

ACTS
OF THE
LEGISLATURE
OF
WEST VIRGINIA;
AT ITS
SIXTH SESSION,

COMMENCING JANUARY 21ST, 1868.



WHEELING:

JOHN FREW, PUBLIC PRINTER.

1868.

1-5

A C T S.

CHAPTER 1.—An ACT to provide for the employment of a Record Clerk in the Adjutant General's Office.

Passed January 30, 1868.

Be it enacted by the Legislature of West Virginia:

That the Adjutant General is hereby authorized to expend in the payment of record clerks during the ensuing year, such sum, not to exceed five hundred dollars, as may be necessary for that purpose.

Expenditure of \$500 authorized.

CHAPTER 2.—An ACT changing the times of holding the terms of the Circuit Court in Brooke county.

Passed February 3, 1868.

Be it enacted by the Legislature of West Virginia:

1. The commencement of the terms of the circuit court in the county of Brooke, of the first judicial circuit, instead of being as heretofore prescribed by law, shall be as follows: On the third Tuesday of March, fourth Tuesday of June, September and November.

Commencement of terms.

2. The first section of the act passed February twenty-eight, eighteen hundred and sixty-five, entitled "An Act in relation to the time of holding the terms of the circuit court in the first judicial circuit," is hereby repealed.

Act repealed.

CHAPTER 3.—An ACT to authorize John G. Cockrell to build Lock Gates.

Passed February 4, 1868.

Be it enacted by the Legislature of West Virginia:

1. That John G. Cockrell, of Jefferson county, be authorized and empowered to put in new lock gates on the site of the old ones at Willis' Mill, in the Shenandoah river, in said county, and to put in such dams and make such improvements as he may think necessary, for the purpose of the navigation of said river; and the said John G. Cockrell shall keep in repair and have control of the same.

Lock gates in Shenandoah river.

Repair and control of same.

2. That the said John G. Cockrell be authorized and empowered to receive tolls on all produce and other property that may be shipped through said locks, to a point where the navigation of said river reaches the Winchester and Potomac Railroad, known as Shenandoah City, at the following rates: Iron, twenty-five cents per ton; flour, two cents per barrel; on all grain, one-half cent per bushel; and on

J. G. Cockrell may collect tolls.

Rates of toll.

lumber, twenty-five cents per thousand feet; with full power and authority to sue for and collect the same according to law.

Person injuring locks guilty of misdemeanor,

8. That any person, or persons, who injures or interferes with said locks, or obstructs the navigation of said river, within the limits of said county, by putting in dams, or injuring or interfering with such as may be placed there by authority of this act, shall, for each offence, be guilty of a misdemeanor, and on conviction thereof, be liable to a fine of not less than ten or more than one hundred dollars; provided, that nothing contained in this act shall be construed to interfere with the right of the said John G. Cockrell to proceed by civil action for the recovery of damages sustained in the premises.

and liable to Cockrell for damages.

CHAPTER 4.—An ACT to authorize the construction of a Bridge over the Potomac River, near the mouth of New Creek.

Passed February 4, 1868.

Be it enacted by the Legislature of West Virginia:

Commissioners.

1. That Thomas B. Davis, Samnel M. Haller, Nimrod Alkire, Roland S. Dayton, Thomas R. Carskadon, and Aquilla B. McCarty be and they are hereby constituted and appointed commissioners, with full power and authority to contract for the building of a bridge over the Potomac river, at such point near the mouth of New creek, in Mineral county, as they, or a majority of them, may deem most suitable and convenient, on such plan as they, or a majority of them, shall adopt as most practicable; and are likewise authorized to receive and collect contributions and appropriations sufficient to enable them to pay for said bridge.

Location and plan of bridge.

Contributions for bridge.

Power of commissioners to acquire lands.

2. That said commissioners, or a majority of them, are hereby empowered to acquire by purchase, or otherwise, such lands as may be necessary to construct the abutments for said bridge, as well as to secure the right of way for roads leading from the county roads, to enable all species of travel to reach said bridge at either terminus.

CHAPTER 5.—An ACT to amend and re-enact Chapter 14 of the Acts of 1836, entitled "An Act to amend and re-enact the 1st section of an Act entitled 'An Act providing for issuing grants for lands in certain cases,' passed December 9th, 1863."

Passed February 4, 1868.

Be it enacted by the Legislature of West Virginia:

Act amended

That chapter 14 of the Acts of 1866, entitled "An Act to amend and re-enact the first section of an act entitled 'An Act providing for issuing grants for lands in certain cases,' passed the ninth day of December, eighteen hundred and sixty-three," shall be amended and re-enacted to read as follows:

"1. All entries made before the twentieth day of June, eighteen hundred and sixty-three, under the provisions of chapter one hundred and twelve of the Code of Virginia, second edition, which were in force on that day, and which have not heretofore been surveyed, shall be surveyed according to the provisions of said chapter of said Code. All plats and certificates of such surveys, whether heretofore or hereafter made; plats and certificates of all other surveys in force on said twentieth day of June, eighteen hundred and sixty-three, and copies of all plats and certificates of surveys heretofore filed in the land office at Richmond, on which no grants have issued, and been delivered to the parties to whom issued, shall, before the ninth day of December, eighteen hundred and sixty-nine, be returned by those for whom the surveys are made, to the secretary of the State, and they may demand receipts from him for the same; and no grant shall issue for any land until the conditions imposed by section forty-three of the said chapter of the said Code be complied with by the person applying for the grants."

Survey of entries made before June 20, 1863.

Time for returning plats extended.

On what conditions grant to issue.

"2. For all services rendered under this act by the secretary, he shall be entitled to the same fees that the register of the land office of the State of Virginia would be entitled to for like services, which fees shall be in consideration of his services in completing the grant. Fees heretofore paid for like services, under chapter one hundred and thirty-four, acts of eighteen hundred and sixty-three, shall be the compensation of the secretary of the State for the additional duties imposed upon him by said chapter one hundred and thirty-four, but in all cases in which plats and certificates of surveys have been returned to the land office at Richmond, and all the fees there paid, the secretary shall not charge or receive any further fees."

Fees of secretary of the State.

Secretary to have the fees heretofore paid.

CHAPTER 6.—An ACT constituting a certain part of the bank of the Ohio River, within Jackson county, a lawful fence.

Passed February 4, 1862.

Be it enacted by the Legislature of West Virginia:

1. So much of the bank of the Ohio river, within the county of Jackson, as is included within the following boundary, to-wit: Beginning at E. Beatty's upper line, below the town of Murrayville, near the mouth of the first run; thence down the river to the lower line of James and Bennet Wheaton's lands, below the mouth of Carr's run, is hereby declared a lawful fence.

Part of bank specified.

2. All acts or parts of acts inconsistent herewith, are hereby repealed.

Acts repealed.

CHAPTER 7.—An ACT constituting a certain part of the bank of the Ohio river within Jackson county a lawful fence.

Passed February 4, 1868.

Be it enacted by the Legislature of West Virginia :

Part of bank specified.

1. So much of the bank of the Ohio river as is included in the following boundary, to wit: Beginning at the mouth of Cedar run, in Jackson county, thence up the river to the mouth of Big Sand creek, is hereby declared a lawful fence.

Acts repealed.

All acts or parts of acts inconsistent herewith are hereby repealed.

CHAPTER 8.—An ACT for the relief of William E. Balsley, Jailor of Upshur county.

Passed February 5, 1868.

Be it enacted by the Legislature of West Virginia :

\$160.61 appropriated.

The auditor is hereby directed to issue his warrant on the treasurer for the sum of one hundred and sixty dollars and sixty-one cents, payable to William E. Balsley, jailor of Upshur county, for keeping and supporting Rachel Pringle, a lunatic, while confined in the jail of Upshur county.

CHAPTER 9.—An ACT to amend and re-enact the fifteenth section of an act providing for the completion of a line or lines of Railroad from the waters of the Chesapeake to the Ohio River, passed February twenty-sixth, eighteen hundred and sixty-seven.

Passed February 6, 1868.

Be it enacted by the Legislature of West Virginia :

That the fifteenth section of an act to provide for the completion of a line or lines of railroad, from the waters of the Chesapeake to the Ohio river, passed February twenty-sixth, eighteen hundred and sixty-seven, shall be and is hereby amended and re-enacted so as to read as follows:

Vote on county subscription to railroad.

“15. It shall be lawful for the board of supervisors of any county, whether the vote of said county has already been taken thereon or not, to take the sense of the qualified voters of their county, and of all other white male residents thereof, who are neither minors, persons of unsound mind, paupers, nor under conviction of treason, felony or bribery, in an election, and who have been residents of the State for one year and of the county for thirty days, and are assessed with a tax therein for the year eighteen hundred and sixty-seven, upon the question of subscription to the stock of any company which may be authorized to construct the railroad from Covington, in the State of Virginia, to the Ohio river, at the mouth of the Kanawha or Sandy river, or both; and should a majority of the persons who may

Who may vote.

vote on such question, vote in favor of the proposed subscription, the said board of supervisors shall appoint an agent to subscribe, on behalf of the county, for the amount of stock which may have been authorized by such vote, and to negotiate a loan, or loans, in the name of the county, at a rate of interest not exceeding ten per centum per annum, for the purpose of paying such subscription of stock; and said board of supervisors shall be authorized to issue the bonds, coupon or registered, of the county for the amount of such loans; and it shall be the duty of such board of supervisors, from time to time, to assess and collect taxes alike upon the taxable subjects of their county, including the same subjects in the incorporated towns and villages, sufficient to pay the interest on such loans, and for the final extinction of the principal thereof. No registration of the persons herein named, who are not qualified voters under the constitution of this State as amended, shall be required to enable such persons to vote on said question. It shall be the duty of the supervisors and inspectors of elections, at the several places of voting, to cause separate lists to be kept of the registered and non-registered persons who may vote on said question, and to keep their ballots separate. They shall also make separate returns showing the number of votes cast by each class of persons so voting, for and against such subscription. The vote shall be taken at the several places of voting in each county, and a notice thereof shall be posted at such places, and at three other public places in each township, at least twenty days prior thereto. Upon the failure of a majority of the said persons who may vote upon the said question of subscription, to vote in favor thereof, it shall be lawful for the board of supervisors to direct another vote of said persons to be taken upon the question of subscribing a different amount. It shall be lawful for the board of supervisors of any county to direct such vote to be taken upon the question of subscription to the stock of such company, upon such conditions as they may deem proper, which conditions the said board shall insert in their order directing the said vote, and if a majority of the vote cast on said question shall be in favor of such conditional subscription, the agent appointed as aforesaid to subscribe for said stock, shall subscribe for the same upon the conditions prescribed in the said order, which conditions shall be strictly complied with by said company, if it accepts such subscription; and upon the failure or refusal of the said company to comply with such conditions, or any of them, the circuit court of the county shall have full power and authority to compel such compliance by mandamus or injunction, or both, as the case may require; but nothing herein contained shall be so construed as to prevent the board of supervisors of any county in which a vote has already been had in favor of subscription to the stock of such company, from subscribing the amount of stock authorized by such vote, without submitting the question to another vote, and if the vote was for a subscription on conditions, the subscription shall be made on such conditions, and the company, if it accepts such subscription, shall comply with the conditions, which compliance may be compelled as aforesaid. The subscription made by the board of

Subscription, if majority favorable.

Issue of bonds.

Taxes for their payment.

Registration of certain persons not necessary to enable them to vote.

Separate lists of registered and non-registered voters.

Separate returns of their votes.

Places and notice of voting.

Supervisors in certain case may hold another election.

Subscription on conditions.

How compliance with such conditions compelled.

Subscription for stock heretofore voted not affected by this act.

Subscription of board of public works to W. Va. Central Railroad withdrawn.

Use of track from Charleston to mouth of Sandy.

Transfer of State interest in Covington and Ohio Railroad to company completing railroad.

Vote not to be taken on day of election of officers.

public works, on the part of this State, to the capital stock of the West Virginia Central Railway Company, under and by virtue of the act passed February twenty-fourth, eighteen hundred and sixty-five, entitled "An Act to amend the charter of the West Virginia Central Railway Company," is hereby withdrawn, and shall henceforth form no part of said capital stock, and the company which may be authorized to construct the railroad from Covington to the Ohio river, as aforesaid, may use the track of the Covington and Ohio Railroad from Charleston, in the county of Kanawha, to the mouth of Sandy, in the county of Wayne; and in case the said company shall enter upon the completion of said railroad, between the points last aforesaid, within one year after the passage of this act, and shall complete and put the same in running order from Charleston to the mouth of Sandy aforesaid, within three years after the passage of this act, then all the right, title and interest of this State in and to the track, masonry, works and property of the Covington and Ohio Railroad, between the said points, shall be and the same is hereby transferred to the said company so completing the said road; *Provided*, That no such vote shall be taken on any day on which an election for State, county or township officers is held.

CHAPTER 10.—An ACT changing the times of holding Courts in the Ninth Judicial Circuit.

Passed February 6, 1868.

Be it enacted by the Legislature of West Virginia:

Commencement of terms.

1. The commencement of the terms of the circuit court in the several counties composing the ninth judicial circuit, after the first day of March next, shall be as follows:

Pocahontas.

For the county of Pocahontas, on the first of April, June, September and November.

Greenbrier.

For the county of Greenbrier, on the twelfth of April, June, September and November.

Monroe.

For the county of Monroe, on the twenty-fifth of April, June, September and November.

Mercer.

For the county of Mercer, on the seventh of March, May, October and December.

McDowell.

For the county of McDowell, on the thirteenth of March, May, October and December.

Act repealed.

2. The act entitled "An Act to alter the terms of the circuit courts in the ninth circuit," passed February twelfth, eighteen hundred and sixty-six, is hereby repealed.

CHAPTER 11.—An ACT authorizing the citizens of Clark and Coal townships, Harrison county, to levy a tax to refund certain money to William S. Robinson.

Passed February 6, 1868.

Be it enacted by the Legislature of West Virginia:

The citizens of the townships of Clark and Coal, in the county of Harrison, are hereby authorized, in the manner prescribed by law, to levy and collect a tax on the property of said townships sufficient to refund to William S. Robinson, of said Clark township, the sum of four hundred dollars expended by him in recruiting men to fill the quota of the thirty-seventh sub-district of West Virginia, composed of said townships, under the call of the President for volunteers to reinforce the armies of the United States.

Levy of \$400 authorized.

CHAPTER 12.—An ACT to restore to the docket of the Circuit Court of Harrison county, the case of James M. Jackson against John Brake's heirs.

Passed February 6, 1868.

WHEREAS, A suit was instituted in the circuit court of the county of Harrison, by James M. Jackson, one of the heirs of John Brake, deceased, against the other heirs of the said Brake, to sell and divide among the said heirs the proceeds of the sale of a tract of one hundred and forty-nine acres of land, of which he died seized, situate in the county of Harrison; and such proceedings were had in said cause, that at the fall term, eighteen hundred and forty-four, of said court, a decree was pronounced directing a sale of said land, which was made for the sum of eight hundred and one dollars, which was duly reported to and confirmed by said court, and the proceeds directed to be paid into the hands of the receiver of the court, and the case referred to a commissioner to ascertain the advancements made by the said Brake to his heirs, and how the said fund should be distributed among them, which report was never made, but the said sum went into the hands of the receiver of said court, and the court, at its fall term, eighteen hundred and sixty-two, struck the said case from the docket, upon the ground that there had been no order or proceeding had therein for more than seven years, but to continue it, leaving said fund undisposed of, and the parties without remedy; therefore,

Preamble. Institution of suit.

Decree for sale.

Decree for distribution.

Be it enacted by the Legislature of West Virginia:

That the said cause, upon the motion of any of the parties interested therein, be restored to the said docket, and further proceeded in by the said court, notwithstanding more than one year has elapsed since the date of said order.

Restoration of case to docket.

CHAPTER 13.—An ACT providing for the collection of back Taxes in the county of Wayne.

Passed February 6, 1863.

Be it enacted by the Legislature of West Virginia :

Collecting of-
ficers allowed
to distrain for
back taxes.

That William Nixon, late collector of the revenue for Wayne county, and the present sheriff of said county and his deputies, be and they are hereby authorized to enforce the collection of all taxes and levies unpaid in the said county for the years eighteen hundred and sixty-one, eighteen hundred and sixty-two, eighteen hundred and sixty-three, eighteen hundred and sixty-four and eighteen hundred and sixty-five, by distress and sale of property in the manner prescribed by law, which now are or may be placed in their hands for collection, and shall make out and return, as to said taxes and levies, the lists of delinquents required by the fourteenth section of the act passed December seventh, eighteen hundred and sixty-three, entitled "An Act for the collection of taxes," at the time said lists for the taxes of eighteen hundred and sixty-eight are required to be made and returned.

Delinquent lists.

CHAPTER 14.—An ACT in relation to the competency of witnesses.

Passed February 7, 1863.

Be it enacted by the Legislature of West Virginia :

No witness ex-
cluded by reason
of interest.

1. No person offered as a witness in any civil action, suit or proceeding shall be excluded by reason of his interest in the event thereof.

Parties may test-
ify.

2. A party to a civil action, suit or proceeding may be examined as a witness in his own behalf, or in behalf of any other party, in the same manner and subject to the same rules of examination as any other witnesses, except as follows :

When an assign-
or may testify.

I. An assignor of a chose in action shall not be examined in favor of his assignee, unless the opposite party be living and in reach of the process of the court.

When party to
suit against rep-
resentatives of a
deceased person
may testify.

II. A party shall not be examined in his own behalf in respect to any transaction or communication had personally with a deceased person, against parties who are the executors, administrators, heirs-at-law, next of kin, or assignees of such deceased person, where they have acquired title to the cause of action from or through such deceased person, or have been sued as such executors, administrators, heirs-at-law, next of kin, or assignees. But where such executors, administrators, heirs-at-law, next of kin or assignees shall be examined, on their own behalf, in regard to any conversation or transaction with such deceased person, then the said assignor or party may be examined in regard to the same conversation or transaction.

Party may testify
in matters in de-
position of de-
ceased person.

III. If the deposition of a party to the action, suit or proceeding has been taken, and he shall afterwards die, and after his death, such deposition be used upon any trial or hearing in behalf of his executors, administrators, heirs-at-law, next of kin, or assignees, the other

party, or assignor, shall be a competent witness as to any and all matters to which such deposition relates.

IV. This act shall not apply to any action, suit or proceeding heretofore commenced, in which a judgment or final decree has been obtained, and a new trial or rehearing has been or shall be awarded therein; but in all such actions, suits or proceedings, the rules of evidence shall be the same as if this act had not been passed.

Act not to apply to new trial of suits heretofore tried.

CHAPTER 15.—AN ACT to incorporate the Village of Leatherwood.

Passed February 7, 1868.

Be it enacted by the Legislature of West Virginia:

1. That the inhabitants of so much of the township of Triadelphia, in Ohio county, as lies within the boundaries hereinafter described, shall be and are hereby created a body politic and corporate, by the name of "The Village of Leatherwood," who shall have power to sue and be sued, contract and be contracted with, by their said corporate name.

Incorporation.

2. The boundaries and corporate limits of said village shall be as follows: Beginning at the mouth of Wood's run, and running from thence northwardly on the shortest and most direct line to the centre of the national road; thence with the centre of said road eastwardly to the intersection of the line between the lands of Chester D. Knox and Yager on the west, and Shallcross and Walters on the east; thence with said line southwardly to Wheeling creek; thence down said creek with the centre or thread of the stream, to the mouth of Wood's run, the place of beginning.

Boundaries.

3. Said corporation shall be governed by a council, which shall consist of a mayor, recorder and three trustees, who shall be elected by the inhabitants of said village who, for the time being, shall be qualified to vote for Governor and other State and county officers, and who have resided within the limits of said corporation thirty days.

Council and other officers.

Who may vote.

4. The inhabitants of said village, who are entitled to vote for State and county officers, shall meet on the first Monday of March, A. D. eighteen hundred and sixty-eight, and on the same day of each succeeding year, elect a mayor, recorder, and village sergeant, and three trustees, who shall hold their respective offices for the term of one year, and until their successors are elected and qualified. And all such elections shall be governed in all respects by the laws in force for the time being to regulate the election of county and township officers.

Elections.

Mayor, recorder, sergeant, trustees.

5. The council of said village shall have power to pass all such by-laws and ordinances as may be necessary for the health, comfort, cleanliness and good order of said village and the inhabitants thereof;

Powers of council.

Powers of council. to open streets, alleys and public highways, public square and public grounds, to grade, pave and ornament the same; to prohibit the establishment of butcher shops, slaughter houses, furnaces, manufacturing establishments, graveyards, cemeteries, tipping houses, gaming houses, bawdy houses, billiard saloons, lager beer saloons, and other places of public resort, and such other establishments as may render the said village unwholesome or unpleasant as a place of residence. And said council shall have power to abate and remove any of the aforesaid establishments which heretofore have been, or hereafter may be, established within the limits of said corporation. But the said corporation shall pay to any person, corporation or association, all the damages they may sustain by reason of such removal, in case the establishment so removed would not, under existing laws, be a public or private nuisance.

Payment of damages for removing anything not a nuisance.

Levy and collection of taxes. 6. Said council shall have power to levy and collect taxes upon the real and personal property of the inhabitants of said corporation, upon the tax lists made by the proper officers for taxation for State and county purposes, provided that the amount levied in any year shall not exceed fifty cents on each hundred dollars of the valuation of such property for State and county purposes.

Appointment of officers. 7. Said council shall have power to appoint such officers and agents as they may find necessary for the convenience of said corporation and the inhabitants thereof, or as they may find necessary for the transaction of their business, to prescribe their duties and take from them such security as they may deem necessary for the faithful performance of their duties.

Powers and duties of mayor. 7. The mayor of said village shall have all the power and jurisdiction of a justice within the corporate limits, and shall be governed by the laws that may for the time being be in force, regulating and defining the powers and duties of justices.

Duty of recorder. 9. The recorder shall keep a record of the proceedings of the council, shall record all by-laws and ordinances of said corporation, and preserve the same, and at the expiration of his term of office shall deliver the same to his successor.

Duty of sergeant. 10. The sergeant shall be the executive officer of the corporation, shall serve all process directed to him by the mayor, and perform such other duties as may be enjoined upon him by the by-laws and ordinances of said corporation, and shall give such security for the faithful performance of his duties, as the council of said corporation may require.

CHAPTER 16.—An ACT to amend an act entitled "An Act to incorporate the city of Wheeling, in Ohio county," passed March 11; 1836.

Passed February 7, 1856.

Be it enacted by the Legislature of West Virginia :

That the city councils of the city of Wheeling shall have power to grant to manufacturers and others the right to construct coal rail-ways through and along the streets and alleys of said city, upon such terms and conditions, and subject to such regulations and restrictions as said councils may deem proper and expedient to avoid any unnecessary obstruction to the use of said streets and alleys by the public. And all grants and licenses heretofore made or issued by said city councils for coal railroads through and along the streets and alleys of said city, are hereby ratified and confirmed, and declared to be as valid and effectual as if this act had passed before such grants and licenses were made and issued: Provided, however, That nothing herein contained shall authorize the use of steam power for the purpose of propelling the machinery used on said roads.

Council has power to grant right to construct coal railways.

Former grants ratified.

Steam power not to be used.

CHAPTER 17.—An ACT to incorporate the Sir John's Run and Rock Gap Turnpike Company.

Passed February 7, 1856.

Be it enacted by the Legislature of West Virginia :

1. It shall be lawful to open books at Sir John's Run, Morgan county, under the direction of W. Mendenhall, J. Boyles, W. B. Avery, Samuel Johnson, J. W. Jobuston, P. Phillips, C. J. Hovermale, Lewis Allamong, W. Thompson, L. Vanarsdal, William Cassler, P. Compton, or any two of them, and at such other places in the county, as they may designate, for receiving subscriptions to the amount of five thousand dollars, in shares of twenty dollars each, to constitute a joint capital stock for constructing a turnpike from a point near Sir John's Run, in said county, by the most convenient route, to a point on the State line near McIntyer's, within one mile of the Martiusburg and Hampshire grade.

Commissioners.

Capital stock.

2. The said books shall be opened, and the subscriptions made, in the manner prescribed by the Code of Virginia for the incorporation and regulation of turnpike companies. And when one hundred of the said shares of stock shall have been subscribed, the subscribers, their executors, administrators and assigns, shall be and are hereby incorporated into a body politic and corporate, by the name and style of "The Sir John's Run and Rock Gap Turnpike Company," subject to all the provisions and entitled to all the benefits of the aforesaid Code, except so far as the provisions of this act are or may be inconsistent therewith.

How books opened and subscriptions made.

Incorporation.

CHAPTER 18.—An ACT to incorporate Ravenswood Lodge No. 15, of the Independent Order of Odd Fellows, in the town of Ravenswood.

Passed February 10, 1865.

Be it enacted by the Legislature of West Virginia:

Incorporation.

1. That S. M. Haworth, Benjamin D. Williams, Dryden Parker, Charles Harpold and C. M. West, and such others as are now regularly associated with them, and such as may hereafter become regularly associated with them, are hereby created a body politic and corporate, under the name and style of "Ravenswood Lodge No. 15, of the Independent Order of Odd Fellows," in the town of Ravenswood, in Jackson county; and by that name shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, and may purchase, sell and hold to them and their successors, for the charitable and benevolent purposes of said lodge, not exceeding two full lots of ground in said town of Ravenswood, and not exceeding six acres of land in the county of Jackson; and also such personal property and moneys necessary for the purposes aforesaid.

Powers and property of corporation.

By-laws.

2. The said lodge shall be authorized to make all needful laws and regulations for the management of their property, as a majority of said lodge may prescribe.

Act amendable.

3. This act may be altered, amended or repealed at the pleasure of the Legislature.

CHAPTER 19.—An ACT for the relief of William Gandee.

Passed February 11, 1865.

Be it enacted by the Legislature of West Virginia:

\$22.50 appropriated.

That the sum of twenty-two dollars and fifty cents is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to reimburse William Gandee for money expended in defending suits for property taken while captain of state guards.

CHAPTER 20.—An ACT authorizing Alfred A. Hager to build a Mill-dam across Spruce Fork of Little Coal River.

Passed February 11, 1865.

Be it enacted by the Legislature of West Virginia:

Dam authorized.

1. Alfred A. Hager is hereby permitted to construct a saw and grist mill dam, six feet high above low water mark, across the Spruce Fork of Little Coal river, at or near the lower end of said Hager's land.

Responsibility for damages.

2. The said Alfred A. Hager, as well as his successors, shall be held responsible for any damages resulting from the building of said dam.

CHAPTER 21.—An ACT for the relief of William Harpold, late Deputy Sheriff to George S. M. King, Sheriff of Jackson county.

Passed February 11, 1868.

Be it enacted by the Legislature of West Virginia :

That William Harpold, late deputy sheriff of Jackson county, be hereby released from all liability to the State, for tax tickets and duplicates for the years eighteen hundred and sixty-three and eighteen hundred and sixty-four, which have not been collected by him, by reason of the insolvency of the parties, to the amount of eighty-seven dollars and ten cents.

Release from liability to State for tax tickets against insolvents.

CHAPTER 22.—An ACT to incorporate the town of Newburg.

Passed February 12, 1863.

Be it enacted by the Legislature of West Virginia :

1. That the inhabitants of so much of the county of Preston as are within the bounds hereinafter described, or may hereafter reside within said bounds, shall be and they are hereby made a body politic and corporate, by the name and style of "The Town of Newburg." The corporate limits and boundaries of the town of Newburg shall be as follows: Beginning at the western end of the town, at a maple tree near Capt. W. Paul's lot; thence east six hundred and ninety-four feet, to a poplar tree on the incline; thence south eighty feet; thence east two thousand four hundred feet to the road; thence south forty degrees east to a chestnut tree near the church; thence north thirty-two degrees east seven hundred and seventy-six feet to a rock on the west bank of Little Raccoon creek, near Mr. Sharo's; thence north thirty-three degrees west one thousand one hundred and fifty-four feet; thence south forty-one degrees west two hundred and seventy-four feet to the south-eastern corner of Mr. Shoot's orchard; thence south eighty-two degrees west two thousand one hundred and sixty-seven feet to a stump; thence south fifty-four degrees west to a milestone on the railroad, near the cut; thence south eleven degrees west to the place of beginning.

Incorporation.
Boundaries.

2. The municipal authorities of said town shall be a mayor, recorder and five councilmen, who together shall form a common council.

Authorities of town.

3. The mayor, recorder and councilmen, so soon as they have been elected and qualified as hereinafter provided, shall be a body politic and corporate, by the name of "The Town of Newburg," and shall have perpetual succession and a common seal, and by that name may sue and be sued, implead and be impleaded, may purchase and hold real estate necessary to enable them the better to discharge their duties, and needful for the good order, government and welfare of said town.

Corporation.
Its powers.

4. All the corporate powers of said corporation shall be exercised by the said council, or under their authority, except where otherwise provided.

How powers exercised.

Sergeant, treasurer and commissioner of the revenue.

5. There shall be a town sergeant, a treasurer and commissioner of the revenue appointed by the council, to continue in office at its pleasure, and perform the duties respectively as hereinafter prescribed, or as may be required by the council.

Their duties.

6. The duties of the office of recorder, treasurer and commissioner of the revenue may be discharged by the same person, or otherwise, as the council may from time to time determine.

Term and qualifications of officers.

7. The mayor, recorder and councilmen shall be elected by the citizens of said town who may be entitled to vote under this act, and (except when elected to fill vacancies) for the term of one year, and until their successors shall have been elected and qualified, and shall be residents in said town, and entitled to vote for members of its common council.

Elections.

8. The first election under this act shall be on the third Saturday in April, eighteen hundred and sixty-eight, at the house of John Berry, in said town, under the supervision of a justice of Lyon township; and annually thereafter there shall be an election on the same day in each year, at such place and under such supervision, rules and regulations as the council in said town may prescribe. The person conducting the first election shall grant certificates to the persons elected, which shall be entered upon the records with the ordinances of said council, and their term of office shall commence on the first day of May next after their election.

Certificates of election.

Who may vote.

9. All persons resident in said town, and entitled to vote for county and township officers, shall be entitled to vote for mayor, recorder and councilmen.

How vacancies filled.

10. When a vacancy shall occur, from any cause, in the office of mayor, recorder, or in the council, the vacancies shall be filled by appointment by the council.

Mode of voting.

11. At all elections the vote shall be by ballot, and when two or more persons for the same office, at any election, shall receive an equal number of votes, the person or persons so conducting such an election shall decide which of said persons shall be returned elected. And all contested elections shall be heard and determined by the council for the time being.

Tie votes.

Contests.

Oaths of officers.

12. The mayor, recorder, councilmen, sergeant, treasurer and commissioner of the revenue shall each, before entering upon the duties of his office, and within ten days after being furnished with a certificate of his election, take and subscribe the oath of loyalty prescribed for county and township officers, and that they will truly, faithfully and impartially discharge the duties of their said offices, respectively, to the best of their abilities, so long as they continue therein. The recorder shall take such oath or affirmation before a justice, or other

officer authorized to administer oaths, and thereupon he shall administer the oaths aforesaid to the other officers and councilmen. Certificates of the said oaths or affirmations shall be filed with the recorder, and the fact of their administration be entered on the journal of the proceedings of the council.

13. When any four of the newly elected councilmen shall have been so qualified, they shall enter upon their said offices and supersede the former councilmen. When councilmen to take office.

14. If any one elected mayor, recorder or councilman shall not have been eligible, or shall fail or refuse to take the oath or affirmation required under this act, within the ten days aforesaid, such office shall be declared vacant, and the vacancy filled as hereinbefore prescribed, Vacancy in office. but in all cases from among the citizens of the town eligible to such office or position under this act. How filled.

15. The council shall be presided over at its meetings by the mayor, or, in his absence, by one of the councilmen, selected by a majority of the councilmen present, and a majority of the council shall be necessary to constitute a quorum to do business. Meetings of council.

16. The council shall cause to be kept in a journal, an accurate record of all its proceedings, by-laws, acts and orders, which shall be fully indexed, and open to the inspection of the voters of the town. Its journal.

17. The proceedings of the last meeting shall be read to the council, corrected where necessary, and signed by the person presiding for the time being. Upon the call of any member, the ayes and noes on any question shall be called, and recorded in the journal. The mayor, though not voting as a member of council, in cases of a tie shall have the casting vote. Its proceedings.

18. The council so constituted shall have power within said town to lay off, open, and curb and pave streets, alleys, walks and gutters for the public use, and to alter, improve, and light the same, and to have them kept in good order and free from obstructions on or over them; to regulate the width of sidewalks and streets, and to order the sidewalks, footways and gutters to be curbed, paved and kept in good order, free and clean, by the owners or occupants of the adjacent property; to lay off public grounds, and provide, contract for and take care of public buildings, proper to the town; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to abate or cause to be abated anything which, in the opinion of a majority of the whole council, shall be a nuisance; to regulate the keeping of gunpowder and other combustibles; to provide for the burial of the dead, and for this purpose may purchase and hold the necessary land for a cemetery, near or convenient to said town, and provide for its improvement and security; to provide for the regular building of houses or other structures in or for said town; for the making division fences, and to provide for Powers of council.

Powers of council. shade and ornamental trees, and against danger or damage from fires or contagious diseases; to provide a revenue for the town, and appropriate the same, and to provide for the annual assessment of taxable persons and property of the town; to adopt rules for the transaction of business, and the government regulations of its own body, and protect the property, and preserve peace and good order therein; to keep a town guard; to appoint and order out a patrol for the town when deemed necessary; to appoint such officers as they may deem proper, including a sergeant, commissioner of the revenue and treasurer; to define their powers, prescribe their duties, fix their term of service and compensation, require and take from them bonds, with such sureties, and in such penalty, as the council may determine, conditioned for the true and faithful discharge of their duties, and remove them at pleasure; (all bonds to be made payable to the town by its corporate name); to erect, or authorize or prohibit the erection of gas works or water works, in or near the town; to prevent injuries to or pollution of the same; for all which purposes named in this clause, except that of taxation, the council shall have jurisdiction for one mile beyond the borough; to regulate and provide for weighing and measuring of hay, coal, and other articles sold, or for sale, in said town, and to regulate the transportation thereof through the streets, and generally to do such things as the council shall deem necessary for the interest, prosperity, peace and good order of said town.

Officers of town.

Further powers of council. 19. To carry into effect these enumerated powers, and all others conferred upon the said town or its council expressly, or by implication, in this or any other acts of the Legislature, the council have power to adopt and enforce all needful orders, by-laws and ordinances not contrary to the constitution and laws of this State, and to prescribe, impose and enforce reasonable fines and penalties, including imprisonment for a term not exceeding thirty days, under the judgment and order of the mayor of said town, or the person lawfully exercising his functions. The council, with the consent of the supervisors of Preston county, entered of record, may have the right to use the jail of said county for any purpose necessary in the administration of its affairs.

