city clerk, sixty dollars a month; to the city assessor, thirty-five dollars a month; and which in the case of councilmen and certain officers, elective and appointive, after this act shall have taken effect and become operative, shall not exceed the following rates:

To each councilman, eight dollars a month; to the mayor, sixty dollars a month; to the treasurer, one hundred dollars a month; to the city clerk, sixty dollars a month; to the city assessor, forty dollars a

month; to the police judge, sixty dollars a month; to the commissioner of streets, sixty dollars a month; to the city solicitor, sixty dollars a month; to the city physician, forty dollars a month; to the chief of police, eighty dollars a month.

21. The mayor and councilmen, and all other officers provided for by this act, shall, before entering upon the duties of their offices, and within one month from the date of their election or appointment, take the oath prescribed by law for all officers of this State, and make oath or affirmation that they will truly, faithfully and impartially, to the best of their ability, skill and judgment, discharge the duties of their respective offices, so long as they continue therein.

Oath of officers: when taken and before whom.

Said oath or affirmation may be taken before any person authorized to administer oaths under the laws now in force, or before the mayor, or the city clerk of said city. The oath to be taken as aforesaid shall be certified in writing by the person administering the same, which writing shall be properly signed by the person taking the oath; and the person so administering the same shall cause said certificates to be filed with the city clerk of said city, and shall be allowed for his said services fifty cents for each certificate, to be paid by the person taking the oath as aforesaid.

—to be signed, certified and filed.

—fee.

22. Every person elected or appointed under the provisions of this act, shall be deemed to have duly qualified when the provisions of the next preceding section shall have been fully complied with.

When officer deemed to have qualified

23. When a majority of the newly elected councilmen shall have been so qualified, they shall enter upon the duties of their said offices and supersede the former councilmen.

Newly elected councilmen to supersede former, when.

24. The mayor and all other officers provided for in this act, shall enter upon the duties of their offices as soon as they are qualified and shall continue therein until their successors are elected and qualified.

When mayor and other officers to enter upon their duties.

25. If any person elected to the office of mayor, councilman, treasurer, city assessor, or city clerk, shall not be eligible to such office under the provisions of this act, or shall fail to qualify as herein required, the council for the time being shall declare his said office vacant, and shall proceed to fill the vacancy as required by this act.

Ineligibility or failure to qualify of persons elected, what then.

Mayor: his
executory
powers and
duties.

26. The mayor shall be the chief executive officer of the city, and shall take care that all orders, ordinances, acts and resolutions of the council thereof are faithfully executed by those officials or persons whose duty it may be to execute the same.

—Judicial
powers.

He shall be ex-officio a justice and conservator of the peace within the city, and shall within the same have, possess and exercise all the powers and perform all the duties vested by law in a justice of the peace, except he shall have no jurisdiction to try cases civil or criminal in their nature; and all warrants of arrest, if any issued by him for the violation of any city ordinance, shall be made returnable before and heard by the police judge of said city, and also all other original process if any issued by said mayor shall be made returnable before and heard by some justice of said county.

—exception.

—warrants of
arrests is-
sued by, etc.

—process,
where exe-
cuted.

—control of
police.
—special
police.

—duties as
conservator
of the peace.

Any warrant of arrest or other process so issued by the mayor may be executed at any place in said county. He shall have control of the police of the city and may appoint special police officers whenever he deems it necessary, subject to any ordinance of the council in regard to police officers, their appointment, powers and duties. And it shall be the mayor's duty especially to see that the peace and good order of the city are preserved, and that all persons and property therein are protected, and to this end he may cause the arrest and detention of all riotous and disorderly persons in the city before issuing his warrant therefor. The mayor shall at each regular meeting of the common council recommend for their consideration such measures as he may deem needful for the welfare of the city.

—recommen-
dations to
council;
what.

City clerk,
his powers
and duties.

27. The city clerk shall keep a journal of the proceedings of the council, and have charge of and preserve the records, bonds, papers and other documents belonging to the city. He shall in case of sickness or other inability of the mayor or police judge, or in case of their absence from the city, or during any vacancy in their respective offices, perform the duties of mayor and police judge, which pertain to their said offices, and shall be vested with all powers necessary for the performance of such duties.

—his further
duties.

The city clerk shall also perform such other duties pertaining to the fiscal affairs of the city, or otherwise, as may be required of him by the council. He shall be a conservator of the peace within said city.

28. The city assessor in the performance of his duties shall, so far as practicable, and subject to any ordinance of the council prescribing his said duties, be governed by the provisions of chapter twenty-nine of the code of West Virginia one thousand eight hundred and ninety-nine, relating to the assessment of taxes: *provided, however,* that no capitation tax shall be assessed hereunder upon any citizens of said city, other than according to the provisions of section fifty-one hereof.

City assessor; powers, duties and penalties; what laws applicable.

In order to aid the said council in ascertaining the property and tithables subject to taxation by said city, the assessor of said city shall have access to all books and public records of Cabell county without expense to said city or assessor; and he shall also have the same power and be subject to the same penalties in ascertaining and assessing the property and subjects of taxation in said city as are granted and imposed upon the county assessors throughout the state by general law; and the council shall also have authority to prescribe by ordinance such other rules and regulations as may be necessary to enable and to require such assessor to ascertain and properly assess all property and tithables liable to be taxed by said city, so that such assessment and taxation shall be uniform; and so that no personalty or realty, as far as practicable, shall be assessed and taxed at a higher or lower rate than other personalty or realty, respectively, of the same class or in the same locality; and to enforce such ordinances by reasonable fines and penalties.

—authority of council to regulate assessment and taxation.

In case of sickness or other inability of the police judge, or his absence from the city, and the simultaneous sickness or other inability of the city clerk, or his absence from the city, said assessor shall perform the duties of the said police judge, and shall be vested with all powers necessary for the performance of such duties.

—assessor may act as police judge when.

29. The treasurer of said city shall be the custodian of all moneys, bonds, notes, certificates and other evidence of indebtedness to the city, together with all valuable papers which may be placed in his possession by the council. It shall be his duty to collect all the city taxes, licenses, levies, assessments, and such other city claims as may be placed in his hands by the city council.

City treasurer; to be custodian of what.

—to collect city taxes, etc.

—by what governed; except as to compensation.

He shall in the collection of taxes, levies, and assessments be governed, as far as practicable, and subject to the control and direction of the council, by the provisions of chapter thirty of the code of West Virginia, one thousand eight hundred and ninety-nine, relating to the collection of taxes, except as to the compensation paid said treasurer, and as to section six of said chapter, and as hereinafter provided.

—notice to be given by.

It shall be the duty of said treasurer to give notice by publishing for ten consecutive days before the time appointed, in two daily newspapers of said city, of opposite politics, and by posting a copy thereof on the front door of the city hall for the same number of days, that all persons, who will pay their city taxes, levies and assessments between the first day of September and the first day of December following, inclusive, of any year, to the said treasurer in his office, shall be allowed a discount of two and one-half per cent.

—his commission on certain taxes collected.

All taxes remaining unpaid on the first day of December of any year, shall be collected by the said treasurer, for which he shall, in addition to his salary, be allowed a commission to be fixed by the council, and to be paid by the person from whom the taxes are collected.

—books to be kept; what to show.

The treasurer shall keep regular books of accounts, to be approved by the council, of all moneys received and disbursed by him, and of other matters pertaining to his office, which books shall at all times be open to the inspection of the council, or any member thereof; and said treasurer shall in the month of January of each year, and at other times as the council may require, make a detailed report in writing to the council of all matters pertaining to his office.

—books open to inspection of whom.

—reports.

—all moneys paid to him; how paid out.

All moneys belonging to the city shall be paid over to the treasurer, and no moneys shall be paid out by him, except as the same shall have been appropriated by the council, and then only upon an order signed by the mayor or other presiding officer of the council, and countersigned by the city clerk or person acting in his place, and not otherwise.

Police judge; his powers and duties.

30. The police judge of said city shall be ex officio a justice and a conservator of the peace with the same authority to issue process as exercised by the mayor aforesaid, and shall have charge of and preside over the police court thereof. It shall be his duty in court

to try all persons charged with any offence against the city, in regard to which he may have jurisdiction by virtue of any state law, and also all persons charged with the violation of any ordinance of the city.

He shall keep an accurate record of all his judicial proceedings in said court, showing the style of each case, which shall be properly indexed and numbered. It shall be his duty to hold daily sessions of his said court, Sundays excepted.

—record.

—daily sessions.

He shall see that the peace and good order of the city are preserved, and that the persons and property therein are protected, and to this end he may also cause the arrest and detention of all riotous and disorderly persons in the city before issuing his warrant therefor; but before trying such and all other persons charged with any offence or with any violation of an ordinance, as aforesaid, he shall issue his warrant, unless one shall have been issued by the mayor or other person holding his office, specifying the offence or violation charged. He shall render judgment in any case as the law of the state or the ordinance of the city applying thereto may require. He shall also have power to issue executions for all fines, penalties and costs imposed by him, or he, the said judge, may require the immediate payment thereof, and in default of such payment he may commit the party so in default to the jail of the county of Cabell, or other place of imprisonment in such corporation, if there be one, until the fine and penalty and cost shall be paid or satisfied: but the term of imprisonment in any case shall not exceed thirty days. And in all cases where a person is sentenced to imprisonment or to the payment of a fine of ten dollars or more, and in no case shall a judgment for a fine of less than ten dollars be given by the mayor, if the defendant, his agent or attorney object thereto, such person shall be allowed an appeal from such decision to the circuit court of said Cabel county, upon the execution of an appeal bond with surety deemed sufficient by the said judge, in a penalty double the amount of fine and costs imposed by him, with condition that the person proposing to appeal will perform and satisfy any judgment which may be rendered against him by the circuit court on such appeal.

—his further duties.

—arrest of rioters, etc.; trial.

—executions for fines, etc.

—immediate payment.

—imprisonment.

—appeal.

—appeal bond.

If such appeal be taken, the warrant of arrest, the

—duty of judge if appeal be taken.

—trial of appeal.

—expense of maintaining city prisoners.

—fines collected paid to treasurer.
—monthly reports.

Chief of police: his powers and duties.

Commissioner of streets: his duties.

—report.

transcript of the judgment, the appeal bond and other papers of the case shall be forthwith delivered by the said judge to the clerk of the said court and the court shall proceed to try the case as upon indictment or presentment, and render such judgment, including that of costs, as the law and evidence may require.

The expenses of maintaining such person committed to the jail of the county by him, except it be to answer an indictment or be under the provisions of sections two hundred and twenty-seven and two hundred and twenty-eight of chapter fifty of the amended code of the state, shall be paid by the city.

The police judge shall pay the amount of fines collected by him weekly to the treasurer of the city, and shall make monthly reports thereof, and all other matters pertaining to his office, to the common council of the city.

31. It shall be the duty of the chief of police to see that all subordinate police officers faithfully perform their official duty. He shall be present in the police court whenever the same shall be in session and see that all its orders and requirements are properly executed. He shall, within the said city and county, execute all process of said police court, and of the mayor or other person holding his office. He shall be ex officio a constable within the corporate limits of said city, and shall have power to execute all process issued by a justice of the peace of said county. It shall also be the duty of the chief of police to collect all fines and penalties imposed by the police court, which he shall pay daily as collected to the police judge. He shall also be ex-officio the keeper of the city jail, or other place of imprisonment. And he shall perform such other duties as may be required of him by any ordinance of the city.

32. The commissioner of streets shall, under the control and direction of the council, have the care and supervision of the roads, streets, avenues and alleys within the corporate limits of the city, and shall see that the same are kept in proper repair and free from all obstructions or places of danger to the traveling public. He shall be required to keep an accurate account of all expenditures by him as such commissioner, and to make report of the same monthly to the council.

33. It shall be the duty of the city solicitor to appear as attorney or counsel for the city in all actions at law or suits in equity by or against the same, to prepare all bonds, contracts or written documents, when so required by the council; to be present at all regular meetings of the council, and to give his advice and opinion as to all legal matters, either in writing or orally, as the council or its committee may at any time require.

City solicitor; his duties.

34. The city physician shall, whenever required by the mayor or other city official having authority, attend in his medical capacity and prescribe for all indigent and poor persons who are sick or otherwise physically disabled, and who may be pecuniarily unable to employ a physician. He shall also attend all sick and disabled persons who may be confined in the city jail or other place of imprisonment, and prescribe for them as their necessities may require. He shall furnish all drugs and medicine to the persons so attended by him, not to exceed the aggregate amount allowed by the council, and which shall be refunded to him. He shall report monthly to the council his expenditures hereunder, and of other matters which may be required of him by the council. He shall be ex officio chairman of the health committee, if one shall be appointed by the council; and shall perform such other duties in his medical capacity as may be required of him by any ordinance of the city.

City physician; his duties.

—provision as to medicine.

—report.

—chairman of health committee. —further duties.

35. The duties of the city engineer, wharf-master, weigh-master, inspector of buildings, lights and water, cemetery sexton, and other officers who may be appointed by the council, shall be fixed by ordinances relating, respectively, to each official.

Duties of other city officers.

36. The council shall be presided over at its meetings by the mayor, or in his absence by one of the council selected by a majority of the council present.

Who to preside over council.

37. The presence of a majority of the council shall be necessary to make a quorum for the transaction of business.

Quorum.

38. The council shall cause to be kept in well bound books by the city clerk, an accurate record of all its proceedings, by-laws, orders and resolutions, which shall be fully indexed, and open to the inspection of any one who is required to pay in tax to said corporation.

Record of proceedings; what to contain.

—inspection of.

- Proceedings; correcting, etc., of. 39. At each meeting of the council the proceedings of the last meeting shall be read and corrected if erroneous, and signed by the presiding officer for the time being. Upon the call of any member, the ayes and noes on any question shall be taken and recorded in the journal, and the roll shall be called alphabetically.
- ayes and noes.
- Mayor's vote. 40. The mayor shall have a vote only in the case of a tie.
- Council; powers of, as to —sewers. 41. The council shall have the power within the said city to construct sewers and other improvements, and also to lay off, open, close, alter, curb, pave and keep in good repair roads, streets, alleys, sidewalks, drain and gutters, for the public use and to improve and light the same, and have them kept free from obstructions on or over them; to regulate the width of sidewalks, on the streets, and to order the sidewalks, foot-ways and gutters to be curbed and paved and kept in good order free and clean, by the owners or occupants thereof, or of the real property next adjacent thereto; to purchase, or otherwise procure, so much land as they may deem necessary for the erection of a city hall, and other building purposes for the use of said city, and for such other uses as the said council may, in its discretion, see proper to devote to the same; and to contract for, build, enlarge and improve said buildings, and to lease, for such time and upon such terms as the said council may deem expedient, any such building or buildings to the county court of Cabell county, to be used as a court house, clerks offices and jail; and to enclose, ornament and take care of all such buildings; to establish and regulate markets; to prescribe the time of holding the same, and what articles shall be sold only in such markets; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to prevent hogs, cattle, horses, sheep and other animals and fowls of all kinds from going at large in said city; to protect places of divine worship in and about the premises where held; to abate or cause to be abated anything which, in the opinion of the majority of the whole council, shall be deemed a nuisance; to prohibit any theatrical or other performance, show or exhibition which the council may deem injurious to the morals or good order of the city; to regulate the keeping of gun powder and
- streets, etc.
- sidewalks, etc.,
- purchase of, and,
- public buildings,
- markets,
- hogs, cattle, etc., and fowls,
- divine worship,
- nuisances,
- theatres,
- gun powder,

other combustibles: to provide in or near the city, —cemeteries,
 places for the burial of the dead, and to regulate the
 interments in the city; to provide and regulate the
 building of houses and other structures, and for mak- —building
 ing of division fences by the owners of adjacent prem- houses, etc.,
 ises, and the drainage of lots by proper drains and
 ditches; to make regulations for guarding against —fire,
 danger or dangers from fire: to protect persons and —protecting
 property of the citizens of said city, and to preserve persons and
 peace and good order therein; and for this purpose property.
 to appoint, when necessary, a police force to assist —police,
 the chief of police in the discharge of his duties; to
 erect, or authorize, or prohibit the erection of gas —gas or
 works or water works in or near the city, to prevent water works.
 injuries to or pollution of the same, or to the water
 and healthfulness of the city; to regulate and provide —hay, coal,
 for the weighing of hay, coal and other articles sold etc.,
 or for sale in the city, and to regulate the transpor-
 tation thereof through the streets; to provide a rev- —revenue,
 enue for the said city, and to appropriate the same to
 its expenses; to provide for the annual assessment of —assess-
 taxable persons and property in the city; to establish ments,
 and construct buildings, and wharves and docks on —wharves,
 any ground which does or shall belong to said city, docks, etc.,
 and to repair, alter or remove any building, wharf or
 dock which has been or shall be constructed; and to —wharfage,
 levy and collect a reasonable duty on vessels coming
 to or using the same; and it shall have the power to
 pass and enforce such ordinances as shall be proper
 to keep the same in good order and repair; to preserve
 peace and good order in the same, and to regulate
 the manner in which they shall be used; they shall —wharf-
 have the power to appoint as many wharfmasters for master,
 said city as shall be necessary, to prescribe their
 duties, fix their fees, and make regulations in respect
 to such officers as they may deem proper. The coun- —persons in
 cil shall provide for the employment and safe keep- default of
 ing of persons who may be committed in default of payment of
 the payment of fines, penalties or costs under this fines, etc.,
 act, and who are otherwise unable to discharge the
 same, by putting them to work for the benefit of the
 city; and to use such means to prevent their escape,
 while at work, as they may deem expedient; and shall
 keep on hand all necessary tools, implements, fixtures
 and facilities for the immediate employment of any
 and all such persons, and shall fix a reasonable rate
per diem as wages to be allowed to any such person

—city clerk, and the city clerk shall keep an account of all fines, and penalties so collected and expended; to adopt rules for the transaction of business, and for the government of its own body; for all of which purposes, except that of taxation, the council shall have jurisdiction, when necessary, for one mile beyond the corporate limits of said city, excepting any other municipal corporation within said one mile limit.

—the poor, And the council shall have power to provide, by taxation or otherwise, for the maintenance of the poor of the city, and contract with the overseer of the poor of Cabell county, to keep and maintain the poor of said city, upon terms to be agreed upon between the council and the overseer of the poor of said county.

—by-laws, ordinances, etc., To carry into effect these enumerated powers conferred upon the said city or its council expressly or by implication, by this or any future act of the legislature of this State, the council shall have the power to make and pass all needful orders, by-laws, ordinances, resolutions, rules and regulations, not contrary to the constitution and laws of this State, and to prescribe, impose and enact reasonable fines, penalties and imprisonment in the county jail or such other place as they may provide, for a term not exceeding thirty days for violation thereof.

—fines, penalties, and imprisonment,

Such fines, penalties and imprisonments shall be recovered and enforced under the judgment of the police judge of said city, or the person lawfully exercising his functions. And the authorities of said city may, with the consent of the said county court entered of record, use the jail of the said county of Cabell for any purpose for which the use of a jail may be needed by them, under the acts of the council or of the State.

—how such fines, etc., recovered, etc.,

—use of jail.

Appropriations, contracts, and ordinances.

42. No money shall be appropriated by the council, and no contract on behalf of said city shall be entered into or authorized, nor shall any ordinance be passed unless two-thirds of the members present when the question is put concur therein; or unless the same be concurred in at two successive regular meetings of the council, held at different dates, by a majority of the members present at each meeting.

Annual estimate before levy; what to show.

43. The council of said city shall annually, before levying taxes provided for and authorized by this act, through such committees as it shall direct, ascer-

tain the total expense of said city to be provided for by said levy for the fiscal year in which said levy is made; and it shall ascertain the sum of money necessary to pay interest accruing on the bonded indebtedness of said city, and what amounts it shall expend for the support of its various departments, and for the improvements of its streets, alleys, avenues and public grounds, or for its contingent expenses; and before making such levy it shall apportion the rate thereof among the several funds so ascertained and provided for, which said apportionment shall be spread upon the records of said council, a copy of which, together with all other matter pertaining to the finances of said city, shall be annually published by direction of the council, at the time of making such levy, in at least two newspapers of said city and of opposite politics; and the funds raised by such levy shall be used for no other purpose than that for which it shall be directed by the apportionment aforesaid, and the use of such funds for any other purpose may be restrained by injunction upon a bill filed by any one or more of the taxpayers of the said city.

—rate apportioned before levy.

—apportionment spread on records.

—annual publication.

—use of funds, restricted.

—injunction.

44. The council shall have authority to levy and collect an annual tax on real estate, personal property, tithables and dogs in said city, and upon all other subjects of taxation under the several laws of the State, including bank stock, whether owned by persons residing within the limits of said city or not; gas companies, building associations loaning money, and all other incorporated companies: *provided*, said tax does not exceed one and one-fourth per centum of the assessed value of said property, of the sum of two dollars upon every tithable therein, and not exceeding in other respects the amounts for which the same subjects are taxed for State purposes, which taxes shall be uniform with respect to persons and property within the jurisdiction of said city, and shall only be levied on such property, real, personal and mixed, and on capital, on which the State imposes a tax.

Annual tax; levy and collection of.

—limit to rate.

—to be uniform.

45. In case any person shall neglect or refuse to pay in whole or in part any tax lawfully levied upon him or her for the benefit of said city, on or before the first day of January next after the assessment thereof, such person or persons shall be chargeable with interest upon the amount of said taxes at the rate

Neglect or refusal to pay tax, what then.

of one-half per centum per month, until the same are paid; and the officer, appointed to collect said tax, shall be chargeable with said interest and required to account therefor.

—right to
distrain.

And it shall be lawful for such officers to take reasonable distress of any personal property in said city belonging to such delinquent or delinquents, or in which they have any right or interest, and to sell the said property, right or interest at public sale in said city, having given ten days' notice of the time and place of sale by advertisement posted at some public place in said city; and out of the proceeds of such sale, after paying all proper expenses to pay to the said city the amount which shall be due on account of said taxes and interest, returning the balance if any to the owner of the property right or interest so sold.

—sale and
notice.

—proceeds.

—surplus.

Taxes levied
on real estate
and not paid,
what then.

46. In case any tax levied upon real estate for benefit of said city shall not be paid in full within thirty days after the same shall have become due it shall be lawful for the officer appointed to collect such tax to make reasonable distress of any personal property belonging to the owner of said real estate in said city or in which such owner shall have any right or interest, or of any personal property on their premises taxed belonging to any person in the possession or occupancy thereof or in which any person shall have any right or interest, and apply the proceeds in the manner prescribed in the last preceding section.

And the said officer shall have the right to distrain any such personal property and the same sell and apply as aforesaid, notwithstanding such personal property be included in any deed, deed of trust, mortgage, bill of sale, or other writing made subsequent to the time the tax became due.

Taxes as-
sessed on
real estate a
lien thereon;
priority; how
enforced.

—interest.

47. All taxes assessed upon the real estate within the said city, for the benefit of said city, shall remain a lien thereon from the time the same are so assessed, which shall have priority over all other liens, except for taxes due the State, county or district; and may be enforced in the same manner as now provided by law for the enforcement of liens for county taxes, or in such other manner as the council may by ordinance prescribe; and if not paid on or before the first day of January succeeding assessment thereof, said lien and taxes shall bear interest at the rate of one-half

per centum per month until the same be fully paid.

And the personal property of every person to whom the said real estate shall come by descent, purchase or gift of the person or persons in possession or occupancy thereof, shall be subject to distress and sale in the same manner and to the same effect as if he, she or they were originally charged with the taxes.

—personal property of persons to whom such real estate shall come by descent, etc., liable.

And in all cases in which any taxes assessed upon real estate for the benefit of said city shall be paid in whole or in part by the tenant, or out of his or her property, he or she shall be entitled to deduct the same out of the accruing rent or to recover the same amount so paid from the owner of such real estate, unless it shall have otherwise been especially agreed.

—taxes paid by tenants deducted from rents, unless, etc.

If any real estate in said city be returned delinquent for the non-payment of taxes thereon and such return shall be made by the collector thereof in such manner as the council of said city may prescribe, a copy of such delinquent list may be certified by the council to the auditor of the State, and the same may be sold for taxes, interest and commission thereon, in the same manner and at the same time, by the same officer, as real estate is sold for non-payment of state taxes.

—real estate returned delinquent: to whom certified for sale.