Annual levy. 20. The annual levy ordered by the council may be upon all male persons within said town over twenty-one years of age, dogs, hogs and other animals, and on all real estate within said town which is not exempt from State taxation, and all such other subjects in said town as may at the time be assessed with State taxes; provided, that the tax do not exceed one dollar on every one hundred dollars of value of unimproved lots, and seventy-five cents on every one hundred dollars of the value of real and personal property, or two dollars per head on each taxable person.

Proviso.

Licenses. 21. When anything for which a State license is required, is to be done within the said town, the town may require a town license to be

had for doing the same, and may impose a tax thereon for the use of Taxes on licenses. the town, and the council may, in any case, require from the person so licensed, a bond, with sureties in such penalty and with such conditions as it may determine.

22. The sergeant shall collect the town taxes, fines, levies and licenses, and after thirty days from the time he may receive the books of the commissioner of the revenue of said town, may distrain and sell therefor, in the manner as a sheriff may for State taxes, and shall in all respects have the same power as the sheriff to enforce the payment and collection thereof, and shall, within the corporate limits of the town, exercise all the duties that a constable can legally exercise in regard to the collection of claims, executing and levying process, and shall be entitled to the same compensation therefor, and he and his securities shall be liable to all the fines, penalties and forfeitures that a constable is legally liable to, for any failure or dereliction in said office, to be recovered in the same manner and before the same tribunals that the same are now recovered against constables. Sergeant; his powers, duties, and compensation.

23. There shall be a lien on real estate for the town taxes assessed thereon from the commencement of the year for which they are assessed, and the council may order and require the same to be sold or rented by the sergeant at public auction, for the arrears, with interest thereon, with such per centum as the council may prescribe for charges and expenses therefor, and may regulate the terms upon and time within which the same may be recovered. No such sale or renting shall be ordered until such realty be returned delinquent, and the sale shall be after twenty-days' notice, posted at the court house door and the post office in said town. Lien and sale for taxes.

24. The council may prohibit any theatrical or other performance, show or other exhibition, it may deem injurious to the morals or good order of the town. Prohibition of shows.

25. The mayor shall be the chief executive officer of the town; shall take care that the by-laws, ordinances and orders of the council are faithfully executed; shall be *ex officio* a conservator and justice in the town, and shall, within the same, exercise all the powers and duties vested in justices, except that he shall have no jurisdiction in civil causes; shall have control of the police of the town, and may appoint special police officers; shall see that peace and good order are observed, and that persons and property are protected in the town; shall have power to issue executions for all fines and costs imposed by him, or may require the immediate payment thereof, and in default of such payment, may commit the party in default to the jail of the county, until the fine and costs be paid; but the term of imprisonment in such case shall not exceed thirty days. He shall, from time to time, recommend to the council such measures as he may deem needful to the welfare of the town, and shall receive a compensation for his services, to be paid by the council, which shall not be increased or diminished for the term for which he was elected. Mayor; his powers, duties and compensation.

Recorder; his duties and compensation.

26. The recorder shall keep a journal of the proceedings of the council, and have charge of and preserve the records of the town, and shall receive a compensation for his services, to be fixed by the council, which shall not be increased or diminished for the term for which he was elected.

Treasurer; his duties.

27. All moneys belonging to said town shall be paid over to the treasurer, who shall pay out the same upon the order of the mayor, countersigned by the recorder, and not otherwise; or for any default or liability upon the part of the treasurer or sergeant, the council, in the corporated name of said town, may on motion, after ten days' notice, obtain judgment before the circuit court of said county, on account thereof, against them and their securities respectively, or any or either of them, or their heirs or legal representatives.

Default of officers.

28. The said town, and taxable persons and property therein, shall be exempt from all expense or liability for the construction or repair of roads or bridges outside the corporate limits of said town.

Town exempted from road laws.

CHAPTER 23.—An ACT providing for slopes to Mill-Dams on Big Fishing creek, in Wetzel county.

Passed February 12, 1863.

Be it enacted by the Legislature of West Virginia:

Dimensions of slopes.

1. The owners of mills on Big Fishing creek, in Wetzel county, shall cause slopes to be made to their dams, and keep them in repair, thirty feet wide and twenty-five feet long; and shall further cause a cut of one foot to be made in the dam, where the slope commences, and the lower end of the slope shall not be less than three feet in height; provided, that the slopes and cuts shall be made in the center of the dams or stream.

Out in dam.

Proviso.

Accountability for damages.

2. The owners of such mills on said creek, failing to make such slopes, shall be accountable for damages sustained by the owners of rafts, boats and other lumber running over said dams.

What streams included in act.

3. The provisions of this act shall include all of said Big Fishing creek and its tributaries, as far as the same have been declared navigable.

Commencement of act.

4. This act shall take effect eight months after its passage.

CHAPTER 24.—An ACT to repeal Section 5 of Chapter 135 of the Acts of 1867.

Passed February 12, 1868.

Be it enacted by the Legislature of West Virginia:

Destruction of fish in Potomac river.

Section fifth of chapter one hundred and thirty-fifth of the Acts of eighteen hundred and sixty-seven, entitled "An Act to prevent the destruction of fish," is hereby repealed.

CHAPTER 25.—An ACT legalizing and confirming the lines of the Townships of the County of Greenbrier.

Passed February 13, 1863.

Be it enacted by the Legislature of West Virginia:

The specific boundaries of the townships of the county of Greenbrier, as established and reported by the commissioners appointed for that purpose in the year 1863, are hereby legalized and confirmed. Boundaries confirmed.

CHAPTER 26.—An ACT constituting a certain part of the bank of the Ohio River a lawful fence.

Passed February 14, 1863.

Be it enacted by the Legislature of West Virginia:

1. So much of the bank of the Ohio river within the county of Ohio, as is included within the following boundary, to-wit: lying between the mouth of Glenn's run and a point on said river where the public highway diverges from said river, near the lines between the lands of the late Andrew P. Woods and the lands belonging to Acheson, Bell and Company, is hereby declared a lawful fence. Part of bank specified.

2. All acts or parts of acts inconsistent herewith are hereby repealed. Acts repealed.

CHAPTER 27.—An ACT to incorporate the Peninsula Turnpike Company.

Passed February 14, 1863.

Be it enacted by the Legislature of West Virginia:

1. It shall be lawful to open books for receiving subscriptions to an amount not exceeding one hundred thousand dollars, to be divided into shares of twenty-five dollars each, to constitute a joint capital stock for constructing a turnpike road from a point at or near the east end of John street, in Wheeling, to a point on the national road at or near Lewis Orth's, in Fulton, by such route as the corporation hereinafter provided for may determine. Said books shall be opened under the direction of Andrew J. Pannell, Michael Reilly, Oliver J. Crawford, Adams Dodson, David E. Donel, John Grey, G. W. Franzheim, Alexander M. Jacob, Curtis P. Brown, John P. Gilchrist, Lewis Lunsford, or any two or more of them, and at such place or places, and at such times, as a majority of the above named commissioners may appoint; ten days' notice thereof being previously given in a newspaper published in Wheeling. Subscription to stock.
Route of road.
Commissioners.

2. When twenty thousand dollars of the capital stock shall have been subscribed, then the subscribers, their executors, administrators, and assigns, shall be incorporated by the name of "The Peninsula Turnpike Company." Incorporation.

Width and grade of road. 3. The said turnpike road shall be opened not less than fifty feet wide. It may be located at such grade as the company may deem most expedient, and the road bed shall be macadamized, but the said corporation shall be subject to the provisions of the Code of Virginia, second edition, relating to turnpike companies.

Directors. By-laws. 4. The said corporation shall elect a board of directors for the management of the affairs of the road, and make such by-laws and regulations as may be necessary for the government of the same.

Gate and tolls. 5. The said corporation may erect a gate upon said road, and collect tolls thereon, not to exceed those allowed by law, and said tolls shall first be applied to keeping the said road in good repair, before any dividend shall be paid to stockholders.

CHAPTER 28.—A ACT amending the charter of the town of Morgantown, in the county of Monongalia.

Passed February 14, 1863.

Be it enacted by the Legislature of West Virginia :

That section thirty-two of an act passed March twentieth, eighteen hundred and sixty, by the General Assembly of Virginia, entitled "An Act amending the charter of the town of Morgantown, in the county of Monongalia," be amended and re-enacted to read as follows :

Licenses in Morgantown. " 32. Whenever anything for which a State license is required is to be done within said town, the council may require a town license to be had for doing the same, and may impose a tax thereon for the use of the town, and the council 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 condition of said bond be broken ; and no license to sell strong or spirituous liquors, or wine, beer, ale, porter, or drinks of like nature, within said town, or within two miles of the corporate limits thereof, shall be granted by the supervisors of Monongalia county, unless the person applying therefor shall produce to said supervisors the certificate of the council of said town of its consent to the granting of such license."

Tax on same.

Bond.

No county license to issue without permission of council.

CHAPTER 29.—An ACT to empower the Board of Trustees of the Morgantown Female Collegiate Institute to convey certain real estate.

Passed February 14, 1863.

Be it enacted by the Legislature of West Virginia :

That Waitman T. Willey, President, and William Wagner, Secretary of the Board of Trustees of the Morgantown Female Collegiate In-

stitute, or their successors in office, whenever authorized by said Officers authorized to sell real estate. board of trustees, are hereby empowered to sell and convey the lot upon which the building known as the Morgantown Female Collegiate Institute, situate in the borough of Morgantown, Monongalia county, is located.

CHAPTER 30.—An ACT to amend and re-enact the seventh section of an act entitled "An Act concerning licenses," passed November 28, 1863.

Passed February 17, 1868.

Be it enacted by the Legislature of West Virginia :

The seventh section of the act entitled "An Act concerning licenses," passed November twenty-eighth, eighteen hundred and sixty-three, shall be amended and re-enacted so as to read as follows :

"7. Upon the petition or complaint in writing of any inhabitant of the county, city or town, any license authorized according to the fourth section of this act, shall be revoked by the board or council who authorized it, on satisfactory proof of any violation of the same, on five days notice to the person holding the same ; and thereafter such license shall be of no effect to protect the person holding the same, from any fines or forfeiture imposed by the first section of this act."

Revocation of license on proof of violation and on five days' notice.

CHAPTER 31.—An ACT for the relief of Lorentz Kidwell and George Heckhert.

Passed February 17, 1868.

Be it enacted by the Legislature of West Virginia :

The Auditor is hereby directed to issue his warrant upon the Treasury for one hundred and forty-eight dollars and five cents, in favor of Lorentz Kidwell and George Heckbert, late contractors on the Parkersburg and Staunton turnpike, it being the sum appearing to be due them upon a settlement with the board of public works.

\$148.05 appropriated.

CHAPTER 22.—An ACT to incorporate the Martinsburg and Potomac Railroad Company.

Passed February 19, 1868.

Be it enacted by the Legislature of West Virginia :

1. It shall be lawful to open books at Martinsburg, in Berkeley Commissioners. county, under the direction of James M. Vanmeter, Jacob Ropp, John Aikens, John N. Abell, Aaron Meyers, J. N. Wisner, John A. French, Jonathan Strine, B. M. Kitchen, Levi Tabler, William Cole, Robert Lamon, Henry Taylor, Harrison Tabler, James B. Small, William Smith, Samuel Gold, C. H. Robinson, John W. Pitzer, John W. Strine and J. T. Hoke, or their agent or agents, and at such other

- place or places, and at such times, and under such rules and regulations, with such restrictions and qualifications, as the said parties may prescribe, for the purpose of receiving subscriptions to constitute a joint capital stock of fifteen thousand shares of one hundred dollars each, for the purpose of constructing a railroad from a point opposite or near Williamsport, Maryland, on the Potomac river, by the most convenient and suitable route, through or near the town of Martinsburg, in Berkeley county, to some point on the State line between the counties of Loudon, Clark and Frederick, of Virginia, and the counties of Berkeley and Jefferson, of West Virginia, with privilege of variation in route from Martinsburg through any portions of the said county of Jefferson, as well as Berkeley.
- Capital stock.**
- Route of railroad.**
- How subscriptions received.**
- Incorporation.**
- Right to connect with other railroads.**
- Duties and privileges of company.**
- Vote on transferred stock.**
- Increase of capital stock.**
- When road to be commenced.**
2. Subject to the foregoing provisions, the subscriptions shall be received in the same manner as prescribed in the code of Virginia, second edition, prescribing general regulations for the incorporation of railroad companies; and when twenty shares of said capital stock shall have been subscribed, the subscribers, their executors, administrators and assigns, shall be and are hereby incorporated into a company corporate and politic, by the name and style of "The Martinsburg and Potomac Railroad Company," with privilege to the said company of increasing their number of stockholders and amount of stock as herein provided.
3. The company hereby incorporated shall have full right and privilege, and is authorized and empowered, to intersect and connect with any other railroads incorporated out of this State, upon such terms and conditions, and at such points as they may deem proper; and said company shall be subject to all the provisions and entitled to all the benefits and privileges of chapters fifty-six, fifty-seven and sixty-one of the code of Virginia, second edition, (eighteen hundred and sixty,) concerning "corporations generally," "chartered companies" and "works of internal improvement," as far as the provisions of said chapters are applicable to railroad companies, except so far as any of the provisions of this act, or the laws of the restored government of Virginia, passed prior to the twentieth day of June, eighteen hundred and sixty-three, or the laws of this State, or of the United States, may be inconsistent therewith.
4. No sale or transfer of stock shall entitle the party to whom such stock is sold or transferred, at any meetings of stockholders, to any vote upon such stock, without the approval of a majority of the board of directors.
5. If the capital stock of said company shall be insufficient for the purposes of this act, the said company shall have power, and are hereby authorized to increase the same, as hereinbefore provided, by the addition of as many shares as may be deemed necessary. And the said company shall have power to contract so much of their said railroad as the amount subscribed may allow, and shall have three years from the passage of this act to commence the same.

6. And the said company is hereby authorized to borrow money for the purpose of carrying out the objects of this act, and to pledge the property and franchises of the company for the payment of the same, and for the interest that may accrue thereon. And it shall be lawful for any joint stock association or incorporated company in or out of this State, to subscribe to the capital stock of the company to be chartered under this act, in like manner as individuals, and payment of all subscriptions shall be upon such terms and conditions as the said company may prescribe; and it shall also be lawful for the board of supervisors of Berkeley county to order a special election of the legal voters of said county, or submit said question at any regular election, whether said county will subscribe to the stock of said Martinsburg and Potomac Railroad company; and if at said election three-fifths of such legal votes shall have been cast in favor of subscription, then the said board of supervisors shall appoint an agent to subscribe for the amount which may have been authorized by said vote of the county, and also an agent to negotiate a loan, or loans, in the name of the county, at a rate of interest not exceeding ten per cent per annum, for the purpose of paying such subscription of stock, and said board of supervisors shall be authorized to issue the bonds, coupon or registered, of the county for the amount of such loans, and the said board of supervisors shall from time to time assess and collect taxes alike upon the taxable subjects of said county, including the same subjects in the incorporated towns and villages, sufficient to pay the interest on such loans, and final extinction of the principal thereof. Any special election held under the provisions of this act, shall be in such manner and under such rules and regulations as the said board of supervisors may prescribe.

Company may borrow money.

Corporations may subscribe to stock.

Election in Berkeley county on question of subscription.

County loan and bonds.

Taxation for payment of same.

How election held.

7. The said railroad and all the property, real and personal, connected therewith, or used in the construction thereof, and all of the stock, notes, bonds and moneys belonging to said company, shall be free and exempt from all State, county, township and municipal taxation, until the said railroad is completed sufficiently for the transportation of freights or passengers, or some part thereof is completed and used for that purpose.

Exemption of property from taxation.

8. The act entitled "An Act to incorporate the Martinsburg Railroad Company," passed March twenty-third, eighteen hundred and sixty, by the General Assembly of Virginia, is hereby repealed.

Act repealed.

9. The Legislature reserves the right to alter or amend this act; but such alteration or amendment shall not affect or impair the rights of creditors of the corporation to have the property or assets thereof applied to the discharge of their respective claims, or of the stockholders to have the surplus which may remain after paying the debts and liabilities of the corporation, distributed among themselves according to their respective interests.

Charter amendable.

CHAPTER 33.—An ACT to amend and re-enact Sections 2 and 3 of Chapter 164 of the Code of Virginia, second edition.

Passed February 19, 1868.

Be it enacted by the Legislature of West Virginia :

Code amended.

That sections two and three of chapter one hundred and sixty-four of the Code of Virginia, second edition, are hereby amended and re-enacted so as to read as follows :

Attorney from another State may practice in this.

“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.”

Such attorney to show that he is duly authorized, and to take certain oaths.

“3. Provided, every such person shall produce, before each court in which he intends to practice, satisfactory evidence of his being so authorized, and shall take an oath to support the constitution of the United States, and that he will honestly demean himself in the practice of the law, and to the best of his ability execute his office of attorney at law; and shall also take the oath prescribed by the act passed February fourteenth, eighteen hundred and sixty-six, entitled “An Act in relation to the oaths of attorneys at law,” and if he intends to reside in this State, or has been licensed in this State, he shall take an oath to support the constitution of this State.”

CHAPTER 34.—An ACT to incorporate the North and South Branches Turnpike Company.

Passed February 19, 1868.

Be it enacted by the Legislature of West Virginia :

Commissioners to open subscription books.

1. That Richard D. Johnson, J. Philip Roman, Joseph Shriver, William Walsh, Thomas Perry, George C. Perry and W. W. McKaig, of Cumberland, Maryland; John B. Young, Isaac Hollenbach, Nimrod Furr, Jacob P. Daniels and Hiram Alkire, of Mineral county; David Gibson, Tobias Baker, Robert W. Gilkeson, Richard A. Marshall, Andrew W. Kercheval, James Sheets, George A. Tucker, William Perry, Charles M. Taylor, Isaac Haines, D. C. Tabb, Frederick Starns, James Peppers and Daniel Holt, of Hampshire county, and Joseph Van Meter, James R. Heiskell, John W. Duffey, James Kuykendall, George T. Williams, William Maury Randolph, Angies M. Wood, William Baker and Samuel Bean, of Hardy county, or any two of them respectively at the places and counties named, are hereby appointed to open books of subscription to the capital stock of a company to be entitled the “North and South Branches Turnpike Company,” which is authorized to construct a turnpike road from some point on the Virginia shore of the North Branch of Potomac, in Mineral county, at or near the city of Cumberland, Maryland, by way of the “wire suspension bridge” site, in Hampshire county, and Romney, on the eastern side of the South Branch of Potomac, to Moorefield, Hardy county, with a branch of said road from a point

Route of turnpike.

at or near Romney, by way of Grassy Lick run, to intersect the North River Turnpike near Walker's, and thence to extend to the Winchester and Moorefield Turnpike Road, near William Baker's, on Lost river.

2. The capital stock of said company, divided into shares of twenty dollars each, shall consist of not exceeding thirty thousand dollars, and the State, in consideration of the rebuilding of the South Branch Wire Suspension Bridge by said company, with concurrence of the private stockholders therein, doth authorize an exchange of its stock in said Bridge Company, for stock in the said North and South Branches Turnpike Company, so soon as the full sum of eight thousand dollars shall have been subscribed to the capital stock of the same, to be made by the board of public works of the State, and the boards of supervisors of the counties of Mineral, Hampshire and Hardy are respectively authorized to subscribe apportionately one-third of said capital stock, provided, that such subscription be a preferred stock, the subscription of said counties being in county bonds bearing six per centum per annum interest, redeemable in a period of thirty years, which interest, and the sinking fund necessary to payment of the bonds in the time prescribed, shall first be paid out of the tolls arising from the said road, after the same or part thereof shall have been constructed.

3. Any foreign corporation may subscribe to the capital stock of said company, and in all meetings of stockholders each share of stock shall count, and be represented in person or by proxy, as one vote.

4. The provisions as to the construction of said road and bridge or bridges, rate of toll, &c., shall be those found in an act passed by the State of Virginia, for the construction, &c., of the Moorefield and North Branch Turnpike Company and the South Branch Wire Suspension Bridge.

5. The company hereby incorporated may consolidate any portion of its road with other turnpikes now existing, on terms agreed upon between them.

CHAPTER 35.—An ACT for the relief of the Bull Creek Oil Company.

Passed February 19, 1868.

Be it enacted by the Legislature of West Virginia :

1. That the State auditor be directed to refund to the Bull Creek Oil Company, of Pennsylvania, seventy-five hundredths of all State taxes paid by said company on real estate situate within the county of Pleasants, during the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven.

2. That the board of supervisors of said county be directed to refund seventy-five hundredths of all taxes paid by said company for

Capital stock.

Subscription of stock by State.

Subscription of stock by counties.

Foreign corporations may subscribe to stock.

Construction of road and rates of toll.

Turnpike may be consolidated with others.

State tax to be refunded.

County tax to be refunded.

county purposes on real estate in Pleasants county for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven.

3. That the said board of supervisors be directed to correct the valuation of said lands, placing the same at their cash value.

CHAPTER 36.—An ACT to authorize the deposition of Joseph Eisele to be taken and read in a certain prosecution to be had in the Circuit Court of Ohio County.

Passed February 20, 1868.

WHEREAS, Louis Baumberger, of the city of Wheeling, is under recognizance to appear before the circuit court of Ohio county, on the first day of the next May term thereof, to answer an indictment then and there to be preferred against him, for having bought and received stolen goods and chattels belonging to Klemens Ulrich, administrator of Aloisius Ulrich, deceased, knowing the same to have been stolen; and whereas, one Joseph Eisele, by whom it is alleged the said goods and chattels were stolen and sold to the said Louis Baumberger, is now under judicial sentence of death, and ordered to be executed on the sixth day of March next; and whereas, the said Joseph Eisele declares that the said Louis Baumberger had no knowledge that the said goods and chattels had been stolen; therefore,

Be it enacted by the Legislature of West Virginia:

1. That it shall be lawful for the said Louis Baumberger to take the deposition of the said Joseph Eisele before any justice or other person competent to administer an oath, upon all matters pertaining to the said alleged offence, upon three days notice of the time and place of taking the said deposition being given to James P. Rogers, Esq., prosecuting attorney of Ohio county.

2. That the said deposition shall be admitted in evidence on the trial of the said Louis Baumberger upon the indictment for the said alleged offence, and have the same effect as if the said Joseph Eisele were admitted to testify as a competent witness on the trial upon said indictment.

CHAPTER 37.—An ACT refunding certain taxes to John Brady, Sr.

Passed February 20, 1868.

Be it enacted by the Legislature of West Virginia:

The auditor is hereby directed to issue his warrant for fourteen dollars in favor of John Brady, Sr., being the amount of tax paid by him on an improper assessment, in Brooke county, of four tracts of land lying in Brooke county, and assessed therein.

CHAPTER 38.—An ACT amending and re-enacting Section four, Chapter one hundred and eight of the Code of Virginia.

Passed February 20, 1863.

Be it enacted by the Legislature of West Virginia :

Section four of chapter one hundred and eight of the code of Virginia, second edition, is amended and re-enacted so as to read as follows :

“4. When any minister of the gospel shall, before the circuit court or the recorder of any county in this State, produce proof that he is a licensed minister of the gospel, and of his being in regular communion with the religious society of which he is a member, and give bond in the penalty of fifteen hundred dollars, such circuit court or recorder may make an order authorizing him to celebrate the rites of marriage in all the counties of this State.”

Who may celebrate rites of marriage.

CHAPTER 39.—An ACT declaring the Elk Fork of Point Pleasant Creek, in Tyler county, a Public Highway.

Passed February 21, 1863.

Be it enacted by the Legislature of West Virginia :

1. That the Elk Fork of Point Pleasant creek, in the county of Tyler, from the mouth of said stream to the mouth of Hayes' run, at or near Andrew Haught's, be and is hereby declared a public highway for the transportation of timber, saw logs, staves and lumber.

Elk Fork declared public highway.

2. This act shall not interfere with any mill or mill dam, nor shall it prevent the maintenance or erection of gates or other fixtures for the purpose of fencing across said creek, but not such as will obstruct the transportation provided for by this act.

Act not to interfere with dams or certain gates.

CHAPTER 40.—An ACT to legalize the execution, acknowledgment and recordation of certain deeds in Monroe county.

Passed February 21, 1863.

Be it enacted by the Legislature of West Virginia :

1. The execution, acknowledgment and recordation of a deed executed by Robert Dunlap and Mary I. C. Dunlap, his wife, to Mary M. Harrison, wife of Nathaniel Harrison, of Monroe county, bearing date on the fourteenth day of October, eighteen hundred and sixty-four, and admitted to record on the sixth day of May, eighteen hundred and sixty-five, in the clerk's office of the late county court of Monroe county, are hereby legalized and declared to be valid.

Deed from Dunlaps to Harrison legalized.

2. The execution, acknowledgment and recordation of the deed from George W. Hutchinson, special commissioner of the former circuit court of the said county of Monroe, to the said Mary M. Harrison,

Deed from Hutchinson to Harrison legalized.

bearing date on the second day of November, eighteen hundred and sixty-four, and admitted to record in the clerk's office of the late county court of Monroe county, on the twenty-second day of November, eighteen hundred and sixty-four, are hereby legalized and declared to be valid.

CHAPTER 41.—An ACT supplementary to an act entitled
 "An Act to incorporate the Laurel Fork and Sand Hill
 Railroad Company," passed February 28th, 1866.

Passed February 21, 1868.

Be it enacted by the Legislature of West Virginia :

Right to extend
 railroad.

1. That the said Laurel Fork and Sand Hill Railroad Company shall have the right to extend their railroad southwardly, eastwardly and westwardly to any point between the Northwestern Virginia Railroad and the Elk river, and make such sidings and branches, (no such sidings or branches exceeding ten miles in length,) as they may deem necessary and convenient to the development of the mineral and agricultural wealth of the country between the said Northwestern Virginia Railroad and the Elk river ; Provided, That the provisions of this act shall not interfere with the rights of any other railroad now chartered.

Proviso.

Increase of capital
 stock.

2. That the capital stock of said company may be increased from time to time, when deemed necessary, by a vote of the stockholders at any meeting, to an amount not exceeding fifty thousand shares of fifty dollars each.

How company
 governed in
 making sidings
 and extensions.

3. Provided, That in making such extensions or sidings the said Laurel Fork and Sand Hill Railroad Company shall be subject to all the provisions and liabilities and entitled to all the benefits provided in the Code of Virginia, second edition, prescribing general regulations for the incorporation of railroad companies, especially such as are specified in chapters fifty-six, fifty-seven and sixty-one of said Code, and of all other general laws now in force relating to railway companies, except when the same may be inconsistent with this act.

Act amendable.

4. The Legislature reserves the right to add to, alter or repeal the powers and privileges herein granted ; but such addition, alteration or repeal shall not affect or impair the right of the creditors of the corporation to have the property and assets thereof applied in discharge of their respective claims, or of the stockholders to have the surplus which may remain after having provided for the debts and liabilities of the corporation, distributed among themselves according to their respective interests.

CHAPTER 42.—An ACT to amend and re-enact Chapter eighteen of the Acts of 1866.

Passed February 21, 1868.

Be it enacted by the Legislature of West Virginia :

Chapter eighteen of the acts of eighteen hundred and sixty-six is Act amended. hereby amended and re-enacted so as to read as follows :

“ The mayor and city council of the city of Parkersburg are hereby authorized and empowered to change the names of any or all the streets in said city, and to substitute such names as they may deem proper, and the names so substituted shall be legally held as the names of said streets after the publication thereof for a period of two weeks in any paper published in said city.”

Change of names of streets of Parkersburg.

CHAPTER 43.—An ACT to provide for the division of Upshur county into Assessors' Districts.

Passed February 21, 1868.

Be it enacted by the Legislature of West Virginia :

1. The county of Upshur is hereby divided into two assessors' districts. The townships of Warren, Union and Washington shall form the first district, and the townships of Buckhannon, Meade and Banks shall form the second district ; but until assessors for each of said districts are elected and qualified, as hereinafter provided, the county shall be assessed and returns thereof made as though this act had not been passed.

How assessors' districts constituted.

2. The board of supervisors shall, at the election to be held on the fourth Thursday of October next, cause a vote to be taken for two assessors, one for each of the districts named in the preceding section, whose term shall commence on the first day of January, eighteen hundred and sixty-nine, and who, having qualified according to law, shall enter upon the discharge of their duties.

Election and term of assessors.

3. The said assessors shall each copy from the land book of the county, so much thereof as relates to the townships in their respective districts, and the copy so made shall constitute the original land book for their respective districts.

How to make out land books.

CHAPTER 44.—An ACT to amend and re-enact Chapter 109 of the Acts of 1866, entitled “An Act in relation to the Guyandotte Navigation Company.”

Passed February 21, 1868.

Be it enacted by the Legislature of West Virginia :

That chapter one hundred and nine of the acts of eighteen hundred and sixty-six, being an act entitled “An Act in relation to the Guyandotte Navigation Company,” passed February twenty-eighth, eighteen

Act amended.

hundred and sixty-six, be and the same is hereby amended and re-enacted so as to read as follows :

- Incorporators.** "1. O. W. Mather, John Alford, Albert G. White, Adam Hinchman, George Ross, Tolbert Godley and Theophilus Fowler, and such other persons as may become associated with them in the manner hereinafter provided, shall be and they are hereby constituted a body politic and corporate, under the name and style of "The Guyandotte Navigation Company," and by that name shall have succession ; shall sue and be sued ; may hold real estate and other property ; make and use a common seal, and make all such by-laws, rules and regulations as may be necessary for the management of the company, the control of its stock and the payment thereof, not repugnant to the laws of this State or the United States."
- Powers of corporation.**
- Capital stock.** "2. The capital stock of the said company shall be not less than one thousand nor more than one hundred thousand dollars, to be divided into shares of ten dollars each, and each share of stock shall entitle the holder thereof to one vote in all meetings of stockholders, to be given either in person or by proxy. And for the purpose of obtaining subscriptions to the said capital stock, books shall be opened under the direction of the persons named in the first section of this act, or any of them, at such times and places as they may deem expedient, and payments of said subscriptions shall be made in such manner and at such times as the directors of such company shall prescribe."
- Subscription books.**
- Powers of corporations.** "3. The affairs of the said corporation shall be managed by the persons named in the first section of this act, who are hereby constituted a board of directors for that purpose until other directors shall be elected as hereinafter provided ; and in case of the death, removal, or refusal to act, of any one or more of said persons, the others shall have power to appoint directors for the time being, in their stead. When one thousand dollars of the capital stock of said company shall be subscribed, a general meeting of the subscribers to the said stock shall be held at such time and place as the directors for the time being shall appoint, for the purpose of electing five directors for the said corporation, to serve for one year, and until their successors shall have been elected, and all future elections of directors shall be held at such time and place as the by-laws of said corporation shall prescribe. The directors so elected shall appoint one of their number president, to serve during their pleasure, and they may also appoint a secretary to record and preserve the proceedings of the board of directors, and also of the stockholders, when assembled for the transaction of business. The board of directors of the said corporation shall have the sole power to pass by-laws, adopt rules and regulations for the government of the said corporation, and to appoint and remove all agents and employees thereof."
- Directors; their election, officers and powers.**
- Improvement of river.** "4. The said corporation shall have power to improve the navigation of the Guyandotte river from its mouth to Logan Court House, and as much further as they may deem proper, by removing therefrom any

and all obstructions and constructing in and along the same, sluices, wing dams, embankments and levees, in order to control the channels and currents thereof; Provided, That the said corporation shall not remove any mill-dam from said river, above Peck's mill, in the county of Logan, without the consent of the owner; nor shall any mill-dam hereafter be built on the said river, below that point, under any authority whatever, during the existence of the said corporation."

Removal of mill dams.

"5. The said corporation shall also have power to construct and maintain on the said Guyandotte river, above Dusenberry's mill, such number of booms, with or without piers, as may be necessary for the purpose of stopping and securing all logs, timber and lumber of all kinds drifting on said river, and the said corporation may cut down and remove any trees, bushes and undergrowth on any island in said river, on the shores of said river, which may in any way hinder or impede the convenient navigation of said river in ordinary tides."

Construction of booms.

Removal of trees.

"6. In consideration of the improvements provided for in this act, the said corporation shall have the right to erect and maintain, along and adjacent to said river, steam saw and grist mills, and to purchase, manufacture and sell logs, timber, lumber, grain and flour. The said corporation may also establish such rates of charges for boomage in securing logs, timber, lumber, boats and other valuable things drifting down said river, as in its discretion it may deem reasonable. But such charges shall at all times be subject to be changed or altered by the board of public works, or by the Legislature. Said corporation shall have a lien upon all logs, timber, lumber, boats and other things of value secured by them in their booms aforesaid, for the boomage due and unpaid thereon, and in case the owner thereof shall fail or refuse to pay said boomage for the space of thirty days after the same are secured in said booms, then the said corporation, or its agents, are hereby authorized to sell the same at public auction, after ten days notice of such sale, posted at two of the most public places in the vicinity of the place of sale, for the purpose of paying the said boomage and the costs and expenses of such sale, and the balance of the proceeds of such sale, if any, shall be paid to the owner of the property sold; Provided, that said company shall not charge any tolls or boomage upon any raft, boat, barge or other water craft, of which any person may be in charge when the same is caught in any such boom, without the consent of the owner or person in charge; provided also, that every such boom shall be opened at any and all times to admit the passage of rafts, boats, barges and other water craft, either up or down said river, upon the demand of any person in charge of such raft, boat, barge or other water craft. And upon the failure of said company, or its agents, to open any such boom upon such demand, the said company shall be liable to the party injured for all damages occasioned by such refusal. And provided further, that this act shall not take effect until the first day of June, eighteen hundred and sixty-eight, and if by that time the Guyandotte Navigation and Land Company shall have organized under the provisions of the said act, enti-

Corporation may build mills.

Rates of boomage.

Lien for boomage.

Sale for boomage.

When tolls not to be charged.

When booms to be opened.

Penalty for failure to open booms.

When act to take effect.

If work carried on by original company this act not to take effect.

tled 'An Act in relation to the Guyandotte Navigation Company,' passed February twenty-eighth, eighteen hundred and sixty-six, and commenced in good faith the improvement of the navigation of said river in the manner provided for in this act, and shall thereafter in good faith, and with reasonable dispatch, proceed with said improvement, and complete the same within three years from said period, then the company provided for in this act shall not be organized, and the said above recited act shall remain in full force and effect, and the said original company shall be entitled to and may exercise all the rights, powers and privileges granted by this act, and shall be subject to all the restrictions and liabilities contained therein, and in such case the repealing clause contained in this act shall not take effect. But in case the said original company shall fail to organize or commence said improvement in good faith by the time above specified, or shall fail to prosecute said improvement, or to complete the same as herein required, then the charter of the said original company shall be forfeited, and the company first provided for in this act may organize and proceed with the improvement of the navigation of said river under the provisions of this act."

Directors may purchase property for use of corporation.

"7. The directors of the said corporation, or a majority of them, may agree with the owner or owners of any lands or materials, for the purchase or occupation thereof, necessary for the location or erection of their piers, booms, embankments, levees or other improvements, or buildings authorized by this act, and for the removal of any mill-dam on the said river which obstructs the navigation thereof; and if they cannot agree on the price to be paid for such lands or materials, or in the amount of damages to be paid for the removal of said mill-dam below the point aforesaid, or if any of the owners of said lands, materials or mill-dams be infants, married women, persons of unsound mind, or non-residents of this State, application may be made to the circuit court of the county in which the same are situated, for a writ of *ad quod damnum* to condemn the same, and assess the price or damages to be paid therefor. And upon such application being made, the said court shall, by an order entered of record, award the said writ, directed to the sheriff of such county, commanding him to summon twelve discreet, impartial and disinterested freeholders to meet at or near the place where said lands, materials or mill-dams are to be valued or condemned, on some day to be fixed by the sheriff, not less than ten nor more than thirty days after the issuing of said writ, and if any of the persons summoned fail to attend, the sheriff shall immediately summon a sufficient number of persons qualified to serve, to fill up the panel. As soon as twelve qualified jurors shall be obtained, the said sheriff shall administer to each an oath, or affirmation, that he will honestly assess and fix the price or damages to be paid by the said corporation to the owner or owners of the lands, materials or mill-dam, for the use, occupation or removal thereof by said corporation. When the said jury, or eight of them at least, shall have agreed upon the amount to be paid, they shall reduce their inquisition to writing, and sign and seal the same, and deliver it to the

Condemnation of property for use of corporation.

Duty of court.

Duty of sheriff.

Jury;

their oath

and inquisition.

sheriff, by whom it shall be returned to and filed with the clerk of the court from whence it issued. The court shall, at the next term after the return of said writ, confirm the finding of the jury, unless good cause be shown to the contrary; but if such cause be shown, the court shall set aside the said finding and award a new writ, if either party so require, which shall be executed in the same manner as herein prescribed. The inquisition shall describe all lands condemned, by metes and bounds, and shall describe all property condemned, with convenient certainty; and the valuation or damages fixed or assessed by the jury and confirmed by the court, when paid or tendered by the corporation, or its agent, shall entitle the said corporation to the use and occupation of the said land and materials during their corporate existence; and shall authorize the said corporation to remove any mill-dam from the said river below the point aforesaid. If such valuation or damages be not received when tendered, it may be received at any time afterwards, upon demand. When the owners of any such lands, materials or mill-dams, are in a condition to contract with the said corporation for the use of such lands and materials, or the removal of said mill-dams, and fail or refuse to do so, they shall pay all the costs and expenses incurred in the issuing and execution of the said writ, unless the jury shall fix the price or damages to be paid by the corporation at a sum greater than that offered to be paid by it to such owners, before the application for such writ. In all other cases, such costs and expenses shall be paid by the corporation."

Finding of jury.

Requisites of inquisition.

Costs of condemnation.

"8. No person shall be permitted to encumber the said booms, or any of them, by occupying the same, or any part thereof, with rafts, logs, lumber, or other things, without the permission of said corporation; and if any person shall wilfully destroy or injure any of the said booms, piers, embankments, levees, wing-dams, or other property or works belonging to, or used or occupied by the said corporation, he shall pay treble damages therefor to said corporation, to be recovered by said corporation in any court having jurisdiction in the case, and shall, moreover, be guilty of a misdemeanor, and upon conviction thereof may be fined or imprisoned, or both, at the discretion of the jury."

Penalty for encumbering booms or destroying property of corporation.

"9. For the purpose of improving and maintaining the navigation of the said river, and making repairs from time to time on the said booms, piers, embankments, levees, and other property of said corporation thereon, and for drifting, rafting and securing logs, timber, lumber and boats of all descriptions, the said corporation, its agents, and employees, are authorized temporarily to use and occupy the land on each shore of the said river, not under cultivation, and to pass and repass thereon, subject to the payment to the owners of the lands so used or occupied, of the actual damages, if any, sustained by reason of such temporary use or occupation."

Use of lands on shores of river.

"10. The said corporation shall have power to purchase, build, own and keep on the said river steamboats, dredge boats, barges, flat-boats, and other water craft, and transport freight and passengers

Corporation may own boats.

No person to be deprived of use of river.

thereon, and to charge and receive therefor such reasonable tolls as they may from time to time establish. But nothing herein contained shall be so construed as to deprive any person or persons, whether members of the said corporation or not, from the use of the said river for the transportation of logs, timber, lumber, produce, coal, iron, and merchandise of all descriptions, or from navigating the said river with freight or passenger boats, or other water craft, except dredge boats, or from charging and receiving tolls for the transportation of such freight and passengers. And provided, that the said corporation shall not, in any way, interfere with or disturb the wire suspension bridge across the said river at the town of Guyandotte."

Use of Guyandotte bridge not to be disturbed.

State stock relinquished to company.

"11. The interest and stock of the State in the Guyandotte Navigation Company is hereby relinquished to the stockholders in the company hereby incorporated; provided the said company shall improve the navigation of the said river in the manner specified in this act."

Act amendable.

"12. The right is reserved to the Legislature at all times to alter or amend this act. But such alteration or amendment shall not affect or impair the right of the creditors of the corporation to have the property and assets thereof applied to the payment of their respective claims, or of the stockholders to have the surplus which may remain, after providing for the debts and liabilities of the corporation, distributed among themselves according to their respective interests therein."

Acts repealed.

"13. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed."

CHAPTER 45.—An ACT to incorporate the town of Winfield, in the county of Putnam.

Passed February 21, 1868.

Be it enacted by the Legislature of West Virginia :

Corporate limits.

1. The corporate limits and boundaries of the town of Winfield, Putnam county, West Virginia, shall be as follows: Beginning at the mouth of the Ferry branch; thence up said branch, on the lower side thereof, to a point at present the upper back corner of Judge J. W. Hoge's garden; thence along the back line of said garden, as now located, and leaving the same in a direct line, to a point where said line would be intersected by a continuance of lower boundary line of the property of George W. Karnes; thence in a direct line, and with Karnes' said boundary line, to Kanawha river; thence up said river to place of beginning.

Municipal authorities.

2. The municipal authorities of said town shall be a mayor, a recorder, and three councilmen, who together shall form a common council.

3. The mayor, recorder and councilmen, as soon as they have been elected and qualified as hereinafter provided, shall be a body politic and incorporate by the name of "The Town of Winfield," and shall have perpetual succession and a common seal, and by that name may sue and be sued, implead and be impleaded; may purchase and hold real estate needful for the public good, and may exercise all the corporate powers of said corporation, except where otherwise provided; may appoint a town sergeant, a treasurer and commissioner of the revenue, such to continue in office during its pleasure.

Incorporation and powers of town.

Officers.

4. The mayor, recorder and councilmen shall be elected by the citizens of said town, who shall be qualified voters of this State, for the township in which said town is located; shall hold office for the term of one year, and shall be residents of said town.

Mayor, recorder and councilmen.

5. The first election under this act shall be held on the fourth Thursday in May, eighteen hundred and sixty-eight, at the court house in said town, under the supervision of a justice of Scott township, and annually thereafter there shall be an election on the same day in each year, at such place, and under such supervision, rules and regulations as shall be prescribed by the town council. The person presiding at each election shall grant certificates of election to the persons elected, and their term of office shall commence on the first day of June next after election, and continue until their successors are qualified.

Elections.

Certificates of election and terms of officers.

6. The common council shall have power to fill by appointment the vacancies occurring in its own body, or in the office of mayor or recorder.

Vacancies.

7. All elections shall be by ballot, and in case of tie, the council shall decide between the candidates, and shall also hear and determine all contested elections.

Tie votes and contested elections.

8. The officers herein mentioned shall each, within ten days after receiving the certificate of his election, take and subscribe an oath that they will truly, faithfully and impartially discharge the duties of their said offices, respectively, so long as they continue therein. The recorder shall take such oath before some person authorized to administer the same, and shall thereupon be authorized to administer the same to the other officers, and shall keep a record thereof in the journal of the council. And if any of these officers shall fail within ten days so to qualify, his office shall be vacant.

Oaths of officers.

By whom administered.

9. A majority of the council shall be a legal quorum for the transaction of business, and may fix the salary of all town officers.

Quorum of council.

10. Upon the call of any member, the yeas and nays on any question shall be called and recorded in the journal. The proceedings of every meeting shall be signed by the person presiding, and the record

Yeas and nays. Proceedings of council.

of all proceedings of the council shall be open to the inspection of the voters in the town.

Powers of council.

11. The council, so constituted, shall have power within said town to lay off, alter or improve streets, alleys or walks; to regulate the width of the same and keep them in order; to lay off public grounds, and provide and take care of public buildings; to abate anything which, in the opinion of a majority, shall be a nuisance; to provide for shade and ornamental trees, and against fire or contagious disease; to provide a revenue for the town and appropriate the same; to make an annual assessment of taxable persons and property of the town; to adopt rules for its own government and the transaction of business; to appoint a sergeant, commissioner of the revenue and treasurer, and other officers necessary, and to fill vacancies; to define the powers, prescribe the duties, fix the term of service and compensation of its appointees; require and take from them bonds, with such sureties and in such penalties as it may determine, for the faithful discharge of their duties, (all bonds to be payable to the town,) and remove its appointees at pleasure; to prohibit the sale of intoxicating drinks within the town; to give an additional license and require a tax on the same, for anything for which a State license is required, to be done within the said town, and generally to do such things for the prosperity, quiet and good order of the citizens of said town; to adopt and enforce all needful ordinances not contrary to the constitution and laws of this State, and to impose and enforce fines and penalties not exceeding payment of one hundred dollars, or imprisonment for thirty days, under judgment and order of the mayor, or in his absence or inability, of the person lawfully exercising its functions. The council, with the consent of the supervisors of Putnam county, entered of record, may use the jail of said county for its purposes.

Officers.

Licenses.

Use of Putnam county jail.

Annual levy.

Proviso.

12. The annual levy ordered by the council may be upon all male persons within said town over twenty-one years of age, dogs, hogs and other animals; all real estate and other subjects in said town at the time assessed with State taxes; provided, the tax do not exceed one dollar on every hundred dollars of value of unimproved lots and seventy-five cents on the same value of real and personal property, or two dollars per head on each taxable person.

Sergeant; his duties, powers and compensation.

13. The sergeant shall collect the town taxes, fines, levies and licenses, and after thirty days from the time of receiving the commissioner's books, may distrain and levy therefor, in like manner as the sheriff may for State taxes, and shall in all respects have the same power to enforce the payment and collection thereof, and shall within the limits of the town, exercise all the duties that a constable can legally exercise in regard to the collection of claims and executing and levying process, entitled to the same compensation therefor, and liable to all the fines, penalties and forfeitures, together with his sureties, that a constable is legally liable to, to be recovered in the

same manner and before the same tribunals that the same are now recovered against constables.

14. The mayor shall be the chief executive officer of the town; shall take care that the by-laws and ordinances of the council are faithfully executed; shall be *ex officio* a conservator and justice of the peace, and shall within the town exercise all the powers and duties vested in justices; shall see that peace and good order are preserved.

Mayor; his powers and duties.

15. The recorder shall keep a journal of the proceedings of the council; shall have charge of and preserve the records of the town, and in the absence or disability of the mayor, shall be invested with his powers, so far as to hear and determine all cases affecting the government of the town, and may affix and enforce fine or imprisonment in the same manner as the mayor himself.

Recorder; his powers and duties.

16. The treasurer shall have charge of all money belonging to said town, and shall pay the same out on the order of the mayor, countersigned by the recorder, and not otherwise; and for any default or liability on the part of the sergeant or treasurer, the council, in the corporate name of said town, may on motion, after ten days notice, obtain judgment before the circuit court of Putnam county, on account therefor against them and their securities respectively, or any or either of them, or their heirs or legal representatives.

Treasurer; his powers and duties.

17. There shall be a lien on real estate for the taxes assessed thereon from the commencement of the year of such assessment, and after having been returned delinquent for such taxes, the council may order the same to be sold or rented by the sergeant at public auction for the arrears, and with such per centum added for interest, charges and expenses as the council may prescribe, which sale or renting shall only be after thirty days notice, posted at the front door of the court house in said town. The council may regulate the time within and terms upon which said lands may be redeemed.

Lien for taxes.

Salv for taxes.

Redemption of property sold for taxes.

18. The council shall have power to order the impounding of all hogs and other animals that may be found running loose in said town, and impose such fines and forfeitures upon the owner thereof as a majority shall deem proper, and may establish ordinances to this effect, which fines shall not be greater than one dollar for each violation of such ordinance, and a forfeiture of the property for the fourth violation, after notice given of two violations.

Impounding of animals and fine of owners.

19. The said town and persons and property therein shall be exempt from all expense or liability for the construction or repair of roads or bridges outside its corporate limits; provided, however, that the said town shall keep its streets and alleys in good order.

Town exempt from road tax.

CHAPTER 46.—An ACT to incorporate the town of Elizaville, in the county of Kanawha.

Passed February 21, 1868.

Be it enacted by the Legislature of West Virginia :

- Corporate limits.** 1. The corporate limits and boundaries of the town of Elizaville, in the county of Kanawha, shall be as follows: Beginning at the mouth of Lenn's creek and running down Kanawha river to John B. Crockett's landing; thence from said Crockett's landing a straight line to a stack of rocks in the low gap at the head of Brownstown hollow; thence along the mountain, so as to include the residence of William Berry, to the old mill site on the said Lenn's creek; thence down said creek to the beginning.
- Municipal authorities.** 2. The municipal authorities of said town shall be a mayor, a recorder and five councilmen, who together shall form a common council.
- Corporation; its powers.** 3. The mayor, recorder and councilmen, so soon as they have been elected and qualified as hereinafter provided, shall be a body politic and corporate, by the name of "The Town of Elizaville," and shall have perpetual succession and a common seal, and by that name may sue and be sued, implead and be impleaded, may purchase and hold real estate necessary to enable them the better to discharge their duties, and needful for the good order, government and welfare of said town.
- How corporate powers exercised.** 4. All the corporate powers of said corporation shall be exercised by the said council, or under their authority, except where otherwise provided.
- Town officers.** 5. There shall be a town sergeant, a treasurer and commissioner of the revenue appointed by the council, to continue in office at its pleasure, and perform the duties respectively as hereinafter prescribed, or as may be required by the council.
- Their duties.** 6. The duties of the office of recorder, treasurer and commissioner of the revenue may be discharged by the same person, or otherwise, as the council from time to time may determine.
- Their qualifications and terms of office.** 7. The mayor, recorder and councilmen shall be elected by the citizens of said town who may be entitled to vote under this act, and (except to fill vacancies) for the term of one year, and until their successors shall have been qualified, and shall be freeholders and residents in said town, and entitled to vote for members of its common council.
- Elections.** 8. The first election under this act shall be held on the fourth Thursday of March, eighteen hundred and sixty-eight, at the usual place of voting in said town, under the supervision of a justice of Loudon township; and annually thereafter there shall be an election on the same day in each year, at such place and under such supervision, rules and regulations as the council in said town may prescribe. The person conducting the first election shall grant certificates to the persons elected,
- Certificates of election.**

which shall be entered upon the records with the ordinances of said council, and their term of office shall commence on the first day of June next after their election.

9. All persons residents of said town, and entitled to vote for county and township officers, shall be entitled to vote for mayor, recorder and councilmen. Who may vote.

10. When a vacancy shall occur, from any cause, in the office of mayor, recorder, or in the council, the vacancies shall be filled by appointment by the council. Vacancies; how filled.

11. At all elections the vote shall be by ballot, and when two or more persons for the same office, at any election, shall receive an equal number of votes, the person or persons conducting such an election shall decide which of said persons shall be returned elected. And all contested elections shall be heard and determined by the council for the time being. Vote by ballot.
Tie votes and contested elections.

12. The mayor, recorder, councilmen, sergeant, treasurer and commissioner of the revenue shall each, before entering upon the duties of his office, and within ten days after being furnished with a certificate of his election, take and subscribe the oath of loyalty prescribed for county and township officers, and that they will truly, faithfully and impartially discharge the duties of their said offices respectively, to the best of their abilities, so long as they continue therein. The recorder shall take such oath or affirmation before a justice, or other officer authorized to administer oaths, and thereupon he shall administer the oaths aforesaid to the other officers and councilmen. Certificates of the said oaths or affirmations shall be recorded in the journal of the proceedings of the council. Oaths of officers.
By whom administered.

13. When any four 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. When councilmen to take office.

14. If any one elected mayor, recorder or councilman shall not have been eligible, or shall fail or refuse to take the oath or affirmation required under this act, within the ten days aforesaid, such office shall be declared vacant, and the vacancy filled as hereinbefore prescribed, but in all cases from among the citizens of the town eligible to such office or position under this act. Vacancies.

15. The council shall be presided over at its meetings by the mayor, or, in his absence, by one of the councilmen, selected by a majority of the council present, and a majority of the council shall be necessary to constitute a quorum to do business. Council; its presiding officer and quorum.

16. The council shall cause to be kept in a journal, an accurate record of all its proceedings, by-laws and orders, which shall be fully indexed, and open to the inspection of the voters in the town. Journal of council.

Proceedings of
council.

17. The proceedings of the last meeting shall be read in the council, corrected where necessary, and signed by the person presiding for the time being. Upon the call of any member, the yeas and nays on any question shall be called, and recorded in the journal. The mayor, though voting as a member of council, in cases of a tie shall have the casting vote.

Powers of council.

18. The council so constituted shall have power within said town to lay off, open, curb and pave streets, alleys, walks and gutters for the public use, and to alter, improve, and light the same, and have them kept in order and free from obstructions on or over them; to regulate the width of the sidewalks and streets, and to order the sidewalks, footways and gutters to be curbed, paved and kept in good order, free and clean, by the owners or occupants of the adjacent property; to lay off public grounds, and provide for and take care of public buildings, proper to the town; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to abate or cause to be abated anything which, in the opinion of a majority of the whole council, shall be a nuisance; to regulate the keeping of gunpowder and other combustibles; to provide for the burial of the dead, and for the same purpose may purchase and hold the necessary land for a cemetery, near or convenient to said town, and provide for its improvement and security; to provide for the regular building of houses and other structures in or for said town; for the making of division fences, and to provide for shade and ornamental trees, and against danger or damage from fires or contagious diseases; to provide a revenue for the town, and appropriate the same, and to provide for the annual assessment of taxable persons and property of the town; to adopt rules for the transaction of business, and the government and regulation of its own body; to provide for the general welfare of the town, and protect the property, and preserve peace and good order therein; to keep a town guard; appoint and order out a patrol for the town when deemed necessary; to appoint such officers as they may deem proper, including a sergeant, commissioner of the revenue and treasurer; to define their powers, prescribe their duties, fix their term of service and compensation, require and take from them bonds, with such sureties, and in such penalties, as the council may determine, conditioned for the true and faithful discharge of their duties, and remove them at pleasure; (all bonds to be made payable to the town by its corporate name); to erect, or authorize or prohibit the erection of gas works or water works, in or near the town; to prevent injury to or pollution of the same; for all of which purposes named in this clause, except that of taxation, the council shall have jurisdiction for one mile beyond the borough; to regulate and provide for weighing hay, coal, and other articles sold, or for sale, in said town, and to regulate the transportation thereof through the streets, and generally to do such things as the council shall deem necessary for the interest, prosperity, peace and good order of the citizens of said town.

Streets.

Nuisances.

Cemetery.

Revenue and
taxes.

Officers; their
powers, duties,
bonds and compensation.

Weighing hay,
&c.

19. To carry into effect these enumerated powers, and all others conferred upon the said town or its council expressly, or by implication, in this or any other acts of the Legislature, the council shall have power to adopt and enforce all needful orders, by-laws and ordinances not contrary to the constitution and laws of this State, and to prescribe, impose and enforce reasonable fines and penalties, including imprisonment for a term not exceeding thirty days, under the judgment and order of the mayor of said town, or the person lawfully exercising his functions. The council, with the consent of the supervisors of Kanawha county, entered of record, may have the right to use the jail of said county for any purpose necessary in the administration of its affairs.

Further powers of council.

Fines and penalties.

20. The annual levy ordered by the council may be upon all male persons within said town over eighteen years of age, dogs, hogs and other animals, and on all real estate within said town which is not exempt from State taxation, and all such other subjects in said town as may at the time be assessed with State taxes, provided the tax do not exceed one dollar on every one hundred dollars of value of unimproved lots, and seventy-five cents on every one hundred dollars value of real and personal property, or two dollars per head on each taxable person.

Annual levy.

Taxation.

21. Anything for which a State license is required, to be done in said town, the council may require a town license to be had for so doing the same, and may impose a tax thereon for the use of the town, and the council may, in any case, require from the person so licensed, a bond, with securities, in such penalties and with such conditions as it may determine.

Licenses.

22. The sergeant shall collect the town taxes, levies, licenses and fines, and after thirty days from the time he may receive the books of the commissioner of revenue of said town, may distrain and sell therefor, in like manner as a sheriff may for State taxes, and shall in all respects have the same powers as the sheriff to enforce the payment and collection thereof, and shall, within the corporate limits of the town, exercise all the duties that a constable can legally exercise in regard to the collection of claims, executing and levying process, and shall be entitled to the same compensation therefor, and he and his sureties shall be liable to all the fines, penalties and forfeitures that a constable is legally liable to, for any failure or dereliction in said office, to be recovered in the same manner and before the same tribunals that the same are now recovered against constables.

Sergeant; his powers, duties, and compensation.

23. There shall be a lien upon real estate for the town taxes assessed thereon from the commencement of the year for which they are assessed, and the council may order and require the same to be sold or rented by the sergeant at public auction, for the arrears, with interest thereon, with such per centum as the council may prescribe for charges and expenses thereof, and may regulate the terms upon and

Lien for taxes.

Sale for taxes.

Notice of sale. the time within which the same may be redeemed. No such sale or renting shall be ordered until such realty be returned delinquent, and the sale shall be after thirty days' notice, posted at the hotel and post office in said town.

Council may prohibit shows. 24. The council may prohibit any theatrical or other performance, show or exhibition it may deem injurious to the morals or good order of the town.

Mayor; his powers, duties and compensation. 25. The mayor shall be the chief executive officer of the town; shall take care that the by-laws, ordinances and orders of the council are faithfully executed; shall be *ex officio* a conservator and justice of the peace of the town, and shall, within the same, exercise all the powers and duties vested in justices; shall control the police of the town, and may appoint special police officers; shall see that peace and good order are preserved, and that persons and property are protected in the town; shall have power to issue executions for all fines and costs imposed by him, or may require the immediate payment of them, and in default of such payment, may commit the party in default to the jail until the fine and costs are paid; but the term of imprisonment in such case shall not exceed thirty days. He shall, from time to time, recommend to the council such measures as he may deem needful to the welfare of the town, and shall receive a compensation for his services, fixed by the council, which shall not be increased or diminished for the term for which he was elected.

Recorder; his duties and compensation. 26. The recorder shall keep a journal of the proceedings of the council, and have charge of and preserve the records of the town, and shall receive a compensation for his services, to be fixed by the council, which shall not be increased or diminished for the term for which he was elected.

Treasurer; his powers and duties. 27. All money belonging to said town shall be paid over to the treasurer, who shall pay the same out on the order of the mayor, countersigned by the recorder, and not otherwise; and for any default or liabilities upon the part of the treasurer or sergeant, the council, in the corporate name of said town, may on motion, after ten days' notice, obtain judgment before the circuit court of said county, on account thereof, against them and their securities respectively, or any or either of them, or their heirs or legal representatives.

Town exempted from road tax. 28. The said town, and taxable persons and property therein, shall be exempt from all expenses or liability for the construction or repair of roads or bridges outside of the corporate limits of said town.

CHAPTER 47.—An ACT to amend an act entitled "An Act to provide Free Schools for the town of Clarksburg," passed February 26, 1867.

Passed February 21, 1868.

Be it enacted by the Legislature of West Virginia :

Chapter ninety-two of the Acts of eighteen hundred and sixty-seven is hereby amended by adding the following sections :

"9. The board of education for the school district of Clarksburg shall have power to appoint a secretary and treasurer for said district, requiring of them bond and security in sufficient penalty, for the faithful performance of their duties."

Secretary and treasurer for school district.

"10. The school commissioners of the Clarksburg school district shall be elected annually at the annual election for trustees of the town of Clarksburg. Their terms of office and the filling of any vacancies that may occur, shall be governed by the general school law, passed February twenty-seventh, eighteen hundred and sixty-seven."

School commissioners; their election and term of office.

"11. The school commissioners of the Clarksburg school district shall provide by the first Monday in May, eighteen hundred and sixty-eight, at the expense of said district, a ballot box marked 'Clarksburg school district,' to be used at the elections of said commissioners, for voters of said district residing outside the corporate limits of the town of Clarksburg. The commissioners of election appointed by the trustees of the town of Clarksburg to conduct the election for trustees of said town, shall also conduct the election for school commissioners of the Clarksburg school district, and shall cause the clerks to record separately the names of persons voting who reside within the school district, but outside the corporate limits of said town, whose ballots shall be deposited in the ballot box marked 'Clarksburg school district.'"

Ballot box.

By whom election conducted.

"12. The commissioners of election, in making their returns of the election to the trustees of the town of Clarksburg, shall distinguish between the vote cast by the town of Clarksburg and the remainder of the district, returning the ballots of each box separately."

Separate returns of ballots.

"13. The trustees of the town of Clarksburg shall declare the election for the office of school commissioner in the Clarksburg school district, according to the aggregate vote cast by said district."

By whom election declared.

"14. No person residing within the limits of the Clarksburg school district shall be entitled to vote for any school officer of the townships of Clark and Coal, in the said county of Harrison."

No voter of district to vote for school officers outside thereof.

CHAPTER 48.—An ACT to limit the time in which the Board of Public Works may audit claims against the State of Virginia.

Passed February 21, 1868.

Be it enacted by the Legislature of West Virginia :

Power to audit claims to cease October 1, 1868.

That the power to audit claims against the State of Virginia, conferred upon the board of public works by chapter thirty-eight of the acts of eighteen hundred and sixty-seven, shall cease on the first day of October, eighteen hundred and sixty-eight ; provided, said board shall not be prevented from auditing all claims received by them prior to said first day of October, eighteen hundred and sixty-eight.

Proviso.

CHAPTER 49.—An ACT concerning Insolvent Militia Fines.

Passed February 21, 1868.

Be it enacted by the Legislature of West Virginia :

Return of fines to be made to board of supervisors.

1. Any return of insolvent militia fines for the years eighteen hundred and sixty to eighteen hundred and sixty-six inclusive, authorized by law to be made by any sheriff or collector to a regimental court, may be made to the board of supervisors for the county in which such fines were assessed ; and it is hereby made the duty of any board of supervisors to whom such return shall be made to examine the same, and, if approved, they shall cause their clerk to certify to the auditor a list of such insolvents so approved.

Duty of board.

Character of returns.

2. The returns mentioned in the preceding section shall be for each regiment and for each year separately.

Duty of auditor.

3. Upon the receipt of a certified copy of a list of insolvents allowed under the provisions of the first section of this act, the auditor shall compare the same with the list of fines filed in his office, and, if found correct, shall enter the amount of the same to the credit of the sheriff or collector making the return.

CHAPTER 50.—An ACT creating a school district within the town of Morgantown.

Passed February 24, 1869.

Be it enacted by the Legislature of West Virginia :

District boundaries.

1. The town of Morgantown and suburbs contained within the following boundaries, to-wit: Beginning at the mouth of Falling run, and up said run with its meanderings to the northeastern line of the lands of the Kiger heirs ; thence with said line to the old road ; thence across the hill to and including the house now occupied by B. H. Sear ; thence in a straight line to the Decker's creek bridge, near the old paper mill ; thence to and including the Guseman property on the Kingwood pike ; thence to the Morgantown and Beverly road, including the property now owned by L. S. Jenkins ; thence with said road to and including the county poor house ; thence to the Monongahela river, and down the same to the southern line of the property of Joseph Kinkaid, on the west side of the river ; thence

with said line to its western terminus ; thence in a straight line to the first mile post on the Fairmont pike ; thence down an old road to the river, and up the same to the place of beginning, shall constitute one school district ; and the board of education thereof shall consist of five commissioners, who shall be elected by the resident voters of the district, and have exclusive control of all common schools within the same.

Board of education.

2. The board of education of the school district of Morgantown, and their successors, shall be a body corporate by the name of "The Board of Education of the District of Morgantown," and shall be invested with the same rights, exercise the same powers, perform the same duties, and be governed by the same laws as boards of education of townships, except so far as may be otherwise provided in this act. They shall elect one of their number as president and one as secretary, and may allow a reasonable compensation to the secretary for his services, to be paid out of the school fund.

Board of education incorporated.

Its officers.

3. The board of education shall be invested with the same rights, exercise the same powers, and perform the same duties as the trustees of school districts, so far as the same may be necessary for the prosperity and welfare of their schools, and they may close any school in their district whenever, in their opinion, the attendance of pupils will not justify the continuance of the same. The provisions of the general school law in relation to the appointment of trustees, shall not be held to apply to the district of Morgantown.

Rights, powers and duties of board.

4. It shall be the duty of the board of education to determine, at an annual meeting to be held in the month of July, as near as may be practicable the amount of money necessary, in addition to all other available funds, to continue the schools of the district for the period of not less than eight school months, and they shall cause an amount to be assessed on all the taxable property of the district, and the same shall be levied, collected and disbursed in such manner and at such rates of commission as they may determine.

Levy for school purposes.

5. The qualified voters of the school district of Morgantown shall, on the twenty-first day of March next, elect five commissioners, as herein provided for, and the town council of Morgantown shall appoint three voters to conduct said election ; and the annual election thereafter for said commissioners shall be held at the same time and place, and by the same officers, as the borough elections of the town of Morgantown.

Election of commissioners.

CHAPTER 51.—An ACT to amend and re-enact the Charter of the town of Ravenswood, in the county of Jackson.

Passed February 25, 1868.

Be it enacted by the Legislature of West Virginia :

That the charter of the town of Ravenswood be amended and re-enacted so as to read as follows :

1. The corporate limits of the town of Ravenswood shall be as follows, to wit: Beginning at the mouth of Sand creek, at low water

Corporate limits.

- Corporate limits:** mark, and running thence with said creek to the foot of Gallatin street; thence with the line of said street to the line of R. S. Brown's farm; thence with the line of said farm to the Ohio river; thence down the Ohio river, at low water mark, to the place of beginning.
- Municipal authorities.** 2. The municipal authorities of said town shall be a mayor, recorder and five councilmen, who together shall be a common council.
- Incorporation.** 3. The mayor, recorder and councilmen, so soon as they have been elected and qualified as hereinafter provided, shall be a body politic by the name of "The Town of Ravenswood," and shall have perpetual succession and a common seal, and by that name may sue and be sued, implead and be impleaded, may purchase and hold real estate and other property necessary to enable them the better to discharge their duties, and needful for the good order, government and welfare of the said corporation.
- How corporate powers exercised.** 4. All corporate powers of the said town shall be exercised by the said council, or under their authority, except where otherwise provided.
- Officers of town** 5. There shall be a town sergeant, treasurer, and an overseer of the poor.
- By whom officers elected.** 6. The mayor, recorder and councilmen shall be elected by the citizens of said corporation who may be entitled under this act to vote.
- Term of office.** 7. Their term of office shall be (except when to fill vacancies) for one year, and until their successors have been elected and qualified as hereinafter provided.
- Qualifications for certain offices.** 8. The mayor, recorder and councilmen must be freeholders in said corporation, and entitled to vote for members of its common council.
- Elections.** 9. The first election under this act shall be held on the second Monday in March, eighteen hundred and sixty-eight, in the town of Ravenswood, under the supervision of the supervisor and inspector of elections of Gilmore township; and annually thereafter there shall be an election in each year, at such time and place, and under such supervision, rules and regulations as the council may prescribe. The officers conducting the first election shall grant a certificate to the persons elected, which certificate shall be recorded in the journal kept by the council.
- Certificate of election.**
- Who may vote.** 10. All persons residing in said town, and who shall have paid the town taxes, if any, assessed against them for the preceding year, shall be entitled to vote for all officers elected by the people under this act.
- Vacancies.** 11. All vacancies occurring from any cause, in any of the offices provided for in this act, shall be filled by appointment by the council.
- Vote by ballot.** 12. At all elections the vote shall be by ballot.

13. Whenever two or more persons for the same office, at any election, shall receive an equal number of votes, the officers conducting the election shall, in an equitable mode prescribed by the council, determine which of the persons so voted for shall be returned elected.

The votes.

14. All contested elections shall be heard and decided by the council for the time being, but the council may order a new election, if they are satisfied the ends of justice will be better attained thereby.

Contested elections.

15. A majority of the whole number of officers mentioned in the second section of this act, shall be necessary to the transaction of any business whatever.

Quorum for transaction of business.

16. The mayor, recorder, councilmen, and all officers herein provided for, shall each, before entering upon the duties of his office, and within two weeks from the time of his election or appointment, take and subscribe the oath prescribed by the act of the Legislature of this State, passed November sixteenth, eighteen hundred and sixty-three, and an oath to faithfully and impartially discharge the duties of his office. The mayor having taken such oath or affirmation, may administer the same to the councilmen and other officers; certificates of said oath, or affirmation, shall be recorded in the journal kept by the council; and whenever two-thirds of the members of the common council shall have qualified, they shall enter upon their said offices, and shall supersede the former council of said town.

Oaths of officers.

By whom administered.

17. If any one who shall have been duly elected mayor, recorder, or councilman, shall not have been eligible, as herein prescribed, or shall refuse or fail to take the oath or affirmation required under this act, within the time prescribed, the council for the time being shall declare his said office vacant, and proceed to fill such vacancy as provided in section eleven of this act.

Vacancies in office.

18. The council shall be presided over at its meetings by the mayor, or in his absence, by one of the councilmen, chosen by a majority of the council.

Presiding officer of council.

19. The council shall cause to be kept in a well bound book, an accurate record of its proceedings, by-laws, acts and orders, which shall be fully indexed, and open to the inspection of the citizens of the town. The proceedings of each meeting shall be read and corrected at the succeeding meeting, and signed by the person presiding for the time being. Upon the call of any member, the yeas and nays on any question shall be called and recorded in the journal. The presiding officer may vote as a member of the council, and in all cases of a tie, the person at the time presiding at the council shall have the casting vote.

Council; its journal and proceedings.