—how sold.

48. No taxes or levies shall be assessed upon or collected from the taxable persons or property within the corporate limits of said city for the construction or keeping in repair of roads or bridges, the building, leasing or repairing of school houses, or the purchase of lands for the same or for the support of schools, or for the support of the poor of Cabell county, outside of said corporate limits, for any year in which it shall appear that said city shall at its own expense provide for its own poor and keep its own roads, streets and bridges in good order; and neither the county court of Cabell county, nor the authorities of the district in which said city is situated, shall have or exercise jurisdiction within the corporate limits with relation to the roads, streets, alleys, bridges, schools or school houses therein, but the same shall be and remain under the exclusive jurisdiction and control of the municipal authorities of said city.

Exemption from certain taxes.

—authority of council to control roads, etc., schools, etc., of city.

49. Whenever anything for which a state license is required to be done within the said county, the council may require a city license therefor, and may impose a tax thereon for the use of the city; and the

Licenses: city may require, for what.

—power to grant, etc.

—hotels, carts, wagons, etc.
—tax.

—license to sell spirituous liquors, etc., provisions relating to.

—bond of licensee.

—power to fine, etc., for doing business without license.

Authority to curb, and order construction of sidewalks, etc.

—to construct, etc., sidewalks, etc., when.

—expense of same, how collected.

council shall have the power to grant, refuse or revoke any such license, and also license to owners or keepers of hotels, carts or wagons, drays and every other description of wheeled carriages kept or used for hire in said city, and to levy and collect tax thereon and to subject the same to such regulations as the interest and convenience of the inhabitants of said city, in the opinion of the council, may require. No license to sell strong or spirituous liquors, or wine, ale, beer, porter, or drink of like nature, within the said city, or within one mile of the corporate limits thereof, excepting any other municipal corporation which may lie within said limit, shall be granted by the county court of the county of Cabell; but the common council of said city shall have the power to grant, refuse or revoke any such license within the corporate limits thereof. The council may require from the person so licensed a bond, with approved security, payable to said city, in such penalty, and with such conditions as it may think proper, and may revoke such license at any time if the condition of the bond is broken; and the council shall have authority to subject any person or persons, who without having paid the tax imposed by the said council for the privilege, shall do any act or follow any employment or business in the said city upon which the council are or shall be authorized to impose a tax, to any fine or imprisonment which they are or may be authorized to impose or inflict for the enforcement of their ordinances.

50. The council shall have authority to put down a suitable curb of brick, stone or other material at the expense of the said city along and for the footways and sidewalks of the streets and alleys of said city, and to order the construction and repair of sidewalks and gutters of such material and width as the council may determine, by the owners or occupiers of the lots or parts of lots facing upon said streets and alleys; and in case they, or any part of them refuse to put down or repair such sidewalks and gutters when required, it shall be lawful for the council to have such sidewalks and gutters constructed or repaired, and to collect the expense thereof, with one per centum per month interest added after a demand of thirty days, from the said owner, owners, occupier or occupiers, or any of them, by distress or sale, in the same manner in which taxes levied upon real estate for the benefit of the said city are herein author-

ized to be collected, and shall remain a lien upon said lot or part of lot, the same as taxes levied upon real estate in said city; which lien may be enforced by a suit in equity before any court having jurisdiction, as other liens against real estate are enforced: *provided, however,* that a reasonable notice shall first be given to said owner or occupier, or their agent, that they are required to construct or repair such sidewalks or gutters. In case of non-residents, who have no known agent in said city, such notice may be given by publication for not less than four consecutive weeks in any newspaper printed in said city; and in all cases where a tenant shall be required to construct or repair sidewalks or gutters in front of the property of his or her occupancy, the expense of such construction or repairing may be deducted out of the accruing rent of said property, and he or she may recover the amount so paid from the owner, unless otherwise especially agreed upon.

51. There shall be a tax of one dollar annually assessed on each and every male inhabitant of said city, over twenty-one and under fifty years of age, by the city assessor at the time of his listing personal property, and for the purpose hereinafter set forth, and the same shall be set out and included in the personal property book against every such inhabitant, and shall be collected by the city collector at the time of collecting other levies and taxes. All money collected and fines recovered under this section shall be expended upon the roads, streets, alleys, side-walks, cross-walks, footways, drains, gutters and wharfs of said city; and the common council thereof shall have power to expend, from the revenue of said city, additional sums upon the highways that it may deem proper and necessary for work, tools and material. The commissioner of streets shall have all of the rights, powers and privileges, and perform all the duties, by law conferred upon and required of surveyor of roads in a district, and shall be subject to the same fines and penalties imposed by law upon such surveyor for any neglect of his duty.

52. The council of said city shall have authority to abate and remove all nuisances in said city. It may compel the owners, agents, assignees, occupants or tenants, of any lot, premises, property, building or structure, upon or in which any nuisance may be, to

—enforcement of lien.

—proviso as to notice.

—non-residents.

—If tenants construct or repair sidewalk, etc., what then.

Road and street tax; amount; who to pay; how collected.

—how expended.

—may expend additional sums.

—commissioner of streets; his powers, duties and penalties.

Council; authority to abate and remove nuisances.

abate and remove the same by orders therefor, and by ordinance provide a penalty for the violation of such orders.

—officers, appointees, etc.

—water closets, stables, etc.

Said council may also by its own officers, appointees and employees abate and remove nuisances. It may by ordinance regulate the location, construction, repair, use, emptying and cleaning of all water closets, privies, cess pools, sinks, plumbing, drains, yards, pens, stables, and other places, where offensive or dangerous substances or liquids are, or may accumulate, and provide suitable penalties for the violation of such regulations, which may be enforced against the owner, agents, assignee, occupant or tenant, of any premises or structure where such violation may occur.

—failure or refusal to abate or remove nuisances, etc., what then.

—notice.

—expense and how collected.

—lien for such expense, and how enforced.

—notice to non-resident owners.

—if tenant, etc., is required to abate, etc., nuisance, what then.

If the owner, agent, tenant, assignee, or occupant, of any such premises, lot, property, building or structure, as is mentioned herein, shall fail or refuse to abate or remove any such nuisance, as is mentioned herein, or to comply with the provisions of any such ordinance, and the regulations herein contained, the said council may have said nuisance abated or the provisions of said ordinance or ordinances carried out, after reasonable notice to said owner, occupant, tenant, agent or assignee of its intentions so to do, and collect the expense thereof, with one per centum per month interest added from the date of said notice, from the said owner, occupant, tenant, agent, or assignee, by distress or sale, in the same manner in which taxes levied upon real estate for the benefit of said city are herein authorized to be collected, and the expense shall remain a lien upon said lot, or part of lot, the same as taxes levied upon real estate in said city; which lien may be enforced by a suit in equity before any court having jurisdiction, as other liens against real estate are enforced. In case of non-resident owners of real estate such notice may be served upon any tenant, occupant, assignee, or rental agent, or by publication thereof for not less than four consecutive weeks in any newspaper published in said city.

And in all cases where any tenant, occupant or agent is required to abate and remove any nuisance under the provisions of this section, or comply with the provisions of any such ordinance as is mentioned herein, the expense thereof may be deducted out of the accruing or accrued rent of said property, or

amount due said owner from said agent, and such tenant, occupant or agent may recover the amount so paid from the owner, unless otherwise especially agreed upon.

The council may by ordinance create such boards and officers as it may deem necessary, and impose upon them such duties and invest in them such powers as are imposed upon and invested in the council by this act, subject, however, at all times to the control and supervision of said council.

—power to create boards and officers; with what authority, etc.

Any expense incurred by the council as herein provided, in the manner aforesaid, may be collected in the manner herein provided, notwithstanding the imposition of any other penalty or penalties upon any of the persons named herein, under any of the provisions of this act.

—expense incurred by council, how collected.

53. The present mayor, city clerk, city assessor, treasurer and councilmen and other officers of said city shall remain in office and exercise the same duties as are prescribed for them by the laws or ordinances of said city in force previous to passage of this act, until and no longer than an election for mayor, councilmen and other officers, and their qualification be held under this act according to the provisions hereof, except that the six councilmen who were elected at the election held on the first Thursday in April, one thousand nine hundred, shall continue in their said offices until their successors are elected at the election to be held on the first Thursday in April, one thousand nine hundred and three, and thereafter qualified, as provided in section nine hereof.

Present municipal officers to continue in office, until when.

—exception as to councilmen elected in 1900.

54. All other acts and parts of acts coming within the purview of this act, and inconsistent herewith, are hereby repealed.

Acts repealed.

(House Bill No. 187.)

CHAPTER 151.

AN ACT to amend and re-enact the charter of the City of Elkins, in Randolph county, to consolidate the City of Elkins and the Town of South Elkins, to repeal the Charter of the town of South Elkins, in the County of Randolph and to add additional territory to the City of Elkins.

[Passed February 7, 1901. In effect 90 days from passage. Approved February 18, 1901.]

Be it enacted by the Legislature of West Virginia:

City of El-
kins, charter
amended.

—corporate
name and
powers.

Corporate
limits.

1. That the inhabitants of so much of the county of Randolph as is within the bounds prescribed by section two of this act, and their successors, shall be and remain and they are hereby made a body politic and corporate by the name of "The City of Elkins," and as such shall have a perpetual succession and a common seal; and by that name may sue and be sued, plead and be impleaded, purchase, lease and hold real estate, and personal property necessary for the purpose of said corporation.

2. The corporate limits of said city shall hereafter be as follows:

Beginning at the southern abutment of bridge number two, of the West Virginia Central and Pittsburg railway across the Tygarts Valley river, on its Huttonsville branch, being the bridge of said railway situated about one thousand feet south of the junction of the Belington extension and Huttonsville branch of said railway, and running thence down said Tygarts Valley river on the east bank thereof to the nearest corner of land now owned by S. B. Elkins, formerly known as the "Yokum land," thence by a straight line to the highest point of the hill situated in the angle between the Beverly and Fairmont pike and the Coal and Iron railway immediately in the rear of property now occupied by J. A. Cutright, which is claimed by L. I. Keenan, thence by a straight line to the highest point in the land line between the lands of Elizabeth Goddin and Lewis Woolwine at the top of the hill immediately back of the residence of J. W. Goddin, thence by a straight line to the southeastern corner of the Reservoir lot on the top of the "Wees

Hill," thence with the back line of said Reservoir lot to the northern corner thereof, the same being an oak, thence by a straight line to the point where the Buffalo and Leading Creek pike now crosses Cravens run, thence by a straight line to the nearest corner of Maplewood cemetery, thence with the lines of said cemetery, on the northern boundary thereof to the north-west corner thereof, thence by a straight line to the eastern corner of the land of Zibe Wees, thence with his eastern line to Tygarts Valley river, thence by a straight line to the place of beginning.

3. The territory of said city shall be divided into **Wards.** wards as follows:

First Ward.—Beginning at the beginning point of the corporate boundary, at Bridge Number Two, and running thence down the Tygarts Valley river, with the meanders thereof, to the point where said river crosses the western boundary of said city and with said western boundary to the place of beginning. —*first.*

Second Ward.—Beginning at the point where the second corporate boundary line crosses the Beverly and Fairmont pike, near the residence of W. H. Head, and running thence with said Beverly and Fairmont pike to the point where it intersects the Buffalo and Leading creek pike, thence with said last mentioned pike to the point where it crosses Cravens run on the corporate boundary and shall include all the territory lying between said two pikes and the eastern boundary of the city. —*second.*

Third Ward.—Beginning at the point where the boundary of the First Ward crosses the West Virginia Central and Pittsburg Railway, in the Tygarts Valley river, at Bridge Number One, near the intersection of Railroad avenue and First street, and running thence down said river with the meanders thereof to the point where the said river crosses the northern boundary of the city, thence with said northern boundary, in a northern direction to the point where said boundary line crosses said railroad, near Maplewood cemetery, thence with said railroad to the place of beginning. —*third.*

Fourth Ward.—Beginning on the West Virginia Central and Pittsburg railway at the junction of Railroad avenue and Second street and running thence with Second street to John street, thence with John street to Randolph avenue, thence with Randolph avenue to the junction of said avenue with Buffalo street, (a point in the boundary of the Second Ward) —*fourth.*

and shall include all the territory lying west and south of the streets just named which is not embraced in the First and Second wards as above bounded.

—fifth.

Fifth Ward.—Shall include all the territory within the corporate boundary lying north of the Fourth ward, between the Second and Third wards as above bounded. The number and boundary of the wards of said city may be changed at any time by the council thereof, but the number of wards shall not be reduced below three or increased above seven in number and shall be made as nearly equal in population as practical: *provided, however*, that no change in number or boundary of said wards shall be made nearer than sixty days before any general or special election to be held in said city; and *provided, further*, that no such change shall be made until public notice is given for at least thirty days, such notice to be posted at the front door of the mayor's office and at five or more public places in said city at least one of which notices shall be posted in each ward.

—increase
or decrease
of wards,
when and
how; also,
change of
boundaries.

Mayor and
councilmen;
who to elect,
etc.

4. The municipal authorities of said city shall consist of a mayor, to be elected by the voters of the whole city, and two councilmen from each ward, to be elected by the voters of such wards, (ten councilmen as provided by this charter but the number thereof to be increased or diminished if the number of wards be increased or diminished), who together shall form a common council and who shall receive such compensation as the council shall from time to time determine, and which shall not be increased or diminished during their term of office.

—council
who to form.
—compensa-
tion.

Corporate
powers who
to exercise.

5. All the corporate powers of said corporation shall be exercised by said council or under their authority, except when otherwise provided.

Qualifications
of mayor and
councilmen.

6. The mayor and councilmen must severally at the time of their election, be assessed with property, real or personal, or both in the aggregate, of the value of at least two hundred dollars and have paid taxes for the preceding year on property situated within the corporate limits of said city of an assessed value of at least two hundred dollars, and at the time of their election be entitled to vote in said city for members of the common council thereof.

Appointive
officers, quali-
fications.

7. There shall be a chief of police, city attorney, superintendent of streets, commissioner of water works, city assessor, city collector and treasurer, and

city clerk, who at the time of their election or appointment shall be entitled to vote for members of the common council. These several offices or any two or more of them may be held by the same person, except that the offices of city clerk and city attorney shall be deemed incompatible with any other city office. These several offices shall be filled by appointment by the common council and to be held by the appointee during the pleasure of the council, and until his successor shall have been appointed and qualified: *provided, however,* that the common council by ordinance may provide for the election of any of said officers and prescribe their term of office at not less than one, nor more than two years.

—what offices-incompatible.

—appointment of.

—proviso.

8. On the third Tuesday in June, one thousand nine hundred and one, and every year thereafter on the first Tuesday in March, there shall be elected by the qualified voters of said city, a mayor and such other officers as may be prescribed by ordinance as contemplated in the preceding section. The mayor shall hold his office for the term of one year commencing on the first day of April next after his election and until his successor shall be elected and qualified.

Annual election; who elected.

—term of mayor.

9. On the same day first mentioned in the preceding section two members of the council shall be elected in each ward in said city, who shall reside in the ward for which they are elected, and the candidate receiving the largest number of votes shall be elected for two years, and the candidate receiving the next highest number of votes shall be elected for one year from the first day of April next succeeding his election, and shall hold their offices until their successors are elected and qualified; and on the same day of each succeeding year one member of the council shall be elected in each ward whose term of office shall begin on the first day of April next succeeding his election and continue for two years and until his successor is elected and qualified; but if any member of the council remove from the ward in which he was elected his office shall thereby become vacant, and the common council shall fill such vacancy by the appointment until the next general election of some one residing in the ward who is eligible to the office. Each ward shall constitute an election precinct, and the council of the city of Elkins in office

Councilmen first elected.

—terms; how determined.

—annual election of.

—term.

—what vacates office; how filled.

—election precincts.

—voting places.

—who entitled to vote for councilmen.

Qualifications of voters.

Elections; mode of voting.

—laws governing.

—exception.

—canvassing and declaring result.

—duties of council; laws to govern.

at the time of the passage of this act shall establish a voting place in each ward, at which the first election above provided for shall be held, and thereafter the council of said city shall establish such voting place in each ward, and at all election for councilmen the councilmen shall be elected by wards. No voter shall be entitled to vote at any city election except in the ward in which he resides, and if any voter shall vote for any person for councilman who is not a resident of the ward in which he is voted for, such vote or votes shall not be counted for such person or persons.

10. Every male person residing in said city shall be entitled to vote for all officers elected under this act, but no person who is a minor or of unsound mind or a pauper, or who is under conviction of treason, felony or bribery in an election, or who has not been a resident of this State for one year and of said city for six months, and is not a bona fide resident of the ward in which he offers to vote, shall be permitted to vote therein.

11. In all elections by the people the mode of voting shall be by ballot, but the voter shall be left free to vote an open, sealed or secret ballot, as he may elect. The elections in said city shall be held and conducted and the result thereof certified, returned and finally determined under the laws in force in this State, relating to general elections, on the tenth day of March eighteen hundred and ninety-two, except that the persons conducting said elections shall on the day after the election is held, deliver the ballots, tally sheets and poll books to the city clerk, and thereafter the common council of said city shall meet on the sixth day succeeding said election and canvass the returns of said election, and declare the result thereof and in all respects comply with the requirements of the statute above adopted relating to elections. The corporate authorities of said city shall perform all the duties in relation to such elections required by general law of county courts and officers on the tenth day of March, eighteen hundred and ninety-two, and the provisions of chapter three of the code of West Virginia, in effect on that date, concerning elections by the people, shall govern such elections and be applicable thereto, and the penalties therein prescribed for offences relating to elections

shall be enforced against the offenders at such corporate elections; and the said act shall have the same force and effect as if it were specially applicable to such corporate elections and was by this act specially re-enacted in extenso, except as above modified as to the time in which the returns of the election and the canvass thereof shall be made. —exceptions.

12. Whenever two or more persons shall receive an equal number of votes for mayor, councilman or other city office, such tie shall be decided by the council in being at the time the election was held. Tie vote, how decided.

13. All contested elections shall be heard and determined by the common council and the contest shall be made and conducted in the same manner as provided for in contests for county and district officers, and the common council by their proceedings in such cases shall comply as nearly as practicable in conformity with like proceedings of the county courts in such cases. Contested elections, how determined.

14. Whenever a vacancy from any cause shall occur in any office the council shall by a majority vote of those present fill such vacancy. Vacancies, how filled.

15. The council shall also have authority to provide by ordinance for the appointment of such other officers as shall be necessary and proper to carry into full force and authority the power, capacity, jurisdiction and duties of said city which is or shall be vested therein, or in the council, or in the mayor or any other officer or body of officers thereof, and to grant to the officers so appointed the power necessary or proper for the purposes above mentioned. The council by ordinance shall define the duties of all officers so appointed or elected as aforesaid, and allow them reasonable compensation which shall be by monthly or quarterly salaries and not otherwise, except as to the collection of taxes, and fees to the mayor and chief of police in criminal convictions wherein the fees are recovered from the defendant, which compensation shall not be increased or diminished during their term of office; and shall require and take from all of them whose duty it shall be to receive its funds, assets or property, or have charge of the same, such bonds, obligations or other writings as they shall deem necessary or proper to insure the faithful performance of their several duties. All officers whether appointed or elected may be removed from office for Council; authority to provide for additional officers, and conferring necessary powers. —to define duties of such officers. —compensation. —exception. —bonds, etc. of officers. —removal.

mal-feasance, non-feasance or mis-feasance by the council, but provided always that any appointed officer who holds his office at the pleasure of the council may be removed from his office at any time without notice. The chief of police shall have all powers, rights and privileges within the corporate limits of said city in regard to the arrests of persons, the collection of claims, the execution and return of process, that can be legally exercised by a constable of a district within this State; and may without having any warrant or other process therefor arrest any person who commits any offence against the laws of this State or infraction of the ordinances of said city, in his presence. He shall be ex officio the keeper of the jail and have charge of the city prisoners confined therein, and may confine any persons arrested by him in the city jail until such time as the charges against such person can be inquired into by the mayor. Any person fined by the mayor for infraction of any of the ordinances of the city may pay such fine to either the mayor or chief of police; and the said chief of police and his sureties shall be liable to all fines, penalties and forfeitures that a constable of a district is liable to for any failure or dereliction in his said office, to be recovered in the same manner and in the same courts that the said fines, penalties and forfeitures are now recovered against a district constable. It shall be the duty of the collector and treasurer to collect city taxes, licenses, levies, assessments, and other such city claims as are placed in his hands for collection by the council, and may distrain and sell therefor in like manner as a sheriff may distrain and sell for state taxes, and he shall in all other respects have the same powers as the sheriff to enforce the payment and collection thereof.

—proviso.

—chief of police, his powers.

—keeper of jail.

—fines by mayor.

—penalties, etc.

—how recovered.

—collector and treasurer, duties and powers of.

Official bonds, etc.; how made payable; proceedings on.

16. All bonds, obligations or other writings taken in pursuance of any provision of this act, or under the provisions of any ordinance of said city, shall be made payable to "The City of Elkins," and the obligors therein and their heirs, executors, administrators and assigns, bound thereby, shall be subject to the same proceedings on such bonds, obligations or writing for enforcing the conditions of the terms thereof, by motion or otherwise before any court of record or justice of the peace having jurisdiction thereof, held or acting in, or for said Randolph coun-

ty, or any district thereof or elsewhere, that the sheriff or collector of said county and his sureties are or shall be subject to on his bond taken for the enforcement of his duties in the payment of the county levies.

17. The mayor and council and all other officers provided for in this act shall each, before entering upon the duties of their office, and within thirty days after their election or appointment, take the oath or affirmation prescribed by law for all officers in this State, and make oath or affirmation that they will truly, faithfully and impartially, to the best of their ability, discharge the duties of their respective offices so long as they continue therein. Said oath or affirmation may be taken before any person authorized to administer oaths under the laws in force at the time the same is taken, or before the mayor or city clerk of said city, but in any event a copy of said oath of said officer shall be filed with the city clerk:

Oath or officers.

—by whom administered; where filed.

18. The mayor and councilmen, and all other elected officers, shall enter upon the duties of their office on the first day of April next after their election, or as soon thereafter as they have qualified, and all appointed officers shall enter upon the duties of their offices as soon as they have qualified; and all officers shall remain in office until their successors are elected and qualified or until removed therefrom.

Elected officers, when duties begin.

—appointed officers.

—term.

19. If any person elected to any office shall not be eligible thereto under the provisions of this act or shall fail to qualify as herein required, the council shall declare his said office vacant and proceed to fill the vacancy as required by this act.

Election of persons ineligible, what then.

20. The mayor shall be the chief executive officer of the city, and shall take care that the orders, by-laws, ordinances, acts and resolutions of the council thereof are faithfully executed. He shall be ex officio a justice and conservator of the peace within the city, and shall within the same have, possess and exercise all the powers and perform all the duties vested by law in a justice of the peace, except he shall have no jurisdiction in civil cases or causes of action arising out of the corporate limits of the city unless the defendant resides or is found therein and process therein served upon him. He shall have the same power to issue attachments in a civil suit as a justice of his

Mayor: his executive powers.

—judicial powers.

—exception; unless, etc.

—power to issue attachments, but not to try.

county has, but in such case he shall have no power to try the same, but such attachment shall be made returnable and heard before a justice of the peace of his county. Any warrant or other process issued by him may be executed at any place in the county. He shall have control of the police of the city and may appoint special police officers whenever he deems it necessary, and may suspend any police officer until the next regular meeting of the council. And it shall be his duty especially to see that the peace and good order of the city are preserved, and that persons and property therein are protected, and to this end he may arrest, or cause the arrest and detention, of all violators of the laws of the State and ordinances of the city, before issuing his warrant therefor if the offence is committed in his presence. He shall have power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof and in default of such payment he may commit the party in default to the jail of the county of Randolph or other place of imprisonment in such corporation, if there be one, until the fine or penalty and costs shall be paid; but the term of imprisonment in such cases shall not exceed thirty days. And in all cases when a person is sentenced to imprisonment or to the payment of a fine of ten dollars or more (and in no case shall a judgment for a fine be for less than ten dollars if the defendant, his agent or attorney object to a less fine being imposed), such person shall be allowed an appeal from such decision to the circuit court of the county of Randolph upon the execution of an appeal bond with security deemed sufficient by the mayor, in a penalty sufficient to cover said fine and costs before the mayor, and the costs in the circuit court in case said judgment be affirmed, with condition that the person proposing to appeal will perform and satisfy any judgment which may be rendered against him by the circuit court on such appeal. If such appeal be taken the warrant of arrest, (if any,) a transcript of the judgment, the appeal bond and other papers in the case, shall be forthwith delivered by the mayor to the clerk of said court, and the court shall proceed to try the case as upon indictment or presentment, and render such judgment, including costs, as the law and the evidence may require. The mayor shall from time to time recommend to the council such measures as he

—process,
where executed.