20. The council shall have power to re-survey said town, and for this purpose may employ a competent engineer, (which officer may be elected by order of the council,) and prescribe his duties, term of

Powers of council. Town engineer.

- Streets.** office and amount of compensation ; to open new streets, and extend, straighten, widen and repair old streets and alleys ; to curb and pave streets, sidewalks and gutters for public use, and to alter, improve and light the same ; and shall have control of all avenues for public use in said town ; to have the same kept in good order and free from obstructions on or over them ; to regulate and determine the width of all streets, sidewalks and public alleys ; to order and direct the curbing and paving of all sidewalks and footways for public use in said town, to be kept in good order by the owners or occupants of the adjacent property ; to control the construction and repairs of all bridges and culverts, the opening and construction of all ditches, drains and gutters ; to widen, deepen and clear the same of stagnant water and filth, and to determine at whose expense the same shall be done ; to purchase, lay off and appropriate public grounds, and control the use of the same ; to provide, contract for and take care of all public buildings proper to the town ; to provide for the regular building of houses, or other structures ; to cause the removal of unsafe walls or buildings ; to prevent injury or annoyance to the public or individuals, from anything dangerous, offensive or unwholesome ; to abate, or cause to be abated, anything which, in the opinion of a majority of the whole council, shall be a nuisance ; to regulate the keeping of gunpowder and other combustibles ; to provide, in or near the town, place for the burial of the dead, and to regulate interments in the town, and provide for shade and ornamental trees ; to provide for the making of division fences, and for draining of lots by proper drains and ditches ; to make regulations guarding against danger or damages from fires ; to provide for the poor of the town ; to organize one or more fire companies, and provide the necessary apparatus, tools, implements, engines, or any of them, for their use ; to provide a sufficient revenue for the said town ; and appropriate the same to its expenses, and to provide for annual assessments of taxable persons and property in the town ; to adopt rules for the transaction of business, and for the government and regulation of its own body ; to promote the general welfare of the town, and to protect the persons and property of the citizens therein ; to appoint such officers as they may deem proper, including a sergeant, treasurer, assessor and overseer of the poor ; to define their powers, prescribe their duties, fix their term of service and compensation ; require and take from them bonds, with such sureties, and in such penalty, as the council may determine, conditioned for the true and faithful discharge of their duties, and remove them at pleasure ; (all bonds taken by the council shall be made payable to the town by its corporate name) ; to regulate and provide for the weighing and measuring of hay, coal, wood and other articles sold, or for sale, in said town, and to regulate the transportation thereof through the streets ; to establish and regulate markets ; to prescribe the time for holding the same, and what articles shall be sold only in said markets ; to protect places of divine worship ; to lay off the town into three or more wards, and to appoint and publish the places of holding town elections ; to erect, or authorize or prohibit
- Public grounds and buildings.**
- Abatement of nuisances.**
- Cemetery.**
- Fires and fire companies.**
- Annual assessments.**
- Town officers ; their powers, duties, terms of office, bonds and compensation.**
- Markets.**

the erection of gas works or water works in or near the town ; to prevent injuries to or pollution of the same, or danger to the water and healthfulness of the town ; for all which purposes, except that of taxation, the council shall have jurisdiction for one mile beyond the corporate limits of said town.

Gas and water works.

Jurisdiction of council.

21. To carry into effect these enumerated powers, and all others conferred upon the said town or its council, expressly or by implication, in this or any other acts of the Legislature, the council shall have power to adopt and enforce all needful orders, by-laws and ordinances, not contrary to the constitution and laws of the State, and to prescribe, impose and enforce reasonable fines and penalties, including imprisonment under judgment and orders of the mayor of said town, or the person lawfully exercising his functions ; and the council, with the consent of the supervisors of Jackson county, entered of record, may have the right to use the jail of said county for any purpose necessary to the administration of its affairs.

Powers of council.

Ordinances of council.

Use of Jackson county jail.

22. It shall be lawful for the council to establish and construct landings, wharves and docks, on any ground which does or shall belong to said town, and to repair, alter or remove any building, wharf or dock which has been or shall be so constructed, and to lay and collect a reasonable duty on vessels coming to or using the same ; and it 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 have power to appoint as many wharf-masters for said town as may appear necessary ; to prescribe their duties, fix their fees, and make all regulations in respect to such officers as they may deem proper.

Council may construct wharves and

appoint wharf-masters.

23. The council shall cause to be annually 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 town levy of so much as, in its opinion, is the amount which may be raised from licenses and other sources.

Annual estimate and levy.

24. The levy so ordered shall be upon all male persons, residents of said town, over the age of twenty-one years. The council shall have power to tax all dogs and all real and personal estate within said town subject to State and county taxes ; Provided, that the tax so levied do not exceed one dollar on every one hundred dollars of value of unimproved lots, (or lots upon which there is no building,) and seventy-five cents on every one hundred dollars of value of other real and personal property, or two dollars per head on each taxable person, or two dollars per head on dogs ; Provided, further, that dogs known as "rat terriers" shall not be taxed.

Annual levy.

What may be taxed.

25. Whenever anything for which a State license is required, is to be done within said town, the council may require a town license to

Licenses.

Town licenses. be had for doing the same, and may impose a tax thereon for use of the town ; and the council 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 condition of said bond be broken. And no license to sell strong or spirituous liquors, or wine, beer, ale, porter, or drinks of like nature, within said town, or within two miles of the corporate limits thereof, shall be granted by the supervisors of Jackson county, unless the persons applying therefor shall produce to said supervisors the certificate of the council of said town, of its consent to the granting of such license.

Supervisors not to grant licenses without consent of council.

Sergeant; his duties, powers and compensation.

26. The sergeant shall have power to collect the town taxes, fines and levies, and shall have power, one month after he shall have received the books of the assessor of said town, to distrain and sell therefor, in like manner as a sheriff may distrain and sell for State taxes, and shall, in all other respects, have the same powers as a sheriff to enforce the payment and collection thereof, and the said sergeant shall have power to exercise, within the corporate limits of said town, all duties that a constable can legally exercise, in regard to the collection of claims, executing and levying process, and he shall be entitled to the same compensation therefor, except in case of the arrest of any person violating any of the ordinances of the council. Upon the conviction of such person, he shall be entitled to one dollar for such arrest, to be taxed in the costs against the person so convicted ; and he and his securities shall be liable to all fines, penalties and forfeitures that a constable is legally liable to, for any failure or dereliction in his said office, to be recovered in the same manner, and before the same courts. that said fines, penalties and forfeitures are now recovered against constables.

Lien for taxes.

27. There shall be a lien on real estate within said corporation for the town taxes assessed thereon, from the commencement of the year in which they are assessed, and for all other assessments, fines and penalties assessed or imposed upon the owners thereof by the authorities of said town, from the time the same are so assessed or imposed, which lien shall be enforced by the council in the same manner as the lien for taxes for county purposes is now enforced ; the lien aforesaid shall have priority over all other liens, except for taxes due the State.

How enforced.

Council may prohibit shows.

28. The council may prohibit any theatrical or other performance, show or exhibition, which it may deem injurious to the morals or good order of the town.

Bonds of sergeant and treasurer.

29. The council shall have power to require and take from the sergeant and treasurer bonds, with sureties satisfactory to the council, in such penalty as it may deem sufficient, except that as to the sergeant it shall not be for a penalty less than five thousand dollars ; and said bond shall be conditioned for the faithful and true performance of his duties as sergeant, and for the collecting and accounting for and pay-

ment of the taxes, fines and other moneys of the town which shall come into his hands, or which it shall be his duty to collect, at such times and to such persons as the council may order. The treasurer's bond shall be conditioned for the faithful performance of his duties as treasurer, and that he will faithfully pay over and account for all moneys that shall come into his hands as treasurer, when and as he shall be thereto required by the council.

Bonds of sergeant and treasurer.

30. The mayor shall be the chief executive officer of the town, and shall take care that all by-laws, ordinances and orders of the council are faithfully executed; he shall be *ex officio* a conservator and justice of the peace within the town, and shall within the same exercise all the powers and duties vested in justices, except that he shall have no jurisdiction as such in civil cases; he shall have control of the police of the town, 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 said town are preserved, and that the persons and property therein are protected; and to this end he may cause the arrest and detention of all riotous and disorderly persons in said town, before issuing his warrant therefor; 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 Jackson county, until the fine or penalty and costs be paid, to be employed during the term of his imprisonment, which, in such case, shall not exceed thirty days. He shall from time to time recommend to the council such measures as he may deem needful to the welfare of the town. He shall receive a compensation for his services, to be fixed by the council, which shall not be increased or diminished during the term for which he was elected.

Mayor; his powers, duties and compensation.

31. The duty of the recorder shall be to keep the journal of the proceedings of the council, and have charge of and preserve the records of the town; he shall attend the mayor in all examinations, receive and issue his orders, swear witnesses and perform all the duties of a clerk in the council and mayor's court; he shall receive a compensation for his services, to be fixed by the council, which shall not be increased or diminished during the term for which he shall have been elected.

Recorder; his duties and compensation.

32. It shall be the duty of the town sergeant to collect the taxes, fines and other income and revenue of the town, as specified in his bond, and to account and pay the same to the treasurer at such time as the council may order, and it shall be his duty at least once in every six months, during his continuance in office, and oftener if thereto required by the council, to render an account of the taxes, fines and other claims in his hands for collection, and return a list of such as he shall have been unable to collect by reason of insolvency, to which list he shall make oath that he has used due diligence to collect the same but has been unable to do so. The council shall, if it

Sergeant; his further powers, duties and compensation.

Sergeant; his further powers, duties and compensation.

he satisfied he could not have collected the said claims by use of due diligence, allow them. But if the council shall be of the opinion that, by the use of due diligence on the part of said sergeant, he could have collected the said claims or any part of them, then he shall be charged with such as he might have collected. The said sergeant shall do and perform all the other acts pertaining to the office of sergeant of a corporation and of a public officer and constable within said town, and as such shall have the same powers, duties, fees and liabilities as are by law prescribed to a constable. He shall, for his services, receive such compensation as shall be fixed by the council.

How money received and paid out.

33. All moneys belonging to said town shall be paid over to the treasurer, none of which shall be paid out by him except as the same shall have been apportioned and ordered to be paid by the council, and the said treasurer shall pay the same upon the certificate of the recorder, or, in his absence, upon the certificate of the mayor.

How recovery against treasurer may be had.

34. If the said treasurer shall fail to account for and pay over all or any moneys that shall come into his hands, when thereto required by the council, it shall be lawful for the council, in the corporate name of the town, by motion before the circuit court of Jackson county, after ten days previous notice, to recover from the treasurer and his sureties or their personal representatives, any sum that may be due from said treasurer to said town.

How recovery against sergeant may be had.

35. If the sergeant shall fail to collect, account for and pay over all the taxes, fines and other revenue of the town in his hands for collection, according to the conditions of his bond, it shall be lawful for the council to recover the same by motion, in the corporate name of the town, before the said circuit court, after ten days' notice, against the said sergeant and his sureties, or any or either of them, his or their executors or administrators.

Town exempt from road tax.

36. The said town and the taxable persons and property therein shall be exempt from all expense or liability for the construction or repairs of roads or bridges, or other taxes for county or township purposes, except free school tax, outside the corporate limits of said town, for any year in which it shall appear that said town shall, at its own expense, provide for its own poor and keep its streets in order.

Former rights not affected by this act.

37. All rights, privileges and properties of said town heretofore acquired and possessed, owned and enjoyed by any act now in force, shall continue undiminished and remain vested in said town under this act; and all laws, ordinances, acts and resolutions of council, now in force, and not inconsistent with this act, shall be and continue in full force and effect until regularly repealed by a council elected as provided under this act.

Division of town into wards.

38. The council shall divide said town into wards as soon as may be after taking control thereof, having regard to territory and popula-

tion and streets of the town, and shall adopt all needful and just ward regulations, whether general or special, for the good of the citizens thereof; it shall authorize street expenditures in the several wards, as equity and justice shall demand, and may authorize the collection of a special tax in any ward of the town for a specified purpose within such ward, when requested so to do by a majority of the voters thereof; shall regulate the suffrage of said town, so that voters of each ward may have a voting place therein, and shall appoint proper officers to attend each place of voting, who shall make return of the votes there taken, in such manner and at such time as the council may prescribe. Whenever, in the opinion of the council, it becomes necessary to lay off said town into more than three wards the said council shall so lay it off and apportion the councilmen of said town so that each ward shall be equally represented in the council, and may increase or diminish the number of councilmen.

Wards.

Street expenditures.

Places and officers of election.

Representation of wards in council.

39. The council shall provide for the employment and safe keeping of persons who may be committed for default in payment of fines, penalties or costs under this act, and who are otherwise unable to discharge the same, by putting them to work for the benefit of the town; shall keep on hand an ample supply of necessary material for the same, and shall provide all necessary tools, implements, fixtures and facilities for the immediate employment of any and all such persons; shall fix a reasonable rate per diem as wages to be allowed every such person till such fine and costs against him are discharged, and the recorder shall keep an account of all fines and penalties so collected and expended.

Employment of persons committed in default of payment of fines.

40. This act shall at all times be subject to modification or repeal at the pleasure of the Legislature.

Act amendable.

41. All of the officers of said corporation shall take the oath required by chapter one hundred and six, of the acts of eighteen hundred and sixty-three.

Oaths of officers.

CHAPTER 52.—An ACT to amend an act entitled "An Act to incorporate the Town of Bruceton, in the county of Preston," passed February 18, 1860.

Passed February 25, 1863.

Be it enacted by the Legislature of West Virginia:

1. That section two of an act entitled "An Act to incorporate the town of Bruceton, in the county of Preston," is hereby amended and re-enacted so as to read as follows:

Section amended.

"2. The qualified voters of said town shall, on the third Saturday of March, in each year, elect a mayor and six trustees."

Election of officers.

2. That said act be further amended by adding thereto the following as sections eight and nine:

Sections added.

Mayor: his powers and duties.

"8. The mayor shall be the chief executive officer of the town. He shall take care that the orders, by-laws, ordinances, acts and resolutions of the council are faithfully executed. He shall be *ex officio* a justice and conservator of the peace within the town, and shall, within the same, possess and exercise all the powers and duties vested by law in a justice of a township, except that he shall have no jurisdiction as such in civil cases. He shall have control of the police of the town, 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 town 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 town before issuing his warrant therefor. 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 Preston until the fine or penalty and costs shall be paid; but the term of imprisonment in such case shall not exceed thirty days."

Town licenses.

"9. Whenever anything for which a State license is required is to be done in said town, the council may require a town license therefor, and may impose a tax thereon for the use of the town. But no license to sell strong or spirituous liquors, wine, beer, ale, porter, or drinks of like nature, within said town, shall be granted by the board of supervisors of the county of Preston, unless the person applying therefor shall produce to said board of supervisors the certificate of the council of said town of its consent to the granting of such license. The council may require from a person so licensed a bond, with sureties, payable to said town in such penalty and with such conditions as it may think proper, and may revoke such license at any time, if the conditions of said bond be broken."

Supervisors not to grant license without consent of council.

Section added,

3. That said act be further amended by adding thereto the following as section ten:

Oaths of officers

"10. All of the officers of said corporation shall take the oath required by chapter one hundred and six, of the acts of eighteen hundred and sixty-three."

CHAPTER 53.—An ACT to amend and re-enact Sections 4 and 6 of the act of General Assembly of Virginia, passed January 17, 1848, entitled "An Act incorporating the Maryland and Virginia Bridge Company."

Passed February 25, 1863.

Be it enacted by the Legislature of West Virginia:

Act amended.

That sections four and six of the act passed January seventeenth, eighteen hundred and forty-eight, entitled "An Act incorporating the Maryland and Virginia Bridge Company," be and the same are hereby amended and re-enacted so as to read as follows:

“4. The stockholders of said company, including the persons now holding the stock formerly held by the State in said company, under and by virtue of the act passed February eighth, eighteen hundred and sixty-seven, entitled ‘An Act to transfer the interest of the State in the Maryland and Virginia bridge company, at Shepherdstown,’ or a majority of them, may hold an election on the first Monday in April next, and on the same day in each year thereafter, for the election of seven directors of the said company, who shall within ten days after their election, choose one of their own body as president. The said president and directors shall remain in office one year, or until their successors are appointed. And the said parties so holding the said stock of said company formerly held by this State, shall at the said election, and at all other meetings and elections held by the stockholders of the said company, represent the said stock and vote it in the same manner and with like effect as if said stock had been originally subscribed by them.”

Election of directors.

President.

How State stock represented and voted.

“6. The stockholders of the said company, including the persons holding the stock therein formerly held by this State, shall be entitled at any such meeting or election, either in person or by proxy, to cast one vote for each share of stock held by them, and each of them, in the said company.”

Each share of stock to have one vote.

CHAPTER 54.—An ACT authorizing the Board of Supervisors of Berkeley county to employ, at hard labor, persons convicted of misdemeanor and sentenced to confinement in the jail of said county.

Passed February 23, 1868.

Be it enacted by the Legislature of West Virginia :

1. It shall be lawful for the board of supervisors of Berkeley county to employ, at hard labor, all persons convicted of misdemeanors and sentenced to confinement in the jail of said county, upon the streets, alleys, roads and bridges, and at such other places in said county, in such manner and pursuant to such rules and regulations as the said board may direct.
2. The said board is further authorized to establish in said county a substantial and safe workshop for the employment of the convicts aforesaid ; and the proceeds of the labor of every such convict shall go first, to discharge all jail fees, and second, all fines, damages, penalties and costs that may be lawfully assessed against him.

Supervisors may work convicts on streets.

Supervisors may establish workshop for convicts.

CHAPTER 55.—An ACT authorizing the Trustees of the Methodist Episcopal Church in the town of West Liberty, in Ohio county, to sell and convey their parsonage property.

Passed February 25, 1868.

Be it enacted by the Legislature of West Virginia :

Conveyance authorized.

The trustees of the Methodist Episcopal Church, in the town of West Liberty, in Ohio county, are hereby authorized to sell and convey their parsonage property, known as lots number one hundred and fifty-four, one hundred and fifty-five and one hundred and fifty-six of said town, together with the tenements thereon.

CHAPTER 56.—An ACT authorizing the trustees of the Methodist Episcopal Church, at Pine Grove, in Wetzel county, to convey the same.

Passed February 25, 1868.

Be it enacted by the Legislature of West Virginia :

Conveyance authorized.

Levi Lowe and others, trustees of the Methodist Episcopal Church, at Pine Grove in Wetzel county, are hereby authorized to sell and convey, by deed, the lot and edifice occupied by the congregation of the Methodist Episcopal Church for church purposes.

CHAPTER 57.—An Act to prevent the destruction of Rabbits in the county of Ohio.

Passed February 25, 1868.

Be it enacted by the Legislature of West Virginia :

Hunting rabbits with ferret unlawful in Ohio county.

1. That it shall not be lawful for any person or persons to hunt or catch rabbits in the county of Ohio, with or by the use of an animal called the ferret.

Penalty for violation of act.

2. Any person or persons violating the provisions of the foregoing section of this act, shall be subject to a fine of not less than five nor more than ten dollars for each separate offence, recoverable before any justice in the township in which the offence was committed, together with the cost of said prosecution. One-half of said fine to go to the informer and one-half to the general school fund.

CHAPTER 58.—An ACT declaring a certain part of Tug fork of Big Sandy river a public highway.

Passed February 25, 1868.

Be it enacted by the Legislature of West Virginia :

Part of stream specified.

That part of Tug Fork of Big Sandy river forming the boundary line between the States of Kentucky and West Virginia, from its

mouth up said river to the State line of Virginia, is hereby declared a public highway for the transportation of boats, lumber or other materials; and if any person make or cause to be made any fish-trap, hedge or dam or obstruction therein he shall be liable to a fine of not less than five or more than one hundred dollars.

Public highway.
Penalty for obstructing stream.

CHAPTER 59.—An ACT constituting a certain part of the Ohio River, within Jackson county, a lawful fence.

Passed February 25, 1868.

Be it enacted by the Legislature of West Virginia:

1. So much of the bank of the Ohio river, within the county of Jackson, as is enclosed within the following boundary, to-wit: Beginning at the lower line of the farm of John Moffit, (deceased); thence down said river to Ripley's Landing, is hereby declared to be a lawful fence.

Part of bank specified.

2. Any person or persons who may open, or cause to be opened, with the intention of permitting the same so to remain, any division fence between any of the fences included within the boundaries heretofore designated, shall be deemed guilty of a misdemeanor, and on conviction thereof before any justice of the township wherein the offence was committed, shall be fined in any sum not less than one nor more than ten dollars and costs; and on default of payment, shall be imprisoned in the county jail, not exceeding ten days, according to the aggravated nature of the offence.

Person opening certain division fences guilty of misdemeanor.

Fine or imprisonment.

CHAPTER 60.—An ACT refunding to John W. Pitzer, Sheriff of Berkeley county, moneys paid into the treasury on erroneous assessments.

Passed February 26, 1868.

Be it enacted by the Legislature of West Virginia:

The sum of thirty-five dollars and five cents shall be refunded to John W. Pitzer, sheriff of Berkeley county, for moneys collected and paid by him into the State treasury, on erroneous assessments made in said county in the years eighteen hundred and sixty-five and eighteen hundred and sixty-six, upon the property of Jonathan Strine, George Hensler, William Graham and Mary Walters, and that the auditor do issue his warrant on the treasurer for said amount payable to John W. Pitzer, Sheriff of Berkeley county.

\$35.05 refunded.

CHAPTER 61.—An ACT to enable the Wellsburg and Bethany Turnpike Company to repair and Macadamize their road.

Passed February 26, 1868.

Be it enacted by the Legislature of West Virginia :

Directors may borrow money and give mortgage.

1. That for the purpose of stoning and otherwise putting in repair the Wellsburg and Bethany turnpike, it shall be lawful for the board of directors thereof to borrow such sum of money as they may deem necessary for that purpose, and secure the same by a mortgage upon the said road and its franchises.

Directors may issue preferred stock.

2. Should the said road deem it inexpedient or impracticable to raise the funds necessary for the purpose indicated in the first section, in the manner therein prescribed, then it shall be lawful for the said board to issue preferred stock of the par value per share of the original stock of said company, to such an amount as may be necessary for the purpose indicated, and pledge the payment of six per cent per annum dividends from the net earnings of said company upon such preferred stock, before the payment of any dividends upon the original stock of said company.

Brooke county may subscribe to loan or preferred stock.

3. And whereas, the county of Brooke now owns the interest in said turnpike company formerly held therein by the State, and is, therefore, interested in the improvement of said road, as are the private stockholders, it shall be lawful for the board of supervisors of Brooke county to subscribe, on behalf the county, for such sum, either under the first or second section of this act, as to them shall seem expedient and proper; Provided, that such subscription, whether to the loan or preferred stock, shall not exceed the ratio to the whole amount proposed to be raised hereunder, which the stock now held by said county by transfer from the State, bears to the original paid in capital stock of said turnpike company; and provided, further, that no subscription to such loan or preferred stock shall be made by said board of supervisors, unless and until authorized by three-fifths of the qualified voters of said county, to be ascertained in the manner provided by the ninth section of chapter seventy-eight of the acts of eighteen hundred and sixty-three.

Limit to subscription.

Subscription must be authorized by voters.

CHAPTER 62.—An ACT to amend section 42, chapter 118, of the Acts of 1863.

Passed February 26, 1868.

Be it enacted by the Legislature of West Virginia :

Section amended.

The forty-second section of chapter one hundred and eighteen of the acts of eighteen hundred and sixty-three, entitled "An Act to provide for the assessment of taxes," is hereby amended and re-enacted so as to read as follows :

Personal property exempt from taxation.

"42. All personal property described in this section, and to the extent herein limited, shall be exempt from taxation, that is to say :

All public and family libraries ; all books, apparatus, furniture, donation and money belonging to colleges, incorporated academies and free schools, and used for college and school purposes ; or to the public institutions for the education of the deaf and dumb and the blind ; or houses of refuge, or to the lunatic asylum ; and all personal property belonging to orphan asylums, or overseers of the poor in their official capacity ; and exclusively to the State, or to any county or township therein ; all fire engines or other implements for the extinguishment of fires ; all agricultural productions grown directly from the soil, and the natural increase in number and the products of live stock during the year previous to the first day of February, in any year, when such products remain unsold in the possession of the producer on said first day of February ; and all manufactured articles and products of mechanical skill or labor produced in this state during the year previous to the said first day of February, and remaining unsold in the hands of the producer on that day."

Libraries.

School property.

Property of benevolent associations.

Fire engines.

Agricultural productions.

Manufactured articles.

CHAPTER 63.—An ACT to amend Section 208 of Chapter 122 of the Acts of 1863.

Passed February 26, 1868.

Be it enacted by the Legislature of West Virginia :

Section two hundred and eight of chapter one hundred and twenty-two of the acts of eighteen hundred and sixty-three, an act entitled "An Act to regulate the election and qualification of justices and constables, and to prescribe in part their powers and duties," passed December seventh, eighteen hundred and sixty-three, is hereby amended and re-enacted so as to read as follows :

Section amended.

"208. If the judgment of the justice be affirmed as aforesaid, or if upon the trial in the court, the appellant do not increase the original judgment, if it was in his favor, or reduce it if it was against him, more than five dollars, exclusive of interest and costs, the appellant shall pay the costs of such appeal ; Provided, the appellant shall in no case recover costs where the original judgment against him is reduced more than five dollars, unless before such appeal is tried, he shall have tendered the appellee an amount equal to or greater than the judgment recovered on the trial of such appeal, together with all costs that may have accrued up to the time of such tender."

Costs of appeal from a Justice.

Provided.

CHAPTER 64.—An ACT to repeal so much of the Code of Virginia, second edition, as provides for punishment by stripes.

Passed February 26, 1868.

Be it enacted by the Legislature of West Virginia :

So much of the code of Virginia, second edition, as provides for punishment by stripes, is hereby repealed.

CHAPTER 65.—An ACT relating to the Exchange Bank of Virginia, at Weston.

Passed February 26, 1863.

Be it enacted by the Legislature of West Virginia:

Indebtedness to Exchange Bank at Weston may be paid in its notes.

1. That it shall be lawful for any debtor of the Exchange Bank of Virginia, at Weston, to pay their indebtedness, in whole or in part, other than indebtedness evidenced by stock notes, to said Exchange Bank, at Weston, in any of the notes payable by and at said bank at Weston.

Stock to be paid to stockholders resident in this State.

2. That it shall be the duty of the officers and directors conducting and controlling said bank, to pay severally to the stockholders holding the five hundred and fifty-seven shares of the stock of the said bank, who reside in the state of West Virginia, which stock is evidenced by the books of said bank at Weston, on the seventeenth day of April, eighteen hundred and sixty-one, or to their legal representatives respectively, their said stock at par, with interest thereon at the rate of six per centum per annum, from the first day of July, eighteen hundred and sixty-two; and they are further authorized to abate from the said stock and interest thereon the amount of any stock note founded on such stock, and interest thereon, together with any other indebtedness due or owing from persons holding any of said stock.

Abatements from such payments.

Balance to be paid over to assignee of bank.

3. That it shall be the duty of said officers and directors, after said notes payable at said bank at Weston and said stock are adjusted as hereinbefore provided for, to pay over and deliver the balance of the assets, money, choses in action, property, rights, credits or other thing under their control, or otherwise held by the said Exchange Bank of Virginia, at Weston, to the assignee of the Exchange Bank of Virginia.

Time for payment of notes limited.

4. If the notes of the Exchange Bank of Virginia made payable at Weston, are not presented in payment of indebtedness, as hereinbefore directed, within three months after notice of acceptance by the board of the Exchange Bank of Virginia, at Norfolk, as hereinafter provided for, the same shall not thereafter be received in payment as aforesaid; and no action or proceeding for the recovery of the same shall be prosecuted; and to this end, R. J. McCandlish, cashier of said bank at Weston, shall cause to be published in two newspapers published in Wheeling, and in one or more other newspapers published in this State, a notice to the holders of such notes that they will not be received after the expiration of said time. Such notice shall be published for at least four weeks successively before the expiration of said time.

Notice to note-holders.

How long present officers to continue in office.

5. The officers and directors of said bank at Weston shall continue in office until the business thereof shall be closed as directed by this act, and all the rights and remedies now existing for and in behalf of the said branch of the Exchange Bank of Virginia at Weston, for the

collection of debts or the enforcement of other causes of action, shall continue until all collections are made, or other causes enforced, and in the event of the transfer hereinbefore directed, suits may be prosecuted upon the several subjects of said transfer in the name of "The Exchange Bank of Virginia," for and in behalf of the assignee of the Exchange Bank of Virginia, or otherwise, as directed by the law in force immediately preceding the passage of this act; and any part of any act inconsistent with this act shall be deemed to be repealed.

Suits by assignee after transfer.

Acts repealed.

6. That upon the expiration of the time provided for the redemption of said notes in payment of indebtedness, as herein provided for, the said transfer to said assignee shall be made.

When transfer to be made.

7. This act shall not be construed to be in force until the Exchange Bank of Virginia, by its board of directors at Norfolk, Virginia, and the assignee of said bank shall approve, accept and agree to the terms and provisions of the same as a full and final adjustment of all pending suits, or other causes of action by the Exchange Bank of Virginia or assignee of said bank, against the officers or directors of the said Exchange Bank of Virginia, at Weston, or which seek to recover any of the money, assets or other thing directed by this act to be paid or transferred; provided such approval, acceptance and agreement shall be made, and the said officers and directors at Weston notified thereof against the first day of June, eighteen hundred and sixty-eight.

This act not to be in force until its terms are agreed to by assignee and directors at Norfolk.

CHAPTER 66.—An ACT for the relief of the securities of George C. Kerr, late sheriff of Marion county.

Passed February 26, 1868.

Be it enacted by the Legislature of West Virginia :

The securities of George C. Kerr, late sheriff of Marion county, are hereby released from all liabilities now due to the State for the State taxes assessed upon the persons and property of the said county of Marion for the years eighteen hundred and fifty-nine, eighteen hundred and sixty and eighteen hundred and sixty-one; Provided, that this act shall not be construed to release the said George C. Kerr from any of said liabilities.

Securities released.

Kerr not released.

CHAPTER 67.—An ACT to amend the charter of the West Virginia Transportation Company.

Passed February 26, 1868.

Be it enacted by the Legislature of West Virginia :

1. That an act passed February twenty-sixth, eighteen hundred and sixty-seven, be so amended as that the West Virginia transportation company, organized under said act, shall have power to construct and maintain a line or lines of tubing, for the purpose of transporting petroleum.

Company may construct tubing for petroleum.

Route and termini of pipes.

Company may own cars, &c. and store and deal in oils.

Condemnation of lands.

Burning Springs excepted.

When company may commence operations.

petroleum or other oils through pipes of iron, or other materials, in the counties of Wirt, Wood, Ritchie and Pleasants, in the State of West Virginia, to any railroad or other roads, or to any navigable stream or streams in or adjoining the counties aforesaid, and to transport from the termini of said pipe or pipes, petroleum or other oils in tank cars, boats or other receptacles belonging to said company. And for this purpose said company shall have the privilege to construct, own and run tank cars, boats or other receptacles, for the transportation of petroleum or other oils, so far as the said privilege does not interfere with rights already granted to other corporations; and to receive and hold said oils on storage; and to buy and sell said oils on commission or otherwise. And the said company shall have power, at any time during the corporate existence of the company aforesaid, to enter and condemn lands, and to acquire rights of way in the counties aforesaid, for the purposes of said company, in the manner provided in the fifty-sixth chapter of the code of Virginia, second edition; and in such cases where it may be deemed advisable by said company, shall, at its option, have the power to acquire a sufficient right of way only for the purpose of its said improvement, over any such lands, instead of the fee simple thereof.

2. That Burning Springs run, in the county of Wirt, shall be excluded from the territory aforesaid; except that the West Virginia Transportation company shall have the privilege of connecting, at the mouth of Burning Springs run, in the county of Wirt, with any line or lines of tubing now laid, or which may be hereafter laid.

3. That when the capital stock of said company is subscribed, and two-thirds of the same is paid in, the company aforesaid shall have the privilege of commencing business. And so much of the above recited act as is inconsistent with this amendment, is hereby repealed.

CHAPTER 68.—An ACT providing for the collection of back taxes in the county of Cabell.

Passed February 26, 1863.

Be it enacted by the Legislature of West Virginia:

John Alford, late sheriff, authorized to distrain and sell for back taxes in Cabell and Lincoln.

1. That John Alford, late sheriff of Cabell county, and his late deputies in said office, may enforce the payment of all the uncollected taxes and levies assessed and made in the said county of Cabell for the years eighteen hundred and sixty-one, eighteen hundred and sixty-two, eighteen hundred and sixty-three, eighteen hundred and sixty-four and eighteen hundred and sixty-five, now in their hands for collection, by distress and sale of property, in the manner now provided by law. Such distress and sale may be made in that part of the county of Lincoln which was taken from the county of Cabell, as well as in the said county of Cabell.

2. The time in which the said Alvord is required to account for the said taxes and levies, and also the taxes and levies of eighteen hundred and sixty-six, is hereby extended to the first day of January, eighteen hundred and sixty-nine.

Time for collection of taxes extended.

CHAPTER 69.—An ACT allowing and legalizing a mill dam across Piles Fork of Buffalo creek, at the town of Mannington.

Passed February 26, 1868.

Be it enacted by the Legislature of West Virginia:

1. That the mill dam heretofore erected across Piles Fork of Buffalo creek, at the town of Mannington, in the county of Marion, and now used by James O. Watson in connection with his grist mill thereat, be and the same is hereby allowed, legalized and established, and the said Watson, and those who may hereafter claim said mill property under him, may and are hereby authorized to continue and maintain the said mill dam, and shall have the exclusive property therein and use thereof for said mill, and for the purposes thereof.

Watson's mill-dam authorized.

2. That the said Watson, or those hereafter claiming said mill property under him, may, at pleasure, lower or raise said dam for the use and purposes of said mill; Provided, however, that the said dam shall in no event, or at any time, be over ten feet in height.

Height of dam.

CHAPTER 70.—An ACT to incorporate the Point Pleasant and Mud Bridge Turnpike Company.

Passed February 27, 1868.

Be it enacted by the Legislature of West Virginia:

1. It shall be lawful to open books for receiving subscriptions to an amount not exceeding one hundred thousand dollars, to be divided into shares of twenty-five dollars each, to constitute a joint capital stock for constructing a turnpike from the mouth of the Great Kanawha river, at Point Pleasant; thence down the Ohio river to the Gallipolis road; thence along said road by David George's, and thence to John M. Ball's; thence to George W. Summers'; thence to Mud Bridge, in Cabell county, or by such route as the corporation hereinafter provided may determine. Said books to be opened under the direction of George W. Summers, William Deal, William Sturgeon, Gideon Brown, John M. Hanley, Isaac H. Ball, John M. Ball, Archibald Campbell, Charles A. Vaughn, E. M. Rollins, George Fadley, George R. Henry, James E. Clendenen and Charles T. Beale, or any two or more of them, at such place and at such times as a majority of the above commissioners may appoint, ten days' notice thereof being previously given in a newspaper published in Point Pleasant, and if two papers be published therein, in both of said papers. The townships along said line may subscribe to said stock by a majority of

Subscription books.

Route of turnpike.

Township subscriptions.

Township sub-
scriptions.

the legal voters in any of said townships voting for the same, but no township shall take more stock than ten per cent upon the one hundred dollars valuation of property, personal and real, and ten days notice shall be given of the intention to vote for said subscription, by publishing the same in the county newspaper, if any, and at ten conspicuous public places in each township before such vote shall be taken. When ten thousand dollars of the capital stock shall have been subscribed, then the subscribers, their executors, administrators, and assignees or successors, shall be incorporated by the name of "The Point Pleasant and Mud Bridge Turnpike Company." The said turnpike road shall be open not less than thirty feet wide.

Incorporation.
Width of road.

Grade of road.

2. It may be located at such grade as the company may deem most expedient, not exceeding five degrees, and the said corporation shall be subject to the provisions of the code of Virginia, second edition, relating to turnpike companies. The said corporation shall elect a board of directors for the management of the affairs of the said road, and make such by-laws and regulations as may be necessary for the government of the same. The said company may erect gates upon said road and collect tolls thereon, not exceeding those now allowed by law, and said tolls shall first be applied to keeping the said road in good repair, before any dividend shall be paid to the stockholders. The supervisor of any township that may take stock in said road, shall represent the township in all business, and constitute one of the board of directors of said company.

Directors.

Toll gates.

Supervisors to
represent town-
ships.

CHAPTER 71.—An ACT to amend the act passed February 27, 1867, entitled "An Act to provide for the improvement of the navigation of the Great Kanawha river."

Passed February 27, 1868.

Be it enacted by the Legislature of West Virginia:

Corporations au-
thorized to sub-
scribe to Naviga-
tion Company.

1. All existing chartered companies and corporations and those hereafter chartered on the Great Kanawha river and its tributaries, may subscribe to the capital stock of the Great Kanawha Navigation Company.

Purchase of land
authorized.

2. That the Great Kanawha Navigation Company be and is hereby authorized to acquire land by purchase, in payment of stock or otherwise.

CHAPTER 72.—An ACT to amend the law concerning Corporations.

Passed February 27, 1868.

Be it enacted by the Legislature of West Virginia:

1. That any corporation formed, or which may hereafter be formed, or which has accepted or may accept the provisions of the "Act providing for the formation of corporations and regulating the same,"

passed October twenty-sixth, eighteen hundred and sixty-three, may, at any general or special meeting of the stockholders thereof, by resolution or resolutions, make such reduction in the par value of the capital stock thereof as may be decided upon by said stockholders, a majority of the stock of such companies being represented by the holders thereof being present either in person or by proxy, and voting for such reduction; provided, that notice be given by advertisement published four successive weeks in some newspaper of general circulation printed in this state, of the intention to offer such resolution.

Corporations may reduce par value of stock
after notice.

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

Certificate of Secretary of the State.

CHAPTER 73.—An ACT to amend an act entitled “An Act to incorporate the town of Brandonville, in the county of Preston,” passed February 24, 1858.

Passed February 27, 1858.

Be it enacted by the Legislature of West Virginia :

1. That section two of an act entitled “An Act to incorporate the town of Brandonville, in the county of Preston,” is hereby amended and re-enacted so as to read as follows :

Section amended.

“2. The qualified voters of said town shall, on the third Saturday of March in each year, elect a mayor and six trustees.”

Election of officers.

2. That the said act be further amended by adding thereto the following as sections four, five and six :

Sections added.

“4. The mayor shall be the chief executive officer of the town. He shall take care that the orders, by-laws, ordinances, acts and resolutions of the council are faithfully executed. He shall be *ex officio* a justice and conservator of the peace of the town, and shall, within the same, possess and exercise all the powers and duties vested by law in a justice of a township, except that he shall have no jurisdiction as such in civil cases. He shall have control of the police of the town, 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 town 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 town before issuing his warrant therefor. He shall have power to issue ex-

Mayor; his duties and powers.

ecutions 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 Preston county until the fine or penalty and costs shall be paid; but the term of imprisonment in such case shall not exceed thirty days."

Commitment for fines.

Town licenses.

"5. Whenever anything for which a State license is required is to be done in said town, the council may require a town license therefor, and may impose a tax thereon for the use of said town. But no license to sell strong or spirituous liquors, wine, beer, ale, porter or drinks of like nature within said town, shall be granted by the board of supervisors of the county of Preston, unless the person applying therefor shall produce to said board of supervisors the certificate of the council of said town of its consent to the granting of such license. The council may require from a person so licensed a bond, with sureties payable to said town in such penalty and with such conditions as it may think proper, and may revoke such license at any time if the conditions of said bond be broken."

Supervisors of Preston county not to grant license without consent of council.

Oaths of officers.

"6. Before any such officer shall enter upon the discharge of the duties of his office, he shall take the oath now required of officers generally."

CHAPTER 74.—An ACT for the relief of William Thompson, late sheriff of Boone county, and his sureties.

Passed February 27, 1868.

Be it enacted by the Legislature of West Virginia :

William Thompson, late sheriff of Boone county and his sureties are hereby released from all liability for the taxes on real and personal property and capitations and licenses, and for fines imposed by the court and militia fines for the years eighteen hundred and fifty-nine and eighteen hundred and sixty, on account of which the said Thompson was chargeable, as sheriff, in the office of the auditor of public accounts of Virginia.

Thompson and sureties released from certain liabilities.

CHAPTER 75.—An ACT amending Section 14 of Chapter 61 of the Code of 1860.

Passed February 27, 1868.

Be it enacted by the Legislature of West Virginia :

The fourteenth section of chapter sixty-one of the code of Virginia, of eighteen hundred and sixty, is hereby amended and re-enacted so as to read as follows :

Code amended.

"14. On all turnpikes in this State, tolls not exceeding the following rates may be received on every section of five miles, to-wit: five cents for twenty sheep or hogs, and ten cents for twenty-cattle, and so

Rates of toll on turnpikes.

in proportion for a less or greater number ; three cents for a horse, mare, mule or gelding ; ten cents for a riding carriage, whether two or four wheeled ; and for a cart or wagon, if the wheels are not more than four inches wide, five cents for each animal drawing it ; and if the wheels are more than four and less than seven inches wide, three cents for every such animal, and if the wheels are seven inches wide or more, one cent for every such animal ; for a fractional part of a section, tolls may be received bearing the same proportion to the tolls of a full section that said fractional part bears to such full section ; Provided, that all coaches, carriages, horses and vehicles attending funerals shall be exempt from all tolls whatever.

Rates of toll on turnpikes.

Funeral carriages exempt from tolls.

CHAPTER 76.—An ACT to incorporate the Horse Shoe and Backbone Turnpike Company.

Passed February 23, 1868.

Be it enacted by the Legislature of West Virginia :

1. It shall be lawful to open books for receiving subscriptions to an amount not exceeding ten thousand dollars, divided into shares of ten dollars each, to constitute a joint capital stock for constructing a turnpike road from the Horse Shoe bend of Cheat river, in Tucker county, crossing the Backbone mountain at or east of the "Sugar Lands," to the coal mines in said county. The said books shall be opened under the direction of William R. Parsons, Arnold Bonni-field, Jesse Parsons, Rufus Maxwell and David Closs, or any two of them, for the purpose of receiving subscriptions ; and when enough is subscribed to survey and locate said road, then the said subscribers shall be incorporated by the name of "The Horse Shoe and Backbone Turnpike Company." Subscriptions may be paid in labor, under a special agreement in writing entered into to that effect, after the company is organized.
 - Subscription books.
 - Commissioners.
 - Incorporation.
 - Subscriptions in labor.
2. Said turnpike shall be opened twelve feet wide between the ditches, and the grade thereof shall not exceed five degrees.
 - Width and grade of road.
3. The said company shall elect a board of directors for the management of the affairs of the road, and make such orders, by-laws and regulations as may be necessary for the government and management of the same.
 - Directors.
4. The said company may charge and collect tolls allowed by law ; but on coal, one cent and a half per bushel ; lime, one half of one cent per bushel, and on round or hewn timber, one cent per cubic foot may be charged, when transported over more than one half of the length of the road. And said tolls shall be applied to keeping the road in repair, and if any surplus money is left on hand when the road is in good repair, it may be divided among the stockholders.
 - Rates of toll.
 - Dividends.

CHAPTER 77.—An ACT to provide free schools for the town of Weston.

Passed February 28, 1868.

Be it enacted by the Legislature of West Virginia:

Boundaries of district.

1. The town of Weston and parts of school districts contained within the following boundaries, to-wit: Beginning at the mouth of Murphy's creek and running down the West Fork river with the meanders thereof to the mouth of Panther run; thence up said run with the meanders of the same to its head; thence in a line to Stone Coal creek, east of the dwelling house of John Kieran, so as to include East Weston or Germantown; thence in a line so as to include the dwelling houses of John Kieran and Catherine McGeary, to the stable of Abraham Smith, jr.; thence in a straight line to the Low Gap at the head of Gee Lick run; thence in a straight line to Murphy's creek, including the dwelling houses of Marshal Turner and Adam B. Flesher; thence down said Murphy's creek with the meanders thereof to the place of beginning, shall constitute one school district; and the board of education shall consist of three commissioners, who shall be elected by the resident voters of the district and have exclusive control of all schools within the same.

Board of education.

2. The board of education for the school district of Weston shall be invested with the same rights and shall exercise the same powers, perform the same duties and be governed by the same laws that boards of education of townships are, except in so far as they are exempted by the provisions of this act. Wherever the word "township" occurs in the school law, it shall be construed to mean "school district" whenever necessary to give effect to this act.

Powers and duties of board.

Board incorporated.

3. The board of education of said town, herein provided for, shall be a corporation by the name of "The Board of Education of Weston," and by that name may sue and be sued, plead and be impleaded, contract, purchase, hold and grant estates, personal and real, 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 conducting of its affairs.

Election of commissioners to constitute board.

4. The qualified voters of the school district of Weston shall, on the first Saturday of April next and annually thereafter, elect three commissioners as herein provided for. The town council of Weston shall appoint three voters of said district to conduct said election.

Their official term.

5. The official term of the commissioners to be elected under this act shall commence on the first day of July next succeeding the time of their election, unless said election be to fill a vacancy, in which event the persons so elected shall commence the duties of their said offices within five days after they shall be officially notified of their election.

6. The board of education of the school district of Weston shall, at their first meeting or as soon thereafter as may be practicable, elect one of their own members to act as clerk of said board, who shall perform all the duties which are required to be performed by a clerk of a township, which may be consistent with this act, but shall not vote on any question arising in the board, by reason of being clerk of said board, but shall be allowed to vote as commissioner. They shall also appoint a treasurer, and require from him a bond with sufficient security, in such penalty as may be deemed requisite, or if deemed more expedient, may require all money collected for school purposes to be paid into the National Exchange Bank of Weston, such money to be at all times subject to payment on the order of said board of education of said town.

Clerk of board.

Treasurer.

7. The board of education of said school district of Weston shall have power to establish an adequate number of primary schools and a central high school, by such name as may be prescribed by said board, in which may be taught all the branches of education usually taught in colleges, and shall have power to admit to said schools other pupils not resident in said school district, upon payment of such tuition as they may prescribe, and make all necessary rules and regulations for the admission of pupils therein and for the examination that pupils must pass preparatory to admission into schools of higher grade, and to purchase and condemn all necessary real estate for school house or college sites and do any other act for the good government of said schools.

Establishment of schools.

Regulation of the same.

Condemnation of land.

8. The board of education of the school district hereby created may annually, at their meeting on the first Monday of July, or at some subsequent meeting, appoint a superintendent of schools of the school district of Weston, whose duty it shall be to perform in and for said school district all the duties which in the general school law of the state are devolved on the county superintendent, so far as not inconsistent with the provisions of this act, also such other appropriate duties as the said board may prescribe, and especially examine teachers and grant certificates in accordance with the provisions of the general school law.

Superintendent of schools.

His duties.

9. It shall be the duty of the board of education of the school district aforesaid to determine, at their annual meeting on the first Monday of July, as near as practicable the amount of money necessary, in addition to all other available funds which ought to be expended for school purposes in said district for the succeeding year, for which amount said board shall levy a tax upon the property included in said district and the residents thereof and collect the same, and a lien is hereby declared to exist on the real estate of the inhabitants of said district for all taxes levied thereon, and the said board shall carry into effect the provisions of this act in the same manner as other school tax is collected under the provisions of the general school law of this state.

Annual levy for school purposes.

Rate of taxation. 10. The taxes to be raised as aforesaid for school purposes in said school district, shall never exceed the rate prescribed for State taxes for any year, and the amount so levied and collected as aforesaid, may be used entirely for educational purposes, or entirely for building purposes, or partly for either, as the board of education may from time to time determine, but shall not be used for any other purposes.

For what purposes taxes to be used.

Treasurer's commissions.

11. The treasurer of said school district shall be allowed a commission of three per cent upon all moneys collected and paid over, and not more; and it is further provided that said treasurer shall receive an additional commission of two per cent upon all taxes the default of the payment of which shall render it necessary to collect by justice's warrant or distraint.

CHAPTER 78.—An ACT allowing the Board of Supervisors of Morgan county to exempt her citizens from performing labor on public roads.

Passed February 28, 1868.

Be it enacted by the Legislature of West Virginia :

Supervisors may exempt persons on payment of tax.

The board of supervisors of Morgan county, in this State, may exempt the male inhabitants, citizens of said county of Morgan, between the ages of twenty-one and fifty years, from performing labor on public roads, by levying a head tax on each person so exempt annually; said tax not to exceed the sum of one dollar and fifty cents to any one person so taxed in any one year. Said tax to be collected as prescribed by said board, for opening and keeping in repair the public roads of said county of Morgan. The said board of supervisors may empower the road surveyors of said county to collect the said road tax, and employ a sufficient number of hands deemed necessary by them to perform the labor required on said public roads, and the said surveyors shall pay said hands so employed, a price designated by said board, out of the funds raised for road purposes.

How tax collected and expended.

CHAPTER 79.—An ACT to amend and re-enact Section 21 of Chapter 80 of the Acts of 1865.

Passed February 29, 1868.

Be it enacted by the Legislature of West Virginia :

Section amended.

That section twenty-one of an act passed February twenty-eighth, eighteen hundred and sixty-five, entitled "An Act to amend and re-enact the charter of the town of Fairmont, in the county of Marion," be amended and re-enacted to read as follows :

Town licenses.

"21. When anything for which a State license is required is to be done within the said town, the council may require a town license to be had for doing the same, and may impose a tax thereon for the use of the town, and the council may, in any case, require from the per-

son so 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 condition of said bond be broken. And no license to sell strong or spirituous liquors, or wine, beer, ale, porter, or drinks of like nature, within said town, or within two miles of the corporate limits thereof, shall be granted by the supervisors of Marion county, unless the person applying therefor shall produce to said supervisors the certificate of the council of said town of its consent to the granting of such license.

Town licenses.

Supervisors of Marion county not to grant license without consent of council.

CHAPTER 80.—An ACT amending and re-enacting the charter of the town of Martinsburg.

Passed February 29, 1868.

Be it enacted by the Legislature of West Virginia:

The charter of the town of Martinsburg is amended and re-enacted so as to read as follows:

Charter amended.

1. On the fourth Monday in May, eighteen hundred and sixty-eight, and on the same day annually thereafter, the voters of the town of Martinsburg, in the county of Berkeley, qualified to vote for members of the Legislature, who shall have resided within said town for one year next preceding the election, and who shall have paid the corporation taxes assessed upon them for that year, shall elect a fit and proper person, being a freeholder and resident of said town, to serve as mayor thereof for the period of one year, or until his successor be duly elected and qualified. And if, from any cause, the election for said officers of the said corporation shall not or cannot be held at the time appointed by the act, that the mayor and council shall, and are hereby authorized and empowered to order an election to fill said vacancies, by giving at least ten days' notice, to be published in some newspaper published in the town of Martinsburg, or by written or printed notices posted up in at least three public places in said town.

Election of mayor.

Election to fill vacancies.

2. The said town shall be and is hereby divided into three wards, as follows: All that portion of the said town lying east of a line drawn through the centre of Queen street, from its northern to its southern terminus, shall constitute the first ward; all that portion of said town lying west of the said line through the centre of Queen street, and north of a line drawn from the centre of the public square through King street, to the western extremity of King street, shall constitute the second ward; and all the remaining portion of said town shall constitute the third ward. The common council hereafter provided for, shall have power to alter the boundaries of said wards, and provide for an increase in their number, in case of the extension of the corporate limits of said town; Provided, that such alteration and increase receive the assent of two-thirds of all the members of the council.

Division of town into wards.

Change of number and boundaries of wards.

Election of councilmen.

3. On the fourth Monday in May, eighteen hundred and sixty-eight, and on the same day annually thereafter, the voters in each of the said wards qualified to vote for mayor, who shall have also resided ten days in their ward, shall elect two councilmen, freeholders and residents of their ward, to represent such ward in the common council; and the commissioners conducting the election shall give a certificate of election to the person elected, on the day following the said election. The commissioners in each of the said wards shall assemble, count the votes for mayor, and give a certificate of election to the person chosen. The mayor and council shall appoint one or more sergeants for said corporation, to serve for the term of one year.

Certificates of election.

Appointment of treasurer.

Common council; its powers.

4. The mayor and councilmen so elected shall constitute the common council of Martinsburg, and all the powers, rights, capacities and privileges vested in the council of a town by the fifty-fourth chapter of the code of Virginia, second edition, shall be vested in the council of the town of Martinsburg, and in addition thereto, the said council shall have power to impose a tax on dogs, and pass such ordinances prohibiting domestic animals from running at large in the streets of said town, and also the sale of fire works, crackers, rockets, &c., as may be deemed necessary for the safety and comfort of the inhabitants thereof. For neglect of duty, malfeasance in office, or other good cause, the council shall have power to impose fines or to dismiss from office any officer or agent appointed by them. The style of the town shall be "The Corporation of Martinsburg;" under which name and style it may sue and be sued, have a common seal, and exercise all the rights of corporations generally.

Punishment of officers for neglect, &c.

Style and incorporation of town.

Annual levy.

5. For the purpose of improving the streets and maintaining a sufficient police, of providing for the furnishing of the said town with water, and for lighting the streets and supplying the town with gas, and for the erecting of any building, water works, gas works, or any improvement of a general nature, and for carrying out the powers conferred by section twenty-five of chapter fifty-four of the code of Virginia, second edition, the council may levy and collect annually a tax on all the real and personal property within the corporation, not exempt by law from taxation by the laws of this State. The council shall cause to be annually 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 town levy of so much as, in its opinion, is the amount which may be raised from licenses and other sources. The levy so ordered shall be upon all male persons, residents of said town, over the age of twenty-one years, dogs, and all real and personal estate within said town subject to State and county taxes; Provided, that the tax so levied do not exceed one dollar on every one hundred dollars of value of unimproved lots, (or lots upon which there is no building,) and seventy-five cents on every one hundred dollars of value of other real and personal property, or two dollars per head on each taxable person. The council may, when anything for which a license is required by chapter one hundred and thirteen

Estimate to be entered in journal.

Upon whom levy may be laid.

Limit to levy.

Licenses.

of the acts of the Legislature of Virginia, passed at its first session, Town Licenses. is to be done within the town, impose a tax for the privilege of so doing the same, and require a license to be obtained therefor from said council, and may, in any case which it sees fit, require from the person licensed, bond and securities, in such penalty and with such consideration as it may deem proper.

6. For the encouragement of manufacturers within the said town, the council, in providing for the collection of taxes, may discriminate in favor of milling, manufacturing, and other similar establishments within the corporate limits thereof, so as not to levy upon them, or any of them, taxes in proportion to their taxable value, but may exempt the same from taxation, or fix the rates thereof as the said council, in its discretion may determine. Council may discriminate in favor of manufactories in taxation.

7. The said common council, or a majority of the council, shall have power, whenever it is deemed expedient, to have the footways, sidewalks, gutters, and such other part of the streets and alleys of the said town as they shall designate, paved or otherwise suitably improved or altered, at the expense or charge of either the owners or occupants of the lots or parts of lots, along the fronts or sides of which such footways, sidewalks, or other improvements extend. And in case the owner or owners, or if he, she or they reside out of the county of Berkeley, then the tenants or occupants of such lots or parts of lots, shall neglect or refuse to repair or otherwise suitably improve the same when required, and according to the direction of the said council, it shall be lawful for the said council, or a majority thereof, to have the same paved and otherwise suitably improved, and to recover the expense thereof from such owner or occupier, by motion, in a summary manner, before the mayor of said town, provided the sum sought to be recovered does not exceed fifty dollars, or before the circuit court of Berkeley county, where it exceeds fifty dollars; provided, the said owners, tenants or occupants shall have ten days' notice of such motion; or the said council, or a majority thereof, may impose upon the said owners, tenants or occupants, such reasonable fines or penalties, from time to time, as may be necessary to enforce obedience to any order or orders made by the council concerning any such improvement, to be recovered in like manner, and to be applied in the first place to making the pavement or other improvement required to be made by the person or persons paying such fine or fines, and afterwards, if any surplus remain, to the general benefit of said town, in the same manner as money levied from the ordinary annual assessment. And in all cases where a lessee or tenant shall be required to pave or otherwise improve or alter any street or alley along the side or sides of the property by him occupied, and for which property, by the contract with his lessor or landlord, he shall be bound or liable to payment, or shall be compelled to pay for such improvement, the expenditure by him incurred in making any such improvement, or in paying for the same, shall be a good and valid set-off against so much of the rent due or accruing to his lessor Power of council over streets. If owners fail to repair walks, &c., council may do so at expense of owners. How expenses of repairs recovered. Fine for refusal to make such repairs. Expense of repairs may be set off against rent.

Lien for taxes. or landlord. All taxes assessed upon any vacant or unimproved lots in said town, and all such expenditures as may be incurred in making sidewalks, gutters and other improvements in front or along the sides of such vacant or unimproved lots, are hereby declared to constitute a lien upon such vacant and unimproved lots, in the hands of the owner, or his heirs, devisees, assignees, or any subsequent purchaser, or other person claiming the same, and may be recovered by the said council from such subsequent purchaser or other person entitled to such lot, in like manner as they might have been recovered from the original owner or occupier.

Council; its meetings, clerk and treasurer.

8. The council shall have stated meetings, shall appoint a clerk, who shall keep a fair record of their proceedings, and shall elect one of their own number treasurer, who shall keep an account of all moneys received and disbursed by order of the council, and shall annually publish in one or more papers printed in the town of Martinsburg, a statement showing all corporation receipts and expenditures. The council shall provide by ordinance for the compensation of the mayor, clerk, treasurer and police sergeants, but no compensation shall be allowed to any member of the council exceeding fifty dollars, unless he be acting as mayor *pro tempore*, as hereinafter provided for, or as treasurer.

Compensation of officers.

Bonds of treasurer and sergeants.

9. The treasurer and the police sergeants shall, upon entering upon the duties of their offices, give bonds, with sufficient surety, in such penalties as the council may prescribe, payable to the corporation of Martinsburg, and it shall be lawful to institute proceedings, by action or motion, upon their bonds, in the circuit court of Berkeley county, in the same manner as is now provided by law for proceedings upon bonds of sheriffs and sergeants. The said bonds shall be filed in the clerk's office of Berkeley county, and legal proceedings may be instituted upon a copy or copies thereof, made out by said clerk and certified to be correct.

Sergeants; their powers and duties.

10. The said sergeants shall execute all process and writs issued by the mayor, collect all fines imposed under the by-laws and ordinances of the said town, and all taxes and dues levied by the council within their respective wards; and in making such collections, the said sergeants shall have and use the same power as any sheriff of any county may have and use in collecting taxes. The money so collected from fines and taxes shall be paid by the sergeant to the treasurer, after deducting the commissions, not in any case to exceed five per cent on the amounts so collected, which may be allowed by ordinance of the council. It shall be the duty of each of the said sergeants to preserve order within the corporate limits of said town and the jurisdiction thereof, as hereinafter extended, repress all rioting, noise and disturbance, execute all the ordinances and laws of the town, and obey the directions of the mayor, or any justice of the county of Berkeley residing in said town, and for his failure to discharge the duties hereby imposed upon him, he shall be liable to a fine of not less

than ten nor more than one hundred dollars, recoverable by motion upon his official bond, against himself and his sureties, after ten days' notice, before the circuit court of Berkeley county. It shall, moreover, be his duty to arrest all offenders and suspected persons, and bring them before the mayor for examination, and in all cases report to the mayor any violation of law which shall come under his notice, and in the execution of the laws and ordinances of said town, the said sergeants shall have concurrent power and authority in all parts of said town and the territory included by this act within its police and municipal jurisdiction.

Sergeants; their powers and duties.

11. In all meetings of the council the mayor, if present, shall preside; in his absence, the council shall appoint a president *pro tem*. The mayor, as chief magistrate of the town, shall take care that all the by-laws and ordinances be faithfully executed. He shall have power to issue process, hear and determine all cases and controversies which shall arise under the by-laws and ordinances of the town; to impose fines and inflict punishments when authorized by law or by the ordinances of the town; to issue executions for the collection of fines, &c., saving, however, to the party the right of appeal to the council when the amount exceeds ten dollars, which appeal shall be final and subject to all the laws regulating appeals from the decision of a single justice to the circuit courts of this State. In the council he shall have no vote, unless in case of an election or a tie; nor shall he vote in any case in which an appeal has been taken from his decision. In case of his death or resignation, the president *pro tempore* of the council shall act as mayor until the next annual election, and all acts performed by him shall be as valid as if performed by the mayor.

Presiding officer of council.

Mayor; his powers and duties.

His vote in council.

How vacancy in office filled.

12. All the powers, privileges and capacities vested in justices for the county of Berkeley, are hereby vested in the said mayor; and all the rights, privileges and capacities of a constable are hereby vested in the police sergeants of the said corporation within the jurisdiction of the said council, which, for the better regulation of the peace and municipal concerns of the said town, is hereby declared to extend one mile beyond and on every side of the present limits of the town of Martinsburg; Provided, that nothing herein contained shall be construed to authorize the said council to assess any taxes or levies upon any persons or property not within the corporate limits of said town, as now defined by law.

Police powers and jurisdiction of mayor and sergeants.

13. All processes issued by the mayor shall be governed by and subject to the same laws that govern processes issued by a justice. And the circuit court of Berkeley county may, by an order entered of record, grant to said town the right to use the jail of said county for the confinement of persons charged with the violation of its laws and ordinances, upon the warrant of the mayor. And when such right is granted by either of said courts the jailor of said county is hereby authorized, without a mittimus or warrant from the mayor or

Processes issued by mayor.

Use of jail of Berkeley county.

Imprisonment of persons without warrant.

justice, to receive into his custody, in safe keeping, any person or persons that may be apprehended by the sergeants or other police officer of said town during the night time between the hours of eight o'clock, p. m., and seven o'clock, a. m., for a violation of the rules, regulations, by-laws and ordinances, or disturbing the peace of said town; and said jailor shall be authorized to retain such persons in his custody during a period of twenty-four hours, at the end of which time to be discharged, unless demanded by the sergeant or other police officer or regularly committed by a mittimus or warrant; and in all such cases the jailor shall be entitled to the fees which are provided to be paid to him for persons committed under a warrant or mittimus from a justice, and said fees shall be recoverable in the same county.

Fees of jailor in such cases.

Further powers of council.

14. For the purpose of enabling the council of said town to obtain materials for improving the streets thereof, all the privileges and rights vested in corporations by the twenty-sixth section of the fifty-sixth chapter of the code of Virginia, second edition, are hereby vested in the council of said town.

Extension of corporate limits.

15. It shall be lawful for the council of Martinsburg to extend the corporate limits thereof to the boundary lines of the township of Martinsburg if the qualified voters in said corporation and township shall be in favor of such extension. And for the purpose of obtaining the sense of the qualified voters aforesaid upon the proposed extension, the council of said town shall provide a separate ballot box for the commissioners of election for the second ward in said corporation, to be used at the election on the fourth Monday in May, eighteen hundred and sixty-eight, at which election shall be deposited in the said box the ballots of all persons desiring to vote, whose names shall be found on the corrected registry books of said township; and for this election it shall be lawful for said commissioners to use the said corrected registry books. Every ballot deposited in said box shall contain the words "For extension" or "Against extension," and the result of said election shall be certified by said commissioners to the council of said town. And if it shall appear from the certificate of the commissioners that a majority of the votes at said election were cast "For extension," then it shall be lawful for the said council to make an order extending the corporate limits of said town as aforesaid, and thereafter the corporation of Martinsburg shall extend to such lines and include such persons and territory as may be designated in said order; but if a majority of all the votes cast shall be "against extension," then said corporate limits shall not be extended.

Election on question of extension.

Rights of persons and property included in such extension.

16. In case of the extension of the corporation of Martinsburg as aforesaid, the territory and people annexed by virtue of such extension shall be on an equal footing with all persons and property in said corporation before such extension, and shall be entitled to all the benefits and subject to all the provisions of the charter and by-

laws of said town; and all the laws and ordinances of said town, of every description, shall take effect and govern such included citizens and territory in every particular. The council shall cause to be made and recorded in the manner prescribed in the first section of chapter fifty-four of the code of Virginia, second edition, a plat and survey of the town as extended. Notice of the said election shall be given by publishing the same two weeks in some newspaper published in the said township, and also by posting said notice in ten public places in the said township.

Plat and survey of extension.

Notice of election.

17. This act shall be in force from and after the thirtieth day of March, eighteen hundred and sixty-eight.

When act to go into force.

CHAPTER 81.—An ACT to release certain taxes on Bethany College.

Passed February 29, 1868.

Be it enacted by the Legislature of West Virginia:

All taxes assessed for the year eighteen hundred and sixty-seven upon the educational funds belonging to Bethany college, and not heretofore paid, be and the same are hereby remitted, it not being the purpose of the legislature to tax funds devoted to educational purposes.

Taxes remitted.

CHAPTER 82.—An ACT to incorporate the New Creek and Mechanicsburg Turnpike Company.

Passed February 29, 1868.

Be it enacted by the Legislature of West Virginia:

1. It shall be lawful to open books at New Creek, in Mineral county, under the direction of Thomas B. Davis, John Little, Thomas R. Carskadon, Nimrod Alkire, F. M. Reynolds, Henry Head, or any two of them, and at such other places as a majority of them may designate, for receiving subscriptions to the amount of ten thousand dollars, in shares of twenty dollars each, to constitute a joint capital stock for constructing a turnpike from the town of New Creek, in Mineral county, by way of Headsville, to Mechanicsburg, in the county of Hampshire.

Commissioners.

Subscriptions.

Route of turnpike.

2. The said books shall be opened and the subscription made in the manner prescribed by the code of Virginia, for the incorporation and regulation of turnpike companies; and when one hundred of the said shares of stock shall have been subscribed, the subscribers, their executors, administrators and assigns shall be and are hereby incorporated into a body politic and corporate, by the name and style of "The New Creek and Mechanicsburg Turnpike Company," subject to all the provisions and entitled to all the benefits of the aforesaid code, except so far as the provisions of this act are or may be inconsistent therewith.

Subscription books.

Incorporation.

CHAPTER 83.—An ACT to amend and re-enact sections one and five of the Act passed February 21, 1867, entitled "An Act providing for the construction of a road in the counties of Boone and Cabell."

Passed February 29, 1868.

Be it enacted by the Legislature of West Virginia:

Sections amend-
ed.

That sections one and five of the act passed February twenty-first, eighteen hundred and sixty-seven, entitled "An Act providing for the construction of a road in the counties of Boone and Cabell," be and the same are hereby amended and re-enacted so as to read as follows:

Commissioners.

"1. Edward M. Henley and A. J. Linville, of the county of Boone; William C. Mahone, Benjamin F. Curry and Anderson Adkins, of the county of Lincoln; and John Harshbarger, James H. Ferguson and F. P. T. Skelton, of the county of Cabell, are hereby appointed commissioners to locate and construct a wagon road, not less than twelve nor more than twenty feet wide, with a grade not exceeding five degrees of elevation, from the village of Barboursville, in the county of Cabell, by the best and most practicable route, by way of Lincoln courthouse, to some point on the Kanawha and Logan road, in the county of Boone; and in order to aid the citizens of said counties in the construction of said road in the counties of Cabell and Lincoln, the balance of the taxes of the county of Cabell not paid into the treasury for the years eighteen hundred and sixty-one, eighteen hundred and sixty-two and eighteen hundred and sixty-three, or so much thereof as may be necessary, are hereby appropriated and placed at the disposal of the said commissioners for that purpose; and it shall be the duty of John Alford, late sheriff of Cabell county, upon the presentation to him of the certificate of the said commissioners or a majority of them, that any contractor on said road for work or materials is entitled to the sum specified in said certificate, out of the taxes aforesaid, to pay the amount so specified out of any money in his hands arising from the collection of taxes, and all such certificates shall be legal vouchers for the said Alford in his settlement with the auditor for the taxes of the years aforesaid. In case any person owing taxes for the years aforesaid or either of them, shall be unable to pay the same in money, he may, with the assent of the said Alford and the said commissioners, pay the same in work on the said road, and the certificates of said commissioners or a majority of them that payment has been so made shall also be vouchers for said Alford in the settlement aforesaid."

Width, grade
and route of
road.

Grant of unpaid
taxes in Cabell.

Payment by
sheriff on certifi-
cates of commis-
sioners.

Sheriff credited
with such pay-
ments.

Road may be a-
dopted as county
road.

"5. The boards of supervisors of the said counties of Cabell, Lincoln and Boone, may adopt and establish the said road, when the same is located under the provisions of this act, as a county road within their respective counties, and may order the surveyors of roads in the several road precincts or districts through which the same passes to apply the money and labor subject to their control, or so much thereof as the board may deem proper, to the construction of

that portion of said road within their respective precincts or districts, at such points and in such way as the said commissioners or the person or persons appointed by them for that purpose may designate; and every such surveyor while so working upon said road shall have all the powers and perform the same duties in relation thereto as are conferred upon and required of him by the act recited in the fourth section of this act. The expenses of locating the said road, should an engineer be employed for that purpose by the said commissioners as provided for in the third section of the act herein first recited, shall be borne equally by the said counties of Cabell, Lincoln and Boone; and the board of supervisors of each of the said counties shall levy the amount necessary for the purpose and pay the same to said engineer.