—to control
police, etc.

—powers and
duties as coun-
servator of
the peace.

—power to is-
sue execu-
tions for
fines, etc.

—power to
commit.

—limit to im-
prisonment.

—appeal.

—appeal bond.

—proceed-
ings.

—to recom-
mend to coun-
cil, what.

may deem needful for the welfare of the city. The expense of maintaining any person committed to the jail of the county by him, except it be to answer an indictment, shall be paid by the city and taxed as costs against the defendant. The mayor before acting shall execute bond with good security in the penalty of not less than one thousand dollars, or in such additional penalty as the council may require, subject to the approval of the council, with the same conditions as required in bonds executed by justice of the peace by chapter fifty of the said code; and all the provisions of said chapter relating to money received by a justice shall apply to like moneys received by the mayor.

21. The city clerk shall keep an accurate record of the proceedings of the council, and have charge of and preserve the records of the city, and in case of the absence from the city, or in case of the sickness or inability of the mayor to act, or during any vacancy in the office of mayor, he shall perform such duties of the mayor as pertain to him as chief executive of the city and be vested with all power necessary for the performance of such duties, but shall not be vested with any of the authority of the mayor, pertaining to civil suits. He shall be a conservator of the peace within the city.

22. The presence of a majority of the council shall be necessary to make a quorum for the transaction of business.

23. The council shall cause to be kept by the clerk in a well bound book to be called the "Minute Book," an accurate record of all its proceedings, ordinances, acts, orders and resolutions, and in an other to be called "Ordinance Book," accurate copies of all general ordinances adopted by the council; both of which shall be accurately indexed and open to inspection of any one required to pay taxes in the city, or who may be otherwise interested therein. All oaths and bonds of officers in the town, and all papers of the council shall be endorsed, filed and securely kept by the clerk. The bond of officers shall be recorded in a well bound book to be called "Record of Bonds." The clerk shall perform such other duties as may by ordinance of the council be prescribed. The transcripts of ordinances, acts, orders and resolutions certified by the clerk, under the seal of the city shall be deemed prima

—jail expenses.

—mayor's bond.

moneys received.

City clerk, his duties.

—vested with powers of mayor when; exception.

—conservator.

Quorum.

Minute book, what to contain.

—ordinance book.

—indexes and inspection.

—oaths and bonds, etc., filing of.

—record of bonds.

—other duties.

—transcripts of ordinances, etc.

facie correct when sought to be used in any court or before any justice.

Council proceedings, correction of, etc.

—yeas and nays.

24. At each meeting of the council the proceedings of the last meeting shall be read and corrected if erroneous and signed by the presiding officer for the time being. Upon the call of any member the yeas and noes on any question shall be taken and recorded by the clerk in the Minute Book. The call of the members for such vote shall be made alphabetically.

Mayor to vote, when.

25. The mayor shall have no vote upon any proceedings before the council except in the case of a tie.

Regular meetings.

—special meetings.

—absent members.

—majority vote.

26. The regular meeting of the council shall be held at such time and at such places in the city as they shall from time to time ordain and appoint; and it shall be lawful for the council by ordinance to vest in any officer of the city, or in any member or number of members of their own body, the authority to call special meetings and prescribe the modes in which notice of such special meetings shall be given. If a majority of the members of the council do not attend any regular or special meeting those in attendance shall have authority to compel the attendance of absent members under such reasonable penalties as they may think proper to impose; all questions put to a vote, except such matters as are hereinafter provided for shall be decided by a majority of the members present.

Moneys, to whom paid, and how paid out.

—exception.

27. All moneys belonging to the city shall be paid over to the city collector and treasurer; and no money shall be paid out by him except as the same shall have been appropriated by the council and upon an order signed by the mayor and city clerk, and not otherwise, except at the expiration of his term of office upon the order of the council, signed by the mayor and clerk, he shall pay over to his successor all the money remaining in his hands.

Council, general corporate powers and duties of.

28. The council of said city shall have power to lay off, vacate, close, open, alter, grade and keep in good repair the roads, streets, alleys, pavements, sidewalks, cross-walks, drains, sewers and gutters therein, for the use of the citizens or of the public, and to improve and light the same, and keep them free from obstructions of every kind; to regulate the width and

kind of the pavements and sidewalks, footways, drains and gutters and cause the same to be kept in good order, free and clean by the owners and occupants of the real property next adjacent thereto; to establish and regulate markets, prescribe the time of holding the same, provide suitable and convenient buildings therefor, and prevent the forestalling of such markets; to prevent injury or annoyance to the public or to individuals from anything dangerous, offensive, or unwholesome; to prohibit or regulate slaughter houses, tan houses, soap factories within the city limits, or the exercise of any unhealthy or offensive business, trade or employment; to abate all nuisances within the city limits or to compel the abatement or removal thereof at the expense of the person causing the same, or by or at the expense of the owner or occupant of the ground on which such nuisance is placed or found; to cause to be filled up, raised or drained, by or at the expense of the owner, any town lot or tract of land covered or subject to be covered by stagnant waters; to prevent horses, hogs, cattle, sheep or other animals, and fowls of all kinds, from going or being at large in such city, and as one means of prevention to provide for impounding or confining such animals and fowls at the expense of the owner thereof, and upon failure of the owner to reclaim, for the sale thereof; to protect places of divine worship and to preserve order in and about the premises when and where such worship is held; to regulate the keeping and sale of gun powder and other inflammable or dangerous substances; to provide for the regular building of houses or other structures and to provide for the kind of material to be used in the construction thereof, and for the making and maintaining of division fences by the owners of adjoining property, and for the proper draining of city lots and other parcels of land by or at the expense of the owner or occupant thereof; to provide against danger or damage by fire; to punish assault and battery; to prohibit the keeping, or loitering in or visiting houses of ill fame, or loitering in saloons or upon the streets; to prevent lewd or lascivious conduct or other representations; the desecration of the Sabbath day, profane swearing, the illegal sale of intoxicating drinks, mixtures or preparations; to protect the persons of those residing or being in said city; to appoint, when necessary or advisable a police force, permanent or

—general
corporate
powers and
duties of
council—Con-
tinued.

—general
corporate
powers and
duties of
council —Con-
tinued.

temporary, to assist the chief of police in the discharge of his duty, and who when appointed to have the same power and authority in and about the arrests of offenders as the chief of police may have; to build or purchase, or lease and use a suitable place of imprisonment within said city for the safe keeping or punishment of persons charged with or convicted of the violation of the ordinances of the city, or they may adopt the county jail of Randolph county for that purpose; to erect or authorize or prohibit the erection of gas or water works, or both, within the city limits or near the same; to prevent injury to such works, or the pollution of any gas or water used or intended to be used by the public or by any individual; to provide for and regulate the weighing or measuring of hay, coal, lumber and other articles sold or kept for sale within said city, and to establish rates and charges for the weighing and measuring thereof; to create by ordinance such committees and delegate such authority thereto as may be deemed necessary or advisable; to provide for the annual assessment of the taxable property therein and for the revenue for the city for municipal purposes and to appropriate such revenue to its expenses; and generally to have power to take such measures as are deemed necessary or advisable to protect persons and property, public or private within the city; to preserve peace, quiet and good order therein and to promote the health, safety, comfort and well being of the inhabitants thereof.

—authority
as to ordi-
nances.

The council shall have authority to pass all ordinance not repugnant to the constitution and laws of the United States, and of this State, which shall be necessary or proper to carry into full effect and power, authority and capacity, the jurisdiction which is or shall be granted to or vested in the said city, or in the council, or in any officer or body of officers of said city, and to enforce any or all of their ordinances by reasonable fines and penalties, and by imprisoning the offender or offenders, and upon failure to pay any fine or penalty imposed may compel the offender to labor without compensation at and upon any of the public works or improvements undertaken or to be undertaken by said city, or to labor at any work which the said council may lawfully employ labor upon at such a reasonable rate per diem as the council may fix until any fine or fines and costs imposed upon

—imprison-
ment; labor
on streets,
etc.

any such offender by said city have been fully paid and discharged, after deducting reasonable charges of support while in the custody of the officers of the city: *provided, however,* that no fines shall be imposed exceeding thirty dollars and costs, and that no person shall be imprisoned or compelled to labor as aforesaid for more than thirty days for any one offence. And in all cases where a fine is imposed for an amount exceeding ten dollars and costs, or a person be imprisoned or compelled to labor as aforesaid for a term greater than ten days, an appeal may be taken from such decision upon the same terms and conditions that appeals are taken from the judgment of a justice of this State. Such fines and penalties shall be imposed and recovered, and such imprisonment inflicted and enforced, by and under the judgment of the mayor of said city, or in case of his absence or inability to act, by the clerk of said city, or if he be unable to act, then by any member of the council to be appointed by the council for that purpose; and for his services in trying cases, whether civil, criminal or infractions against the ordinances of the city, the mayor shall be entitled to receive such fees as are paid to justices of the peace for similar services, but in cases of infractions of the ordinances of the city the mayor shall not be paid such fees unless they are collected from the defendant, and in all such cases the chief of police shall be entitled to receive such fees as are paid to constables for similar services, except that for cases for the infraction of the ordinances of the city he shall not receive such fees unless collected from the defendant; and *provided, further,* that the fee for making any arrest shall be one dollar, to be paid to the officer making the arrest, whether such officer be the chief of police or other officer, if collected from the defendant, but not otherwise. In addition to the powers above enumerated, the said city council shall have power to improve, amplify and extend the water works of said city, and to either themselves build and construct, either within or outside of the corporate limits, all such additional reservoirs and lay such water mains or pipes as may be necessary, and for that purpose may acquire by purchase, lease or condemnation, all land either within or outside of said city, as may be necessary, or they may contract for such work to be done, to the end, in either event, to secure an adequate

—general powers and duties of council—*Continued.*

—proviso as to fine and imprisonment.

—appeal.

—fines, how imposed and recovered; imprisonment, how inflicted and enforced.

—fees.

—water-works, etc.

supply of pure, healthful water for said city, and do all things necessary to adequately supply said city with pure, wholesome water, and provide, contract for and construct an adequate sewerage system for said city; and may provide and cause to be maintained by either the construction thereof, or by contract with others, of an electric light plant for the purpose of lighting the streets of the city, and if the city itself constructs and operates such plant it may sell and furnish such light to private individuals and others residing within said city. Whenever anything for which a State license is required is to be done in said city, the council may require a city license therefor and may impose a tax thereon for the use of said city, and whenever said city license is granted by the council for the sale of spirituous, vinous or malt liquors, or drink of like nature, the county court shall grant a State license for the sale thereof within the corporate limits of said city, but no State license therefor shall be granted within said city, by the county court, or within four miles of the corporate limits thereof, unless the council thereof first grants a city license. The council shall require from every person so licensed to sell spirituous, vinous or malt liquors a bond with good security, to be approved by the council, in a penalty of at least three thousand five hundred dollars payable to said city by its corporate name, conditioned as prescribed in section twenty-two of chapter thirty-two of the code of West Virginia, and may revoke such license at any time the condition of said bond be broken, upon ten days' previous notice to the person holding the same. And suits may be prosecuted and maintained on such bond as prescribed in said section of said chapter by any person for the same causes, in the same manner and to the same extent, as upon the bonds mentioned in said section, and all the provisions of said section in relation to the bonds therein mentioned shall be applicable to the bonds required by this section.

—sewerage.

—electric light.

—granting license.

—revocation of license.

—suits on license bonds.

Mayor's Docket, how kept, etc.

29. A well bound book, indexed, to be denominated the "Mayor's Docket," shall be kept in the office of the mayor in which shall be noted each case brought before or tried by him together with the proceedings therein, including a statement of the complaint, the warrant or summons, the return, the fact of appearance or non-appearance, the defence, the hearing, the

judgment, the costs, and in case the judgment be one of conviction the action taken to enforce the same. The record of each case shall be signed by the mayor and the original papers thereof, if no appeal be taken, shall be kept together and preserved in his office.

30. The council shall cause to be made up annually and spread upon its minute book an accurate estimate of all sums which are or may become chargeable against the city and which ought to be paid within one year; and it shall order a levy at a meeting held by it in either the month of June or July of each year, of so much as will in its judgment be necessary to pay the same, such levy shall be upon all real and personal property therein subject to a state tax, and shall designate the same as the "general tax," and may include a poll tax of not exceeding two dollars each year upon each able bodied man therein who is above the age of twenty-one years and not over fifty years of age; which poll tax shall be used exclusively upon the opening, improving and maintaining the roads, streets and alleys of the city, and shall designate the same as the "street tax": *provided*, that such levy for the general tax shall not exceed one dollar on every one hundred dollars of the assessed value of the property upon which the same is levied; and the said council may also impose such license tax upon dogs and other animals as they may deem proper and collect the same from the owners of such animals as other taxes are collected and prescribe such rules, regulations and penalties governing the payment of such tax on animals as they may deem reasonable. At least once in each year the council shall cause to be made up and published in one or more of the newspapers published in the city an accurate statement of the revenue received from all sources and of all the expenditures upon all the different accounts for the preceding year.

31. It shall be the duty of the assessor to make an assessment of the property within the city subject to taxation, substantially in the manner and form in which assessments are made by the assessors of the county, and return the same to the council on or before the first day of June of each year, and for this purpose he shall have all the powers conferred by law upon county assessors. He shall list the number of dogs and other animals subject to a license tax in the city and the names of the persons owning the

—to sign
each record.

Annual esti-
mate of ex-
penses and
levy for.

—for what
purpose only
poll tax
used.

—name of
such tax.

—limit to
levy.

—license tax
on dogs, etc.

—publication
of receipts
and dis-
bursements.

Assessor, du-
ties and pow-
er of.

same which list shall be returned to the council at the same time his assessment books are returned.

—law to govern.

—access to books, records, etc.

—penalties.

—ordinances, etc., by council.

—enforcement of rules, etc., by fines.

Assessment books and how disposed of, etc.

Liens for taxes, fines, etc.

—priority.

—enforced; how.

—real estate delinquent.

—certified to auditor.

But in making his assessments of real and personal property he shall be governed by section one hundred of chapter twenty-nine of the code of this State. In order to aid the said assessor in ascertaining the property subject to taxation by said city he shall have access to all books and public records of said Randolph county without expense to him or said city, and he shall have the same power and be subject to the same penalties in ascertaining and assessing the property and subjects of taxation in said city as are granted and imposed upon the county assessors throughout the State by general law; and the council shall have authority to prescribe by general ordinance such other rules and regulations as may be necessary to enable and to require such assessor to ascertain and properly assess all property liable to be taxed by said city, so that such assessment and taxation shall be uniform and equal, and the council may enforce such rules and regulations by reasonable fines to be imposed upon any one failing or refusing to comply therewith.

32. The assessor shall make two copies of his assessment books each year and extend the taxes in each book and deliver the same, when completed and sworn to, to the city council, one of which shall be retained in the office of the city clerk and the other delivered to the city collector and treasurer taking his receipt therefor.

33. There shall be a lien on real estate within said city for the city taxes assessed thereon, and for all fines and penalties assessed to or imposed upon the owners thereof, by the authorities of such city including expenses for making sidewalks and streets, from the time the same are so assessed or imposed, which shall have priority over all other liens except taxes or dues due the United States and the lien for taxes due to the State, county, or district; and such lien may be enforced by the council in the same manner provided by law for the enforcement of the lien for county taxes. If any real estate within said city be returned delinquent for the non-payment of city taxes due thereon, a copy of such delinquent list shall be certified by the council to the auditor of this State and the same may be sold for city taxes, inter-

est and commissions thereon in the same manner, at the same time and by the same officers as real estate is sold for State taxes; and a return of such sales made to and a deed executed therefor, if not redeemed, in the same manner and with like effect, as the return of sales of real estate sold for State taxes are made and deeds therefor executed to purchasers.

34. It shall be the duty of the city collector and treasurer, when the extended copies of the assessors books are completed, to receive a copy thereof, receipting to the council for the same, and it shall be his duty to collect from the parties the entire amount of the taxes with which they are severally charged therein, and may proceed to collect the same at any time after the first day of August, and may enforce payment thereof by levy upon the personal property and sale thereof of the person so charged with taxes at any time after the first of October next after said taxes are assessed: said taxes shall be a lien upon the property upon which they are assessed from and after the time the assessor's books are completed, verified and returned to the city council, and shall write the word "paid" opposite the name of each person who pays the taxes assessed against him and shall also give to the person paying such taxes a receipt therefor: *provided, however,* that said assessor and treasurer may distrain at any time for any taxes assessed against a person who is about to remove or who has removed from said city after such taxes are assessed, and the books returned as aforesaid. He shall also receive such other moneys of the city as he is authorized by this act to receive, and also all moneys ordered by the council to be paid to him, giving receipt therefor to the parties paying the same, and shall keep an accurate, itemized account of all moneys received by him: and his books shall at all times be open for the inspection of the mayor, council, city clerk, and to any tax payer of the city. He shall pay out the money in his hands only upon the order of the council upon orders signed by the mayor and city clerk and keep an itemized statement of the money so paid out by him. He shall on or before the last meeting of the council in each year just before the expiration of the term of office of the mayor, and at such other times as the council may require, present to the council a full and complete statement of all the moneys with which he is chargeable or that have been

—how and when sold.

—return of sales; deed.

Duties of city collector and treasurer.

—enforcing payment.

—lien.

—receipt, etc.

—distrain.

—authorized to receive other moneys.

—account kept.

—inspection of books.

—paying out money.

—annual statement of receipts.

—of disburse- received by him and not previously accounted for, and
ments. shall at the same time, in like manner, furnish a complete statement, by separate items of all disbursements made by him during such period, with his vouchers evidencing the same. He shall receive all taxes upon licenses and receipt to the party paying the same by endorsement upon the permit granted by order of the council, or mayor as the case may be.

—license tax. He shall receive upon all moneys coming into his hands and paid out by him as his compensation for receiving and disbursing the same such sum as may be fixed by the council, not to exceed five per cent. thereof. He shall upon the expiration of his term of office turn over to the council all books and other property in his possession belonging to the city, except the money in his hands, which he shall turn over to his successor upon the order of the council as hereinbefore provided; and shall, before entering upon the duties of his office, execute a bond with good security payable to said city, in a penalty of not less than double the estimated amount of money that is liable to come into his hands each year during his term of office, conditioned that he will faithfully discharge the duties of his office and account for and pay over as required by law and the orders, ordinances, rules and regulations of the council of said city, all money which shall come into his hands, which bond shall be subject to the approval of the council. He shall be chargeable with all the city taxes, levies and assessments and money of the city which shall come into his hands and shall account therefor.

—commission allowed.

—duty upon expiration of office.

—his bond; conditions, penalty, etc.

—with what chargeable.

License ordinances. 35. The council shall prescribe by ordinance the time and manner in which licenses of all kinds shall be applied for and granted, and shall require the payment of the tax thereon to the city collector and treasurer before the delivery thereof to the person applying therefor.

Provisions of law applicable to licenses. 36. The provisions of the twenty-ninth section of chapter thirty-two of the code of West Virginia shall be deemed applicable to licenses, of a similar character to those therein mentioned when granted by or under authority of the council of said city; licenses for the keeping of dogs, or other animals, shall also expire on the thirteenth day of April next after they are granted.

—dog licenses.

37. The council shall have a right to institute and prosecute proceedings in the name of the city for condemnation of real estate for streets, alleys, roads, drains, sewers, market grounds, city prison, water works, electric light plant or other works, or purpose of public utility. Such proceedings shall conform to the provisions of chapter forty-two of the code of West Virginia, and the expenses thereof shall be borne by the city, except in cases where it is proper under said chapter to charge such expenses or any part thereof against the defendant.

Condemnation of real estate for public use.

--proceedings.

—expenses.

38. That the charter of the town of South Elkins is hereby abolished.

Charter abolished.

39. All the ordinances, by-laws, resolutions and rules of the city of Elkins in force on the day preceding the passage of this act, which are not inconsistent therewith, shall be and remain in full force over the whole of the territory embraced in the boundary of said city as established by this act, and the officers in office in the city of Elkins at the time this act takes effect shall remain in office until their successors are elected, or appointed, and qualified under the provisions of this act; and after this act takes effect shall have jurisdiction over the whole of the territory embraced in the boundary specified in this act; but nothing in this act shall be construed or held to in any way affect or impair any of the bonds or obligations of said city of Elkins issued or contracted prior to the passage of this act, on the contrary, all such bonds and obligations shall be and remain in full force and effect just as though this act had not been passed, except that the whole of the taxable property of persons residing within the corporate limits of said city as created by this act shall be subject to taxation to pay and discharge such bonds and obligations.

Existing ordinances, not inconsistent, to remain in force.

—term and jurisdiction of officers in being.

—bonds, etc., heretofore issued, etc.

40. The corporate authorities of the town of South Elkins shall, before July first, nineteen hundred and one, turn over to the corporate authorities of the city of Elkins all corporate assets, including money, taxes, license fees payable, and all other corporate property, to the council of the city of Elkins to be disposed of by it as corporate property now owned by said city of Elkins is disposed of; and if said town of South Elkins at the time this act takes effect has any outstanding contracts or obligations proper for it to con-

Corporate authorities of South Elkins, to turn over corporate property, etc., when and to whom.

—existing contracts and obligations.

tract, including licenses granted, the said city of Elkins shall assume the same and carry the same into execution in manner, form and effect as contracted by said town of South Elkins.

Present council of Elkins, duties of as to first election.

41. The council in being in the city of Elkins at the time this act shall take effect shall provide places for voting in the several wards in said city and appoint commissioners residing in each ward to hold and conduct the first election hereinbefore provided to be held, and shall pass all proper ordinances and orders to give this act full force and effect.

City of Elkins succeeds to what rights, liabilities, etc.

42. The said city shall succeed to all the rights, powers and responsibilities of the city of Elkins as they exist the day preceding the day on which this act takes effect, and shall enjoy such rights, exercise such power and discharge such responsibilities in the same manner as the same should have been enjoyed, exercised or discharged if this act had not been passed.

Ordinances abrogated and acts repealed, what.

43. All ordinances of the city of Elkins as they exist at the time of the passage of this act which are inconsistent therewith are hereby abrogated, and all acts and parts of acts inconsistent with any of the provisions of this act are hereby repealed.

(Substitute for House Bill No. 250.)

CHAPTER 152.

AN ACT to amend and re-enact sections twenty-six, twenty-seven, twenty-eight, thirty-one and thirty-two of the Charter of the City of Charleston, and add section thirty-two *a* thereto, as amended by an Act of the Legislature of West Virginia, passed on February twenty-third, one thousand eight hundred and ninety-nine, entitled, "An Act to amend and re-enact sections seven, eight, twenty, twenty-six, twenty-seven, twenty-eight, thirty, thirty-two, thirty-three, and thirty-four of an Act of the Legislature of West Virginia, passed on the thirteenth day of February, one thousand eight hundred and ninety-five, entitled, "An Act to amend and re-enact the Charter of the City of Charleston, and to change the corporate limits of said city, so as to include Elk City and other additional territory."

[Passed February 22, 1901. In effect 90 days from passage. Approved February 22, 1901.]

Be it enacted by the Legislature of West Virginia:

That sections twenty-six, twenty-seven, twenty-eight, thirty-one and thirty-two of the charter of the city of Charleston be amended and re-enacted, and section thirty-two *a* be added thereto, so as to read as follows:

26. Whenever anything for which a state license is required is to be done within said city or within two miles of the corporate limits thereof, the council may require a city license to be had for doing the same, and may, in any case, require from the person licensed a bond, with such sureties and in such penalty and with such conditions as it may deem proper, and may revoke such license at any time if the conditions of the said bond be broken.