Work on road.

Expenses of locating road.

CHAPTER 84.—An ACT incorporating the Slaven's Cabin and Summersville Turnpike Company.

Passed February 29, 1863.

Be it enacted by the Legislature of West Virginia:

1. It shall be lawful to open books for receiving subscriptions to an amount not exceeding ten thousand dollars, to be divided into shares of twenty dollars each, to constitute a joint capital stock for constructing a turnpike from Valley Head, in Randolph county, on the old location known as the "Slaven's Cabin and Summersville turnpike," to Sand Run, in Webster county; said books to be opened under the direction of William G. Hamrick, Adam G. Hamrick, Robert Dodrill, George Dodrill, James M. Hamrick, Isaac Hamrick, Charles M. Dodrill, William C. Dodrill, Currence Gregory, Benjamin Hamrick, G. W. K. Miller, Alfred B. Miller, P. L. J. Cogar and Thomas J. Cogar or any two or more of them, at such places and at such times as a majority of the above commissioners may appoint, ten days notice thereof being previously given by posting notices of the time and place at five of the most public places in the county of Webster and one at Valley Head, in Randolph county.

Subscription books.

Commissioners.

2. When two thousand dollars of the capital stock shall have been subscribed, then the subscribers, their executors, administrators and assigns, and any who may associate with them for that purpose, shall be incorporated by the name of "The Slaven's Cabin and Summersville Turnpike Company," subject to all the provisions and entitled to all the benefits prescribed by the code of Virginia for the incorporation and regulation of turnpike companies, except so far as the provisions of this act are or may be inconsistent therewith.

Incorporation.

3. The said commissioners or a majority of them, who shall at all times constitute a quorum for the transaction of business, may receive subscriptions in money or labor to any amount necessary for the construction of said road, and may cause the same to be expended thereon under their own supervision or the supervision of such other person or persons as they may appoint for that purpose.

Subscriptions in money or labor.

Subscriptions in labor.

4. Every person who shall subscribe for the construction of said road, payable in labor, shall state the number of days he proposes to work thereon, and in case he fails or refuses to perform such labor, he shall forfeit the sum of one dollar and fifty cents for each and every day of such failure, which may be recovered with costs in the name of said commissioners before any court of justice having jurisdiction in the case; and the said commissioners may in like manner sue and recover any and all subscriptions made for the construction of said road, payable in money.

How subscriptions collected.

Road may be let to contract.

5. The said commissioners may, in their discretion, let out the said road or any part thereof to contract, and take from the contractors bonds, with good security, payable to themselves for the faithful performance of their contracts. In case of the failure of any such contractor to comply with the conditions of his bond, the said commissioners may maintain an action for the damages occasioned by such failure.

Township levies for benefit of road.

6. The voters of any township through which any part of said road passes may, at their annual township meeting or at any special meeting called for that purpose, if the votes in favor of the proposition are a majority of the whole vote cast, levy a tax on the property of their township subject to taxation, of not exceeding, in any one year, twenty cents on every one hundred dollars of the taxable value of such property, to be applied to the construction of said road in such township.

How vacancies in the office of commissioner filled.

7. If from any cause any of the commissioners herein named shall fail or refuse to act, the remaining commissioner or commissioners shall from time to time appoint others in their stead, who shall have all the powers and perform all the duties of the commissioners appointed by this act.

Officers of company.

8. Said company hereby incorporated may elect a president and treasurer in their own body, and may also elect a secretary, who shall become one of the corporate body, and the president, treasurer and secretary shall constitute a board of directors for said company; they shall take the several oaths of office required by the laws of this state, and they may make any by-laws and regulations that may be necessary for the government of the said corporation.

Gates and tolls on said road.

9. When the said road is opened it shall be under the supervision of said corporation, and they may construct gates on said road and receive tolls thereon; said tolls so collected shall be used in paying for and keeping in repair said road; provided that no tolls shall be charged until the road be opened eight feet wide from Valley Head to Elk river, and when the road is completed sixteen feet wide of solid road, and the same is in good repair, then any money that is or may thereafter, be in their treasury, they may divide the same as they see proper among themselves according to their stock, and shall have all the income of said road so long as they keep the same in good repair.

When tolls may be charged.

Dividends.

CHAPTER 85.—An ACT to incorporate the Hughes' Creek Railroad and Coal Company.

Passed February 29, 1868.

Be it enacted by the Legislature of West Virginia :

1. That James G. Paxton, of Rockbridge county, Virginia ; Samuel A. Miller, William A. Quarrier, John S. Swann, and John Slack, Jr., of Kanawha county, West Virginia, and their associates, successors and assigns, and all who become stockholders, when five hundred shares of the capital stock shall be subscribed, are hereby made a body politic and corporate, by the name and style of "The Hughes' Creek Railroad and Coal Company."

Incorporation.

2. The capital stock of said company shall be not less than fifty thousand dollars nor more than one million of dollars, to be divided into shares of one hundred dollars each, and books may be opened by said corporators, or any three of them, for receiving subscriptions to the said capital stock at such time or times, and at such place or places, as any three of them may designate, and the said books may be closed and the company organized at such time as they may fix, and any person may hold as many shares of the stock of said company as he may subscribe for, or may be assigned to him, and each stockholder shall have one vote for every share of stock held by him.

Capital stock.

Subscription books.

Vote on stock.

3. The said company is hereby authorized to construct a railroad from some point at or near the mouth of Hughes' creek, on the Great Kanawha river, or the Chesapeake and Ohio Railroad, to the head of said creek, and shall commence the construction of said road within three years after the passage of this act, and complete the same within ten years to the head of said creek, or such point on the same as they may select as the terminus of said road.

Route of railroad.

Commencement and completion of road.

4. The said company shall be subject to all the provisions and liabilities, and entitled to all the benefits, of the code of Virginia, second edition, prescribing general regulations for the incorporation of said railroad company, especially such as are specified in chapters fifty-six, fifty-seven and sixty-one thereof, and all other general laws relating to railroad companies, except so far as the provisions of this act may be inconsistent therewith.

Powers and liabilities of company.

5. The said company are authorized to acquire by purchase, or in payment for subscriptions of stock, and hold, in fee simple, not more than twenty thousand acres of land, and to sell, mortgage, lease or otherwise dispose of the same at their pleasure, and make proper conveyances thereof.

Company may acquire land.

6. The said company are authorized to engage in the manufacture of lumber and iron, and in the mining of coal and shipping the same to market, and for this purpose may own and employ steamboats, barges and other means of transportation.

Company may engage in mining and manufacturing.

Company may borrow money.

7. The said company may borrow money at a rate of interest not exceeding ten per centum per annum, and may execute liens on their property and purchases for the purpose of securing the payment of any loans.

Laws inconsistent herewith not to apply to company.

8. So much and such parts of the code of Virginia hereinbefore mentioned, or any other act or acts as may be inconsistent with the provisions of this act, shall be held not to apply to the company hereby incorporated, so far as the same may in any way affect the charter hereby granted.

Act amendable.

9. The Legislature reserves the right to alter or amend this act, but such alteration or amendment shall not affect or impair the rights of creditors of the corporation to have the property and assets thereof applied to the discharge of their respective claims, or of the stockholders to have the surplus which may remain after paying the debts and liabilities of the corporation distributed among themselves according to their respective interests.

Proviso.

CHAPTER 86.—An ACT to alter part of the division line between the counties of Hampshire and Mineral.

Passed February 29, 1868.

Be it enacted by the Legislature of West Virginia:

Division line altered.

1. The division line between the counties of Hampshire and Mineral is hereby altered so as to run as follows, to wit: Beginning at the present corner of Hampshire and Mineral in the Hardy line, running with the said line between Hampshire and Hardy to the top of what is known as the high knob on Mill Creek Mountain; thence, leaving said line, running along the top of said mountain to Mien's gap and crossing it, and with the same mountain range to a point opposite what is known as Herriott's divide, (between Herriott's and Hamilton's); thence with said divide and the same course continued to the top of Middle range, there intersecting the present line between the counties of Hampshire and Mineral, and thence running with the same to the Maryland line; said territory to constitute a township known as Mill creek township, to be organized and governed as the other townships of the said county of Mineral.

Territory annexed to Mineral county.

Annexation not to be of force until ratified by voters of territory.

2. The annexation herein provided for shall not be in force until the same is ratified by a vote of the qualified voters residing within the boundary described in this act, in the manner hereinafter provided, nor until the commissioners hereinafter named shall have run and marked the said line and established the same as hereinafter provided.

Commissioners to run the line.

3. Joseph C. Pancake and William S. Purgitt, of the county of Hampshire, and James I. Barrick, of Mineral county, are hereby appointed commissioners (any two of whom may act) to run the di-

viding line between the counties of Hampshire and Mineral as altered by this act. The said commissioners shall have power to employ a competent surveyor, who shall run and mark the said line under their direction, and, in case they differ, shall decide between them. The said surveyor shall make three plats of the boundary line run by him under the provisions of this act, one of which shall be delivered by the said commissioners to the recorder of each of the counties of Hampshire and Mineral, and the third shall be delivered to the secretary of the state, to be preserved by them in their respective offices.

Commissioners may employ surveyor. §

Plats of line.

4. It shall be the duty of the board of supervisors of Hampshire county to cause a poll to be opened, on the twenty-third day of June next, at the regular place of voting within said boundary, as follows: "For annexation" and "Against annexation;" which poll shall be opened at nine o'clock A. M., and closed at sundown.

Election on question of annexation.

5. If a majority of all the votes cast under the provisions of the previous section shall be "for annexation," then this act shall be in force from the first day of January next, in case all the provisions of this act shall have been complied with; and if not, then from and after the day on which such provisions shall have been complied with.

If majority for annexation, act to be in force.

6. The taking of said poll shall be conducted, certified and returned in the manner provided by law for conducting, certifying and returning the polls at elections for State and county officers, except that a copy of said poll shall be certified to the board of supervisors of Mineral county.

How election conducted, certified and returned.

7. It shall be the duty of the board of supervisors of the said county of Mineral to convene within ten days after the taking of said poll, at which time they shall declare the result of the vote so taken, and enter the same in their minutes, and certify and transmit a copy of such entry to the board of supervisors of Hampshire county. Any supervisor or any officer who shall fail or refuse to do and perform any of the duties required of him or them by this act, or shall be guilty of any fraud or misconduct in the discharge of his or their duty, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined at the discretion of the court.

How result of election declared.

Punishment of officer for refusal to obey this act.

8. The board of supervisors of Mineral county shall provide for the expenses incurred in carrying out the provisions of this act.

Expenses of carrying act into effect.

CHAPTER 87.—An ACT to amend and re-enact Section 2 of Chapter 182 of the Code of Virginia, second edition.

Passed February 29, 1868.

Be it enacted by the Legislature of West Virginia:

That section two of chapter one hundred and eighty-two of the code of Virginia, second edition, be and the same is hereby amended and re-enacted so as to read as follows:

Code amended.

In what cases petition for appeal, writ of error or supersedeas may be presented.

"2. Any person who is a party to any such controversy, or to any case in chancery, wherein there is a decree or order granting or dissolving an injunction, or requiring money to be paid, or the possession or title of property to be changed, or adjudicating the principles of the cause, or to any civil case, whether it be an action at law or suit in equity, wherein there is a final judgment or decree, or an order granting a new trial or rehearing, may present a petition, if the case be in chancery, to the court of appeals, or to any judge thereof in vacation, for an appeal from the decree or order; and if not in chancery, for a writ of error or supersedeas to the judgment or order, except as follows: "

CHAPTER 88.—An ACT providing for the insurance of the State Normal Schools and Agricultural College.

Passed February 29, 1868.

Be it enacted by the Legislature of West Virginia :

Insurance authorized.

The board of regents of the State Normal Schools and the board of visitors of the State Agricultural College, are hereby authorized to insure said buildings from year to year, to an amount not exceeding two-thirds of the value thereof, and at a rate not exceeding three-fourths of one per cent. They shall issue their warrant upon the auditor for the amount of said insurance, who shall pay the same out of any money in the treasury not otherwise appropriated; Provided, that in case either of said buildings have been insured, they shall not be insured under the provisions of this act until the expiration of the policy.

To be paid by auditor.

Proviso.

CHAPTER 89.—An ACT concerning the assessment of certain shares in National Banks.

Passed February 29, 1868.

Be it enacted by the Legislature of West Virginia :

Bank officer to make statement of shares held by non-residents.

1. The assessor shall call upon the cashier or president of every national bank in his district, when making his annual assessment, and require him, under oath, to state the number of shares in said bank owned by persons not resident in this State, and the names of such persons.

Such shares to be charged for taxation.

2. The assessor shall charge on his property book, to the persons owning such shares, the amount thereof, for the purpose of taxation.

Bank officer to pay taxes on shares and retain amount out of earnings.

3. It shall be the duty of such bank officer to pay to the collecting officers of the county and township in which such bank is located, the amount of taxes charged against such non-resident shareholders, which amount it shall be lawful for such bank officer to retain out of the earnings of such shares.

CHAPTER 90.—An ACT repealing chapter 86 of the acts of 1867.

Passed February 29, 1868.

Be it enacted by the Legislature of West Virginia :

That chapter eighty-six of the acts of eighteen hundred and sixty-seven, entitled "An Act permanently locating the county seat of Mercer county," be and the same is hereby repealed. Act locating the county seat of Mercer repealed.

CHAPTER 91.—An ACT regulating the publication of legal advertisements.

Passed February 29, 1868.

Be it enacted by the Legislature of West Virginia :

That orders of publication and other legal advertisements shall be published in some newspaper in the county in which such order or advertisement is made or directed, if a newspaper is published in said county, unless the court in which the same is made or directed shall otherwise order. Legal advertisements to be published in newspaper in the county where made.

CHAPTER 92.—An ACT incorporating the village of Kanawha City, in the county of Kanawha.

Passed March 2, 1868.

Be it enacted by the Legislature of West Virginia :

1. That the place known as the town of Coalsmouth, in the county of Kanawha be and the same is hereby made a village corporate and body politic by the name of "The Village of Kanawha City," and as such shall have perpetual succession and a common seal ; and by that name shall sue and be sued, plead and be impleaded, and purchase, lease and hold real and personal property necessary to the purposes of said corporation. Incorporation.

2. The corporate limits of said village shall be as follows, viz : Beginning on the Kanawha river at low water mark at the corner of the land between James F. Hansford and Mrs. Elizabeth H. Thompson ; thence along the division line of said lands in a southerly direction to Coal river at low water mark ; thence down Coal river at low water mark to the Kanawha river ; thence up the Kanawha river at low water mark to the beginning. Corporate limits.

3. The municipal authorities of said village shall be a mayor, recorder and five councilmen, who together shall form a common council. Municipal authorities.

4. All the corporate powers of the said corporation shall be exercised by the said council or under their authority except when otherwise provided. How corporate powers exercised.

5. The mayor, recorder and councilmen must be freeholders in said village, and entitled to vote for members of its common council. Qualifications for office.

- Term of office.** 6. Their term of office shall be for one year, and until their successors shall have been elected and qualified as hereinafter provided.
- By whom officers elected.** 7. The mayor, recorder and councilmen shall be elected by the citizens of said village who may be entitled to vote under this act.
- First election.** 8. The first election under this act shall be held on the fourth Thursday in April, eighteen hundred and sixty-eight, at the school house, under the supervision of John S. Cunningham, William H. Webb, D. J. Lewis, R. H. Lee and J. S. Sims, or any three of them; and annually thereafter there shall be an election on the same day in each year, at such place and under such supervision, rules and regulations as the council of said village may prescribe. The persons conducting the first election under this act shall grant a certificate to the persons elected, which certificate shall be recorded among the records of said village. If from any cause the first election shall not be held on the day herein specified, the same may be held on any subsequent day, upon ten days' notice thereof being posted on the front door of said school house by any three of the qualified voters of said village, under the superintendence of the persons aforesaid or under the superintendence of any three voters of said village appointed for that purpose by the voters present. But the term of office of the persons elected on such subsequent day shall be held to commence on the said fourth Thursday in April, eighteen hundred and sixty-eight.
- Subsequent elections.**
- Certificates of election.**
- Who may vote.** 9. All persons who have had their domicile in the said village for six months next preceding the day of election, who are qualified to vote for members of the Legislature of this State, and none others, shall be entitled to vote for all officers elected by the people under this act.
- Vote by ballot.** 10. At all elections the vote shall be given by ballot.
- Tie votes; how decided.** 11. Whenever two or more persons shall receive an equal number of votes for the same office, the persons under whose supervision the election is held, shall decide which of them shall be returned as elected and shall make their return accordingly.
- Term of office, powers, duties, compensation and liabilities of council and officers.** 12. The term of office, powers, duties, compensation and liabilities of the council and officers of said town shall be those prescribed in sections twelve to forty-six, inclusive, of chapter sixteen, of the acts of eighteen hundred and sixty-seven, which sections shall have the same force and effect as if they were herein set forth and recited.
- Labor of persons committed for fines.** 13. The council shall provide for the employment and safekeeping of persons who may be committed for default in payment of fines, penalties or costs under this act, and who are otherwise unable to discharge the same, by putting them to work for the benefit of the town; shall keep on hand an ample supply of necessary material for the same and shall provide all necessary tools, implements, fixtures and facilities for the immediate employment of any and all such persons; shall fix a reasonable rate per diem as wages to be allowed every such person
- Tools and material.**

till such fine and costs against him are discharged ; and the recorder shall keep an account of all fines and penalties so collected and expended.

14. It shall be lawful for the council to establish and construct landings, wharves and docks on any ground which does or shall belong to said town, and to repair, alter or remove any building, wharf or dock which has been or shall be constructed, and to levy and collect a reasonable duty on vessels coming to or using the same ; and it 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 have power to appoint as many wharf-masters for said town as may appear necessary ; to prescribe their duties, fix their fees and make all regulations in respect to such officers as they may deem proper.

Council may establish wharves
and appoint wharf-masters.

15. This act shall at all times be subject to modification or repeal at the pleasure of the Legislature.

Act amendable.

16. Provided that no person shall vote at any election held under and by provisions of this charter, unless he is entitled to vote at all State and county elections. Provided further, that no person shall act as an officer of said corporation without having first taken the oaths prescribed by the act of the Legislature passed November twenty-sixth, eighteen hundred and sixty-three.

Qualifications of voters and of officers.

CHAPTER 93.—An ACT to prevent the collection of interest in certain cases.

Passed March 2, 1868.

Be it enacted by the Legislature of West Virginia :

1. That no interest upon any debt contracted or liability incurred prior to the first day of April, eighteen hundred and sixty-five, shall hereafter be recoverable in any action or suit, in any of the following cases :

Interest not to be collected for the time the owner of debt

I. Where, during the late rebellion, the real owner or holder of such debt or liability, while he was such owner or holder, was engaged in armed hostility against the United States, or this State; for the time he was so engaged.

was engaged in armed hostility against the United States;

II. Where, during said rebellion, such real owner or holder of such debt or liability, while he was such owner or holder, in any way gave voluntary aid to said rebellion; during the time he was so aiding the said rebellion.

was aiding the late rebellion;

III. Where, during the said rebellion, such real owner or holder of such debt or liability, while he was such owner or holder, was a voluntary resident within the military lines of the so-called Confederate States of America, beyond the boundaries of this State; during the time of such residence.

was a voluntary resident within the rebel lines;

or voluntarily went within the rebel lines.

IV. Where, during the said rebellion, such real owner or holder of such debt or liability, while he was such owner or holder, was in sympathy with said rebellion, and voluntarily left his home and went within the military lines of the so-called Confederate States of America; for the time he remained within said lines.

If debtor tenders debt and interest no costs recoverable against him.

2. Any person owing any such debt or liability may tender the owner thereof the principal sum due and the interest recoverable thereon, and if such owner shall refuse to receive the same, no costs shall be recovered by the plaintiff in any action thereafter brought for the recovery thereof, but the defendant in any such action or suit shall recover from the plaintiff therein all the costs incurred by him in his defence to such action or suit. And where any action or suit has been commenced, and is now pending, for the recovery of any such debt or liability, the defendant may tender to the plaintiff therein the principal sum due and the interest recoverable thereon, together with the costs which have accrued therein up to the time of such tender, and if the plaintiff shall refuse to receive the same, he shall not recover from the defendant any costs incurred in such action or suit after such tender; but the defendant in such case shall recover from the plaintiff all the costs incurred by him in his defence after the date of such tender. In either event, the defendant shall be entitled to a credit upon the judgment of the plaintiff, for the amount of costs so recovered by him, and if such costs exceed the amount of the judgment of the plaintiff, the defendant may enforce the payment of such excess by execution; provided, however, that no defendant in any such action or suit, shall avail himself of the provisions of this act, unless he shall file with his plea or answer, an affidavit that he never in any way gave voluntary aid to the late rebellion against the United States.

In pending suit, if debtor tender debt, interest and costs, no subsequent costs recoverable against him.

Defendant in such case to recover costs,

and to have credit therefor on the judgment.

Defendant must file affidavit that he never aided rebellion.

Debtor's test oath not to be affected by this act.

8. None of the provisions of this act shall be so construed as to impair or affect any of the provisions of chapter seventy-nine of the acts of eighteen hundred and sixty-five, entitled "An Act to prevent the prosecution of suits and the suing out of process by persons engaged in rebellion."

CHAPTER 94.—An ACT to authorize the construction of a bridge over the Potomac River between Piedmont and Westernport, Maryland.

Passed March 2, 1868.

Be it enacted by the Legislature of West Virginia:

Commissioners.

1. That Henry G. Davis, A. Gerstell, Henry Wilson, J. S. Jamison, William T. Jamison, William R. Davis, John Gardner, William Kight, James A. Burris, Emil Nefflen, John W. Jarboe, John Hartel, Thomas Paxton, William Heck, William H. Miller and Stephen W. Downey, be and they are hereby constituted and appointed commissioners, with full power and authority to contract for the building of a bridge over the Potomac river, at such point between Piedmont, in Mineral

Location of bridge.

county, and Westernport, Maryland, as they, or a majority of them, may deem most suitable and convenient, on such plan as they, or a majority of them, shall adopt as most practicable; and are likewise authorized to receive and collect contributions and appropriations sufficient to enable them to pay for said bridge.

Location and
plan of bridge.

Contributions.

2. That said commissioners, or a majority of them, are hereby empowered to acquire by purchase or otherwise, such lands as may be necessary to construct the abutments for said bridge, as well as to secure the right of way for roads leading to and from said bridge, to enable all species of travel to reach the same at either terminus.

Commissioners
may acquire
lands.

3. That the supervisors of Mineral county are hereby empowered to issue county bonds to the amount of four thousand dollars, payable in one, two, three and five years, to be appropriated for the building of said bridge. And the corporation of Piedmont is hereby authorized, in case Mineral county does not issue said bonds, to issue corporation bonds, payable as aforesaid, to the amount of four thousand dollars.

Mineral county
may issue bonds.

Piedmont may
issue bonds.

CHAPTER 95.—An ACT amending and re-enacting Chapter 95 of the Acts of 1866, entitled "An Act to charter a road in Gilmer, Ritchie and Tyler counties."

Passed March 2, 1868.

Be it enacted by the Legislature of West Virginia :

That chapter ninety-five of the acts of eighteen hundred and sixty-six, entitled "An Act to charter a road in Gilmer, Ritchie and Tyler counties," is hereby amended and re-enacted so as to read as follows :

Act amended.

"1. That a road leading from the Staunton and Parkersburg turn-pike road, at or near the forks of How creek, in the county of Gilmer, to Pennsboro', in the county of Ritchie, is hereby chartered."

Route of road.

"2. The grade of said road shall not be over five degrees and not less than twelve feet wide between the ditches. The capital stock of the company shall be twenty thousand dollars, in shares of ten dollars each; that they shall have power to organize when one thousand dollars shall have been subscribed."

Grade and width
of road.

Capital stock.

"3. The following commissioners are authorized to open books and keep them open as the law requires, at such times and places as they may think best, and to employ engineers, &c., and to proceed as the law directs: Philip Cox, Andrew Law, George Pritchard, Archibald C. Barnaird, Marshall M. Martin, Addison Rexroad and Scyelus Hall."

Subscription
books.

Engineers.

Commissioners.

"4. All other acts or parts of acts inconsistent with the provisions of this act, are hereby repealed."

Act repealed.

"5. The Legislature reserves the right to alter, amend or repeal this act."

Act amendable.

CHAPTER 96.—An ACT amending and re-enacting Section 4, Chapter 172, Code of Virginia, second edition.

Passed March 2, 1868.

Be it enacted by the Legislature of West Virginia :

Section four, chapter one hundred and seventy-two, code of Virginia, eighteen hundred and sixty, second edition, is hereby amended and re-enacted so as to read as follows :

Payment or set-off allowed if described in plea or account.

In what case debt to one may be set-off when claim is against several.

Counter set-off may be proved.

Judgment to be rendered according to the true state of indebtedness.

“4. In a suit for any debt, the defendant may at the trial prove and have allowed against such debt, any payment or set-off which is so described in his plea, or in any account filed therewith, as to give the plaintiff notice of its nature, but not otherwise. Although the claim of the plaintiff be jointly against several persons, and the set-off is of a debt not to all but only to a part of them, this section shall extend to such set-off, if it appear that the persons against whom such claim is, stand in relation of principal and surety, and the person entitled to the set-off is the principal. And further, provided the defendant is allowed to file and prove an account of set-off to the plaintiff's demand, the plaintiff shall be allowed to file and prove an account of counter set-off, and make such other defense as he might have made had an original action been brought upon such set-off, and in the issue, the jury, judge or justice shall ascertain the true state of indebtedness between the parties, and judgment be rendered accordingly.”

CHAPTER 97.—An Act to amend and re-enact Sections 3 and 5 of Chapter 122 of the Code of 1860.

Passed March 2, 1868.

Be it enacted by the Legislature of West Virginia :

Sections three and five of chapter one hundred and twenty-two of the code of Virginia, second edition, are hereby amended and re-enacted so as to read as follows :

Who may make will.

“3. No person of unsonnd mind, or under the age of twenty-one years, shall be capable of making a will, except that minors eighteen years of age or upwards may by will dispose of personal estate.”

What appointments by will valid.

“5. No appointment made by will, in exercise of any power, shall be valid, unless the same be so executed that it would be valid for the disposition of the property to which the power applies, if it belonged to the testator ; and every will so executed shall be a valid execution of a power of appointment by will, notwithstanding the instrument creating the power expressly require that a will made in execution of such power, shall be executed with some additional or other form of execution or solemnity.”

CHAPTER 98.—An ACT for the relief of Alexander Riggs.

Passed March 2, 1863.

Be it enacted by the Legislature of West Virginia :

The auditor is hereby directed to issue his warrant upon the treasury for fifty dollars, in favor of Alexander Riggs, late contractor on the Parkersburg and Staunton turnpike, it being the sum due for work done under the superintendence of J. B. Reger.

\$50 appropriated to Alexander Riggs.

CHAPTER 99.—An ACT to legalize the execution, acknowledgment and recordation of a certain deed in Pocahontas county.

Passed March 2, 1863.

Be it enacted by the Legislature of West Virginia :

The execution, acknowledgment and recordation of a deed executed by Michael B. Gillilan and Frances L., his wife, to Isaac McNeil, of Pocahontas county, bearing date the fourth day of May, eighteen hundred and sixty-four, and admitted to record on the same day in the clerk's office of the late county court of Pocahontas county, are hereby legalized and declared to be valid.

Execution, &c., of deed from Gillilan and wife to McNeil legalized.

CHAPTER 100.—An ACT for the relief of James O'Harra.

Passed March 2, 1863.

Be it enacted by the Legislature of West Virginia :

That it shall be lawful for James O'Harra, of the county of Roane, to teach in any free school in this State, without taking the oath prescribed by the act passed November sixteenth, eighteen hundred and sixty-three, entitled "An Act to amend and re-enact the first section of an act entitled 'An Act concerning oaths and affirmations,' passed June twenty-sixth, eighteen hundred and sixty-three."

O'Harra authorized to teach without taking oath.

CHAPTER 101.—An ACT to amend and re-enact section 6 of chapter 60, of the acts of 1866, entitled "An act to consolidate the towns of Moundsville and Elizabethtown."

Passed March 2, 1863.

Be it enacted by the Legislature of West Virginia :

That section six of chapter sixty of the acts of eighteen hundred and sixty-six, entitled "An Act to consolidate the towns of Moundsville and Elizabethtown," be amended so as to read as follows :

Section amended.

"6. All lands lying and being within the corporate limits of said town shall be taxed in proportion to its value per acre, for road purposes, whether laid off in town lots or otherwise."

All lands and lots taxable for road purposes.

CHAPTER 102.—An ACT to amend "An Act to incorporate the town of Kingwood," passed March 22, 1853.

Passed March 2, 1868.

Be it enacted by the Legislature of West Virginia :

Section amend-
ed.

1. Section two of an act entitled "An Act to incorporate the town of Kingwood," is hereby amended and re-enacted so as to read as follows :

Election of trust-
ees.

"2. The qualified voters of said town shall on the third Saturday of April next, and on the same day in every year thereafter, elect a mayor and six trustees. Said election shall be held under the supervision of the present mayor and secretary of the board of trustees, who shall give notice of such election by posting at the front door of the court house and post office, written or printed notices of the same ; such election shall be held at the recorder's office in said town, and shall be by ballot. Before such officers shall enter upon the duties of their offices, they shall take the oath required of county officers."

Notice of elec-
tion.

Oaths of officers.

2. That said act be further amended by adding thereto the following, as sections five, six and seven :

Mayor; his pow-
ers and duties.

"5. The mayor shall be the chief executive officer of the town ; he shall take care that the orders, by-laws, ordinances, acts and resolutions of the council are faithfully executed ; he shall be *ex officio* a justice and conservator of the peace within the town, and shall within the same possess and exercise all the powers and duties vested by law in a justice of a township, except that he shall have no jurisdiction as such in civil cases ; he shall have control of the police of the town, 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 town 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 town before issuing his warrant therefor ; 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 Preston county until the fine or penalty and costs shall be paid ; but the term of imprisonment in such case shall not exceed thirty days."

Executions and
fines.

Imprisonment in
default of pay-
ment.

Town licenses.

"6. Whenever anything for which a State license is required is to be done in said town, the council may require a town license therefor, and may impose a tax thereon for the use of said town. But no license to sell strong or spirituous liquors, wine, beer, ale, porter, or drinks of like nature, within said town, shall be granted by the board of supervisors of the county of Preston, unless the person applying therefor shall produce to said board of supervisors the certificate of the council of said town of its consent to the granting of such license. The council may require from a person so licensed a bond, with sureties, payable to said town, in such penalty and with such conditions

No town license
granted by su-
pervisors of Pre-
ston county with-
out consent of
council.

as it may think proper, and may revoke such license at any time, if the conditions of said bond be broken." Town Licenses.

"7. Whenever the mayor and trustees of said town shall fail in any one year to cause to be levied a tax upon the property, both real and personal, of said town, for the purpose of keeping in repair the streets and alleys thereof, or shall fail in any way to carry out the provisions of the original act of incorporation or this amendatory act, all such acts of incorporation shall be null and void, and the property of the citizens of said town shall be liable to be assessed with county taxes for all purposes, as well as road tax." Acts of incorporation to be void if not carried into effect.

CHAPTER 103.—An ACT for the relief of Fenelon Howes.

Passed March 2, 1868.

Be it enacted by the Legislature of West Virginia :

1. Two hundred and forty-eight dollars and thirty-six cents are hereby appropriated out of any money in the treasury not otherwise appropriated, for the payment of Fenelon Howes, of Barbour county, the said amount being still due to him as superintendent of the Staunton and Parkersburg turnpike, for repairs made on said road in the years eighteen hundred and sixty and eighteen hundred and sixty-one. \$248.36 appropriated to Fenelon Howes.

CHAPTER 104.—An ACT providing for the forfeiture of certain lands for school purposes.

Passed March 2, 1868.

Be it enacted by the Legislature of West Virginia :

1. Where lands and other property have heretofore been purchased by public or private contributions, or acquired by gift for educational purposes, and such lands or other property have been exempt from taxation, whether held by a corporation, trustees or individuals for the purposes aforesaid, and the same have been abandoned for ten years prior to the passage of this act, without any prospect of the original design thereof being carried into effect, such lands and other property shall be and the same are hereby declared forfeited to the State. Property which has been dedicated to educational purposes, exempt from taxation, and abandoned, is declared forfeited to the State.

2. The board of education for the township in any county wherein such abandoned and forfeited land or other property may be situated, may take possession of the same and use all or any part thereof for the benefit of free schools, by repairing the old or erecting new buildings on such lands, and appropriate the same for the use of free schools as fully and completely as though the same had been acquired by said boards of education in any of the methods now provided by law. Boards of education may take and hold such property.

Title of boards of education to all such property heretofore taken confirmed.

3. That whenever the board of education for any township in any of the counties of this State, have taken possession of such abandoned or waste property as is mentioned in the first section of this act, and improved the same by repairing the old or erecting new building or buildings thereon for the purpose of free schools, such action on the part of said board of education is hereby ratified and legalized and made valid in all respects and their title thereto shall be as perfect as if the same had been acquired by any of the methods now provided by law.

CHAPTER 105.—An ACT amending and re-enacting Sections 1 and 2, Chapter 215, Code of Virginia, second edition.

Passed March 2, 1868.

Be it enacted by the Legislature of West Virginia:

Code amended.

Sections one and two, chapter two hundred and fifteen, code of Virginia, second edition, are hereby amended and re-enacted so as to read as follows:

Jurisdiction for trial of convicts in penitentiary.

"1. All criminal proceedings against convicts in the penitentiary, shall be in the circuit court for Marshall county."

Convicts, a second time convicted, to be reported to circuit court for Marshall county.

"2. When a person, convicted of an offence and sentenced to confinement therefor in the penitentiary, is received therein, if he was before sentenced to a like punishment, and the record of his conviction does not show that he has been sentenced under the twenty-fifth or twenty-sixth section of chapter one hundred and ninety-nine, the superintendent of the penitentiary shall give information thereof without delay to the said circuit court of Marshall county, whether it be alleged or not in the indictment on which he was so convicted, that he had been before sentenced to like punishment."

CHAPTER 106.—An ACT amending Section 3, Chapter 119 of the Acts of 1867.

Passed March 2, 1868.

Be it enacted by the Legislature of West Virginia:

Section amended.

Section three, chapter one hundred and nineteen of the acts of eighteen hundred and sixty-seven, entitled "An Act to amend an act entitled 'An Act for the collection of taxes,' passed December seventh, eighteen hundred and sixty-three," is amended and re-enacted so as to read as follows:

Collector's notices of times and places for payment of taxes.