And no license to sell strong or spiritous liquors or wine or beer, ale, porter, or drinks of like nature, within said city, or within two miles of the corporate limits thereof, shall be granted by the county court of Kanawha county unless the person applying therefor shall produce to said county court the certificate of the council of said city, that said council has granted a city license authorizing said person to sell as aforesaid; and upon the production of said certificate before said county court, said court may at its discretion grant a state license to sell as aforesaid to the said person, upon his compliance with all the requirements of law in relation thereto.

A person assessed with a city license tax for the sale of strong or spiritous liquors, or wine or beer, ale, porter or drinks of like nature within said city or within two miles of the corporate limits thereof, shall pay said tax to the treasurer of the city before any such license be granted to him by said council. The council may impose a license and assess a tax thereon on all wheeled vehicles for public hire, and upon all cabs kept within said corporate limits. The council may prescribe, impose and enforce reasonable fines and penalties, including imprisonment, under the order of the mayor or recorder of said city, or the persons lawfully exercising their functions, upon any person carrying on, or attempting to carry on any business for which a city license is required, without first obtaining a city license therefor and paying the

Acts amended.

City of Charleston; licenses and tax on.

—bond of licensee.

—revocation of license.

—liquor license, provisions relating to.

—payment of liquor license tax, when.

—may impose license tax on wheeled vehicles for hire, and on dogs.

—fines and penalties imposed for doing business without license.

—all license tax paid to whom; police jurisdiction of city.

city license tax assessed thereon. All licenses provided for in this chapter, shall be paid to the city treasurer, and for the purpose of enforcing the provisions of this section, the city shall have police jurisdiction for two miles beyond the corporate limits thereof.

Taxes; collection of.

—assessor to extend same on books; how he shall make out tax tickets.

27. The city taxes annually levied by said council, shall be collected as follows: Immediately after the annual levy of city taxes is made, the city assessor shall extend the same in the property books made out by him, including as well the proper capitation tax. He shall make out therefrom proper tax tickets in the following manner, that is to say, instead of a single ticket for the whole amount charged to any person, there shall be two tickets, each for the one-half of the said amount. These half tickets shall be severally numbered or designated "First" and "Second," and the same, after being examined and compared by the finance committee of the council, and found to be correct, shall be turned over to the city treasurer on the first day of October following the levy, whose receipt for the gross amount thereof shall be returned to the council and entered upon its record, and the treasurer shall be charged therewith. The treasurer shall give notice that said tickets are in his hands for collection (provided, that the taxpayer shall have the right to anticipate the payment of the whole or any part of the taxes so assessed against him) stating the penalty for non-payment thereof and the time and place when the same may be paid, which notice shall be published for twenty days in two newspapers of opposite politics, published in said city, if there be two such papers.

—examination of such tickets.

—tickets turned over to treasurer; to receipt for and charged with.

—notice by treasurer; tax-payer may anticipate payment.

—time of payment of each half.

The one-half tickets designated "First" may be paid to the city treasurer any time before the first day of November next succeeding said levy. The half tickets designated "Second," may be paid to said treasurer at any time before the first day of April next succeeding said levy. To all the half tickets designated "First" remaining unpaid in the treasurer's hands on said first day of November a penalty of ten per cent. shall be added. To all the half tickets designated "Second" remaining unpaid in the treasurer's hands on said first day of April, a penalty of ten per cent. shall be added. On said first day of November all half tickets designated "First" and on said first day

—per cent. added as penalty for non-payment, when.

—at what time unpaid tax tickets

of April all half tickets designated "Second," remaining unpaid in the treasurer's hands shall be taken up by said finance committee, on settlements had with him on those days, and thereupon, said committee shall place said tickets in the hands of the city sergeant for collection.

taken from treasurer and put in hands of sergeant.

The said sergeant shall have the power to collect said tickets so placed in his hands, together with the penalties herein provided to be added thereto, and the compensation of the sergeant for the collection of the taxes aforesaid, so placed in his hands, shall be one-half of the penalty of ten per cent. added thereto, and the other half of said penalty shall go to the city.

—power given sergeant to collect.

—his compensation.

No deduction shall be allowed the sergeant for taxes unless he make a delinquent list within six months from the time he receives said taxes for collection, and returns said list to the council, with his oath attached, stating that said list is correct and just, that he has received no part of the taxes mentioned therein, that he has used due diligence to find property liable to distress for state taxes and has found none, and that he could not collect the same.

—no credit allowed for unpaid taxes unless sergeant returns a delinquent list; when; that he must attach.

Neither the treasurer nor the sergeant shall take anything but money for taxes. The penalties prescribed in this section form no part of the levy contemplated in section twenty-five of the charter of the city of Charleston, and are not affected by the limitation therein prescribed of one dollar and twenty-five cents. The city treasurer shall receive as compensation for receiving payment of taxes and assessments, as herein provided, an annual salary to be fixed by the council at the beginning of his term of office, which shall not be increased or diminished during said term, and he shall receive no other compensation for his services.

—only money taken for taxes.

—penalties form no part of levy, etc.

—treasurer to receive an annual salary.

The sergeant shall have the power to collect the city taxes except as otherwise provided in this chapter. He shall also have the power to collect the city wharfage and all other city claims placed in his hands by the council for collection, except the fines imposed by the mayor, nor shall he have any control of the police who shall collect said fines.

—sergeant to collect, what taxes, claims, etc.

—fines, who to collect.

Any goods or chattels belonging to the person or estate assessed with said city taxes, whether the same be a capitation tax or a tax upon real or personal property, or an assessment for paying or other improvement, shall be liable for said tax and may be

—real or personal property to assessed with taxes, liable; distraint for such taxes.

—power of sergeant to collect such taxes.

—power to distrain and sell for taxes.

distrained therefor in whomsoever's possession they may be found, and the sergeant shall have the same power to collect said tax or assessment from any person owing a debt to, or having in his possession any estate belonging to the party assessed with any city tax or assessment of any kind, as a sheriff has to collect State taxes in such cases. The sergeant may distrain and sell for city taxes or assessments, and in all respects have the same power to enforce the collection thereof, as the sheriff has to enforce the collection of State taxes, after sixty days from the time the tax tickets or assessments are placed in his hands for collection.

—lien on real estate for city taxes, etc.

—how lien enforced.

—limitation.

—but limitation not to apply to what liens.

—priority of liens.

—may be certified to state auditor; his duty.

There shall be a lien upon all real estate within said city for the city taxes assessed thereon, including such penalties added thereto for non-payment thereof as are prescribed by this chapter, from the commencement of the year in which they are assessed. Said liens may be enforced by appropriate suit in any court of record in Kanawha county, provided such suit be instituted within five years from the time when said liens attach as herein provided. But the foregoing limitation does not apply to or affect the time within which the liens provided for in the next succeeding section may be enforced. The liens herein created shall have priority over all other liens except those for taxes due the State. Said liens for city taxes and attendant penalties, as well as for improvement assessments, may also be enforced by certifying the same to the State auditor to be included with the State, county and district taxes in his list of delinquent lands sent down to the sheriff of said county for the taxes, interests, damages, costs and commissions due thereon.

Sidewalks, width and paving cf.

—failure of owner to pave, what then.

28. The city council shall have the right to establish the width of any sidewalk along any street, alley, or public square or portion thereof, and to require that when any such street, alley or public square or portion thereof shall be prepared for laying of sidewalks by setting of curbstones by the city, the owner of any ground fronting on such street, alley or square shall, in such manner as the council may prescribe, pave the sidewalks adjacent to his property, and in case of the failure or refusal of any such owner to so pave the same, to cause the same to be properly paved by the city, and to levy and collect from such owner, the whole cost of such paving adjacent to his or her

property with the penalty of ten per centum added thereto.

The council shall also have the right in like manner to require the owners of any property adjacent to any paved sidewalk, heretofore or hereafter constructed, to keep the same in repair, and in default of their so doing, to cause the same to be repaired and to assess the costs thereof upon such owners with the penalty of ten per centum added thereto. And in all cases of such assessments, whether for the original laying or the repairing of sidewalks, payment thereof, including said penalty of ten per centum, shall be made to the treasurer within thirty days after the completion of the work, and if not so paid, the same with an additional penalty of five per centum, shall be placed for collection in the hands of the sergeant, who shall have power to collect the same from the owner or owners of any such property or from the persons in possession or occupancy thereof, or from any of them, by distress and sale in the same manner in which taxes levied for the benefit of the city are authorized to be collected. There shall be a lien upon the real estate against which any assessment has been levied for paving or repairing sidewalks, as herein provided, which lien may be enforced by appropriate suit in any court of record in Kanawha county.

Whenever the city council may deem it expedient to cause any street or alley in said city, or portion thereof, to be paved in a permanent manner, it shall order the work done in the following manner and upon the following terms: The contract for such paving shall after due advertisement, in which the council shall reserve the right to reject any and all bids, be let, if let, to the lowest and best bidder. The contractor shall look only to the city for payment of the work and in no sense to the abutting land owners. One-third of the total cost of grading and paving said street or alley, or portion thereof, shall be borne by the city, and the remaining two-thirds of such total cost shall be paid to the city by the owners of land abutting upon said street, alley or portion thereof, according to the following plan, that is to say, payment is to be made by any land owner in such proportion of two-thirds cost as the frontage in feet of his or her land, so abutting, bears to the total frontage of all land so abutting upon such street or alley or portion thereof, so paved as aforesaid. The above

—keeping in order paved sidewalks in default of owner, what then.

--assessments for paving or repairing of sidewalks, including penalties, to whom paid and when.

—if not so paid, what then.

—distress and sale.

—lien for paving, etc.

—enforcement.

Streets and alleys; paving of.

—manner of letting contract.

—city to pay contractor.

—cost of grading and paving, how portioned between city and abutting owners.

—curbing.

cost is not to include curbing, which in all cases shall be done by the city.

—amount to be paid by land owners certified to treasurer, when.

As soon as any such pavement shall have been completed, as and in the manner hereinbefore provided, the amount to be paid by the abutting land owners, as aforesaid, shall be at once certified to the city treasurer for collection. The amount so assessed against any land owner, as aforesaid, shall be paid in four payments as follows: That is to say, one-fourth of said amount shall be paid to the city treasurer on or before the first day of November or the first day of April, whichever comes first after said work is completed and said work is certified to the treasurer as aforesaid, and one-fourth of said amount on or before the first day of the one of said months next following the time herein fixed for the first payment aforesaid, and one-fourth of said amount on or before the first day of the one of said months next following the time herein fixed for the second payment aforesaid, and the remaining one-fourth of said amount on or before the first day of the one of said months next following the time herein fixed for the third payment aforesaid.

—amount assessed, payable in installments: when.

—penalty added, and when.

To each of said assessments remaining unpaid in the treasurer's hands on the days herein specified for the payment thereof, a penalty of ten per centum shall be added, and any assessment so remaining unpaid in the treasurer's hands shall be taken up by said finance committee on settlements had with him on those days, and thereupon said committee shall place said assessment with the penalty aforesaid added thereto in the hands of the city sergeant, to be treated and considered, and payment thereof enforced, in all respects, as herein provided for the collection of any other taxes due the city; and there shall be a lien therefor, the same as for such other taxes, which lien may be enforced the same as provided for other taxes.

—when such assessments to be placed in hands of sergeant and collection thereof enforced.

—lien for street paving.

—measure-ment to determine assessment on land owners.

When the paving of said streets or alleys or portions thereof shall have been let to contract, and the work done as herein provided, the council shall cause the several frontages abutting thereon to be measured, and shall assess upon each and every land owner so abutting, the proper amount to be determined as provided in the foregoing plan. These several amounts so assessed, together with a description of the lots of land as to location, frontage, depth and ownership, so far as the same may be ascertained,

—report to council, what to contain.

shall be embodied in a written report to the council, and shall be, when approved by the council, the basis for an assessment against the abutting land owners, which assessments are to be certified to the treasurer for collection as hereinbefore provided. And a copy of said report shall be certified to the clerk of the county court of Kanawha county, who shall be required to record and index the same in the proper trust deed book in the name of each person against whose property assessments appear therein.

—effect of such report when approved by council.

—copy of report certified to clerk of county court and recorded.

The liens herein provided for shall have priority over all other liens, except those for taxes due the State and city, and shall be on a parity with other taxes and assessments due the city. Whenever any such assessment has been paid, the treasurer shall deliver to the party paying the same a release of the lien therefor, to be recorded in the county court clerk's office.

—priority of such liens; on a parity, with what.

—release of lien, when.

Whenever any public sewer in said city shall have been constructed by order of the common council thereof, the amount to be contributed and paid by the abutting property owners, toward the total cost of the construction of the same, shall be upon such just and equitable basis as the council shall by general ordinance prescribe. When said sewer is completed, and the amount which each property owner is required to pay shall be ascertained and determined, as provided by such ordinance, the said amount shall be certified to the treasurer. Said amounts assessed against the said several land owners, shall be paid by the parties owing the same to said treasurer at the time, in the manner, with attendant penalties for failure to pay promptly at the times prescribed, and in all respects as herein provided in the case of assessments for paving streets and alleys in a permanent manner. And there shall be a lien for said sewer assessments in all respects as herein provided for the assessments for permanent street paving, and with like provision for the enforcement thereof. Said assessments for paving streets or sidewalks or constructing sewers shall be a lien upon the real estate upon which they are assessed only from and after the time that a statement of the same, certified by the council, shall be recorded in the office of the clerk of the county court of Kanawha county.

Sewers: amount to be paid for construction of, by abutting property owners, now determined.

—such amount to be certified to treasurer.

—when to be paid.

—lien for sewer assessments.

—assessments for streets, sidewalks and sewers to be a lien, from what time.

31. The mayor shall be the chief executive officer of the city, and shall take care that all orders, ordi-

Mayor: his executive duties and

powers.

—judicial powers; exception

—warrants of arrest, for violations of ordinances, who to try.

—other processes.

—where such processes may be executed.

—control of police; special police.

—to preserve order.

—arrest of violators.

—may recommend to council, what.

—mayor's compensation.

Recorder; his duties.

—to act as mayor or police judge, when.

—his further duties.

nances, acts and resolutions of the council thereof are faithfully executed by those officials or persons whose duty it may be to execute the same. He shall be ex-officio a justice and conservator of the peace within the city, and shall within the same have, possess and exercise all the powers and perform all the duties vested by law in a justice of the peace, except he shall have no jurisdiction to try cases civil or criminal in their nature; and all warrants of arrest, if any issued by him for the violation of any city ordinance, shall be made returnable before and heard by the police judge of said city, and also, all other original process, if any issued by said mayor shall be made returnable before and heard by some justice of said county.

Any warrant of arrest or other process so issued by the mayor may be executed at any place in said county. He shall have control of the police of the city and may appoint special police officers whenever he deems it necessary, subject to any ordinance of the council in regard to police officers, their appointment, powers and duties. And it shall be the mayor's duty especially to see that the peace and good order of the city are preserved, and that all persons and property therein are protected, and to this end he may cause the arrest and detention of all riotous and disorderly persons in the city before issuing his warrant therefor. The mayor may, at each regular meeting of the common council, recommend for their consideration such measures as he may deem needful for the welfare of the city. He shall receive a compensation for his services to be fixed annually by the council, which shall not be increased or diminished during the year, not exceeding five hundred dollars in any year.

32. It shall be the duty of the recorder to keep, and properly index, a journal of the proceedings of the council, and have charge of and preserve the records of the city. He shall attend the police judge in all examinations, receive and issue his orders, swear witnesses and perform all the duties of a clerk in the council and in the police judge's court. In the absence of the mayor or police judge he shall exercise their functions. He shall keep just and accurate books of account of all the financial transactions of the city, charging every officer with all moneys paid to said officers, and with all collections placed in their hands. He shall perform all other duties required of by him by law or by order or by ordinance of the council.

He shall receive a compensation for his services to be fixed annually by the council, which shall not be increased or diminished during the year.

—his compensation.

32a. The council shall elect at its first regular meeting after the act takes effect, and at the first regular meeting in April every two years thereafter, some person having the same qualifications as required by this chapter for the assessor of said city, to the office of police judge, who shall hold his office for a term of two years and until his successor is elected and qualified. He shall give such bond as may be required by the council, and shall receive a compensation not to exceed five hundred dollars per year for his services, to be fixed annually by the council, which shall not be increased or diminished during the year. The police judge shall be ex-officio a justice and a conservator of the peace, with the same authority to issue process as exercised by the mayor aforesaid, and shall have charge of and preside over the police court thereof. It shall be his duty in court to try all persons charged with any offence against the city, in regard to which he may have jurisdiction by virtue of any state law, and also all persons charged with the violation of any ordinance of the city.

Police judge; how and when elected.

—qualifications.

—term.

—bond.

—salary fixed.

—judicial powers of judge.

—duties in court.

He shall keep an accurate record of all his judicial proceedings in said court, showing the style of each case, which shall be properly indexed and numbered. It shall be his duty to hold daily sessions of his said court, Sundays excepted. He shall see that the peace and good order of the city are preserved, and that the persons and property therein are protected, and to this end he may also cause the arrest and detention of all riotous and disorderly persons in the city before issuing his warrant therefor; but before trying such and all other persons charged with any offence or with any violation of an ordinance, as aforesaid, he shall issue his warrant, unless one shall have been issued by the mayor or other person holding his office, specifying the offence or violation charged. He shall render judgment in any case as the law of the state or the ordinance of the city applying thereto may require. He shall also have power to issue executions for all fines, penalties and costs imposed by him, or he, the said judge, may require the immediate payment thereof, and in default of such payment he may commit the party so in default to the jail of the county of Kanawha or other place of imprisonment in

—record; how kept.

—sessions.

—concurrent powers with mayor.

—must issue warrant before trial, unless, etc.

—judgment.

—executions for fines, etc.

—payment may be required in advance.

—commitment, in default.

- such corporation, if there be one, until the fine and penalty and costs shall be paid or satisfied, to be employed during the term of imprisonment as herein-after provided; but the term of imprisonment in such cases shall not exceed thirty days. And in all cases where a person is sentenced to imprisonment or to the payment of a fine of ten dollars or more, (and in no case shall a judgment for a fine of less than ten dollars be given by the police judge, if the defendant, his agent or attorney, object thereto,) such person shall be allowed an appeal from such decision to the circuit court of said Kanawha county, upon the execution of an appeal bond with surety deemed sufficient by the said judge, in a penalty double the amount of fine and costs imposed by him, with condition that the person proposing to appeal will perform and satisfy any judgment which may be rendered against him by the circuit court on such appeal. If such appeal be taken, the warrant of arrest, the transcript of the judgment, the appeal bond and other papers of the case, shall be forthwith delivered by the said judge to the clerk of the said court, and the court shall proceed to try the case as upon indictment or presentment, and render such judgment, including that of costs, as the law and the evidence may require.
- The expenses of maintaining such person committed to the jail of the county by him, except it be to answer an indictment or be under the provisions of sections two hundred and twenty-seven and two hundred and twenty-eight of chapter fifty of the amended code of the State, shall be paid by the city.
- The police judge shall pay the amount of fines collected by him weekly to the treasurer of the city, and shall make monthly reports thereof, and all other matters pertaining to his office, to the common council of the city. And from the date this act takes effect, until the election and qualification of such police judge, the recorder shall act as such.
- term of imprisonment.
- appeal.
- appeal bond.
- what must be delivered to clerk of appellate court.
- proceedings.
- expenses of persons committed. who to pay; except, etc.
- fines collected and paid to treasurer; when; monthly report.
- until election, etc., of judge, who to act.

(House Bill No. 331.)

CHAPTER 153.

AN ACT providing for the submission of four proposed amendments to the Constitution of the State of West Virginia, as follows:

(1). Amending sections two, three, four and seventeen of article seven; (2.) Amending section nineteen of article seven; (3.) Amending sections two and sixteen of article eight; and (4.) Amending section four of article twelve.

[Passed February 21, 1901. In effect 90 days from passage. Approved February 22, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That the question of the ratification or rejection of four amendments to the constitution of West Virginia, proposed in accordance with the provisions of section two of article XIV of said constitution, shall be submitted to the voters of the State at the next general election, to be held in the year one thousand nine hundred and two, which four proposed amendments hereby numbered are as follows:

Constitution: proposed amendments to, submitted to the people for ratification or rejection; when.

First Proposed Amendment. Sections two, three, four and seventeen of Article VII, to be amended so as to read as follows: "Sec. 2. An election for governor, secretary of state, state superintendent of free schools, auditor, treasurer and attorney general, shall be held at such times and places as may be prescribed by law."—"Sec. 3. The returns of every election for the above named officers shall be sealed up and transmitted by the returning officers to the secretary of state, directed to the speaker of the house of delegates, who shall immediately after the organization of the house and before proceeding to business, open and publish the same, in the presence of a majority of each house of the legislature, which shall for the purpose assemble in the hall of the house of delegates. The person having the highest number of votes for either of said offices, shall be declared duly elected thereto; but if two or more have an equal and the highest number of votes for the

First proposed amendment; state officers to be elected.

—returns of election, how disposed of.

—result, how ascertained, etc.

—tie vote, how determined.

- contested elections for governor. same office, the legislature shall, by joint vote, choose one of such persons for said office. Contested elections for the office of governor shall be determined by both houses of the legislature by joint vote, in such manner as may be prescribed by law.”—“Sec. 4. None of the executive officers mentioned in this article shall hold any other office during the term of his service. The governor shall be ineligible to said office for the four years next succeeding the term for which he was elected.”—“Sec. 17. If the office of secretary of state, auditor, treasurer, state superintendent of free schools or attorney general, shall become vacant by death, resignation or otherwise, it shall be the duty of the governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be prescribed by law. The subordinate officers of the executive department and the officers of all public institutions of the State shall keep an account of all moneys received or disbursed by them, respectively, from all sources, and for every service performed, and make a semi-annual report thereof to the governor under oath or affirmation; and any officer who shall wilfully make a false report shall be deemed guilty of perjury.”
- state officers to hold no other office. *Second Proposed Amendment.* Section 19 of Article VII to be amended so as to read as follows: “Sec. 19. The officers named in this article shall receive for their services a salary to be established by law, which shall not be increased or diminished during their official terms, and they shall not, after the expiration of the terms of those in office at the adoption of this amendment, receive to their own use any fees, costs, perquisites of office or other compensation, and all fees that may hereafter be payable by law for any service performed by any officer, provided for in this article of the constitution, shall be paid in advance into the state treasury.”
- governor not to succeed himself. *Third Proposed Amendment.* Section two of Article VIII to be amended so as to read as follows: “Sec. 2. The Supreme Court of Appeals shall consist of five judges. Those judges in office when this amendment takes effect shall continue in office until their terms shall expire, and the legislature shall provide for the election of an additional judge of said court at the next general election, whose term shall begin on the first day
- vacancies in office, how filled.
- semi-annual reports to governor, by whom.
- what deemed perjury.
- Second proposed amendment: salaries of state officers.
- fees paid into state treasury.
- Third proposed amendment: supreme court to consist of five judges; term.
- election of new judge.

of January, one thousand nine hundred and five, and the governor shall, as for a vacancy, appoint a judge of said court to hold office until the first day of January, one thousand nine hundred and five. The judges of the Supreme Court of Appeals and of the circuit courts shall receive such salaries as shall be fixed by law, for those now in or those hereafter to come into office.”

—appointment of such judge.
—salaries.

Fourth Proposed Amendment. Amending Section 4 of Article XII, and reading as follows: “The accumulation of the school fund provided for in section four of article twelve, of the constitution of this State, shall cease upon the adoption of this amendment, and all money to the credit of said fund over one million of dollars, together with the interest on said fund, shall be used for the support of the free schools of the State. All money and taxes heretofore payable into the treasury, under the provisions of the said section four, to the credit of the school fund shall hereafter be paid into the treasury to the credit of the general school fund, for the support of the free schools of the State.”

Fourth proposed amendment: Irreducible school fund.

2. For convenience in referring to the said proposed amendments, and in the preparation of the form of ballot hereinafter provided for, said four proposed amendments, as hercinbefore numbered, are hereby designated as follows:

Each amendment designated by name.

No. 1. To be known as “Secretary of State Amendment;” No. 2. To be known as “State Officers’ Salary Amendment;” No. 3. To be known as “Judicial Amendment;” No. 4. To be known as “Irreducible School Fund Amendment.”