"3. It shall be the duty of the sheriff or collector to give notice by posting at the public place of meeting of the people of each township, and at not less than six other public places in the township, for at least twenty days before the time appointed, that he will attend at such place on two several days, to be fixed by him, one of which, if practicable, shall be a day fixed for a public meeting of the people of said township, between the first day of November and the first day of

December following, for the purpose of receiving taxes due by the people residing or paying taxes in said township, and that he will make a discount of two and a half per centum to all such persons as shall pay all their taxes on or before either of the said days, and not otherwise ; which discount shall be made on the whole amount of tax so collected by said sheriff or collector, and shall be deducted from his commissions.

Discount for prompt payment of taxes.

CHAPTER 107.—An ACT to incorporate the New Martinsville and Ritchie County Turnpike Company.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia :

1. It shall be lawful to open books for receiving subscriptions to an amount not exceeding twenty thousand dollars, to be divided into shares of ten dollars each, to constitute a joint capital stock for the purpose of constructing a turnpike road from New Martinsville, in Wetzel county, through Middlebourne, in Tyler county, to some point on the railroad in Ritchie county.

Subscription to stock.

2. The said books shall be opened at New Martinsville, in Wetzel county, under the direction of John McCoskey, F. E. Williams and R. W. Cox ; at Middlebourne, in Tyler county, under the direction of Benedict Swan, T. J. Stealey and J. T. Nicklin ; at Ellenborough, in Ritchie county, under the direction of A. S. Core, J. B. Yeager and William McGregor; at Pennsboro, in Ritchie county, under the direction of Marshall M. Martin, Archibald C. Barnaird, Addison Rexroad and William Campbell ; or the said books may be opened at any of the aforesaid places, or at any other place or places, under the direction of any two of the aforesaid persons, or of such person or persons as may be appointed for that purpose by any two of the persons hereinbefore named.

Commissioners.

Subscription books.

3. When one hundred shares of the said capital stock shall have been subscribed, the persons subscribing the same, their executors, administrators and assigns shall be incorporated into a company by the name and style of "The New Martinsville and Ritchie County Turnpike Company," subject to the provisions of chapters fifty-six, fifty-seven and sixty-one of the code of Virginia, second edition ; except so far as any of the provisions of this act may be inconsistent therewith.

Incorporation.

Style of company.

4. The said road shall be opened not more than thirty feet in width, and shall be excavated and graded inside and through cuts not less than twelve feet wide, and not less than sixteen feet wide in other places, and shall be constructed at a grade nowhere exceeding five degrees ; tolls may be collected on any continuous section of five miles of said road, as soon as the same is completed and opened to the public.

Width and grade of road.

Tolls.

CHAPTER 108.—An ACT amending the charter of the city of Parkersburg.

Passed March 2, 1868.

Be it enacted by the Legislature of West Virginia :

Annual election to be held at same time as state election.

1. The annual election of mayor and councilmen of the city of Parkersburg, in the county of Wood, shall hereafter be held on the fourth Thursday in October in each year, along with the State, county and township elections, and by the officers conducting the same in said county, instead of the time and manner now provided by law.

Ballots for city officers to be kept separate.

2. The ballots for mayor and city councilmen for the said city of Parkersburg, shall be kept separate from those for all other officers, and for this purpose the mayor for said city shall, at the expense of said city, provide and furnish at Wood court house, an additional ballot box, in which the ballots for city officers shall be deposited by the officers of said election.

When terms of office to begin.

3. The term of office of mayor and councilmen for the said city of Parkersburg, shall hereafter commence on the first day of January, instead of the time now provided by law.

Mayor to have the veto power.

4. The mayor of the said city shall have the veto power; and in every case of the appropriation of money, or the passage of any ordinance or resolution by the board of councilmen of the said city, the mayor thereof shall have authority to return the same to the next stated meeting of the said board, not less than one week thereafter, with his objections, and in every such case, the same shall have no force nor effect, unless it be subsequently passed by a two-thirds vote of the said board of councilmen.

Laws repealed.)

5. Anything in any charter heretofore granted to the town or city of Parkersburg, inconsistent with the provisions of this act, is hereby repealed.

CHAPTER 109.—An ACT amending and re-enacting Chapter 133 of the Acts of 1867.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia :

Act amended.

That an act passed on the twenty-eighth day of February, eighteen hundred and sixty-seven, entitled "An Act amending the charter of the East River and Princeton Turnpike Company," shall be amended so as to read as follows :

N. B. French to make East River and Princeton Turnpike sixteen feet wide.

"1. Napoleon B. French, who contracted with the East river and Princeton turnpike company to construct a turnpike road from the town of Princeton, in Mercer county, to some point on the Cumberland Gap road, at or near Frenchville, in said county, is hereby required to make said road sixteen feet wide, as required by act of the

General Assembly of Virginia, passed on the twenty-second day of March, eighteen hundred and sixty, entitled "An Act to incorporate the East River and Princeton turnpike company," instead of twelve feet wide, as provided by said act of twenty-eighth of February, eighteen hundred and sixty-seven."

"2. The said Napoleon B. French shall enter into a new bond, with good and sufficient security, to be approved by the board of supervisors of said county, which board is hereby vested with all the property, rights, privileges, immunities and franchises of the said East river and Princeton turnpike company, in double the amount of the bond formerly entered into by said Napoleon B. French and others, his securities, to the said East river and Princeton turnpike company, conditioned that he will begin the work upon said road on or before the first day of May, eighteen hundred and sixty-eight, and complete the same on or before the first day of May, eighteen hundred and sixty-nine."

French to give bond for commencement and completion of road by specified times.

"3. The board of supervisors shall forthwith proceed to give notice to the said Napoleon B. French of the provisions of this act, by sending to him by mail, a copy thereof, signed by the president of the board and countersigned by their clerk, and posting a like notice at the front door of the clerk's office of the circuit court of said county, and if the said French fail to give the bond required by the second section of this act, before or on the first day of May, eighteen hundred and sixty-eight, his contract with the said East river and Princeton turnpike company shall thereafter be forever forfeited and void."

Notice of this act to be given to French.

On failure of French to comply with this act his contract to be void.

CHAPTER 110.--An ACT renewing the charter of the Parkersburg and Burning Springs Railroad Company.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia :

That the charter of the Parkersburg and Burning Springs Railroad Company having expired by limitation, the same is hereby renewed, and the terms of limitation therein shall be extended to six years from the passage of this act ; and all the rights and franchises thereof are hereby transferred to W. B. Caswell, W. E. Stevenson, S. D. Karns, M. C. C. Church, George Bradish, Charles Murphy, Samuel Newberger, Jefferson Gibbens, James M. Stephenson, William C. Stewart, William McCoy, W. W. Thommason and L. D. Wheaton, commissioners, whose duty it shall be to adopt such measures as will lead to the early completion of said road on the route designated in the original charter: Provided, that the town of Elizabeth, in the county of Wirt, be made a point in said road.

Terms of limitation extended.

Commissioners.

Elizabeth to be a point in road.

CHAPTER 111.—An ACT to legalize certain records in the county of Logan, and provide for the safe keeping of the same.

Passed March 3, 1868.

Preamble reciting mutilation and restoration of records.

WHEREAS, During the late rebellion the records of the circuit court of Logan county, and the records of deeds and other writings in said county, were to a great extent destroyed and mutilated in whole or in part; and whereas, the judge of the circuit court of said county, by an order entered of record in said county, directed the recorder of the said county to copy all of such mutilated records of deeds and other writings in his office, in proper deed books to be procured for that purpose, so far as it was possible to do so, and to record anew all deeds and other writings, the records of which were destroyed; and whereas, the recorder of said county has performed the duties required by the said order, therefore,

Be it enacted by the Legislature of West Virginia:

Order of court directing recorder to copy records legalized.

1. That the order of the circuit court of Logan county, requiring the recorder of said county to do and perform the duties mentioned in the preamble to this act, be and the same is hereby legalized and made valid. And all the records copied and made by the said recorder, in pursuance of said order, shall have the same force and effect in all respects as the original records would have if they were in existence, and copies of the same shall be received in evidence in all the courts of this State, in the same manner and with like effect as if they were copies of the original records.

Such copies to have same force as original records.

Custody of record.

2. The recorder of said county of Logan may keep the records in his custody at his own residence, until a safe and suitable office is provided for him at the court house of said county.

Future orders for preservation of records legalized.

2. The circuit court of the said county of Logan may make such order or orders as may, in the opinion of said court, be necessary for copying and preserving the original records of the said court and supplying such as have been mutilated, lost or destroyed. And such records, when copied into any record book by order of said court, are hereby legalized and made valid, and shall have the same force and effect in all respects as original records.

CHAPTER 112.—An ACT to legalize certain proceedings in relation to real estate sold in the year 1865 for non-payment of taxes.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia:

Return of list of real estate sold for taxes legalized.

Whenever in any county, the lists of real estate sold in the year eighteen hundred and sixty-five for non-payment of taxes, were returned by the officer making such sale to the board of supervisors of such county, such return of said list shall be deemed and held in all respects valid and sufficient, and every order made by such board of

supervisors directing such lists, or copies thereof, to be certified, or Such lists legal- ized.
 any such lists actually certified by the clerk of such board to the auditor, shall likewise be deemed and held in all respects valid and sufficient.

CHAPTER 113.—An ACT to incorporate the Parkersburg Railroad, Mineral and Lumber Company.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia:

1. That Samuel D. Karns, M. C. C. Church, Robert P. Steed and Commissioners.
 Charles Murphy, of Wood county, West Virginia, and William McCoy, David H. Leonard and L. D. Wheaton, of Wirt county, West Virginia, their executors, administrators, successors and assigns, and all who become stockholders, when five hundred shares of the capital stock shall be subscribed, are hereby made a body politic and corporate by Incorporation.
 the name and style of "The Parkersburg Railroad, Mineral and Lumber Company."

2. The capital stock of said company shall be divided into shares of Capital stock.
 twenty-five dollars each, and the same may be increased at the option of the stockholders thereof, to one hundred thousand shares, and the said corporators, or any three of them, may open, or appoint an agent or agents to open, books for subscriptions, at any point they may select, to procure said stock or any portion thereof, by them deter- Subscription books.
 mined upon, and the said books may be closed and the company organized at such time as they may fix, and any person may hold as many shares of the stock of said company as he may subscribe for, or may be assigned to him, and each stockholder shall have one vote for Vote on stock.
 every share of stock held by him.

3. The said company is hereby authorized to construct a railroad of wood, iron, or other materials, from some point on the line of the Parkersburg branch of the Baltimore and Ohio Railroad, between the city of Parkersburg and Cornwallis Station on said road, south- Route of rail- road.
 wardly, southeastwardly and southwestwardly, to any point or points between the said Parkersburg branch of the Baltimore and Ohio Railroad and the proposed line of the West Virginia Central Rail- road, and to make such sidings, branches and extensions not exceed- Sidings and branches.
 ing ten miles in length, as they may deem necessary and convenient to the development of the mineral and agricultural wealth of the country: provided, that when the said railroad shall be completed to the town of Rathbone, in Wirt county, the town of Elizabeth, in said Elizabeth to be a point of road.
 county, shall be made a point on said road by main stem or branch.

4. The said company shall be subject to all the provisions and li- Privileges, &c., of company.
 abilities, and entitled to all the benefits of the code of Virginia, second edition, prescribing general regulations for railroad companies, espe- cially such as are specified in chapters fifty-six, fifty-seven and sixty-

Privileges of company.

one thereof, and all other laws relating to railroad companies, except so far as the provisions of this act may be inconsistent therewith.

Company may acquire land

5. The said company are authorized to acquire by purchase, or in payment for subscriptions to stock, and hold in fee simple, not more than twenty thousand acres of land, and to sell, mortgage, lease or otherwise dispose of the same at their pleasure, and make proper conveyances thereof, and all necessary equipments, such as locomotive engines, horses, cars and other vehicles, and all needful appendages, for the conveyance of passengers and freight on and over said railway, as may be deemed necessary or convenient for the accommodation and purposes of said company.

and necessary equipments of road.

Company may engage in mining and manufacturing.

6. The said company are authorized to engage in the manufacture and sale of lumber, iron and other minerals, and in the mining and shipping of coal and other minerals to market, and for this purpose may own and employ steamboats, barges and other means of transportation.

Company may borrow money.

7. The said company may borrow money at a rate of interest not exceeding ten per centum per annum, and may execute liens on their property and purchases for the purpose of securing the payment of any loans.

Acts inconsistent herewith not to apply to company.

8. So much and such parts of the code of Virginia hereinbefore mentioned, or of any other act or acts, as may be inconsistent with the provisions of this act, shall be held not to apply to the company hereby incorporated, so far as the same may in any way conflict with or affect the charter hereby granted.

Act amendable.

9. The Legislature reserves the right to alter or amend this act; but such alteration or amendment shall not affect or impair the rights of creditors of the corporation to have the property and assets thereof applied to the discharge of their respective claims, or of the stockholders to have the surplus which may remain after paying the debts and liabilities of the corporation, distributed among themselves, according to their respective interests.

Proviso.

CHAPTER 114.—An ACT to transfer the interest of this State in the Wire Suspension Bridge across the South Branch of the Potomac River, in Hampshire county, to said county.

Passed March 3, 1863.

Be it enacted by the Legislature of West Virginia :

Interest and rights of state in bridge vested in board of supervisors,

The interest of this State in the wire suspension bridge across the Potomac river, in Hampshire county, is hereby transferred to said county; and the board of supervisors of said county are hereby vested with all the rights, powers and duties heretofore vested in the State as a stockholder in said bridge.

CHAPTER 115.—An Act for the relief of Joseph B. Nay, of Marion county.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia :

The auditor is hereby directed to issue his warrant upon the treasury for forty dollars, in favor of Joseph B. Nay, of Marion county, for services rendered and expenses incurred while qualifying officers of the restored government, in the county of Marion, during the year eighteen hundred and sixty-one, by the direction of Governor Peirpoint. \$40 appropriated.

CHAPTER 116.—An ACT to incorporate the town of Guyandotte.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia :

1. That the place known as the town of Guyandotte, in the county of Cabell, be and the same is hereby made a town corporate and body politic by the name of "The Town of Guyandotte," and as such 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 purposes of said corporation. Town incorporated.

2. The corporate limits of said town shall be as follows: Beginning at low water mark at the mouth of Guyandotte river; running up the Ohio river to Mrs. Tiernan's lower line; thence with said line south to the estate of John Russell; thence west with the north line of said estate to J. H. White's house; thence south on a direct line to the northeast corner of J. W. Hite's four acre lot; thence on the line dividing Col. John Everett's farming land from the following lots, to-wit: those of J. W. Hite, P. S. Smith, T. J. Jenkins, Betty Holderly, G. W. Holderly, D. D. Holderly, deceased, W. F. Dusenberry and Rodolph Deitz; then crossing a lane, so as to include F. W. Hite within said town; thence west to low water mark on Guyandotte river; thence down said river to the place of beginning. Corporate limits.

3. The municipal authorities of said town shall be a mayor and four councilmen, who together shall form a common council. But the said four councilmen shall receive no compensation for services. Municipal authorities.

4. All the corporate powers of the said corporation shall be exercised by the said council, or under their authority, except where otherwise provided. How corporate powers exercised.

5. The mayor, treasurer, recorder and councilmen shall be freeholders in said town, and entitled to vote for members of its common council. Qualifications of officers.

- Term of office.** 6. Their term of office shall be for one year, and until their successors have been elected and qualified, as hereinafter provided.
- By whom officers elected.** 7. The mayor and councilmen, and all other officers hereinafter provided for, except the constable, shall be elected by the people of said town who may be entitled to vote under this act.
- First election.** 8. The first election under this act shall be held on the first Monday in April, eighteen hundred and sixty-eight, at the town hall in said town, under the supervision of J. H. Wright, S. M. Clark, T. J. Hayslip, W. F. Dusenberry and Julius Freatel, or any three of them, and annually thereafter there shall be an election on the first Monday in April, at such place and under such supervision, rules and regulations as the council of said town may prescribe. The persons conducting the first election under this act, shall grant a certificate to the persons elected, which certificate shall be recorded among the records of said town. If, from any cause, the first election shall not be held on the day herein specified, the same may be held on any subsequent day, upon ten days' notice thereof being posted on the front door of said town hall, by any three of the qualified voters of said town, under the superintendence of the persons aforesaid, or under the superintendence of any three voters of said town appointed for that purpose by the voters present.
- Subsequent elections.**
- Certificates of election.**
- Who may vote.** 9. All white male persons residing in said town, who are entitled to vote at State and county elections, shall be entitled to vote at all elections held in pursuance of 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 any election, or who has not been a resident of this State for one year and of the said town for six months next preceding the day of election, shall be permitted to vote while such disability continues.
- Manner of voting.** 10. At the first election the vote shall be given by ballot, and at all subsequent elections the manner of voting shall be prescribed by the council.
- Tie votes; how decided.** 11. Whenever two or more persons shall receive an equal number of votes for the same office, the persons under whose supervision the election was held, shall decide which of them shall be returned as elected, and shall make their return accordingly.
- Contested elections.** 12. All contested elections shall be heard and decided by the council for the time being.
- How vacancies filled.** 13. Whenever a vacancy shall occur in any office, except that of constable, the council shall order an election to fill said vacancy.
- Town officers.** 14. There shall be a constable, a treasurer, a recorder and a superintendent of roads, streets and alleys of said town; all of whom shall be elected annually by the people, except the constable, who shall be

appointed by the council, and hold his office during the pleasure of the council. The duties of the recorder and treasurer may be discharged by the same person, or otherwise, as the council may from time to time determine. The bond of said constable and treasurer shall be in such penalty, not less than one thousand dollars, as the council may prescribe.

Duties and bonds of officers.

16. All officers elected or appointed under the provisions of this act, shall each, before entering upon the duties of his office, and within ten days from the time of his election or appointment, take the oath prescribed by law for all officers for this State, and make oath or affirmation that he will truly, faithfully and impartially, to the best of his ability, discharge the duties of his office so long as he shall 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 town.

Oaths of officers.

Before whom taken.

16. Whenever any three of the newly elected councilmen shall have been so qualified, they shall enter upon the duties of their said office, and supersede the former councilmen.

When terms of councilmen to begin.

17. The mayor, recorder, 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 terms of other officers to begin.

18. If any person elected to the office of mayor, treasurer, recorder or councilmen 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.

When vacancy declared.

19. The council shall be presided over at its meetings by the mayor, or in his absence by one of the councilmen, selected by a majority of the council present.

Presiding officer of council.

20. Two of the councilmen and the mayor shall constitute a quorum for the transaction of business.

Quorum of council.

21. The council shall cause to be kept an accurate record of all its proceedings, which shall be indexed, and open to the inspection of all tax payers.

Journal of council.

22. 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. Upon the call of any member, the ayes and nays on any question shall be taken and recorded.

Proceedings of council.

Ayes and nays.

23. The mayor or presiding officer for the time being shall vote only in case of a tie.

When presiding officer to vote.

Town to constitute separate road district. 24. The said town, within the corporate limits aforesaid, shall constitute a separate road district.

Powers, duties, terms of office, compensation and liabilities of officers. 25. The powers, duties, terms of office, compensation and liabilities of the council and officers of said town shall be those prescribed in sections twenty-five, twenty-six, twenty-seven, twenty-nine, thirty-one, thirty-two, thirty-three, thirty-four, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-three, forty-four and forty-five of chapter sixteen of the acts of eighteen hundred and sixty-seven, which sections shall have the same force and effect as if herein recited, except so far as they may be inconsistent with this act.

Annual levy. 26. The levy for town purposes shall be upon all male persons, residents of the town, over twenty-one years of age, dogs, and all real and personal estate within said town subject to State and county taxes; provided, the tax so levied upon property do not exceed twenty-five cents on every one hundred dollars of the value thereof, and upon persons one dollar per head.

Proviso.

Town exempted from road taxes. 27. The said town and taxable persons and property therein shall be exempt from all expense and liabilities for the construction or repairs of roads or bridges, or other taxes for county or township purposes, (except free school tax,) outside the corporate limits of said town, for any year in which it shall appear that said town shall at its own expense provide for its own poor and keep the streets in order.

How town levy paid and collected. 28. The town levy shall be paid to the treasurer of said town by the persons charged therewith, after twenty days' notice being posted at the front door of the office of the treasurer. All sums remaining unpaid after sixty days from the day specified in said notice, the treasurer shall place in the hands of the constable of said town for collection, who shall proceed to collect the same by distress or otherwise as provided by the council.

CHAPTER 117.—An ACT to incorporate the Storer College.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia :

Corporators. 1. Oren B. Cheney, Silas Curtis, Ebenezer Knowleton, George T. Day, Jonathan M. Brewster, Nathan C. Brackett, George Goodwin, James Colder, George H. Ball, Alexander H. Morrell, Isaac D. Stewart, Charles H. Howard, Daniel J. Young, Daniel Ames, Edward A. Stockman, John O'Donnell, and their associates, be and they are hereby created a body politic and corporate, by the name and style of

Incorporation. "The President and Trustees of Storer College," an institution of learning for the education of youth, without distinction of race or color, at or near Harper's Ferry, in the county of Jefferson, and by the name of "The President and Trustees of Storer College," shall

Style of college.

have perpetual succession and a common seal; may sue and be sued, plead and be impleaded, with power to purchase, receive and hold to them and their successors forever, any lands, tenements, rents, goods and chattels of what kind soever, which may be presented by or be devised or given to them for the use of said college, and to lease, sell, rent or otherwise dispose of the same in such manner as shall seem most conducive to the advantage of said college; provided, that the lands, goods and chattels so authorized to be held shall not exceed in amount or value the sum of one million dollars.

Powers of corporation.

2. The said president and trustees may adopt such rules, regulations and by-laws, the same not being repugnant to the laws of this State, as they may deem expedient for the management of the affairs, for the proper discipline and order, and for the general prosperity of said college; they shall have power to establish in said college such departments and courses of study as they may elect; they shall have power to confer such degrees as are usually conferred by colleges and universities established for the education of youth, and they shall be and they are hereby invested with all the rights, powers, privileges and immunities incident to similar corporations and institutions.

By-laws of college.

Departments of study.

Degrees.

General powers.

3. The number of said corporation shall not be more than twenty-five, that is, a president and twenty-four trustees, the said president and at least two-thirds of the said trustees to be members in good standing in the Free Baptist denomination, sometimes called the Free-will Baptist denomination, and it shall not be necessary for more than five members of said corporation of president and trustees to be present to constitute a quorum to accept this act, or for the transaction of business.

Number of corporation.

Religious qualifications.

Quorum.

4. The said trustees shall hold office until their resignation or death: Provided, that any trustee may be removed for moral or mental disability, by a vote of the corporation at any regular meeting.

Term of office and removal of trustees.

5. The first meeting of the trustees may be called by any three members, by giving two weeks' notice in some newspaper published in this State.

First meeting of trustees.

CHAPTER 118.—An ACT to amend an act entitled "An Act relating to the School District of Wheeling," passed February 23, 1867.

Passed March 3, 1869.

Be it enacted by the Legislature of West Virginia:

Wherever the word "July" occurs in the second, third and fourth sections of an act entitled "An Act relating to the school district of Wheeling," passed February twenty-third, eighteen hundred and sixty-seven, it shall be stricken out, and the word "January" inserted in lieu thereof, and wherever the word "August" occurs in the twenty-fourth section of said act, it shall be stricken out, and the word "January" inserted in lieu thereof.

Change of time for elections and meetings of board of education.

CHAPTER 119.—An ACT changing the boundary lines of the county of Lincoln.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia :

Boundary lines
set out.

1. The boundary lines of the county of Lincoln, in this State, shall hereafter be as follows: Beginning at the old ford of Mud river, about two hundred yards below the Trace fork of said river; thence with the dividing ridge between Trace creek and Little Buffalo creek, to the dividing ridge between Trace creek, Bear creek and Tyler's creek; thence to and along the ridge above Tyler's creek to Guyandotte river, at the mouth of said creek; thence up said river to the mouth of Madison creek; thence south forty-five degrees west to the Wayne county line; thence with said line to a point opposite to and at right angles with the mouth of Bowen's creek, in the county of Wayne; thence a straight line to the Beech fork of Twelve Pole river, at the mouth of said Bowen's creek; thence up said Beech fork to the present line between the counties of Wayne and Lincoln, above the mouth of Raccoon creek, and with said line to the Logan county line; thence with the Logan county line to the head of Little Hart's creek; thence down the ridge above said creek to Guyandotte river, at the mouth of said creek; thence crossing said river and up the hill to the top of the main dividing ridge between the waters of Big Ugly creek and the waters of Guyandotte river, above said creek; thence with the said dividing ridge to the Boone county line; thence with said line to the present line of the county of Lincoln, and with the same as set out in the act creating the said county of Lincoln, to the head of Horse creek; thence to the top of the main dividing ridge between the waters of the right and left hand forks of Horse creek, and down said ridge to the forks of said creek at Washington Hill's farm, so as to include said farm in the county of Lincoln; thence down Horse creek to Little Coal, and down said river to the Kanawha county line; thence with said line to the top of the dividing ridge between the waters of Coal and Mud rivers, and with said ridge to the original line of Putnam county as it existed prior to the creation of Lincoln county; thence with the said original line of Putnam county, by way of the Trace fork of Mud river, to the point where said line first reaches the waters of Charley's creek; thence down said creek to Mud river, and up said river to the beginning; and all the territory embraced within the boundary lines aforesaid, shall hereafter be embraced within and constitute the said county of Lincoln.

That part of Lin-
coln which was
taken from Put-
nam restored.Payment of tax-
es and levies to
Putnam county.

2. All that part of the county of Putnam included within the boundary lines of the county of Lincoln by the act creating said county, is hereby restored to and shall hereafter form a part of the said county of Putnam. And all taxes and levies now in the hands of any officer in the county of Lincoln for collection, assessed upon persons and property in said portion of the county of Putnam, shall be delivered by such officer to the proper officer of the county of Putnam, whose duty it shall be to collect and account for the same in

the same manner and to the same extent as if said taxes and levies had been assessed and made in the said county of Putnam. The officer receiving such taxes and levies for collection, shall execute to the officer from whom he receives them, his receipt therefor, signed in his official character, and such receipt shall entitle the officer holding it to a credit upon his settlement for such taxes and levies. In case any county or township levies have been collected in the said portion of Putnam county, by any officer of Lincoln county, it shall be the duty of the board of supervisors of Lincoln county to cause the same to be paid over to the county treasurer of Putnam county.

Payment of certain taxes and levies to Putnam county.

CHAPTER 120.—An ACT to authorize the Monongahela Valley Railroad Company to construct a railroad from the Pennsylvania State line on the Monongahela River, to the Baltimore and Ohio Railroad, near Fairmont.

Passed March 3, 1863.

Be it enacted by the Legislature of West Virginia:

The assent of the State of West Virginia is hereby given to the Monongahela Valley Railroad Company of Pennsylvania, to locate, construct and maintain a continuation of the railroad of said company, from a point at or near the Monongahela river, where the boundary lines of the States of Pennsylvania and West Virginia crosses said river, via Morgantown, to a point on the Baltimore and Ohio Railroad at or near the town of Fairmont, or Palatine, in West Virginia, and shall be subject to all the provisions and liabilities, and entitled to all the benefits and privileges of the general laws, chapter fifty-six, code of eighteen hundred and sixty, now in force, relating to railroad companies, except so far as the provisions of this act are or may become inconsistent therewith: Provided, that the said company shall locate and commence the construction of said railroad within three years, and complete the same within ten years, from the passage of this act. And provided, further, that said company may connect said railroad with any other railroad now constructed, or that may hereafter be constructed in this State, within the points named, with the consent of said railroad company.

Continuation of line authorized.

Route.

Privileges and liabilities of roads.

Commencement and completion of road.

Connection with other railroads.

CHAPTER 121.—An ACT to provide for the division of Berkeley county into Assessors' Districts.

Passed March 3, 1863.

Be it enacted by the Legislature of West Virginia:

1. The county of Berkeley is hereby divided into seven assessment districts: Martinsburg township shall be the first district; Falling Waters township, the second district; Opequan township, the third district; Arden township, the fourth district; Mill Creek township, the fifth district; Gerrardstown township, the sixth district, and Hedgesville township the seventh district.

County divided into seven assessors' districts.

Election of assessors. 2. At the annual election in October next, the voters of said county shall elect for the said districts, seven assessors, each of which shall be a resident of the district which he is to assess, whose term of office shall commence on the first day of January next, and continue for two years, or until his successor is elected and qualified.

Copies of land book. 3. The said assessors shall each copy from the land book of the county so much thereof as relates to their respective districts, but until assessors for each of said districts are chosen, as hereinbefore provided, the county shall be assessed, and returns thereof made as though this act had not been passed.

Proviso.

CHAPTER 122.—An ACT providing for the maintenance of Joseph Elliott, a lunatic.

Passed March 3, 1863.

Be it enacted by the Legislature of West Virginia :

That Joseph Elliott be and is hereby provided for in the West Virginia Hospital for the Insane, in the same manner as other inmates of said hospital.

CHAPTER 123.—An ACT regulating the distribution of the School Funds of Hancock county.

Passed March 3, 1863.

Be it enacted by the Legislature of West Virginia :

Equal distribution of school funds among school districts. 1. The State school funds for free school purposes, of Hancock county, shall be apportioned as is now provided by law ; and further, that all moneys, State school funds and township levies, shall then be equally divided among the several school districts of each township in said county.

Commencement of act. 2. This act shall be in effect from and after the first day of April, eighteen hundred and sixty-eight.

CHAPTER 124.—An ACT to amend Chapter 29 of the Acts of 1864.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia :

No exemption of property from execution on judgment for road tax. That the provisions of the act passed March first, eighteen hundred and sixty-four, entitled "An Act to exempt a certain amount of property from execution or other process," shall not extend to any process issued upon a judgment against any person for failing to perform labor on any public road, as required by law ; but all such process may be levied, and the money therein specified collected in the same manner as if said act had not been passed.

CHAPTER 125.—An ACT concerning the use of Blank Lists by Assessors.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia :

That so much of chapter one hundred and twenty-nine of the acts of eighteen hundred and sixty-seven, as requires the use of blank lists by the assessors in the assessment of persons and property, to a greater extent than was required by chapter one hundred and eighteen of the acts of eighteen hundred and sixty-three, is hereby repealed.

Repeal of law relating to use of blank lists.

CHAPTER 126.—An ACT authorizing the Virginia Central Railroad Company to use temporarily that part of the Covington and Ohio Railroad from the State line of West Virginia and Virginia to the Greenbrier river.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia :

It shall be lawful for the Virginia Central Railroad Company to lay down the superstructure and do all other work necessary for bringing into use that part of the Covington and Ohio Railroad from the line dividing the State of Virginia and West Virginia to the Greenbrier river, and for this purpose it is hereby invested with all the powers conferred by the code of Virginia ; provided that, whenever required by the board of public works, the said Virginia Central Railroad Company shall surrender the road and all the works connected therewith, if found desirable to effect a contract for building that part of the road lying in West Virginia ; and provided further, that in such event the cost incurred by the Virginia Central Railroad Company in bringing that part of the road into operation, shall be refunded by such company as may obtain the contract for the completion of the Covington and Ohio Railroad to the Ohio river.

Temporary use of road.

Road to be surrendered when contract made for building road in W. Va.

In that event, cost of putting that part of road into operation to be refunded.

CHAPTER 127.—An ACT amending Section I of an act entitled "An Act regulating the payment of money into the Treasury."

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia :

The first section of an act, entitled "An Act regulating the payment of money into the treasury," passed January thirty-first, eighteen hundred and sixty-seven, is hereby amended and re-enacted to read as follows :

"All money to be paid into the treasury of this State, shall be paid into some bank in this State, that now is or may hereafter be authorized and organized by the comptroller of currency to commence the business of banking, under the act of Congress of the United States,

State money to be paid into national banks.

or Merchants' Bank of Charleston.

Last named bank to make quarterly statement.

approved June third, eighteen hundred and sixty-four, entitled "An Act to provide a national currency, secured by pledge of United States bonds, and to provide for the redemption and circulation thereof," or into the Merchants' bank of Charleston, at Charleston, Kanawha county: Provided, that the said Merchants' bank at Charleston shall make a sworn statement of its financial condition once in every three months, and file the same with the auditor, and publish a copy thereof in some newspaper at the seat of government."

CHAPTER 128.—An ACT providing for the election of Township Officers.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia:

Township officers to be elected in October.

1. The annual election of township officers shall hereafter be held with the State and county elections on the fourth Thursday in October in each year, instead of the time now provided by law.

Term of township officers to begin on the first day of January.

2. The term of office of all township officers shall hereafter commence on the first day of January, instead of the time now prescribed by law, and such officers now in office, whose terms would sooner expire, and such as may during the present year be appointed to fill vacancies, shall continue in office until the thirty-first day of December, eighteen hundred and sixty-eight, and until their successors shall be elected and qualified according to law.

Amendment of registration law.

3. So much of the act entitled "An Act providing for the registration of the qualified voters of the State," passed February twenty-fifth, eighteen hundred and sixty-seven, as requires a registration of voters in April and May, of every year, is hereby repealed; but in all other respects the said act shall remain in full force.

CHAPTER 129.—An ACT making an appropriation to the West Virginia Agricultural College.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia:

\$16,000 appropriated.

1. That sixteen thousand dollars are hereby appropriated to the Agricultural College of West Virginia, ten thousand dollars of which, together with the proceeds of the congressional grant, shall be set aside as the endowment of said college, to be under the management of the board of visitors, the interest thereon only to be appropriated to the support of said college, and the remaining six thousand dollars to be disbursed for the use and benefit of the college, as the board of visitors may direct.

\$10,000 to be set aside as endowment.

Custody of U. S. bonds belonging to the college.

2. The board of visitors is authorized to make an order of record on the minutes of their proceedings, designating where the United

States bonds, the proceeds of the Agricultural College scrip, shall be kept, and who shall be the custodian thereof; and the semi-annual interest thereon shall be appropriated for the benefit of said institution, as the board may from time to time determine.

Custody of bonds belonging to Agricultural College.

CHAPTER 130.—An ACT renewing the Charter of the West Virginia Central Railway Company.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia:

The charter of the West Virginia Central Railway Company having expired by limitation, the same is hereby renewed, and all the rights and franchises thereof are hereby transferred to L. A. Hagans, James Burley, Z. D. Ramsdell, J. C. McGrew and D. D. T. Farnsworth, any three of whom may act as commissioners on the part of the State, whose duty it shall be to adopt such measures as will lead to the early construction of said road on the route designated in the original charter, and shall have all the powers and be entitled to all the privileges that are granted to the commissioners of the Chesapeake and Ohio Railroad Company; provided said commissioners shall not be entitled to receive any compensation or expenses from the State treasury. Provided, however, that nothing in this act shall be so construed as to interfere with the right of the Chesapeake and Ohio Railroad Company or the Covington and Ohio Railroad Company to that portion of the Covington and Ohio Railroad south of Charleston. And provided further, that the western terminus of the said railroad shall be at some point on the Covington and Ohio Railroad or the Chesapeake and Ohio Railroad, at or near the town of Charleston, in the county of Kanawha, instead of at the mouth of Sandy, in the county of Wayne, as now provided in the charter of said road.