3. For the purpose of enabling the voters of the State to vote on the question of said proposed amendments to the constitution at the said general election to be held in the year one thousand nine hundred and two, the board of ballot commissioners of each county are hereby directed to provide and have printed a separate ballot of convenient size, distinctly printed and in form substantially as follows:

Ballots to be voted, who to print and how.

Ballot on Constitutional Amendments.

—form of such ballots.

(1.) *Secretary of State Amendment.*

Amending Sections 2, 3, 4, and 17 of Article 7.

For Ratification.

For Rejection.

(2.) *State Officers' Salary Amendment.*

Amending Section 19 of Article 7.

For Ratification.

For Rejection.

(3.) *Judicial Amendment.*

Amending Sections 2 and 16 of Article 8.

For Ratification.

For Rejection.

(4.) *Irreducible School Fund Amendment.*

Amending Section 4 of Article 12.

For Ratification.

For Rejection.

—how
voted.

Each amendment to be voted on separately.

—number of
special bal-
lots to be
printed; how
paid for and
distributed.—commis-
sioners of
election may
furnish separ-
ate ballot to
voter, when.—right to
vote as voter
may see fit.—further
right of
voter.—election
how con-
ducted, etc.;
how ascer-
tained.

The same number of said separate ballots shall be printed, and shall be supplied to the several voting places in each county, and paid for in the same manner as is provided for the regular ballots to be used at said general election, as set out and specified in chapter three of the code of West Virginia. The commissioners of election at the several voting places in each county shall upon request, furnish to each voter one of said separate ballots to be used by him for voting on the question of said proposed amendments; but any voter shall also have the right to vote on the question of said proposed amendments by any other ballot printed or written, which he may see fit to use, and which sufficiently discloses his intention, and no ballot cast at said election on the question of the proposed amendments shall be rejected if it sufficiently appears therefrom what the voter intended; and every voter shall have the right to vote on all of said proposed amendments, or on as many of them as he shall see fit.

The said election on the said proposed amendments at each place of voting shall be superintended, conducted and returned, and the result thereof ascertained, by the same officers and in the same manner

as the election of members of the legislature is superintended, conducted and returned and result ascertained, at said election; and all the provisions of the law relating to general elections including all duties to be performed by any officer or board, as far as applicable and not inconsistent with anything herein contained, shall apply to the election held under the provisions of this act, except when it is herein otherwise provided. The ballots cast on the question of said proposed amendments shall be counted, strung and sealed up separately from the other ballots cast at said election.

—what law applies.

—ballots cast.

4. As soon as the result is ascertained, the commissioners, or a majority of them, and the canvassers (if there be any) or a majority of them, at each place of voting, shall make out and sign two certificates thereof, in the following form, or to the following effect: "We, the undersigned, who acted as commissioners (or canvassers as the case may be), of the election held at _____, in the District of _____, in the County of _____, on the _____ day of _____, one thousand nine hundred and two, upon the question of the ratification or rejection of the proposed Constitutional Amendments to sections two, three, four and seventeen of article seven; section nineteen of article seven; sections two and sixteen of article eight; and section four of article twelve, do hereby certify that the result of said election is as follows:

Result; when, how and by whom certified.

—form of certificate.

Amending sections two, three, four and seventeen of article seven,

For ratification, _____ votes; for rejection, _____ votes.

Amending section nineteen of article seven,

For ratification, _____ votes; for rejection, _____ votes.

Amending sections two and sixteen of article eight,

For ratification, _____ votes; for rejection, _____ votes.

Amending section four of article twelve,

For ratification, _____ votes; for rejection, _____ votes.

Given under our hands this _____ day of _____, one thousand nine hundred and two." The said two certificates shall correspond with each other in all respects, and contain the full and true returns of said election at each place of voting on said ques-

—certificates must correspond; what to contain.

—delivered with ballots to whom; by whom and when.

tions. The said commissioners, or one of them, (or said canvassers or one of them, as the case may be), shall within four days, excluding Sunday, after that on which said election was held, deliver one of said certificates to the clerk of the county court together with the ballots, and the other to the clerk of the circuit court of the county.

—laid before whom, when and where.

The said certificates together with the ballots cast on the question of said proposed amendments, shall be laid before the commissioners of the county court at the court house at the same time the ballots, poll books and the certificates of the election for the members of the legislature are laid before them; and as soon as the result of said election in the county upon the question of such ratification or rejection is ascertained, two certificates of such result shall be made out and signed by said commissioners, as a board of canvassers, in the form or to the following effect:

—two certificates of result in each county made and signed.

—form of such certificates.

“We, the board of canvassers of the county of _____, having carefully and impartially examined the returns of the election held in said county, in each District thereof, on the _____ day of _____, one thousand nine hundred and two, do certify that the result of the election in said county on the question of the ratification or rejection of the proposed amendments to sections two, three, four and seventeen of article seven; section nineteen of article seven; sections two and sixteen of article eight; and section four of article twelve of the constitution of this State is as follows:

Amending sections two, three, four and seventeen of article seven,

For ratification, _____ votes; for rejection, _____ votes.

Amending section nineteen of article seven,

For ratification, _____ votes; for rejection, _____ votes.

Amending sections two and sixteen of article eight,

For ratification, _____ votes; for rejection, _____ votes.

Amending section four of article twelve,

For ratification, _____ votes; for rejection, _____ votes.

Given under our hands, this _____ day of _____, one thousand nine hundred and two.”

One of said certificates shall be filed in the office of the clerk of the county court, and the other forwarded by mail to the secretary of state, who shall file and preserve the same until the day on which the result of said election in the State is to be ascertained, as hereinafter stated.

—how disposed of.

—duty of secretary of state.

5. On the twenty-fifth day after the election is held, or as soon thereafter as practicable, the said certificates shall be laid before the governor, whose duty it shall be to ascertain therefrom the result of said election in the State, and declare the same by proclamation, published in some one or more newspapers printed at the seat of government. If a majority of the votes cast at the said election upon said question be for ratification of said amendments, or any of them, the proposed amendments so ratified shall be of force and effect from the time of such ratification and be parts of the constitution of the State.

Certificates laid before governor, when.

—his duty.

—majority vote ratifies.

—when in force.

6. The governor shall cause the said proposed amendments with the proper designations for the same as hereinbefore adopted to be published at least three months before such election in some newspaper in every county in which a newspaper is printed, at a price to be agreed upon, in advance, in writing, and the cost of such advertising shall in the first instance if found necessary by him be paid out of the governor's contingent fund, and be afterwards repaid to such fund by appropriation of the legislature.

Publication of amendments: duty of governor as to.

—price.

—cost, how paid.

(Substitute for House Bill No. 333.)

CHAPTER 154.

AN ACT providing for the submission of a proposed amendment to the Constitution of the State of West Virginia, and supplementary to a former act passed at this session of the Legislature, submitting four other proposed amendments to said Constitution.

[Passed February 22, 1901. In effect 90 days from passage. Approved February 22, 1901.]

Be it enacted by the Legislature of West Virginia:

1. That the question of ratification or rejection of a certain amendment to the constitution of West

Amendment to the constitution, sec. 1

of art. IV,
submitted to
vote of the
people;
when.

Virginia, proposed in accordance with the provisions of section two of Article XIV of said constitution, shall be submitted to the voters of the State at the next general election to be held in the year one thousand nine hundred and two, which proposed amendment is hereby designated as the "Registration Amendment," and is an amendment of section twelve of article IV, so that the same shall read as follows:

—amend-
ment pro-
posed.

"Section 12. The legislature shall enact proper laws for the registration of all qualified voters in the State."

Provisions of
chapter 153,
acts 1901,
submitting
four other
proposed
amendments
made appli-
cable fully to
proposed
amendment
to section 12
of article IV.

2. That all the provisions of said former act submitting four other proposed amendments to the constitution, be and they are hereby made applicable in the same manner to said proposed amendment to section 12 of article IV, as fully and to the same extent as if said proposed amendment had been included therein with said other four proposed amendments in said former act, and the necessary changes made therein, and in the preparation of the form of ballot provided therein, there shall be added thereon, in its proper place, the following:

(5.) *Registration Amendment.*

Amending Section 12 of Article 4.

For Ratification.
For Rejection.

(H. J. R. No. 2.)

JOINT RESOLUTION NO. 1.

[Adopted February 13, 1901.]

Proposing an amendment to article seven of the constitution relating to the salaries of officers.

Resolved by the Legislature of West Virginia, two-thirds of all the members elected to each house agreeing thereto:

That the following amendment to article seven of the constitution of this State be and is hereby proposed, to-wit:

That section nineteen of article seven be amended so as to read as follows:

Sec. 19. The officers named in this article shall receive for their services a salary to be established by law, which shall not be increased or diminished during their official terms, and they shall not, after the expiration of the terms of those in office at the adoption of this amendment, receive to their own use any fees, costs, perquisites of office or other compensation, and all fees that may hereafter be payable by law, for any service performed by any officer provided for in this article of the constitution, shall be paid in advance into the State treasury.

(H. J. R. No. 5.)

JOINT RESOLUTION NO. 2.

[Adopted February 15, 1901.]

Proposing amendments to Article VII, sections two, three, four and seventeen, of the constitution of West Virginia.

Resolved, by the Legislature of West Virginia, two-thirds of all the members elected to each house agreeing thereto:

1. That the following amendments to Article VII of the constitution of this State, be and are hereby proposed, to-wit:

2. That the second, third, fourth and seventeenth sections be amended so as to read as follows:

Sec. 2. An election for governor, secretary of state, state superintendent of free schools, auditor, treasurer and attorney general, shall be held at such times and places as may be prescribed by law.

Sec. 3.. The returns of every election for the above named officers shall be sealed up and transmitted by the returning officers to the secretary of state, directed to the speaker of the house of delegates, who shall immediately after the organization of the house, and before proceeding to business, open and publish the same, in the presence of a majority of each house of the legislature, which shall for that purpose assemble in the hall of the house of delegates. The person having the highest number of votes for either of said officers, shall be declared duly elected thereto; but if two or more have an equal and the highest number of votes for the same office, the legislature shall, by joint vote, choose one of such persons for said office. Contested elections for the office of governor shall be determined by both houses of the legislature by joint vote, in such manner as may be prescribed by law.

Sec. 4. None of the executive officers mentioned in this article shall hold any other office during the term of his service. The governor shall not be eligible to said office for the four years next succeeding the term for which he was elected.

Sec. 17. If the office of secretary of state, auditor, treasurer, state superintendent of free schools, or attorney general, shall become vacant by death, resignation, or otherwise, it shall be the duty of the governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be prescribed by law. The subordinate officers of the executive department and the officers of all public institutions of the State shall keep an account of all moneys received or disbursed by them, respectively, from all sources, and for every service performed, and make a semi-annual report thereof to the Governor under oath or affirmation; and any officer who shall wilfully make a false report shall be deemed guilty of perjury.

(H. J. R. No. 8.)

JOINT RESOLUTION NO. 3.

[Adopted January 22, 1901.]

To provide for the appointment of a joint special committee of the Legislature to inquire into and report upon matters

relating to the calling of a constitutional convention to frame a new constitution or of amendments to the present constitution of this State.

Resolved by the Legislature of West Virginia:

That the speaker of the house of delegates appoint a committee of nine members of the house and that the president of the senate appoint a committee of six members of the senate, which two committees together shall constitute a joint special committee of both houses, and who shall meet in joint session and organize by electing one of their number as chairman and shall hold meetings at such times and places in the capitol building, as the chairman or a majority of the joint committee shall determine and appoint. It shall be the duty of said committee to inquire into and report by bill or otherwise to each house upon such matters relating to the calling of a constitutional convention to form a new constitution as said committee may deem expedient. All bills, petitions or resolutions hereafter offered in either house relating to said matters shall be referred, without debate, to said joint committee.

(H. J. R. No. 11.)

JOINT RESOLUTION NO. 4

[Adopted January 18, 1901.]

Raising a special joint committee of three members of the house of delegates and two members of the senate to visit and inspect the Schools for the Deaf and the Blind, at Romney, West Virginia.

Resolved by the Legislature of West Virginia:

That a joint committee of five members be appointed by this legislature, three from the house, to be appointed by the speaker of the house, and two from the senate, which committee shall examine into the comfort of the inmates and condition of affairs at the West Virginia Schools for the Deaf and Blind at Romney, and make their report to this legislature as soon as practicable.

(H. J. R. No. 12.)

JOINT RESOLUTION NO. 5.

[Adopted January 21, 1901.]

Raising a special joint committee of three members of the house of delegates and two members of the senate to visit and inspect the West Virginia Penitentiary and to report upon the advisability of the purchase by the State of the Mammoth Mound at Moundsville.

Resolved by the Legislature of West Virginia :

That a special joint committee, consisting of three members of the house, to be appointed by the speaker thereof, and two members of the senate, to be appointed by the president thereof, shall visit the West Virginia Penitentiary, at Moundsville, and make a thorough examination of said institution and report to this legislature upon the condition of its affairs; and also to report as soon as practicable upon the advisability of the purchase by the State of the Mammoth Mound at Moundsville, for preservation as a relic of prehistoric times.

(H. J. R. No. 15.)

JOINT RESOLUTION NO. 6.

[Adopted February 20, 1901.]

Proposing an amendment to the constitution of West Virginia.

Resolved by the Legislature of West Virginia, two-thirds of the members elected to each house thereof agreeing thereto:

1. That the following be proposed as an amendment to the constitution of this State:

2. The supreme court of appeals shall consist of five judges. Those judges in office when this amendment takes effect shall continue in office until their terms shall expire, and the legislature shall provide for the election of an additional judge of said court at the next general election, whose term shall begin on the first day on January, one thousand nine hundred and five, and the governor shall, as for a vacancy, appoint a judge of said court to hold office until the first day of January, one thousand nine hundred and five. The judges of the supreme

court of appeals and of the circuit courts shall receive such salaries as shall be fixed by law, for those now in or those hereafter to come into office.

(H. J. R. No. 18.)

JOINT RESOLUTION NO. 7.

[Adopted January 22, 1901.]

Complimentary to Andrew S. Rowan, of the United States Army.

WHEREAS, In the month of April, one thousand eight hundred and ninety-eight, a short time before war was declared between Spain and the United States, his excellency, the President of the United States, found it very important to communicate with General Garcia, the commander of the Cuban forces at that time in revolt against the oppression of the Spanish government in Cuba; and

WHEREAS, It was important that the authorities of the United States should secure all possible available information relative to existing conditions at that time in Cuba, and to secure such information was accompanied with great dangers and required unusual courage and caution. In this emergency Andrew S. Rowan, of the Nineteenth Regiment, United States Army, volunteered his services to the President, and entered upon the important mission. Lieutenant Rowan was given full instructions, and, without hesitation, entered upon the mission, within three hours after he received his instructions. He was furnished an open boat from Kingston, and landed on the Cuban shore; walked one hundred and fifty miles into the interior; found General Garcia; fixed upon a place to land the United States Army upon the island, and in other particulars carried out the orders of the President. Within five hours thereafter he started upon his return; took a rickety fishing boat, and after four days over a rough sea, reached Key West, wired the President the information he desired, and reported to the War Department for duty. He was immediately promoted to the position of a lieutenant-colonel of volunteers, and remained in the volunteer service until the close of the war with Spain. He then returned to his former regiment (the Nineteenth United States Regulars), and was soon thereafter promoted to the captaincy of Company I, which regiment is now in the Philippine Islands; therefore be it,

Resolved by the Legislature of West Virginia:

That the thanks of the people of his native State of West Virginia be and are hereby returned to Captain Rowan for the distinguished services rendered to his country in a period of great emergency, and that the successful manner in which he filled his trust marks him as a man of bravery and patriotism, scarcely paralleled in history.

Resolved Further, that a copy of these resolutions be engrossed and forwarded to Captain Rowan.

(H. J. R. No. 21.)

JOINT RESOLUTION NO. 8.

[Adopted January 28, 1901.]

Raising a joint committee to investigate the management and affairs of the West Virginia University.

Resolved by the Legislature of West Virginia:

That a joint committee of five members thereof be hereby constituted, of whom three shall be appointed by the speaker from the house of delegates, and two by the president from the senate for the purpose of conferring with the board of regents of the West Virginia University on the management of said institution, including the expenditures of the appropriations made by the legislature at its session in one thousand eight hundred and ninety-nine and the amount of appropriations required to be made for said university at this session of the legislature; and said committee shall also investigate the affairs and management of said university and it shall have power to send for persons and papers and to employ such clerical assistance as may be necessary for the discharge of their duties hereunder, and they shall report at as early a day as possible.

(H. J. R. No. 24.)

JOINT RESOLUTION NO. 9.

[Adopted February 6, 1901.]

Resolved, that the committee appointed to investigate the management and condition of the West Virginia Hospital for

the Insane at Weston be empowered and directed to ascertain and report upon the subject of the water supply to said hospital in dry seasons, and if insufficient what should be done to increase such supply; whether the sewerage from said hospital is dangerous to the health or comfort of the people in Deanville and Haleville near which said sewerage is deposited, and if so what means can be adopted to remove such danger; and also upon the necessity of grading and paving around the grounds of said hospital near Butcher's addition to the town of Weston.

(H. J. R. No. 25.)

JOINT RESOLUTION NO. 10.

[Adopted January 29, 1901.]

Authorizing the appointment of a joint special committee of six members to visit, examine and report on the Home for Incurables.

Resolved, That a joint special committee of six members be appointed, four members by the speaker of the house and two by the president of the senate, to visit, examine and report upon the management of the Home for the Incurables at Huntington.

(H. J. R. No. 28.)

JOINT RESOLUTION NO 11.

[Adopted February 13, 1901.]

Resolved by the Legislature of West Virginia, two-thirds of the members elected to each house thereof agreeing thereto:

1. That the following be proposed as an amendment to the constitution of this State:

The accumulation of the school fund provided for in section four of article twelve, of the constitution of this State, shall cease upon the adoption of this amendment, and all money to the credit of said fund over one million dollars, together with the interest on said fund, shall be used for the support of the free schools of this State.

All money and taxes heretofore payable into the Treasury under the provision of the said section four to the credit of the school fund, shall be hereafter paid into the treasury to the credit of the general school fund for the support of the free schools of the State.

(H. J. R. No. 31.)

JOINT RESOLUTION NO. 12.

[Adopted February 7, 1901.]

Declaring it to be the duty of the Legislature to carry into effect an appropriation to erect a monument at Point Pleasant in commemoration of the battle of Point Pleasant, approved February twenty-fifth, one thousand eight hundred and seventy-five, and to vacate the appointment of trustees made by the governor of West Virginia, in pursuance of House Joint Resolution No. 34, adopted February twenty-sixth, one thousand eight hundred and ninety-seven, by the legislature of West Virginia.

Resolved by the Legislature of West Virginia:

That it is the duty of this legislature to carry into effect the appropriation approved February twenty-fifth, one thousand eight hundred and seventy-five, appropriating thirty-five hundred dollars for the erection of a monument in commemoration of the battle of Point Pleasant, fought in the year one thousand seven hundred and seventy-four, said appropriation having been paid to E. L. Bill, assignee of E. Sehon, March eleventh, one thousand eight hundred and seventy-six, and afterwards, with the accrued interest thereon, having been paid to John W. English, F. A. Guthrie and A. R. Barbee, trustees appointed by the governor of West Virginia, in pursuance of House Joint Resolution No. 34, adopted on the twenty-sixth day of February, one thousand eight hundred and ninety-seven, by the legislature of West Virginia; and said funds have never been disbursed in accordance with the act of the legislature of West Virginia, and said House Joint Resolution, adopted as aforesaid; and be it further,

Resolved. That the appointment of said trustees, made by the governor of West Virginia, under and by virtue of said House Joint Resolution No. 34, adopted February twenty-sixth, one thousand eight hundred and ninety-seven, be, and the same is hereby, vacated and set aside; and be it further,

Resolved, That the governor of West Virginia shall, on the fifteenth day of March, one thousand nine hundred and one, or as soon thereafter as practicable, appoint three trustees, whose duty it shall be to ascertain and take charge of the amount of said appropriation, and any other donations heretofore made, or that may be hereafter made, with its accrued interest, and with said funds proceed to erect a monument provided for in said act, approved February twenty-fifth, one thousand eight hundred and seventy-five, upon such sites and grounds, as said trustees may select, in the town of Point Pleasant, Mason county, West Virginia; and be it further

Resolved, That the said trustees, when appointed, shall have authority to institute proper legal proceedings in any court having jurisdiction to recover said sum of thirty-five hundred dollars, and accrued interest, together with all donations, from the different trustees who have received said thirty-five hundred dollars and donations, and said trustees when appointed under authority of this resolution shall, before receiving any money under the provisions of this resolution, execute a bond in the penalty of ten thousand dollars, conditioned for the faithful performance of their duties under this resolution, said bond to be approved by the county court of Mason county, West Virginia. Said trustees shall be allowed a reasonable compensation for all their services rendered under the provisions of this resolution.

(H. J. R. No. 32.)

JOINT RESOLUTION NO. 13.

[Adopted February 8, 1901.]

Authorizing the secretary of State to furnish the judge of the Sixth Judicial Circuit with copies of the West Virginia reports.

Resolved by the Legislature of West Virginia:

That the secretary of state be authorized to furnish the judge of the Sixth Judicial Circuit Court a set of West Virginia reports, for use of his office.

(H. J. R. No. 35.)

JOINT RESOLUTION NO. 14.

[Adopted February 16, 1901.]

WHEREAS, What is known as the Home Guard soldiers of this State were called in a case of extreme emergency into the service of this State on behalf of the preservation of the Union in the late Civil War; and

WHEREAS, These gallant, patriotic sons of our Mountain State did good service in an hour of the most extreme peril, and under the greatest and most adverse circumstances; and

WHEREAS, All of them are now old, and many poor, and disabled from said service, and have not been recognized commensurate with their service, and the honor and dignity of this Nation, it is mete, right and eternally just, that these old, gray-haired surviving veterans, their widows and orphans, should share the benefits of the United States pension law; therefore, be it

Resolved by the Legislature of West Virginia:

That the United States senators and representatives of this State in congress, be requested and instructed to use all urgent and diligent means to secure an amendment to the "Pension Act" of June 27, 1890, extending the benefits to such West Virginia State troops and Home Guards as served sixty days in said service, and were honorably discharged, the same as United States soldiers.

(H. J. R. No. 36.)

JOINT RESOLUTION NO. 15.

[Adopted February 20, 1901.]

Authorizing the governor of West Virginia to appoint a commission to draft a measure or measures to revise the tax assessment and revenue laws and the laws in relation to disbursement of revenue, and the laws in relation to incorporation of cities, towns and villages of West Virginia, to be submitted to the next session of the Legislature of this State.

WHEREAS, The system of tax assessment and revenue laws and laws in relation to disbursement of revenue, now in force, in this State, is substantially the same as that adopted at the

organization of the state, and it is believed not to be such a system as is best adapted to the changed conditions, brought about by the development of the state and its resources, and that defects exist in the several acts, now in force under the present system, and that in forty-five days the legislature cannot perfect the system or put into a consistent and practicable whole the laws now in force; and

WHEREAS, A great part of each session of the legislature is now consumed in the enactment of laws relating to the incorporation of cities and towns of more than two thousand inhabitants, to the prevention of much needed legislation; therefore, be it

Resolved by the Legislature of West Virginia:

That the governor, sixty days after the adoption of this resolution, shall appoint a commission to be composed of five citizens of this State, competent and qualified by reason of their character, learning, occupation, business or profession for the discharge of the duties to be imposed upon them under this resolution, whose duty it shall be to consider and report to the next regular session of the legislature of this State, or to any special session which may be called, with power to act upon such report, what changes are required in the tax assessment or revenue laws of the State, to equalize taxation, to reach property, firms, persons and corporations not now bearing their just proportion of the burdens of taxation, and to raise the necessary amount of revenue, with the least possible burden upon the people and property of the State, and to secure a proper disbursement of same. Such commission shall submit to the legislature, with their report, such measure or measures as they may deem necessary or expedient, to remedy defects, remove irregularities in our present laws, relating to the subjects named, and give the State a more efficient system of laws relating to assessments, taxation and revenues. The commission shall also consider the framing of a law classifying cities, towns and villages and submit with their report if practicable a measure or measures providing by general law for such classification, and for the incorporation of cities and towns of over two thousand inhabitants, and for the amending of all municipal charters. The commission shall complete their labors hereunder not later than the first day of January, one thousand nine hundred and two.

The said commission shall be paid each ten dollars a day for each day necessarily spent in the discharge of their duties under this resolution and their necessary traveling expenses, but only the time spent in the sitting of the commission shall be paid for, except in the case of a sub-committee sitting to dis-

charge some duty imposed upon or referred to it by the commission. The commission may employ a secretary, whose compensation shall not exceed six hundred dollars. All the cost of said commission shall not exceed seventy-five hundred dollars, which amount is appropriated for the purpose, out of any money in the treasury not otherwise appropriated, and if the seventy-five hundred dollars shall prove insufficient to pay such cost under the provisions of this resolution, then the deficiency shall be met by a ratable reduction from the per diem of the members of the commission.

(H. J. R. No. 38.)

JOINT RESOLUTION NO. 16.

[Adopted February 14, 1901.]

Instructing our senators and requesting our representatives in the congress of the United States to use their best endeavors to procure the purchase by the government of the locks and dams on the Little Kanawha river in this State not now owned by the government to the end that the people may be permitted to travel on said stream and to transport their products thereon free from tolls and exaction of any kind or character.

WHEREAS. The Little Kanawha river in this State runs through a thickly settled section, and in several counties, rich in natural and material resources, such as coal, timber and oil; and also fruitful in agricultural products, and is now being rapidly developed; and

WHEREAS, Said river is navigable for sixty miles for passenger and freight traffic and has thereon five locks and dams but one of which, being the one highest upon the river, is owned by the United States government; and

WHEREAS, At all of the said locks and dams, except those owned by the government, as aforesaid all of the people are taxed in tolls upon all their traffic and travel; and

WHEREAS, It is most desirable and proper, as well as fair and just that said river should be opened up to free transportation and traffic, and very many beneficial and profitable results to the people would accrue if the policy of the government, to which it is already committed by the ownership of said one lock and dam on said river, and the maintenance of same, was fully carried out and the government owned and maintained all of the said locks and dams; therefore, be it

Resolved by the Legislature of West Virginia:

That our senators in the congress of the United States be instructed, and our representatives in the said congress be requested, to use all proper efforts to secure the purchase of said four locks and dams by the government, and the maintenance of all the locks and dams on said river by the government and the improvements of said river to its fullest capacity, and that free transportation for passenger and freight on said river be secured to the people. And a copy of this resolution shall be sent certified to each of said senators and representatives by the clerk of this house.

Resolved further, That the Speaker of the house shall appoint a member of the legislature from each of the counties of Gilmer, Braxton, Calhoun, Wirt, and Wood, and the president of the senate shall appoint two senators from these counties who shall as a committee investigate as to the terms that these locks and dams can be purchased for and communicate such information to our said senators and representatives in congress, and that said committee shall receive no compensation for such services.

(H. J. R. No. 40.)

JOINT RESOLUTION NO. 17.

[Adopted February 14, 1901.]

Amending rule two of the joint rules of the senate and house of delegates.

Resolved by the Legislature of West Virginia:

That rule two of the joint rules of the senate and house of delegates be amended and re-adopted so as to read as follows:

2. A joint standing committee on enrolled bills shall be appointed, consisting of five members of the senate and five members of the house of delegates, to be appointed by the presiding officer of each house, whose duty it shall be to carefully compare all bills and joint resolutions passed by both houses with the enrollment thereof, and to correct any errors and omissions that may be discovered, and make report to their respective houses. Each page or sheet of a correctly enrolled bill or joint resolution, shall be authenticated by the signatures of the chairman of the house committee and the chairman of the senate committee composing said committee on enrolled bills; but in the absence of such chairman, another member of the committee may act in his stead; and they shall require all enrolled bills

and joint resolutions before such authentication to be free from any interlineations or erasures, and destroy all previous enrollments containing any interlineations or erasures. After enrolled bills and joint resolutions are authenticated as aforesaid, they shall be signed by the speaker of the house of delegates and then by the president of the senate.

(H. J. R. No. 43.)

JOINT RESOLUTION NO. 18.

[Adopted February 21, 1901.]

WHEREAS, It appearing that the present session of the Legislature will end on the twenty-second day of the present month, and whereas the same is a legal holiday; therefore, be it

Resolved by the Legislature of West Virginia:

That the sergeant-at-arms of the house and the clerk of the senate be and they are hereby instructed to issue their warrants upon the auditor for the various amounts due the members and employes of the present session of the legislature for the full time of forty-five days on the twenty-first day of February, one thousand nine hundred and one.

(H. J. R. No. 45.)

JOINT RESOLUTION NO. 19.

[Adopted February 22, 1901.]

Proposing an amendment to section twelve of article four of the constitution of West Virginia, providing for registration of voters.

Resolved, by the Legislature of West Virginia, two-thirds of the members elected to each house concurring therein.

That the following amendment to section twelve of Article IV of the constitution of this State be and is hereby proposed, to-wit:

That Article IV, section twelve of said constitution be amended so as to read as follows:

Section 12. The legislature shall enact proper laws for the registration of all qualified voters in this State.

(H. J. R. No. 48.)

JOINT RESOLUTION NO. 20.

[Adopted February 22, 1901.]

Resolved by the Legislature of West Virginia:

That there be a committee of two discreet and competent persons, one of whom shall be appointed by the speaker of the house of delegates and one by the president of the senate, whose duty it shall be to make a full and complete inventory of all the furniture, fixtures and other movable property found within either of the halls or any of the rooms of the capitol building purchased by and belonging to the State of West Virginia, together with the value of each and all of the several articles, and to return the list thereof, one to the clerk of the house and one to the clerk of the senate before the adjournment of this legislature or as soon thereafter as possible, to be entered in full upon the journals of the two houses and charged to the janitor of the capitol building, and that for such services the persons so employed shall each receive four dollars per day for each day actually engaged not to exceed three days, and the sergeant-at-arms be and is hereby directed to draw his warrant for the amount to be paid out of the contingent fund of the house.

(S. J. R. No. 2.)

JOINT RESOLUTION NO. 21.

• [Adopted January 16, 1901.]

Relating to the Virginia Debt question.

Resolved by the Legislature of West Virginia:

That this legislature declines and refuses to take any action in regard to what is known as the Virginia Debt, or Virginia Deferred Certificates, either by considering any proposition of adjustment for settlement so called, or by authorizing the appointment of any committee, or committees, having for their purpose the consideration of the same.

And, That it is the sense of the Legislature that the State of West Virginia is in no way obligated for the payment of any portion of the said debt, or certificates.

(S. J. R. No. 3.)

JOINT RESOLUTION No. 22.

[Adopted January 16, 1901.]

Providing that the state superintendent of free schools be requested to furnish the legislature a tabulated statement of the apportionments of the general school tax among the several counties of the State.

Resolved by the Legislature of West Virginia:

That the superintendent of free schools of this State be requested and instructed to furnish the legislature with a tabulated statement of the apportionment of the general school tax among the several counties of the State, showing what each county contributed to the general school fund and what each one receives from said fund. Also a list of delinquent lands, subject to taxation for school purposes, in each of the respective counties of this State, setting forth the assessments of each county for State taxation for school purposes.

(S. J. R. No. 4.)

JOINT RESOLUTION No. 23.

[Adopted January 14, 1901.]

Authorizing the auditor to issue his warrants upon the treasury for the payment of the per diem and mileage of members, and for the per diem of the officers and attaches of the senate and house of delegates.

Resolved by the Legislature of West Virginia:

That the auditor is hereby authorized to issue his warrants upon the treasury, for such amounts as are, or may become, due to the several members, officers and attaches of the senate and house of delegates for their per diem, upon the proper requisition of the clerk of the senate and the sergeant-at-arms of the house, respectively, and the auditor is further authorized to issue his warrants for the mileage as ascertained and fixed, upon the proper requisition being presented to him therefor.

(S. J. R. No. 5.)

JOINT RESOLUTION NO. 24.

[Adopted January 16, 1901.]

Providing for the appointment of a committee to confer with Hon. John D. Long, secretary of the navy, relative to the cruiser "West Virginia."

WHEREAS, The United States government is now engaged in building and equipping several new armed cruisers, and among the number is one the secretary of the navy has indicated will be christened "West Virginia;" and,

WHEREAS, The naming of one of the great armed cruisers of the navy of the United States is a very distinguished honor to be bestowed upon our State; therefore, be it

Resolved by the Legislature of West Virginia:

That a committee of five be appointed, two of whom shall be appointed by the president of the senate and three by the speaker of the house of delegates, to confer with the Honorable John D. Long, secretary of the navy to inquire what, if anything, is expected of our State relative to this particular armed cruiser, and report at the present session of the legislature the result of their conference.

(S. J. R. No. 6.)

JOINT RESOLUTION NO. 25.

[Adopted January 18, 1901.]

Providing for the re-districting of the State, and the re-apportioning of the representation in the legislature.

Resolved by the Legislature of West Virginia:

That a joint committee of nineteen be appointed to take into consideration the matter of redistricting the State, and re-apportioning the representation in the legislature thereof, with direction to report at as early a day as possible, by a bill, or otherwise, twelve members of said committee to be appointed upon the part of the house of delegates, by the speaker of the house, and seven upon the part of the senate, to be appointed by the president of the senate.

(S. J. R. No. 11.)

JOINT RESOLUTION NO. 26.

[Adopted January 28, 1901.]

Requiring the commissioners of public printing to report to the legislature why senate and house bills are not promptly printed and furnished the two houses.

Resolved by the Legislature of West Virginia:

That the commissioners of public printing be required to report to the legislature, on Monday next, the twenty-eighth instant, at 11 o'clock, A. M., why the bills of both the senate and house have not been printed as placed on the calendar, and furnished the two houses promptly, and that hereafter all printing required by either house, be furnished promptly to the house so requiring same.

(S. J. R. No. 12.)

JOINT RESOLUTION No. 27.

[Adopted January 29, 1901.]

Requesting the senators and representatives in congress from this State to consider the proposition for the purchase of the Moore House and Temple Farm at Yorktown, Virginia:

WHEREAS, The Moore House, and Temple Farm, upon which it is situated, at Yorktown, Virginia, will carry with them through all time memories of the siege and victory by which the allied armies of France and the American colonies secured the independence of our nation; and

WHEREAS, It is reported that the property can at this time be bought for a nominal sum, and it is believed that the products of the farm will be sufficient to keep the building in repair, and the buildings are so situated as to be well adapted for government purposes on occasion of naval inspections and reviews on York river; be it

Resolved by the Legislature of West Virginia:

That the senators and representatives in congress from this State be, and are hereby, requested to consider and, if in their judgment they can wisely do so, to support a bill for the pur-

chase of Temple Farm and Moore House, at Yorktown, Virginia, by the government of the United States of America: *provided*, that the cost of the said farm with its improvements shall not exceed a reasonable sum; and be it

Resolved, That properly attested copies of these resolutions be sent to the senators and representatives in congress from this State.

(S. J. R. No. 13.)

JOINT RESOLUTION NO. 28.

[Adopted February 1, 1901.]

Providing for a joint committee of the two houses to visit, inspect and investigate the management of the hospital for the insane at Weston, and the second hospital for the insane at Spencer.

Resolved by the Legislature of West Virginia:

That a joint committee, consisting of three on the part of the house and two on the part of the senate, be appointed to visit, inspect and investigate the management of the hospital for the insane at Weston and for the investigation of the second hospital for the insane at Spencer, and to report the condition and treatment of patients, therein. Those on the part of the house to be appointed by the speaker and those on the part of the senate by the president.

(S. J. R. No. 15.)

JOINT RESOLUTION NO. 29.

[Adopted February 11 1901.]

Raising a joint committee to visit three miners' hospitals, provided for by an act of the Legislature of one thousand eight hundred and ninety-nine.

Resolved by the Legislature of West Virginia:

That a joint committee, consisting of three on the part of the house and two on the part of the senate, be appointed by the speaker of the house and president of the senate to visit the three miners' hospitals provided for by an act of the legislature

of eighteen hundred and ninety-nine, and report the progress and condition of the several buildings for the said hospitals now under construction, and make such recommendations to this legislature as said committee may deem necessary for the completion of said buildings, and the equipment thereof, that the end and objects of the said hospitals may be realized to the fullest possible extent.

(S. J. R. No. 17.)

JOINT RESOLUTION No. 30.

[Adopted February 14, 1901.]

Providing for the appointment of a committee to arrange for a gift on behalf of the State to be placed on the armored cruiser "West Virginia."

WHEREAS, The secretary of the navy of the United States has given official information that one of the great armored cruisers now building will be named "West Virginia," and completed in about two years; and

WHEREAS, The said cruiser is to be of a new type known as the "West Virginia;" and

WHEREAS, The "West Virginia" is to be the largest and swiftest and most effective of any of the vessels either built or contracted for the United States navy; therefore, be it Resolved by the Legislature of West Virginia:

That a committee of five be appointed from the senate and house, two by the president of the senate and three by the speaker of the house, and that the governor appoint a like number from the citizens of this State, to select, purchase and arrange for the construction and placement of a gift on behalf of the State of West Virginia of the coat of arms of the State, to be made in bronze with silver mountings, and placed on the two main turrets of the armored cruiser "West Virginia," and, in order to carry out the provisions of this resolution, the sum of twenty-five hundred dollars is hereby appropriated out of the revenues of the State for the year one thousand nine hundred and two and not otherwise appropriated; provided the said committee shall serve without pay.

APPENDIX A.
OFFICIAL DIRECTORY.

OFFICERS AND MEMBERS OF THE HOUSE OF DELEGATES.

SESSION OF 1901.

Speaker—W. G. WILSON, Elkins.
 Clerk—HARRY SHAW, Fairmont.
 Sergeant-at-Arms—W. H. RAMSEY, Mulvane.
 Door-Keeper—J. A. RIPLEY, Ripley.

Name.	County.	Postoffice.	Politics.
Alderson, John D.	Nicholas	Summerville	Democrat.
Aten, John G.	Mason	Letart	Republican.
Baker, J. Nelson	Preston	Evansville	Republican.
Bartlett, Ira S.	Roane	Spencer	Republican.
Brammer, R. F.	Cabell	Cox's Langing	Republican.
Brannon, W. W.	Lewis	Weston	Democrat.
Briant, J. F.	Summers	Talcott	Democrat.
Carter, H. Lon	Boone	Madison	Democrat.
Chambers, L. D.	Logan	Logan	Democrat.
Christopher, J. C.	Tucker	Thomas	Republican.
Cochran, J. S.	Clay	Pleasant Retreat	Democrat.
Colcord, E. C.	Kanawha	St. Albans	Republican.
Cushwa, H. T.	Morgan	Berkeley Springs	Democrat.
Darst, John S.	Jackson	Ravenswood	Republican.
Davies, Thos. P.	Fayette	Montgomery	Republican.
Fisher, Jake	Braxton	Sutton	Democrat.
Fisher, R. M.	Morgan	Berkeley Springs	Democrat.
Good, C. W.	Jackson	Sissons ville	Republican.
Grant, E. M.	Monongalia	Morgantown	Republican.
Grover, E. W.	Cabell	Huntington	Republican.
Hall, C. L.	Hardy	Lost River	Republican.
Handley, Virgil T.	Taylor	West Grafton	Republican.
Hanna, Samuel D.	Mason	Hartford	Republican.
Harlow, B. F.	Greenbrier	Lewisburg	Democrat.
Harris, W. H.	Marshall	Glen Easton	Republican.
Hays, F. N.	Gilmer	Glenville	Democrat.
Hearn, James	Mercer	Ada	Republican.
Henshaw, W. T.	Berkeley	Martinsburg	Republican.
Hervey, Henry C.	Brooke	Wellsburg	Republican.
Jackson, Malcolm	Kanawha	Charleston	Republican.
Jarrett, T. H.	Greenbrier	Blue Sulphur Springs	Democrat.
Johnston, Shelton	Kanawha	East Bank	Republican.
Kenney, A. F.	Calhoun	Arnoldsburg	Democrat.
Laughlin, G. A.	Ohio	Wheeling	Republican.
Law, T. A.	Barbour	Astor (Taylor County)	Republican.
Lilly, A. A.	Raleigh	Beckley	Republican.
Lowry, P. B.	Tyler	Sistersville	Republican.
Luzader, L. M.	Ritchie	Harrisville	Republican.
Martin, L. A.	Kanawha	Charleston	Republican.
Millender, C. F.	Wayne	Ceredo	Democrat.
Mitchell, C. J.	Putnam	Plymouth	Republican.
Morgan, Aaron	Wetzel	Porter's Falls	Democrat.
Murphy, L. J.	Pleasants	St. Mary's	Republican.
McClintic, L. M.	Pocahontas	Marlinton	Democrat.
McClure, Joseph R.	Lincoln	Sioto	Republican.
McCoy, John	Pendleton	Franklin	Democrat.
McCulloch, Abram	Ohio	Clinton	Republican.
McIntosh, Geo. C.	Fayette	Fayetteville	Republican.
Nicely, Perry	Wood	Parkersburg	Republican.
Owens, J. W.	Wood	Williamstown	Republican.
Prichard, A. N.	Marion	Mannington	Republican.

OFFICERS AND MEMBERS OF THE HOUSE OF DELEGATES.—Continued.

Name.	County.	Postoffice.	Politics.
Reynolds, F. M.	Mineral	Keyser	Republican.
Roberts, J. S.	Wetzel	Iuka	Republican.
Scherr, Julius	Preston	Egion	Republican.
Sinclair, Josiah H.	Marshall	Benwood	Republican.
Smith, S. G.	Ohio	Wheeling	Republican.
Smith, R. R.	McDowell	Welch	Republican.
Stapleton, S. T.	Wood	Parkersburg	Republican.
Steck, Henry	Ohio	Wheeling	Republican.
Stump, William B.	Hampshire	Romney	Democrat.
Swisher, C. W.	Marion	Fairmont	Republican.
Talbot, W. G.	Upshur	Buckhannon	Republican.
Via, Charles M.	Monroe	Red Sulphur Springs	Republican.
Washburn, Lloyd	Harrison	Good Hope	Republican.
Wetzel, C. M.	Jefferson	Millville	Democrat.
Williams, Lewis C.	Webster	Camden-on-Gauley	Democrat.
Willis, D. M.	Harrison	Bridgeport	Republican.
Wilson, W. G.	Randolph	Elkins	Republican.
Wilson, W. L.	Wayne	Ceredo	Democrat.
Woodyard, E. R.	Wirt	Elizabeth	Republican.
Zinn, L. H.	Doddridge	Summers	Republican.

STANDING COMMITTEES, HOUSE OF DELEGATES.

ON FEDERAL RELATIONS.

Messrs. Stapleton, chairman, Aten, Bartlett, Jackson, Willis, Nicely, McClure, Lilly, Alderson, Wetzel and Kenney.

ON TAXATION AND FINANCE.

Messrs. Reynolds, chairman, Laughlin, Prichard, Grant, Grover, Hall, Scherr, Colcord, Smith (of McDowell), Lilly, Fisher, (of Braxton), Brannon, Harlow, Milender and Hays.

ON MILITARY AFFAIRS.

Messrs. Smith (of McDowell), chairman, Henshaw, Bramer, Murphy, Via, Scherr, Colcord, Swisher, Hanna, Fisher (of Braxton), Hays, Cochran and Williams.

ON THE JUDICIARY.

Messrs. Jackson, chairman, Smith (of Ohio), Martin, Reynolds, Stapleton, Talbot, Sinclair, Darst, McIntosh, Murphy, Fisher (of Braxton), Brannon, Alderson, McClintic and Kenney.

ON EDUCATION.

Messrs. Smith (of Ohio), chairman, Bramer, Murphy, Roberts, Law, Zinn, Good, Hervey, Grant, Lowry, Fisher (of Morgan), Luzader, Kenney, McClintic and Stump.

ON COUNTIES, DISTRICTS AND MUNICIPAL CORPORATIONS.

Messrs. Grant, chairman, Swisher, Talbot, Willis, McIntosh, Scherr, Henshaw, Smith (of Ohio,) Prichard, Sinclair, Wilson, Cushwa, Fisher (of Morgan), and Jarrett.

ON PRIVATE CORPORATIONS AND JOINT STOCK COMPANIES.

Messrs. Henshaw, chairman, Hall, McCulloch, Smith (of McDowell), Reynolds, Nicely, Hanna, Willis, Roberts, McClintic, Millender, Carter, McCoy and Brannon.

ON ROADS AND INTERNAL NAVIGATION.

Messrs. Hervey, chairman, Harris, Law, Handley, Washburn, Woodyard, McCulloch, Colcord, Baker, Hall, Jarrett, Chambers, Cochran, Morgan and Cushwa.

ON FORFEITED AND UNAPPROPRIATED LANDS.

Messrs. Sinclair, chairman, Talbot, Baker, Hall, Hearn, Harris, Luzader, Davis, McCoy, Wilson (of Wayne), Williams and Stump.

ON CLAIMS AND GRIEVANCES.

Messrs. Murphy, chairman, Bartlett, Christopher, Davies, Good, Hanna, Lilly, Prichard, Steck, Fisher (of Morgan), Wetzel, Wilson (of Wayne), and Carter.

ON HUMANE INSTITUTIONS AND PUBLIC BUILDINGS.

Messrs. Martin, chairman, Darst, Bartlett, Grover, Scherr, Via, Nicely, Christopher, Colcord, Laughlin, Brannon, Stump, Hays, Chambers and Millender.

ON PRINTING AND CONTINGENT EXPENSES.

Messrs. McIntosh, chairman, Bramer, Johnson, Luzader, Via, Davies, Good, Lowry, Law, Carter, Cushwa, Kenney and Millender.

ON EXECUTIVE OFFICES AND LIBRARY.

Messrs. Darst, chairman, Zinn, Woodyard, Washburn, Nicely, Handley, Lilly, Williams, McClintic and Alderson.

ON ARTS, SCIENCES AND GENERAL IMPROVEMENTS.

Messrs. Baker, chairman, Willis, Aten, Lowry, Mitchell, Owens, Steck, Laughlin, Hearn, Chambers, Morgan, Jarrett and Cushwa.

ON THE PENITENTIARY.

Messrs. Harris, chairman, Roberts, Prichard, McClure, McCulloch, Owens, Johnson, Steck, Martin, Wetzel, Morgan, Harlow, Kenney and Stump.

ON MINES AND MINING.

Messrs. Laughlin, chairman, Smith (of McDowell), Christopher, Davies, Bramer, Martin, Johnson, Roberts, Willis, Prichard, Chambers, Wilson (of Wayne), Carter, Harlow and Brannon.

ON IMMIGRATION AND AGRICULTURE.

Messrs. Hanna, chairman, Harris, Darst, Law, Washburn, Owens, McCulloch, McClure, Mitchell, Hays, McCoy, Cochran, Harlow and Jarrett.

ON STATE BOUNDARIES.

Messrs. Murphy, chairman, Hearn, Handley, Johnson, Lowry, Woodyard, Zinn, Stapleton, Scherr, Fisher (of Braxton), Alderson, Fisher (of Morgan), McCoy and Wetzel.

ON RAILROADS.

Messrs. Swisher, chairman, Henshaw, Hearn, Baker, Darst, Murphy, Smith (of Ohio), Grant, Jackson, Hall, Millender, Fisher (of Braxton), Wilson (of Wayne), and Carter.

ON LABOR.

Messrs. Grover, chairman, Johnson, Steck, Sinclair, Laughlin, Scherr, Talbot, Jackson, Via, McIntosh, Cochran, Morgan, McClintic, Williams and Wetzel.

ON RULES.

Messrs. Wilson (Speaker), chairman, Smith (of Ohio), and Fisher (of Braxton).

ON ENROLLED BILLS.

Messrs. McIntosh, chairman, Lowry, Luzader, Bartlett, Kenney and Fisher (of Morgan).

OFFICERS AND MEMBERS OF THE SENATE.

SESSION OF 1901.

President—ANTHONY SMITH, Harrisville.

Clerk—JOHN T. HARRIS, Parkersburg.

Sergeant-at-Arms—E. H. FITCH, Huntington.

Door-Keeper—DAVID S. PETTIGREW, Summersville.

District.	Name.	Postoffice Address.
First.....	*Samuel George, R..... N. E. Whitaker, R.....	Wellsburg, Brooke County. Wheeling, Ohio County.
Second.....	*Andrew Clark, R..... Jesse F. Sturm, R.....	Dean, Wetzel County. Sturm's Mill, Marion County.
Third.....	*Harvey W. Harmer, R..... Anthony Smith, R.....	Clarksburg, Harrison County. Harrisville, Ritchie County.
Fourth.....	*Hiram Campbell, R..... R. F. Kidd, D.....	Creston, Wirt County. Glenville, Gilmer County.
Fifth.....	*Byrd Hill, R..... Harry C. Woodyard, R.....	Beech Hill, Mason County. Spencer, Roane County.
Sixth.....	*John Y. York, R..... James H. Marcum, R.....	Yorkville, Wayne County. Huntington, Cabell County.
Seventh.....	*Clarke W. May, R..... James F. Beavers, D.....	Hamlin, Lincoln County. Welch, McDowell County.
Eighth.....	*Alex. McVelgh Miller, R..... Charles W. Oseuton, D.....	Alderson, Monroe County. Fayetteville, Fayette County.
Ninth.....	*Andrew J. Horan, R..... Walter L. Asbby, D.....	Summersville, Nicholas County. Charleston, Kanawha County.
Tenth.....	*W. B. Corder, R..... Starke L. Baker, R.....	Astor, Taylor County. Beverly, Randolph County.
Eleventh.....	*Thomas E. Davis, R..... T. F. Lanham, R.....	Grafton, Taylor County. Newburg, Preston County.
Twelfth.....	*Richard C. Price, D..... John J. Cornwell, D.....	Moorefield, Hardy County. Romney, Hampshire County.
Thirteenth...	*William Campbell, D..... Robert C. Burkhardt, D.....	Charles Town, Jefferson County. Martinsburg, Berkeley County.

R—Republican.

D—Democrat.

*—Hold-overs.

STANDING COMMITTEES OF THE SENATE.**ON PRIVILEGES AND ELECTIONS.**

Messrs. Lanhan, chairman, May, Miller, Corder, Clark, Osenton and Price.

ON THE JUDICIARY.

Messrs. May, chairman, Horan, Harmer, Lanham, Woodyard, Marcum, Ashby, Cornwell and Kidd.

ON FINANCE.

Messrs. Davis, chairman, Whitaker, Miller, York, Baker, Harmer, Osenton and Burkhart.

ON EDUCATION.

Messrs. Horan, chairman, Corder, George, Miller, Hill, Buckhart and Beavers.

ON COUNTIES AND MUNICIPAL CORPORATIONS.

Messrs. Baker, chairman, Sturm, Lanham, Hill, Clark, Whittaker, Kidd and Campbell (of Jefferson).

ON ROADS AND NAVIGATION.

Messrs. Corder, chairman, Sturm, Marcum, Miller, Campbell (of Calhoun), Price and Burkhart.

ON BANKS AND CORPORATIONS.

Messrs. Whitaker, chairman, Miller, May, Davis, Ashby and Kidd.

ON PUBLIC BUILDINGS AND HUMANE INSTITUTIONS.

Messrs. Lanham, chairman, Miller, Woodyard, Marcum, Clark, Sturm, Corder, Cornwell and Campbell (of Jefferson).

ON PENITENTIARY.

Messrs. Whitaker chairman, Sturm, Hill, Miller, Harmer, Ashby and Kidd.

ON RAILROADS.

Messrs. Woodyard, chairman, Lanham, Baker, Marcum, George, Osenton and Cornwell.

ON THE MILITIA.

Messrs. Campbell (of Calhoun), chairman, Corder, Clark, Davis, Harmer, Beavers and Campbell (of Jefferson).

ON FEDERAL RELATIONS.

Messrs. Harmer, chairman, Horan, Davis, George, May, Ashby and Cornwell.

ON IMMIGRATION AND AGRICULTURE.

Messrs. Marcum, chairman, Hill, Clark, Campbell (of Calhoun), Corder, Price and Burkhart.

ON MINES AND MINING.

Messrs. Sturm, chairman, Miller, York, Baker, Horan, Beayers and Ashby.

ON LABOR.

Messrs. Hill, chairman, York, Clark, Corder, Baker, Burkhart and Price.

ON CLAIMS AND GRIEVANCES.

Messrs. Whitaker, chairman, Miller, York, Baker, Woodyard, Kidd and Campbell (of Jefferson).

ON FORFEITED, DELINQUENT AND UNAPPROPRIATED LANDS.

Messrs. May, chairman, Ashby, Horan, Harmer, Baker, Kidd and Osenton.

ON PUBLIC PRINTING.

Messrs. Harmer, chairman, Marcum, Woodyard, Cornwell and Campbell (of Jefferson).

ON RULES.

Mr. President, chairman, and Messrs. Whitaker, May, Ashby and Osenton.

ON PUBLIC LIBRARY.

Messrs. George, chairman, York, Miller, Beavers and Cornwell.

TO EXAMINE CLERK'S OFFICE.

Messrs. Burkhart, chairman, Harmer and Campbell (of Calhoun).

JOINT COMMITTEE ON ENROLLED BILLS.

Messrs. Miller, chairman, Baker, Harmer, Cornwell and Burkhart.

STATE GOVERNMENT.

STATE CAPITOL, CHARLESTON, KANAWHA COUNTY.

OFFICE.	NAME.	RESIDENCE.	COUNTY.
Governor.....	A. B. White.....	Parkersburg....	Wood.
Secretary of State.....	Wm. M. O. Dawson.	Charleston....	Kanawha.
State Superintendent of Free Schools.	T. C. Miller.....	Fairmont.....	Marion.
Auditor.....	A. C. Scherr.....	Keyser.....	Mineral.
Treasurer.....	Peter Silman	Charleston....	Kanawha.
Attorney General.....	Romeo H. Freer....	Harrisville....	Ka.chie.
Librarian.....	S. W. Starks.....	Charleston....	Kanawha.
Commissioner of Banking.....	M. A. Kendall.....	Parkersburg....	Wood.
Adjutant General.....	S. B. Baker.....	Parkersburg....	Wood.
Commissioner of Labor.....	L. V. Barton.....	Wheeling.....	Ohio.
Chief Mine Inspector.....	J. W. Paul.....	Davis.....	Tucker.
Game and Fish Warden.....	E. F. Smith.....	Hinton.....	Summers.

UNITED STATES SENATORS.

	POSTOFFICE.	COUNTY.	TERM EXPIRES.
Stephen B. Elkins.....	Elkins.....	Randolph.	March 4, 1907.
Nathan B. Scott.....	Wheeling.....	Ohio.....	March 4, 1905.

REPRESENTATIVES IN CONGRESS.

Terms begin March 4, 1901.

DISTRICT.	NAME.	POSTOFFICE.	COUNTY.	TERM EXPIRES.
First.....	B. B. Dovener.....	Wheeling.....	Ohio.....	March 4, 1903.
Second.....	A. G. Dayton.....	Phillippl.....	Barbour....	March 4, 1903.
Third....	Joseph H. Gaines.....	Charleston....	Kanawha....	March 4, 1903.
Fourth....	James A. Hughes.....	Huntington....	Cabell.....	March 4, 1903.

THE JUDICIARY.

UNITED STATES CIRCUIT COURT.

FOR THE

DISTRICT OF WEST VIRGINIA.

JUDGES—MELVILLE W. FULLER, *Chief Justice of United States.*

CHARLES H. SIMONTON, }
 NATHAN GOFF, } *U. S. Circuit Judges.*

JOHN J. JACKSON, *U. S. District Judge.*

CLERKS—L. B. DELLICKER, *Parkersburg, Wood County.*

JASPER Y. MOORE, *Clarksburg, Harrison County.*

TERMS.—Parkersburg, 10th of January and 10th of June; Wheeling, 1st of April and 20th of September; Martinsburg, 15th of October; Clarksburg, 15th of April and 1st of October; Charleston, 1st of May and 10th of November.

UNITED STATES DISTRICT COURT.

DISTRICT OF WEST VIRGINIA.

JUDGE—JOHN J. JACKSON, *Parkersburg.*

CLERK—JASPER Y. MOORE, *Clarksburg.*

DISTRICT ATTORNEY—REESE BLIZZARD, *Grantsville.*

Ass't Dist. Att'ys—E. M. SHOWALTER, *Fairmont.*

ELLIOTT NORTHCOTT, *Huntington.*

U. S. MARSHAL—JOHN K. THOMPSON, *Raymond City.*

TERMS.—Same as U. S. Circuit Court.

STATE COURTS.

Supreme Court of Appeals.

Judges.	Residence.	County.	Term Expires.
Henry Brannon, President	Weston	Lewis.....	Jan. 1, 1913.
Geo. Poffenbarger.....	Point Pleasant.....	Mason.....	Jan. 1, 1913.
Henry C. McWhorter....	Charleston	Kanawha.....	Jan. 1, 1909.
Marmaduke H. Dent....	Grafton	Taylor.....	Jan. 1, 1905.

Attorney-General and ex-officio Reporter :

ROMEO H. FREER.....Harrisville, Ritchie County.
 ALEX. DULIN, Assistant Reporter.....Sutton. Braxton Co.
 J. A. HOLLEY, Clerk.....Charleston, Kanawha County.

TERMS—At Charleston, second Wednesday in January. At Wheeling, first Wednesday in June. At Charles Town, first Wednesday in September.

CIRCUIT COURT.

FIRST JUDICIAL CIRCUIT—THAYER MELVIN, Wheeling, and H. C. HERVEY, *Judges*, Wellsburg.*Counties.**Commencement of Terms.*

Hancock.....Fourth Monday in March and June, and first Monday in November.
 Brooke.....First Monday in March and June, and second Monday in October.
 Ohio.....Second Monday in April, first Monday in September, and third Monday in November.
 Marshall.....First Tuesday in March and June, and second Tuesday in October.

SECOND JUDICIAL CIRCUIT—JOHN W. MASON, *Judge*, Fairmont.*Counties.**Commencement of Terms.*

Harrison.....Second Tuesday in January, May and September.
 Marion.....First Tuesday in March and July, and fourth Tuesday in November.
 Monongalia.....Second Tuesday in February, June and October.

THIRD JUDICIAL CIRCUIT—JOHN HOMER HOLT, *Judge*,
Grafton.

*Counties.**Commencement of Terms.*

Barbour.....	Twelfth of February, twenty-second of May, and thirteenth of October.
Preston.....	Eleventh of December, twenty-second of March, and first of September.
Randolph.....	Twenty-first of January, first of May, and tenth of October.
Taylor.....	Second of January, eleventh of April, and eighteenth of September.
Tucker.....	Fifth of March, twelfth of June, and nineteenth of November.

FOURTH JUDICIAL CIRCUIT—W. H. WILLIS, *Judge*, West
Union.

*Counties.**Commencement of Terms.*

Doddridge.....	Third Tuesday in March, July and November.
Ritchie.....	Third Tuesday in February, June and October.
Tyler.....	Second Tuesday in April, August and December.
Wetzel.....	Third Tuesday in January, May and September.

FIFTH JUDICIAL CIRCUIT—L. N. TAVENNER, *Judge*, Parkers-
burg.

*Counties.**Commencement of Terms.*

Pleasants.....	Third Monday in January, second Monday in June, and third Monday in October.
Wirt.....	Second Monday in February, third Monday in May, and first Monday in October.
Wood.....	First Monday in March, second Monday in August, and third Monday in November.

SIXTH JUDICIAL CIRCUIT—WARREN MILLER, *Judge*, Ripley.

*Counties.**Commencement of Terms.*

Calhoun.....	Tenth of February, tenth of June, and tenth of October.
Clay.....	Third Monday in May, September and December.
Gilmer.....	First of February, first of June, and first of October.
Jackson.....	First of March, first of August, and first of November.
Roane.....	Twenty-fifth of March, twenty-fifth of August, and twenty-fifth of November.

SEVENTH JUDICIAL CIRCUIT—F. A. GUTHRIE, *Judge*, Point Pleasant.

*Counties.**Commencement of Terms.*

Kanawha.....	First Monday in March, June and October.
Mason.....	First Monday in February, May and September.
Putnam.....	Fourth Monday in February, May and September.

EIGHTH JUDICIAL CIRCUIT—E. S. DOOLITTLE, *Judge*, Huntington.

*Counties.**Commencement of Terms.*

Cabell.....	First Monday in March, July and December.
Lincoln.....	Second Monday in April, and third Monday in August and November.
Logan.....	Fourth Monday in April, July and October.
Mingo.....	First Monday in January, May and September.
Wayne.....	Fourth Monday in January, May and September.

NINTH JUDICIAL CIRCUIT—JOSEPH M. SAUNDERS, *Judge*, Bluefield.

*Counties.**Commencement of Terms.*

Boone.....	Second Monday in April, July and October.
McDowell.....	Second Monday in March, September and December.
Mercer.....	Second Monday in February, May and August.
Raleigh.....	Fourth Monday in October, April and July.
Wyoming.....	Fourth Monday in March, June and September.

TENTH JUDICIAL CIRCUIT—J. M. McWHORTER, *Judge*, Lewisburg.

*Counties.**Commencement of Terms.*

Fayette.....	Fourth Tuesday in February, third Tuesday in May, and third Tuesday in September.
Greenbrier.....	Third Tuesday in April, fourth Tuesday in June, and second Monday in November.
Monroe.....	Third Tuesday in March, first Tuesday in June, and third Tuesday in October.
Pocahontas.....	First Tuesday in April, third Tuesday in June, and first Tuesday in October.
Summers.....	Fourth Tuesday in January, first Tuesday in May, and fourth Tuesday in August.

ELEVENTH JUDICIAL CIRCUIT—W. G. BENNETT, *Judge*,
Weston.

*Counties.**Commencement of Terms.*

Braxton.....	Fourth Monday in April, August and November.
Lewis.....	Third Monday in March, third Monday in June, and on Wednesday after third Monday in October.
Nicholas.....	On Wednesday after the second Monday in April, on Wednesday after the second Monday in August, and on Wednesday after the second Monday in November.
Upshur.....	First Monday in March, first Monday in June and second Monday in October.
Webster.....	First of April, first of August, and first Monday in November.

TWELFTH JUDICIAL CIRCUIT—R. W. DAILEY, JR., *Judge*,
Romney.

*Counties.**Commencement of Terms.*

Grant.....	On the third Tuesday in March, the first Tuesday in June, and the third Tuesday in October.
Hampshire.....	First Tuesday in February, second Tuesday in May, and third Tuesday in September.
Hardy.....	On the first Tuesday in March, the last Tuesday in May, and the first Tuesday in October.
Pendleton.....	On the first Wednesday in April, the Wednesday after the second Tuesday in June, and the first Wednesday in November.
Mineral.....	On the first Tuesday in January, the third Tuesday in April, and the first Tuesday in September.

THIRTEENTH JUDICIAL CIRCUIT—E. BOYD FAULKNER,
Judge, Martinsburg.

*Counties.**Commencement of Terms.*

Berkeley.....	Second Tuesday in January, April and September.
Jefferson.....	Second Tuesday in February, third Tuesday in May and November.
Morgan.....	First Tuesday in January and April, and first Tuesday in October.

CRIMINAL AND INTERMEDIATE COURTS.

CRIMINAL COURT OF KANAWHA COUNTY,

AT CHARLESTON.

CYRUS W. HALL, Judge, Charleston.

Established February 12, 1890 (Acts 1890:8). Term of office of Judge, six years, beginning January 1, 1897; salary \$1,800 per year. Terms begin—First Tuesday in January, April, July and November.

THE CRIMINAL COURT OF WOOD COUNTY,

AT PARKERSBURG.

*S. T. STAPLETON, Judge, Parkersburg.

Established in 1891 (Acts 1891:12). Term of office of Judge six years, beginning January 1, 1899; salary, \$1,800 per year. Terms begin—Fourth Monday in January, May and September.

CRIMINAL COURT OF FAYETTE COUNTY,

AT FAYETTEVILLE.

JAMES H. DUNBAR, Judge, Montgomery.

Established March 10, 1891 (Acts 1891:86). The term of office of the Judge is four years, beginning June 1, 1898; salary, \$1,500 per year. Terms begin—Second Monday in January, April, July and October.

CRIMINAL COURT OF OHIO COUNTY,

AT WHEELING.

T. J. HUGUS, Judge, Wheeling.

Established February 16, 1893, (Acts 1893:7; re-enacted, Acts 1899:27). Term of office of Judge, six years, beginning January 1, 1901. Salary, \$1,800 per year. Terms begin—First Monday in January, March, May, July, September and November.

CRIMINAL COURT OF MERCER COUNTY,

AT PRINCETON.

HUGH G. WOODS, Judge, Princeton.

Established February 23, 1893, (Acts 1893:18). Term of office of Judge, six years, beginning January 1, 1901. Salary, \$1,500 per year. Terms begin—First Monday in January, April, July and October.

*Appointed to fill vacancy caused by the resignation of Judge J. W. Vandervort,—who was appointed to succeed Judge J. M. Jackson, deceased.

CRIMINAL COURT OF CABELL COUNTY,
AT HUNTINGTON.

DAVID E. MATTHEWS, Judge, Huntington.

Established February 24, 1893, (Acts 1893:28). The term of office of the Judge is six years, beginning January 1, 1901. Salary, \$1,500 per year. Terms begin—Second Monday in April, fourth Monday in June, and first Monday in November.

CRIMINAL COURT OF McDOWELL COUNTY,
AT WELCH.

L. L. CHAMBERS, Judge, Welch.

Established February 24, 1893 (Acts 1893:36). The term of office of the Judge is six years, beginning January 1, 1901. Salary, \$1,500 per year. Terms begin—Third Monday in January, April and July, and second Monday in October.

CRIMINAL AND INTERMEDIATE COURT OF MARION
COUNTY,

AT FAIRMONT.

U. S. KENDALL, Judge, Fairmont.

Established February 16, 1893 (Acts 1893:5). The term of office of the Judge is six years, beginning January 1, 1901. Salary, \$1,500 per year. Terms begin—Third Tuesday in January, first Tuesday in May, third Tuesday in August and October.

LIST OF COMMISSIONERS.

Appointed by the Executive of West Virginia, to take Acknowledgments of Deeds and other Writings in other States. Term of office, four years.

STATE.	COMMISSIONER.	RESIDENCE.	TERM EXPIRES.
Connecticut.....	Henry E. Tainter.....	21 and 23 Hill's Block, Hartford	Jan. 3, 1901
Maryland.....	Ph. H. Hoffman.....	218 Equitable Building, Baltimore	Jan. 6, 1901
Maryland.....	G. Everett Reardon....	Lexington and St. Paul Street, Baltimore	Jan. 6, 1901
Pennsylvania....	Samuel L. Taylor.....	1109 Betz Building, Philadelphia	Jan. 13, 1901
New York	Thos. Kilbert.....	154 Nassau Street, New York	Jan. 20, 1901
Maryland.....	J. Kemp Bartlett, Jr..	N. E. cor. Balt. and St. Paul Streets, Baltimore..	April 1, 1901
Pennsylvania....	Thos. J. Hunt.....	623 Chestnut St., Philadelphia	April 22, 1901
Pennsylvania....	G. W. E. Hunt.....	Philadelphia	Feb. 2, 1902
Maryland.....	Henry M. Daniels.....	Bank of Baltimore Building, Baltimore City	May 27, 1901
Pennsylvania....	Albert E. Peterson....	14 S. Broad St., Philadelphia	June 19, 1901
Pennsylvania....	Kinley J. Tener.....	441 Chestnut St., Philadelphia	June 26, 1901
New York.....	Eli C. Townsend.....	19 Broadway, New York City	June 26, 1901
New York.....	H. Ballyntyne.....	19 Broadway, New York City	June 30, 1901
New York.....	Geo. H. Corey.....	56 Wall Street, New York City	July 26, 1901
Dist. of Columbia.	R. H. Evans.....	1321 F Street, Washington.	Sept. 29, 1901
Ohio.....	J. T. Harrison.....	Cincinnati	Oct. 11, 1901
Virginia.....	G. B. Mountcastle.....	Richmond	Dec. 9, 1901
Dist. of Columbia.	John E. Mitchell.....	1321 F Street, Washington.	Jan. 18, 1902
New York.....	Vincent Roseman.....	277 Broadway, New York City	Jan. 21, 1902
Pennsylvania....	G. G. E. Hunt.....	Philadelphia	Feb. 2, 1902
Maryland.....	W. H. Raleigh.....	Baltimore	Mar. 28, 1902
Pennsylvania....	Abel K. Bassell.....	Philadelphia	July 28, 1902
New York.....	Isaac E. Gray.....	New York City	Aug. 5, 1902
Maryland.....	Harry C. Mathiea....	Baltimore City	Sept. 3, 1902
New York.....	Chas. Edgar Mills....	115 & 117 Broadway, New York	Dec. 28, 1902
Pennsylvania....	Frank C. Miller.....	413 4th Avenue, Pittsburg.	April 3, 1903
New York.....	Joseph B. Braman....	120 Broadway, New York..	April 17, 1903
Maryland.....	Murray Hanson.....	14 St. Paul Street, Baltimore	May 12, 1903
Illinois.....	Wirt Humphrey.....	115 Dearborn St., Chicago.	May 26, 1903
Missouri.....	W. E. Parker.....	224 N. Y. Life Building, Kansas City	May 26, 1903
New York.....	Alfred Mackay.....	59 Cedar Street, New York	July 25, 1903
New York.....	Rufus K. McHarg....	7 Pine Street, New York..	Sept. 1, 1903
Connecticut.....	Livingston W. Cleveland	New Haven	Dec. 16, 1903
New York.....	Edwin F. Corey.....	56 Wall Street, New York.	Jan. 19, 1904
New York.....	John L. Seady.....	96 Broadway, New York...	March 7, 1904
Pennsylvania....	A. W. Walter.....	347 Mutual Life Building, Philadelphia	July 23, 1904
Maryland.....	Thos. Sherwood Hudson, Jr.	6 E. Lexington St., Baltimore	Aug. 3, 1904
Maryland.....	Spencer Moore Grayson	Baltimore	Aug. 17, 1904

SHERIFFS AND PROSECUTING ATTORNEYS.

For the term of four years, beginning January 1, 1901.

COUNTY.	SHERIFF.	PROSECUTING ATTORNEY.	POSTOFFICE ADDRESS.
Barbour	I. C. Woodford, Jr.	W. T. George	Phillippi
Berkeley	C. L. Stuckey	U. S. G. Pitzer	Martinsburg
Boone	Julian Hill	Lilburn Fulton	Madison
Braxton	George Good	James E. Cutlip	Sutton
Brooke	John M. Brown	W. M. Werkman	Wellsburg
Cabell	Ira J. Jarshbarger	F. E. Williams	Huntington
Calhoun	J. S. Jarvis	G. W. Hays	Grantsville
Clay	John A. Sizemore	J. E. Springton	Clay
Doddridge	John B. Maxwell	W. R. Brown	West Union
Fayette	P. M. Snyder	C. W. Osenton	Fayetteville
Gilmer	Jacob Moore	L. H. Barnett	Glennville
Grant	Isaac Lewis	E. L. Judy	Petersburg
Greenbrier	D. A. Dwyer	Henry Gilmer	Lewisburg
Hampshire	A. L. Pugh	Wm. B. Cornwell	Romney
Hancock	C. F. Allison	J. A. McKenzie	New Cumberland
Hardy	Geo. K. Judy	G. W. McCauley	Moorefield
Harrison	John A. Fleming	James E. Law	Clarksburg
Jackson	D. W. Rhodes	W. H. O'Brien	Ripley
Jefferson	J. Davis Billmyer	Jas. M. Mason, Jr.	Charles Town
Kanawha	John A. Jarrett	S. B. Avis	Charleston
Lewis	Lot Halt	J. M. Foster	Weston
Lincoln	E. E. Adkins	John G. Evans	Hamlin
Logan	S. B. Robertson	J. B. Wilkinson	Logan
Marion	M. A. Joliff	Chas. Powell	Fairmont
Marshall	S. M. Steele	T. J. Parsons	Moundsville
Mason	R. L. Barnett	John L. Whitten	Point Pleasant
Mercer	J. E. T. Sentz	J. M. Anderson	Princeton
Mineral	J. F. Dixon	Chas. N. Finnell	Keyser
Mingo	G. W. Hatfield	Hi Williamson	Williamson
Monongalia	Greenberry Barrickman	Chas. A. Goodwin	Morgantown
Monroe	J. M. Vance	W. H. Copeland	Union
Morgan	Robert E. Allen	Harry W. Bayer	Berkeley Springs
McDowell	E. T. Sprinkle	I. C. Herndon	Welch
Nicholas	Henry W. Herald	T. B. Horan	Summersville
Ohio	W. W. Irwin	Frank Nesbitt	Wheeling
Pendleton	George W. Davis	H. M. Calhoun	Franklin
Pleasants	B. F. Riggs	Robt. E. Bills	St. Marys
Pocahontas	E. N. Moore	T. S. McNeel	Marlinton
Preston	I. A. Lenhart	Neil J. Fortney	Kingwood
Putnam	W. P. McAboy	Jas. S. Parkins	Winfield
Raleigh	Harvey Cook	T. J. McGinnis	Beckley
Randolph	F. P. Marshall	C. W. Harding	Elkins
Ritchie	B. F. Hill	H. B. Woods	Harrisville
Ronne	A. G. Hinzman	J. A. A. Vandale	Spencer
Summers	Harvey Ewart	Frank Lively	Hinton
Taylor	B. F. Payne	Benj. F. Bailey	Grafton
Tucker	J. B. Jenkins	Wm. G. Conley	Parsons
Tyler	J. W. Grim	I. M. Underwood	Midway
Upshur	A. M. Tenney, Jr.	W. B. Nuttes	Buckhannon
Wayne	C. Moore	P. H. Napier	Wayne
Webster	P. F. Duffy	J. M. Hoover	Addison
Wetzel	Alex Hart	E. L. Robinson	New Martinsville
Wirt	G. W. Roberts	F. C. Copen	Elizabeth
Wood	J. W. Dudley	Hunter H. Moss, Jr.	Parkersburg
Wyoming	John Ball	Phil Lambert	Oceana

CLERKS AND DEPUTY CLERKS OF CIRCUIT COURTS.

For term of six years, beginning January 1, 1897.

COUNTY.	CLERK.	DEPUTY.	P. O. ADDRESS.
Barbour.....	Richard E. Talbot.....	A. S. Poling.....	Phillippi
Berkeley.....	L. D. W. Gerhardt.....		Martinsburg
Boone.....	S. E. Bradley.....	J. M. Hopkins.....	Madison
Braxton.....	J. H. Lorentz.....		Sutton
Brooke.....	W. R. Glass.....		Wellsburg.
Cabell.....	R. W. McWilliams.....	O. J. Wilkinson.....	Huntington.
Calhoun.....	R. W. Hall.....	A. G. Mathews.....	Grantsville.
Clay.....	A. V. Mullins.....		Clay C. H.
Doddridge.....	W. B. Gribble.....	D. P. Stout.....	West Union.
Fayette.....	J. C. Farr.....	J. T. Grose.....	Fayetteville.
Gilmer.....	J. D. Jones.....		Glenville.
Grant.....	D. P. Hendrickson.....	W. C. Smith.....	Petersburg.
Greenbrier.....	Jonathan Mays.....	G. B. Mayo.....	Lewisburg.
Hampshire.....	V. M. Poling.....	W. S. Poling.....	Romney.
Hancock.....	F. E. Brady.....		New Cumberland.
Hardy.....	C. B. Welton.....		Moorfield.
Harrison.....	Engch E. Petrick.....	V. L. Highland.....	Clarksburg.
Jackson.....	M. C. Archer.....	J. M. Miller.....	Ripley.
Jefferson.....	John M. Daniel.....	W. F. Alexander.....	Charles Town.
Kanawha.....	Grant P. Hall.....	J. J. Hall.....	Charleston.
Lewis.....	Geo. Wootter.....		Weston.
Lincoln.....	J. F. Wilkinson.....		Hamlin.
Logan.....	T. C. White.....		Logan C. H.
Marion.....	Benj. F. Ramage.....	Chas. E. Manley.....	Fairmont.
Marshall.....	Leroy L. Stidger.....		Moundsville.
Mason.....	R. E. Mitchell.....		Pt. Pleasant.
Mercer.....	W. B. Honaker.....	E. L. Day.....	Princeton.
Mingo.....	Chas. H. Bronson.....		Williamson.
Mineral.....	J. V. Bell.....	J. R. Bean.....	Keyser.
Monongalia.....	Wm. E. Glasscock.....	John Shriver.....	Morgantown.
Monroe.....	J. D. Beckett.....		Union.
Morgan.....	Lewis Allen, Jr.....	T. H. B. Dawson.....	Berkeley Springs.
McDowell.....	W. Burbridge Payne.....		Welch.
Nicholas.....	Joseph A. Alderson.....	R. H. Hamilton.....	Summersville.
Ohio.....	C. H. Henning.....	A. J. Wilson.....	Wheeling.
Pendleton.....	I. E. Baltow.....	John W. Byrd.....	Franklin.
Pleasants.....	R. A. Flesher.....		St. Marys.
Pocahontas.....	J. H. Patterson.....		Marlinton.
Preston.....	John W. Watson.....	Geo. A. Walls.....	Kingwood.
Putnam.....	James H. Martin.....	J. M. Kilby.....	Winfield.
Raleigh.....	Isadore Meadows.....	John F. Davis.....	Beckley.
Randolph.....	W. H. Wilson.....		Beverly.
Ritchie.....	J. H. Lininger.....	Clyde K. Chapman.....	Harrisville.
Roane.....	Henry A. Smith.....		Spencer.
Summers.....	W. H. Boude.....	W. W. Lively.....	Hinton.
Taylor.....	J. G. St. Clair.....		Grafton.
Tucker.....	Wayne K. Pritt.....	D. M. Pennington.....	Parsons.
Tyler.....	J. G. Mayfield.....	F. R. Hickman.....	Middlebourne.
Upshur.....	John A. Hess.....	J. J. Morgan.....	Buckhannon.
Wayne.....	W. S. Copley.....		Wayne C. H.
Webster.....	B. C. Conrad.....		Addison.
Wetzel.....	J. W. Kaufman.....	John M. Null.....	New Martinsville.
Wirt.....	W. L. Hoffman.....		Elizabeth.
Wood.....	O. M. Clemens.....		Parkersburg.
Wyoming.....	E. M. Senter.....	A. M. Stewart.....	Oceana.

CLERKS AND DEPUTY CLERKS OF COUNTY COURTS.

For the term of six years, beginning January 1, 1897.

COUNTY.	CLERK.	DEPUTY.	P. O. ADDRESS.
Barbour	Granville E. Taft.	G. I. Lake.	Philippi.
Berkeley	I. L. Bender.	Ed. S. Hill.	Martinsburg.
Boone	J. M. Hopkins.	S. E. Bradley.	Madison.
Branxon	C. K. Newlon.	John Newlon.	Sutton.
Brooke	G. W. McCord.		Wellsburg.
Cabell	F. L. Doolittle.	Azel McCurdy, Jr.	Huntington.
Calhoun	L. H. Trippett.	A. G. Mathews.	Grantsville.
Clay	W. T. Hamrick.	J. N. Hamrick.	Clay C. H.
Doddridge	D. P. Stout.	J. Ramsey.	West Union.
Fayette	J. T. Grose.	Geo. Grose.	Fayetteville.
Gilmer	Jasper N. Kee.	Alice Kee.	Glenville.
Grant	D. P. Hendrickson.		Petersburg.
Greenbrier	Chas. B. Buster.	J. Mayo.	Lewisburg.
Hampshire	C. S. White.	Robt. White.	Romney.
Hancock	Amos S. Cooper.		New Cumberland.
Hardy	C. B. Welton.		Moorefield.
Harrison	Virgil L. Highland.	James N. Hess.	Clarksburg.
Jackson	G. B. Crow.	D. P. Crow.	Ripley.
Jefferson	W. F. Alexander.	Jno. M. Daniel.	Charles Town.
Kanawha	E. W. Staunton.	S. Pres. Smith.	Charleston.
Lewis	E. A. Bennett.		Weston.
Lincoln	Robt. Itager.	J. L. Hager.	Hamlin.
Logan	S. S. Altizer.		Logan C. H.
Marion	Chas. E. Manley.	B. F. Ramage.	Fairmont.
Marshall	E. M. Lewis.	J. F. Alcy.	Moundsville.
Mason	J. P. R. B. Smith.	Jos. H. Holloway.	Pt. Pleasant.
Mercer	A. J. Hearn.	J. L. Basham.	Princeton.
Mingo	James Damron.		Williamson.
Mineral	J. V. Bell.	J. R. Bean.	Keyser.
Monongalia	John E. Price.	Jno. B. Willey.	Morgantown.
Monroe	J. C. McClugherty.		Union.
Morgan	T. H. B. Dawson.	Lewis Allen, Jr.	Berkeley Springs.
McDowell	R. B. Bernheim.		Welch.
Nicholas	John A. Hamilton.	R. H. Hamilton.	Summersville.
Ohio	Richard Robertson.	Chas. Dannenburg.	Wheeling.
Pendleton	I. E. Baltow.	John W. Byrd.	Ferrislin.
Pleasants	W. C. Dotson.		St. Marys.
Pocahontas	S. L. Brown.		Marlinton.
Preston	Geo. A. Walls.	John W. Watson.	Kingwood.
Putnam	R. A. Salmons.		Winfield.
Raleigh	John P. Davis.	L. H. Davis.	Reckley.
Randolph	Lee Crouch.	S. A. Rowan.	Elkins.
Ritchie	W. F. Meserole.	H. E. Sigler.	Harrisville.
Roane	M. F. Lewellen.		Seneca.
Summers	J. M. Ayers.	J. M. Meader.	Hinton.
Taylor	L. Kitzmiller.		Crafton.
Tucker	Wm. M. Clayton.		Parsons.
Tyler	D. Hickman.	F. R. Hickman.	Middlebourne.
Upshur	J. J. Morgan.	H. B. Morgan.	Ruckhannon.
Wayne	W. P. Wilson.		Wayne C. H.
Webster	T. A. Gregory.		Addison.
Wetzel	Henry R. Thompson.	A. E. McCaskey.	New Martinsville.
Wirt	S. W. Cain.		Elizabeth.
Wood	B. F. Stewart.		Palhersburg.
Wyoming	C. F. Stewart.	A. M. Stewart.	Oceana.

COMMISSIONERS OF SCHOOL LANDS.

Appointed by the Circuit Courts.

COUNTY.	NAME.	ADDRESS.
Barbour	W. B. Kittle	Phillippi.
Berkeley	H. H. Emmert	Martinsburg.
Boone	S. E. Bradley	Madison.
Braxton	C. C. Hines	Sutton.
Brooke		Welisburg.
Cabell	R. M. Eaton	Huntington.
Calhoun	Bruce B. Ferrell	Grantsville.
Clay	A. W. Bell	Clay.
Doddridge	P. M. Ireland	West Union.
Fayette	E. B. Hawkins	Fayetteville.
Gilmer	S. A. Hays	Glenville.
Grant	A. J. Welton	Petersburg.
Greenbrier	M. A. Jackson	Lewisburg.
Hampshire	W. B. Cornwell	Romney.
Hancock		
Hardy	John R. Hawse	Lost River
Harrison	Lewis C. Lawson	Clarksburg.
Jackson	E. L. Stone	Ripley.
Jefferson	Samuel Howell	Charles Town.
Kanawha	Geo. W. McClintic	Charleston.
Lewis	Thos. J. Cummings	Weston.
Lincoln	W. W. Baker	Hamlin.
Logan	J. W. Hinchman	Logan C. H.
Marion	Harry Shaw	Fairmont.
Marshall	T. J. Parsons	Moundsville.
Mason	John L. Whitten	Pt. Pleasant.
Mercer	J. L. Dangerfield	Princeton.
Mingo	J. K. Anderson	Thacker.
Mineral	Orlando Shay	Keyser.
Monongalia	John E. Price	Morgantown.
Monroe	Marion Gilchrist	Gap Mills.
Morgan	Samuel Whitsner	Berkeley Springs.
McDowell	E. C. Kinnison	Welch.
Nicholas	F. B. Smith	Summersville.
Ohio	E. W. Dunaway	Wheeling.
Pendleton	M. G. Trumbo	Brandywine.
Pleasants	R. L. Pemperton	St. Marys.
Pocahontas	B. M. Yeager	Marlinton.
Preston	Wm. M. O. Dawson	Charleston.
Putnam	James S. Parkins	Paradise.
Raleigh	J. A. Ewart	Beckley.
Randolph	S. L. Baker	Beverly.
Ritchie	Sherman Robinson	Harrisville.
Roane	Geo. S. Moore	Newton.
Summers	E. C. Eagle	Hinton.
Taylor	Ira E. Robinson	Grafton.
Tucker	Jeff Lipscomb	Parsons.
Tyler	B. Engle	Middlebourne.
Upshur	G. A. Newlin	Buckhannon.
Wayne	J. H. Marcum	Dunlow.
Webster	E. H. Morton	Addison.
Wetzel	R. H. Sayre	New Martinsville.
Wirt	J. W. Martin	Elizabeth.
Wood	F. P. Moats	Parkersburg.
Wyoming	E. M. Senter	Oceana.

ASSESSORS.

For the Term of Four Years, beginning January 1, 1901.

COUNTIES.	NAME.	POST OFFICE ADDRESS
Barbour.....	{ J. L. Harsh, East Side.....	Philippi.
	{ A. Clevenger, West Side.....	Philippi.
Berkeley.....	{ John Shaull.....	Martinsburg.
	{ Otho Williams.....	Swan Pond.
Boone.....	Wm. C. Thompson.....	Danville.
Braxton.....	John H. Frame.....	Frametown.
	{ J. D. Sprigg.....	Salt Lick Bridge.
Brooke.....	Ed. M. Smith.....	Wellsburg.
	{ F. L. Hersey.....
Cabell.....	{ C. W. Gothard.....
Calhoun.....	J. M. Wease.....	White Pine.
Clay.....	James E. Sisk.....	Ira.
Doddridge.....	D. P. Strother.....	Nina.
	{ R. E. Bane.....	Sewell.
Fayette.....	{ R. Eagan.....	Fayetteville.
Gilmer.....	{ A. E. Messenger.....	Baldwin.
Grant.....	S. T. Kessell.....	Arthur.
Greenbrier.....	{ John W. Legg.....	Frankfort.
	{ F. B. Miller.....	Alderson.
Hampshire.....	{ John Blue, 1st District.....	Roman.
	{ Geo. W. Riley, 2nd District.....	Augusta.
Hancock.....	James T. Melvin.....	Fairview.
Hardy.....	W. S. Marshall.....	Lost City.
Harrison.....	{ Joseph A. Hammond.....	Adamston.
	{ Wm. L. Hughes.....	Jane Lew.
Jackson.....	{ G. W. Morrison.....	Ripley.
	{ Samuel McBride.....	Medina.
Jefferson.....	{ D. G. Donnally, 1st District.....	Charles Town.
	{ J. W. Gardner, 2nd District.....	Shepherdstown.
Kanawha.....	{ Marshall Morris, Upper District.....	Charleston.
	{ A. R. Shepherd, Lower District.....	Springhill.
Lewis.....	{ W. G. Heinzman, 1st District.....	Berlin.
	{ Geo. H. Carothers, 2nd District.....	Adkins' Mills.
Lincoln.....	{ W. H. Turley.....	Scioto.
	{ G. S. Seites.....	Myra.
Logan.....	H. S. Godby.....	Chapmansville.
Marion.....	{ James L. Hayhurst.....	Watson.
	{ James B. West.....	Mannington.
Marshall.....	{ J. T. Roseberry, 1st District.....	Benwood.
	{ John Chapman, Jr., 2d District.....	Glen Easton.
Mason.....	{ R. E. Musgrave, 1st District.....	Old Town.
	{ Walter Sturgeon, 2d District.....	Otia.
Mercer.....	W. F. Becket.....	Ada.
Mineral.....	{ Charles E. Taylor, East District.....	Ridgeville.
Mingo.....	{ D. C. Arnold, West District.....	Elk Garden.
	S. B. Farley.....	Birch.
Monongalia.....	{ Geo. E. Vangilder, 1st District.....	Morgantown.
	{ David F. Morris, 2d District.....	Hagans.
Monroe.....	{ Palmer Shanklin.....	Greenville.
	{ O. L. Miller.....	Sinks Grove.
Morgan.....	D. B. Munson.....	Berkeley Springs.
McDowell.....	{ B. F. Williams.....	Welch.
	{ E. M. Evans.....	Bradshaw.
Nicholas.....	E. F. Robertson.....	Birch River.
	{ Addison Israel, 1st District.....	Wheeling.
Ohio.....	{ Lester Smith, 2d District.....	Elm Grove.
	{ E. J. Daly.....	Riverton.
Pendleton.....	{ R. L. Eve.....	Mitchell.
Pleasants.....	J. T. Lullwan.....	Gibson.
Pocahontas.....	J. H. Buzzard.....	Huntersville.
Preston.....	{ Geo. L. Shaffer.....	Independence.
	{ Thos. B. Jackson.....	Terra Alta.
Putnam.....	{ C. B. Moses.....	Hurricane.
	{ P. L. Raynes.....	Extra.
Raleigh.....	Albert Williams.....	Cintsville.
Randolph.....	{ Levi McQuain.....	Beverly.
	{ J. N. Phanes.....	Elkins.
Ritchie.....	{ C. S. Jackson, 1st District.....	Ellsworth.
	{ H. Kibbe, 2d District.....	Ellenboro.
Roane.....	{ G. E. Daugherty.....	Looneyville.
	{ T. A. Jones.....	Reedyville.
Summers.....	E. D. Ferrell.....	Barger Springs.

ASSESSORS—*Continued.*

For the Term of Four Years, Beginning January 1, 1901.

COUNTIES.	NAME.	POST OFFICE ADDRESS.
Taylor.....	{ L. C. Haymond.....	Grafton.
	{ N. N. Tutt.....	Webster.
Tucker.....	Andy Moore.....	Parsons.
Tyler.....	W. E. Long.....	Alma.
	{ E. B. Lanham, 1st District.....	Queens.
Upshur.....	{ J. N. Shaw, 2d District.....	Galnes.
Wayne.....	{ F. M. Plymale.....	Dunleith.
	{ J. C. Lambert.....	Efic.
Webster.....	L. J. Barnett.....	Boks.
	{ A. T. Butler.....	Fanlight.
Wetzel.....	{ D. H. McMillan.....	Anthem.
Wirt.....	T. L. Gilmore.....	Morras.
	{ D. Flint.....	Parkersburg.
Wood.....	{ Jacob E. White.....	Orem.
Wyoming.....	W. T. Trent.....	Baileyville.

SUPERINTENDENTS OF SCHOOL.

Terms of County Superintendents expire July 1, 1903.
COUNTY SUPERINTENDENTS.

COUNTY.	NAME.	POST OFFICE.	EXPRESS OFFICE.
Barbour.....	L. V. Holsberry.....	Pblllpl.....	Moatsville.
Berkeley.....	J. W. Shirley.....	Martinsburg.....	Martinsburg.
Boone.....	William Osborne.....	Racine.....	Browstown.
Braxton.....	W. M. McCoy.....	Sutton.....	Sutton.
Brooke.....	Ervin Burge.....	Wellsburg.....	Wellsburg.
Cabell.....	J. J. Rousey.....	Huntington.....	Huntington.
Calhoun.....	Wellington Lester.....	Pink.....	Spencer.
Clay.....	L. P. Hickman.....	Clay.....	Clay.
Doddridge.....	O. A. Ashburn.....	West Union.....	West Union.
Fayette.....	A. R. Dickerson.....	Raven's Eye.....	Cliff Top.
Gilmer.....	V. F. Cooper.....	Glennville.....	Burnsville.
Grant.....	Jos. L. Rexroad.....	Arthur.....	Keyser.
Greenbrier.....	L. W. Burns.....	Meadow Bluff.....	Alderson.
Hampshire.....	J. F. Tutwiler.....	Augusta.....	Romney.
Hancock.....	Geo. A. Allison.....	New Cumberland.....	New Cumberland.
Hardy.....	I. V. Seymour.....	Moorefield.....	Romney.
Harrison.....	M. E. Newlon.....	Salem.....	Salem.
Jackson.....	W. A. Rankin.....	Ripley.....	Ripley.
Jefferson.....	J. A. Engle.....	Bakerton.....	Harper's Ferry.
Kanawha.....	S. C. Blair.....	St. Albans.....	St. Albans.
Lewis.....	Stark A. White.....	Camden.....	Weston.
Lincoln.....	W. E. Tabor.....	Myra.....	Milton.
Logan.....	Albert C. McComas.....	Lake.....	Dingess.
Marion.....	C. L. Martin.....	Fairmont.....	Fairmont.
Marshall.....	W. E. Mason.....	Adaline.....	Moundsville.
Mason.....	B. H. Blagg.....	Capebart.....	Arbuckle.
Mercer.....	John Lilly.....	Flat Top.....	Hinton.
Mineral.....	Geo. S. Arnold.....	Burlington.....	Keyser.
Mingo.....	S. F. Curry.....	Burcb.....	Williamson.
Monongalia.....	Stephen Mason.....	Daybrook.....	Barracksville.
Monroe.....	I. N. Hoylman.....	Organ Cave.....	Ronceverte.
Morgan.....	Horace D. Allen.....	Paw Paw.....	Paw Paw.
McDowell.....	F. C. Cook.....	Norwood.....	Vivian.
Nicholas.....	W. S. Henderson.....	Delphi.....	Camden-on-Gauley.
Ohio.....	Geo. S. Biggs.....	West Liberty.....	Wheeling.
Pendleton.....	G. A. Hiner.....	Franklin.....	Harrisonburg, Va.
Pleasants.....	A. W. Locke.....	Crisp.....	St. Mary's.
Pocahontas.....	J. W. Warnick.....	Huntersville.....	Ronceverte.
Preston.....	F. W. Gandy.....	Independence.....	Independence.
Putnam.....	A. L. Rymer.....	Winfield.....	Red House.
Raleigh.....	C. W. Thompson.....	Odd.....	Hinton.
Randolph.....	A. J. Crickard.....	Beverly.....	Beverly.
Ritchie.....	S. M. Hoff.....	Pennsboro.....	Pennsboro.
Roane.....	J. M. Harper.....	Spencer.....	Spencer.
Summers.....	H. F. Kesler.....	Lowell.....	Lowell.
Taylor.....	Wallace Phillips.....	Flemington.....	Grafton.
Tucker.....	A. E. Michael.....	Thomas.....	Thomas.
Tyler.....	S. D. Wells.....	Friendly.....	Friendly.
Upshur.....	E. H. Knabershue.....	Buckhannon.....	Buckhannon.
Wayne.....	Lamech Adkins.....	Dickson.....	Lavelette.
Webster.....	M. T. Hoover.....	Cowen.....	Cowen.
Wetzel.....	F. W. Parsons.....	Proctor.....	Proctor.
Wirt.....	Ralph E. Davis.....	Evelyn.....	Elizabeth.
Wood.....	W. T. Cochran.....	Oak.....	Relleville.
Wyoming.....	R. Wade Cook.....	Rock View.....	Keystone.

CITY SUPERINTENDENTS.

Benwood.....	C. E. Carrigan.....	Morgantown.....	W. H. Gallup.
Bluefield.....	C. A. Fulwider.....	Moundsville.....	D. T. Williams.
Buckhannon.....	H. A. Darnall.....	New Cumberland.....	W. M. Henderson.
Charleston.....	G. S. Laddley.....	New Martinsville.....	W. J. Postlethwait.
Charles Town.....	Wright Denny.....	Parkersburg.....	U. S. Fleming.
Clarksburg.....	Frank L. Burdette.....	Piedmont.....	W. M. Foulk.
Fairmont.....	Joseph Rosler.....	Pt. Pleasant.....	R. A. Riggs.
Grafton.....	Hayward Fleming.....	Sistersville.....	M. E. Hess.
Hinton.....	H. F. Fleschman.....	Wellsburg.....	C. E. Githens.
Huntington.....	W. H. Cole.....	Weston.....	Buckhannon White.
Keyser.....	R. M. Collins.....	Wheeling.....	W. H. Anderson.
Martinsburg.....	C. H. Cole.....		

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has been omitted from this edition in order to make same as com-
pact as possible.

APPENDIX C, (following Appendix B.)

has been omitted from this edition in order to make same as com-
pact as possible.

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