Charter renewed.

Commissioners.

Their duties.

This act not to interfere with Chesapeake & Ohio and Covington & Ohio Railroad Companies.

Western terminus of road to be at Charleston.

CHAPTER 131.—An ACT incorporating the town of Frankford, in the county of Greenbrier.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia:

1. The corporate limits and boundaries of "The Town of Frankford," in the county of Greenbrier, shall be as follows: Beginning at a white oak, by the spring near T. A. Bell; thence a north course along the line between R. Gilliland and J. A. Arbuckle and the parsonage lot, to a stake, corner to Ludington, and with the parsonage lot a west course, extending the line to the turnpike and with same, and after leaving the same, the same course continued sixty poles further to a stake in E. F. Callison's lot; thence an easterly course, the bearing to include the house and lot of Dr. E. F. Callison and William Moore, to the turnpike leading to Lewisburg, and with same to the beginning.

Corporate limits.

Municipal authorities.

2. The municipal authorities of said town shall be a mayor, recorder and five councilmen, who together shall form a common council.

Incorporation.

3. The mayor, recorder and councilmen, so soon as they have been elected and qualified, as hereinafter provided, shall be a body politic and corporate by the name of "The Town of Frankford," and shall have perpetual succession and a common seal; and by that name may sue and be sued, plead and be impleaded; may purchase and hold real estate necessary to enable them the better to discharge their duties and needful for the good order, government and welfare of said town.

Corporate powers.

How corporate powers exercised.

4. All the corporate powers of said corporation shall be exercised by said council, or under their authority, except where otherwise provided.

Town officers.

5. There shall be a town sergeant, a treasurer and commissioner of the revenue appointed by the council, to continue in office at its pleasure, and perform the duties respectively, as hereinafter prescribed, or as may be required by the council.

Duties of certain officers.

6. The duties of the office of recorder, treasurer and commissioner of the revenue may be discharged by the same person, or otherwise, as the council from time to time may determine.

By whom officers elected.

7. The mayor, recorder and councilmen shall be elected by the citizens of said town, who may be entitled to vote under this act, and (except to fill vacancies) for the term of one year, and until their successors shall have been qualified, and shall be freeholders and residents of said town, and entitled to vote for members of the common council.

Official terms and qualifications.

First election.

8. The first election under this act shall be held on the fourth Thursday in April, eighteen hundred and sixty-eight, at the usual place of voting in said town, under the supervision of a justice of said township, and annually thereafter there shall be an election on the same day in each year, at such place, and under such supervision, rules and regulations as the council of said town may prescribe. The person conducting the first election shall grant certificates to the persons elected, which shall be entered upon the records with the ordinances of said council, and their terms of office shall commence on the second Monday of June next after election.

Subsequent elections.

Certificates of election.

Who may vote.

9. All persons, residents of said town, entitled to vote for county and township officers, shall be entitled to vote for mayor, recorder and councilmen.

Term of office, powers, duties, compensation and liabilities of officers.

12. The term of office, powers, duties, compensation and liabilities of the council and officers of said town shall be those prescribed in sections ten to twenty-eight, inclusive, of chapter fifty-nine of the acts of eighteen hundred and sixty-six.

CHAPTER 132.—An ACT empowering Circuit Courts to reinstate causes dismissed from the Court Docket, and to set aside non-suits.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia :

1. Any circuit court may, on motion, re-instate on the trial docket of the court, any case dismissed, and set aside any non-suit that may be entered by reason of non-appearance of the plaintiff, within three terms after the order of dismissal may have been made, or order of non-suit entered.

Cases may be re-instated and non-suits set aside within three terms.

2. And all causes in which orders of dismissal have been made, or orders of non-suit entered by the courts, and which orders have been set aside and causes re-instated, the same shall remain upon the docket, and be proceeded in the same as if the said orders had never been made: Provided, that no such cause shall be brought to trial until the defendant therein shall have had at least thirty days notice in writing, or if a non-resident, by order of publication duly executed, of such re-instatement.

Further proceedings in such causes.

Such cause not to be tried without notice to defendant.

CHAPTER 133.—An ACT securing liens to Mechanics, Laborers and others.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia :

1. That upon every dwelling house or other building hereafter constructed and erected within this State, there shall be a lien for the amount of all debts contracted for or by reason of any work done or materials found and provided by any brickmaker, bricklayer, stone-cutter, mason, lime merchant, carpenter, painter and glazier, iron monger, blacksmith, plasterer and lumber merchant, or any other person employed in furnishing materials for, or in erecting and constructing such house or building; and such lien shall exist for the ratable benefit of all such persons, and shall have preference over any lien created by deed or otherwise on such house or building, subsequently to the construction thereof. But no person employed to do work or furnish materials for the construction of any such house or building any part thereof, by another who may have contracted with the owner thereof to construct or erect the same, or any part thereof, shall have any lien on such house or building, unless such person shall within thirty days after the term of his employment has expired, or after the delivery of materials furnished, give notice in writing to the owner of such house or building of the amount of his demand, and that he claims the benefit of the lien created by virtue of this act.

Lien on building secured to mechanics and material men.

Lien preferred.

Sub-contractor not entitled to lien unless he has given notice to owner.

2. Such lien may be enforced by the sale of such house or building, under a decree in equity or a judgment at law in favor of any party establishing his claim as hereinafter prescribed; and any decree or

Lien enforced by sale of building.

All honors to have ratable benefit of judgment. judgment so rendered shall inure for the benefit, ratably, of all persons having such lien, and who may assert the same within the time hereinafter prescribed.

Lien not valid unless suit commenced within three months.

3. Such lien shall not be valid for any purpose, unless within three months after the completion of such house or building, or the performance of such work, or the furnishing of such materials, a suit or action be commenced for the recovery of the amount claimed; or in case a suit or action has been so commenced by one or more of the parties interested, unless within the same time the amount claimed by any other person be filed in the clerk's office of the court in which such suit is instituted. The court in which any such suit is instituted, shall determine and settle, in a summary way, the claims of all persons who are parties thereto, or who may file such claims as aforesaid; and may exercise for the decision of their rights, all or any of the powers and authority prescribed in the first section of chapter one hundred and fifty-two of the code of Virginia, second edition.

Powers of court to settle claims.

Plaintiff whose claim is paid or tendered to file receipt therefor.

4. If any person, after commencing suit or action, or filing his claim as aforesaid, shall, within ten days after receiving payment of his claim and of all legal costs incurred, or a tender thereof, fail to file in the office of the clerk of the court in which such suit or action was instituted or the claim was filed, a receipt and acquittance of the claim so paid or tendered to be paid, he shall forfeit to the party injured one half of the amount so paid or tendered to be paid, to be recovered by action or motion in any court of record, and in case a tender of payment be so made and refused, the lien created by virtue of this act shall, upon such refusal, become null and of no effect.

Forfeiture of half the claim on failure so to do.

How summons served as to debtor absent from State.

5. If the debtor be not in the State at the time any such suit is instituted, the summons shall be deemed duly served after publication of notice, as prescribed in the code of Virginia, second edition; and if such debtor appear, he may plead and make defense as in other proceedings for the recovery of debts.

Judgment for sale of building

6. In any such proceeding, the judgment or decree of the court, if it be satisfied, by proper evidence, of the justice of the claims sued for or filed as aforesaid, by the verdict of a jury, or if the parties consent thereto, by the finding of the court itself, and that the benefit of the lien has been claimed within the time hereinafter prescribed, shall be for the sale of the house or building; and for this purpose the court rendering the decree or judgment, shall direct the sheriff, or a commissioner specially appointed, to sell such house or building, upon such terms of credit, and after such notice, as such court shall deem right, unless within ninety days from the date of such decree or judgment, the debtor shall pay to such officer or commissioner, or to such receiver as the court may appoint for the purpose, the aggregate amount of the claims for which the decree or judgment is, and all costs; and the proceeds of such sale shall be applied, by order of such court, ratably to the payment of such claims, in proportion to their respective amounts. No such decree or judgment shall warrant

by sheriff or commissioner.

unless claim and costs paid within ninety days.

Proceeds of sale applied ratably to payment of claims.

the sale, in the manner hereinbefore prescribed, of any property belonging to such debtor, except the house or building so constructed and erected, and so much of the lot on which it is erected as may, in the judgment of the court, be essential to its use and occupation, and no more; but upon such judgment or decree, the parties for whose benefit it was rendered may severally sue out executions against the property of the debtor for any unsatisfied balance of their respective claims, as upon other decrees or judgments.

No property to be sold except building and so much ground as is essential to its use;

but plaintiffs may sue out executions on judgment.

7. The act entitled "An Act securing liens to mechanics, laborers and others," passed February fifteenth, eighteen hundred and sixty-six, is hereby repealed.

Act repealed.

CHAPTER 134.—An ACT for the relief of Lieutenant Z. D. Ramsdell, late Quartermaster of the 5th West Virginia Volunteer Infantry.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia :

1. A sum not exceeding thirty-three hundred and twenty-seven dollars and twenty-seven cents is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of paying due bills given by Lieutenant Z. D. Ramsdell, late quartermaster fifth West Virginia Volunteer Infantry, in payment of expenses for recruiting services in eighteen hundred and sixty-one.

\$3,327.27 appropriated for payment of certain military claims.

2. The auditor is hereby authorized to draw his warrant on the treasury for a sum not exceeding thirty-three hundred and twenty-seven dollars and twenty-seven cents, and pay the same to persons presenting said due bills; provided, however, that the payment of each of said due bills shall first be approved by the quartermaster-general of this State.

Auditor to issue warrants to persons presenting claims, if approved by quartermaster-general.

CHAPTER 135.—An ACT to authorize the Auditor to allow certain credits to H. H. Dils, late Sheriff of Wood county.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia :

The auditor is hereby directed to allow H. H. Dils, late sheriff of Wood county, a credit for the amount of all licenses charged against him for the years eighteen hundred and sixty-five and eighteen hundred and sixty-six, as will appear on settlement to have been improperly reported by the assessor of said county.

Dils to be credited for licenses for 1865 and 1866 improperly reported.

CHAPTER 136.—An ACT for the relief of the heirs of Nathaniel Tomlinson.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia :

Taxes erroneously assessed to be refunded.

That the board of supervisors of Marshall county be and are hereby empowered to release or refund to the heirs of Nathaniel Tomlinson any and all taxes erroneously assessed or paid for and since the year eighteen hundred and sixty-three.

CHAPTER 137.—An ACT for the relief of George D. Mollohan.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia :

£30 refunded for state taxes erroneously assessed.

1. That the auditor is hereby directed to issue his warrant upon the treasurer for thirty dollars, in favor of George D. Mollohan, for State taxes erroneously assessed against said Mollohan for the years eighteen hundred and sixty-five, eighteen hundred and sixty-six and eighteen hundred and sixty-seven.

Supervisors of Braxton may refund county taxes erroneously assessed.

2. And the board of supervisors of Braxton county are empowered to refund to said Mollohan, for the years above named, any and all county taxes erroneously assessed and paid.

CHAPTER 138.—An ACT amending and re-enacting Section 1 of Chapter 53 of the Code of Virginia.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia :

Code amended.

1. That section one of chapter fifty-three of the code of Virginia is amended and re-enacted so as to read as follows:

Incorporated towns providing for their own streets and poor exempted from county road and poor taxes.

“1. That incorporated towns that support their own poor and keep in repair their own streets and alleys, shall be exempt from any levy made to support the poor of the county outside the limits of said corporation, and shall not be subject to levies for road purposes, or compelled to work any county roads outside the limits of any town so incorporated.”

Acts repealed.

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

CHAPTER 139.—An ACT to authorize a wharf to be erected on the south side of the Little Kanawha River.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia :

Right to erect wharf granted.

That Thomas and Edmund P. Chancellor have the right granted them to erect a wharf on their land fronting on the Little Kanawha river,

opposite the city of Parkersburg, and that they be permitted to charge and receive the same rate of wharfage, and have the same privilege as the city of Parkersburg. Rates of wharfage.

CHAPTER 140.—An ACT for the relief of William Koontz.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia :

1. The auditor is hereby directed to issue his warrant upon the treasury for four dollars, in favor of William Koontz, it being the sum paid as State taxes on an erroneous valuation of one thousand dollars on twenty acres and ninety-six poles of land in Marshall county. State taxes erroneously assessed to be refunded.

2. And the board of supervisors of Marshall county are empowered to refund to said Koontz the taxes paid by him for the year eighteen hundred and sixty-six, on an erroneous assessment of one thousand dollars, as specified in section one of this act. Supervisors of Marshall county refund county taxes erroneously assessed.

CHAPTER 141.—An ACT authorizing Alpheus F. Haymond, of the county of Marion, to practice law in the courts of this State, without taking the oath prescribed by Chapter 30 of the Acts of 1866.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia :

1. That Alpheus F. Haymond, of the county of Marion, late a practicing attorney in this State, be and he is hereby exempted from the provisions of the act of the legislature, passed on the fourteenth day of February, eighteen hundred and sixty-six, entitled "An Act in relation to the oaths of attorneys at law," and he is hereby authorized to practice law in all the courts in this State, without taking the oath prescribed by said act. Authority to practice law without taking oath.

2. The legislature reserves the right to repeal this act at any time when in their discretion they may deem it proper to do so. Act may be repealed.

CHAPTER 142.—An ACT changing the times of holding courts in the Second Judicial Circuit.

Passed March 3, 1868.

Be it enacted by the Legislature of West Virginia :

That chapter seventy-six of the acts of eighteen hundred and sixty-seven, be and is hereby amended and re-enacted to read as follows :

"The commencement of the terms of the circuit court in the several counties of the second judicial circuit, after the first day of July next, shall be as follows : Commencement of terms, after July 1st, 1868.

- Monongalia.** "For the county of Monongalia, on the first Monday of September, November, February and May."
- Taylor.** "For the county of Taylor, on the third Monday of September, November, February and May."
- Tucker.** "For the county of Tucker, on the first Monday of October, December, March and June."
- Preston.** "For the county of Preston, on the second Monday of October, December, March and June."
- Grand juries.** "There shall be a grand jury summoned for each term in the said counties respectively, as now provided by law."

CHAPTER 143.—An ACT amending Section 1 of Chapter 68 of the Acts of 1866.

Passed March 4, 1868.

Be it enacted by the Legislature of West Virginia :

That section one of chapter sixty-eight of the acts of eighteen hundred and sixty-six, is hereby amended and re-enacted so as to read as follows :

Power of council of Wheeling to levy a tax.

"1. That the council of the city of Wheeling shall have authority to levy an annual tax on all real estate and tithables within the limits of said city, without exception : Provided, that such tax shall not in any one year exceed the sum of fifty cents for each tithable, and fifty cents on every hundred dollars value of said real estate. And provided that nothing contained in this act shall be so construed as to authorize taxation on the real estate lying and being situated on Zane's Island, owned by the legal representatives, heirs or devisees of Daniel Zane, or the trustees of Ebenezer Zane's estate, or by Richard V. Whelan, Elijah J. Stone, John Fink, George Faubel, John Smith, Edwin E. Zane and Angeline Fink, so long as the said real estate shall continue to be owned by them, their legal representatives, heirs or devisees, or held under said trust, otherwise than the same would be taxable if this act had not passed, except that any part of the same may be taxed when laid out into town lots."

Certain property exempt from taxation.

CHAPTER 144.—An ACT authorizing Robert White, of the county of Hampshire, to practice law in the courts of this State without taking the oath prescribed by Chapter 30 of the Acts of 1866.

Passed March 4, 1868.

Be it enacted by the Legislature of West Virginia :

Authority to practice law without taking oath.

1. That Robert White, of the county of Hampshire, late a practicing attorney in this State, be and he is hereby exempted from the provisions of the act of the legislature passed on the fourteenth day of February, eighteen hundred and sixty-six, entitled "An Act in relation to the oaths of attorneys at law," and he is hereby authorized to

practice law in all the courts in this State without taking the oath prescribed by said act.

2. The legislature reserves the right to repeal this act at any time when in their discretion they may deem it proper to do so. Act may be repealed.

CHAPTER 145.—An ACT to incorporate the Parkersburg Mutual Coal Company.

Passed March 4, 1868.

Be it enacted by the Legislature of West Virginia:

1. James E. Wharton, Charles A. Burrows, John B. Klunk, S. M. Peterson and George Sparhawk, their associates and successors, are hereby constituted a body politic and corporate, by the name and style of "The Parkersburg Mutual Coal Company," and as such they shall be empowered to lay out and construct a railroad, or tram railroad, from or near Petroleum Station, on the Northwestern Virginia Railroad, up Oil Spring run, or the branches thereof, to and through the lands of E. L. Gale, to any coal bank along said run or its tributaries, and to mine for coal and other minerals, manufacture lumber, and do all other things necessary and expedient for the transaction of the above business, and have all the privileges usually accorded to improvement companies by the laws of this State. Corporators.
Style of company.
Power to construct railroad.
mine and manufacture.

2. The stock of said company shall consist of not less than five hundred nor more than two thousand shares, of ten dollars each, and when the above five hundred shares are subscribed, the said company may be organized by the election of five directors, with power to manage the affairs of said company, and call in the instalments on the stock at their discretion, and expend the same for the purposes above named. Capital stock.
Directors.

3. The said company shall have the authority to borrow money and contract debts to any amount not exceeding one half of the capital stock paid in, and the property of the company shall be liable for said debts; but no further liability shall rest upon or be incurred by the stockholders for and in consequence of any action of the company. Company may borrow money.
Liability of stockholders limited.

4. The company shall have the right to purchase or lease any real estate that may be necessary for their purposes, and to the attainment of that end, shall have the right to all the privileges of securing right of way and crossing public roads, granted by the laws of this State to improvement companies. The company shall also be authorized to charge for freight or passengers upon their road, such prices as are allowed to be charged by other railroads by the laws of this State, and the directors shall semi-annually declare and pay within one week after they are made, dividends as they may deem proper from the earnings of the company, but shall be held individually liable for any Company may acquire real estate and rights of way.
Tolls for freight and passengers.
Dividends.

- Dividends.** debts of the company, provided they may at any time declare such dividends as shall impair the stock of the company, unless he or they shall enter public protest against such dividends.
- Subscription books.** 5. The corporators, or any of them, may open books of subscription for stock in said company, at any time after the passage of this act.
- Act amendable.** 6. The Legislature reserves the right to alter, amend or repeal this act.

CHAPTER 146.—An ACT providing for the purchase of the
West Virginia Normal School at Fairmont.

Passed March 4, 1868.

Be it enacted by the Legislature of West Virginia:

- Purchase of property at a price not exceeding \$2000 authorized.** 1. The general superintendent of free schools, on behalf of the board of regents of the State Normal School, provided by the act passed February twenty-seventh, eighteen hundred and sixty-seven, entitled "An Act establishing a State Normal School," is hereby authorized to purchase of the regency of West Virginia Normal School at Fairmont all the property, both real and personal, belonging to said regency, at a price not exceeding two thousand dollars.
- Branch of normal school to be established.** 2. If the said purchase shall be completed, there shall be established, with as little delay as possible, at that place, a branch of the State Normal School, to be under the control of the regents provided in the act aforesaid, and to be governed by the provisions of that act so far as they are applicable.
- Appointment of local board.** 3. As soon as practicable after the said purchase shall have been made, the said board of regents shall appoint the local board contemplated by the fourth section of said act; and the said regents shall proceed to have the building of the said normal school at Fairmont completed and furnished and a school opened therein at as early a day as may be.
- Completion of building.** 4. The auditor is hereby authorized to pay out of any money in the treasury not otherwise appropriated, upon the order of the general superintendent of free schools, the sum not exceeding two thousand dollars to meet the purchase provided for in the first section of this act, provided the said purchase is made.
- \$2000 appropriated for purchase.** 5. The further sum of three thousand dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, to be paid by the auditor on the order of said superintendent, to pay the expenses to be incurred by the said board of regents in finishing and furnishing the said normal school building at Fairmont, in case the said purchase is made.
- \$3000 appropriated for completion of building.**

6. Provided, that no money shall be drawn from the treasury of the State under this act until the county of Marion shall have made up and paid into the State treasury the sum of two thousand dollars, to be applied to the benefit of the said proposed institution, in addition to the appropriations herein made, and to be drawn in the same manner.

No money to be drawn until Marion county subscribes \$2000.

7. The act passed February twenty-seventh, eighteen hundred and sixty-seven, entitled "An Act relating to West Virginia Normal School," is hereby repealed.

Act repealed.

CHAPTER 147.—An ACT to amend and re-enact the sixth Section of an Act, entitled "An Act concerning licenses," passed February 26, 1867.

Passed March 4, 1868.

Be it enacted by the Legislature of West Virginia :

The sixth section of an act entitled "An Act concerning licenses," passed February twenty-sixth, eighteen hundred and sixty-seven, is hereby amended and re-enacted so as to read as follows :

"6. Upon credible complaint in writing, made to any justice of the county, or upon his own knowledge, of any breach of the condition of the bond mentioned in the fifth section of this act, the justice shall issue a summons for misdemeanor, in the name of the State, against the offending party, and shall proceed with a summary trial; and if it be proven that there has been a breach of the condition of said bond, the justice shall give judgment against the offender for ten dollars and costs, for each offence, until the penalty of the bond is exhausted. And sums so recovered shall be paid into the general school fund. If the complaint be made under oath, any justice failing or refusing to comply with the requirements of this section, shall, for each failure or refusal, forfeit the sum of fifty dollars with costs; and the prosecuting attorney for the county shall place the bond of such justice in suit, and recover in the name of the county said forfeiture and costs, and where recovery is had, shall receive a fee of ten dollars, to be taxed in the costs."

On breach of liquor-seller's bond, justice may issue summons for misdemeanor.

Amount recoverable.

Penalty for failure of justice to act.

CHAPTER 148.—An ACT authorizing the Trustees of the M. E. Church at Triadelphia, in Ohio county, to sell and convey the M. E. Church at that place.

Passed March 4, 1868.

Be it enacted by the Legislature of West Virginia :

The trustees of the Methodist Episcopal Church at Triadelphia, are hereby authorized to sell and convey their church building, at Triadelphia, with the ground thereto attached belonging to said church.

Conveyance authorized.

CHAPTER 149.—An ACT to amend and re-enact Chapter 97 of the Acts of 1866.

Passed March 4, 1868.

Be it enacted by the Legislature of West Virginia :

Chapter ninety-seven of the acts of eighteen hundred and sixty-six, is amended and re-enacted so as to read as follows :

No suit or prosecution to be maintained for acts against the rebellion.

"1. No civil suit or action, nor any criminal prosecution for any felony or misdemeanor, shall be maintained in the courts of this State, against any person for any act done in the suppression of the late rebellion; and it shall be a sufficient defence to such suit or action, or to such criminal prosecution, to show that such act was done in obedience to the orders or by the authority of any civil or military officer of this State, or of the reorganized government of Virginia, or of the government of the United States; or that said act was done in aid of the purposes and policy of said authorities, in retarding, checking and suppressing the late rebellion."

Such suits and prosecutions to be dismissed.

"2. All suits brought or prosecutions commenced, or that may hereafter be brought or commenced, against the State home guards, to recover back the sum or sums collected as aforesaid, and paid to parties robbed as aforesaid, shall be dismissed at the plaintiff's cost."

CHAPTER 150.—An ACT authorizing the payment of Surveyors of Roads in Tyler county, out of the County Treasury.

Passed March 4, 1868.

Be it enacted by the Legislature of West Virginia :

Payment out of county treasury authorized.

Surveyors of roads in Tyler county may be paid for their services under the general road law, out of the county treasury; but no such surveyor shall be paid until he has produced to the board of supervisors of said county, satisfactory evidence of the justice and correctness of his account, and then only upon the order of said board.

CHAPTER 151.—An ACT to amend and re-enact Section 10 of Chapter 51, entitled "An Act to establish a court of limited jurisdiction in the city of Wheeling," passed February 24, 1865.

Passed March 4, 1868.

Be it enacted by the Legislature of West Virginia :

Act establishing municipal court of Wheeling amended.

That section tenth of chapter fifty-one, entitled "An Act to establish a court of limited jurisdiction in the city of Wheeling," passed February twenty-fourth, eighteen hundred and sixty-five, be and is hereby amended and re-enacted so as to read as follows :

"10. That the council of said city is hereby authorized to appoint the mayor of said city, or some competent person, who shall exercise

the police jurisdiction of said court when the judge thereof, from sickness or other cause, is incapable of acting, or is absent from the city, or the office is vacant.” Absence of judge or inability to act.

CHAPTER 152.—An ACT to legalize the conveyance of a lot of ground in the town of Elizabeth, in the county of Wirt, to Barnett F. Ball.

Passed March 4, 1863.

Be it enacted by the Legislature of West Virginia:

The sale and conveyance of lot number twenty, in the town of Elizabeth, in the county of Wirt, to Barnett F. Ball, by Samuel Thornton, Washington Berry and Jonathan Steel, surviving trustees thereof, who held the same in trust for the use and benefit of the Methodist Episcopal Church, be and the same is hereby legalized and made valid and binding upon said church and the said trustees, or the heirs or assigns of said trustees. Conveyance authorized.

CHAPTER 153.—An ACT making an appropriation to the Penitentiary.

Passed March 4, 1863.

Be it enacted by the Legislature of West Virginia:

The sum of fifty thousand dollars is hereby appropriated, to be applied to defraying the expenses that have or may arise from the building of the penitentiary at Moundsville, and the same shall be paid by the auditor on the draft of the treasurer of the board of directors, endorsed by the president thereof: Provided, that the board of directors shall expend said money, or so much thereof as may be necessary, on the finishing of the cell building now under construction, and in putting up the outer wall, so as to render the convicts secure. \$50,000 appropriated. How expended.

CHAPTER 154.—An ACT to authorize the Trustees of the West Fork Baptist Church to convey to James O. Watson the legal title to said church property.

Passed March 4, 1863.

Be it enacted by the Legislature of West Virginia:

Zebulon Musgrave, James Watkins and Isaac Coon, trustees of the West Fork Baptist Church, are hereby authorized to convey to James O. Watson, by deed properly acknowledged for probate, the real estate, with its appurtenances, lying and being in Marion county, known as the West Fork Baptist Church property; the same conveyed by David Evans to Enoch James and Benjamin Veach, trustees, by deed dated on the seventeenth day of June, eighteen hundred and nine, of record in Harrison county. Conveyance authorized.

CHAPTER 155.—An ACT to authorize the Trustees of Mount Wood Cemetery Association to levy a special annual tax upon the lot holders thereof.

Passed March 4, 1868.

Be it enacted by the Legislature of West Virginia :

Annual tax authorized.

May be collected before justice.

Act to take effect only when approved by a majority of the stockholders.

That for the purpose of providing a fund to pay the annual expenses for the care and adornment of the burial grounds of the Mount Wood Cemetery Association, situate in the city of Wheeling, it shall be lawful for the trustees of said association to levy and collect by warrant, before any justice of the peace in Ohio county, an annual tax not exceeding two dollars, on every lot or part of a lot in said cemetery; and every owner of said lot, or part of a lot, is hereby required to pay such assessment to the treasurer of said association: Provided, that the above enactment shall take effect and be of force only from the date at which the majority of the owners of lots or parts of lots in said cemetery shall agree thereto.

CHAPTER 156.—An ACT to amend the law providing for the registration of the qualified voters of the State.

Passed March 4, 1868.

Be it enacted by the Legislature of West Virginia :

Registration law amended.

Return of register after election.

Penalty.

Board of registration liable to prosecution for violation of this act.

Not liable in civil suit.

Sections eighteen and twenty-one of the act passed February twenty-fifth, eighteen hundred and sixty-seven, entitled "An Act providing for the registration of the qualified voters of the State," are hereby amended and re-enacted so as to read as follows :

"18. It shall be the duty of the supervisors and inspectors of elections, and of all other officers whose duty it is or may hereafter be to superintend or return the result of any election, to return the register used at such election to the board of registration of the county within ten days thereafter, under penalty, in case of failure, of not exceeding fifty dollars for every offence."

"21. If a board of registration strike from any register of voters, any name which ought to be retained thereon, or refuse to enter on such register, the name of any person entitled to be registered thereon, or enter upon such register the name of any person not so entitled, every member of such board who knowingly and wilfully concurs in so doing, shall forfeit not exceeding fifty dollars for every such offence. But in any prosecution against the board of registration, or any member thereof, under this act, it shall be presumed that the act or decision complained of, was done or made in good faith, unless the contrary be plainly shown to the satisfaction of the court, as well as the jury. But the members of such board, or any registrar, shall not be liable in any civil suit for their official action under this law."

2. The tenth section of the act mentioned in the first section **Section repealed.** hereof, is hereby repealed.

3. The registration of voters of any city or corporate town provided for in said act, shall be made, and the registers returned to the county board by the proper registrar or registrars, at such time, within forty days next preceding any regular election in such city or town, as such board may designate; and the board shall thereupon proceed, at such time as they may fix before such election, to examine, correct and certify such registers upon the notice, and in the mode in all other respects, prescribed in the act aforesaid. **Registration in cities and towns for charter elections.**

4. The clerk of the board may charge for a copy furnished by him the same fee that is allowed by law to a clerk of a circuit court for like services, and may make out his fee bill therefor, which shall have the same lien and may be collected in the same manner as a fee bill of a clerk of such court. **Fees of clerk of board of registration for copies.**

5. A board of registration may hold special meetings whenever a majority of the board shall deem it necessary. **Special meetings of board.**

CHAPTER 157.—An ACT to amend and re-enact Sections 3 and 4 of the Act passed February 27, 1867, entitled "An Act for the establishment of a State Normal School."

Passed March 4, 1878.

Be it enacted by the Legislature of West Virginia:

That sections three and four of the act passed February twenty-seventh, eighteen hundred and sixty-seven, entitled "An Act for the establishment of a State Normal School," be and the same are hereby amended and re-enacted so as to read as follows:

"3. The said school shall be under the general supervision and control of the said regents. They shall have full power and authority to adopt and establish such by-laws, rules and regulations for its government as they may deem necessary and proper to effect the object of its establishment, not inconsistent with the laws of this State. They shall fix the number and compensation of the teachers and others to be employed therein, and appoint and remove the same; prescribe the preliminary examination of pupils, and the terms and conditions on which they shall be received and instructed in said school; the branches of learning to be taught in each department thereof; and shall determine the number of pupils to be received into the normal department of said school from each county or senatorial district of this State, conforming as nearly as possible to the ratio of population therein, and the mode of selecting them. The pupils admitted into the normal department of said school shall be admitted to all the privileges thereof, free from all charges for tuition or for the use of books or apparatus; but every such pupil shall pay for books lost by **Powers of regents. By-laws. Teachers. Pupils. Branches of learning. Apportionment of pupils. Free tuition.**

- Pupil must pay for damages to property. him, and for any damage done by him to such books or apparatus; and any pupil in said school may be dismissed therefrom by said regents, or by the executive committee, subject to approval of the regents, for immoral or disorderly conduct, or for neglect or inability to perform his duties. The State superintendent of free schools shall prepare suitable diplomas to be granted to the students of the normal department of said school, who have completed the course of study and discipline prescribed by said regents; and such diploma, when signed by said superintendent and the principal of the normal department of said school, shall, of itself, be a sufficient certificate of qualification to teach common schools; but such diploma may be annulled by the State superintendent of free schools for the intemperance or other immoral conduct of its holder. The said regents may establish a pay department in said school, whenever the accommodations thereof will admit of the same, and may admit into such department so many paying students as can be accommodated therein from this or any other State, whether they desire to become teachers of common schools or not. They may cause to be taught in the said department of the said school, all or any of the branches of learning usually taught in colleges and seminaries, and for that purpose may establish therein the necessary professorships. They may also make all the necessary rules and regulations for the government of the said department, and prescribe the tuition and terms of admission therein. The sum of two thousand five hundred dollars per annum, for two years, is hereby appropriated and placed at the disposal of the said regents, for the purpose of paying the salaries of teachers and the other necessary expenses of the said normal department of the said school, for and during the years eighteen hundred and sixty-eight and eighteen hundred and sixty-nine, which sums shall be paid out of the treasury of the State upon orders drawn by the said regents, and signed by their president and secretary. The said school shall continue to be called and known by the name of 'Marshall College.'
- Dismissal of pupils.
- Diplomas; their effect.
- Diplomas may be annulled.
- Pay department.
- Branches of learning therein.
- \$5000 appropriated for school.
- How drawn.
- School to be called Marshall College.
- Executive committee.
- Their powers.
- Their reports.
- "4. The said regents shall appoint three intelligent and discreet persons, residents of the county of Cabell, who shall constitute an executive committee for the care and immediate management and control of said school, subject to the rules and regulations prescribed by said regents. Said committee shall designate the person to take charge of the boarding department of said school, and shall fix the price to be paid for board therein. They shall, from time to time, make full and detailed reports to said regents of the condition, working and prospects of said school, and shall do and perform such other duties in relation thereto as the said regents may from time to time prescribe."

CHAPTER 158.—An ACT authorizing the transfer of Brooke Academy to the Free Schools of Brooke county.

Passed March 4, 1868.

Be it enacted by the Legislature of West Virginia :

The second section of the act entitled "An Act to repeal and re-enact section second of an act to authorize the trustees of Brooke Academy to transfer their property to the Meade Collegiate Institute, and to authorize said institute to transfer the same property to the trustees thereafter appointed," passed by the General Assembly of the re-organized government of Virginia, January twenty-eighth, eighteen hundred and sixty-three, is hereby amended and re-enacted so as to read as follows :

"2. The trustees of Brooke Academy are hereby authorized to transfer their property of whatever kind, and the proceeds of sale of said academy, to the several boards of education in Brooke county, in proportion to the enrolled number of youths in each of the townships of said county, to be used by said boards of education in the erection of school buildings for free schools in said county. The said boards of education are hereby authorized to collect the proceeds of sale of said academy, and apply the same and other property belonging to said academy, to the erection of school buildings for free school purposes."

Trustees may transfer property to board of education.

Proceeds to be applied to erection of school buildings.

CHAPTER 159.—An ACT to alter part of the division line between the counties of Tyler and Wetzel.

Passed March 4, 1868.

Be it enacted by the Legislature of West Virginia :

1. The division line between the counties of Tyler and Wetzel is hereby so altered as to include within and make part of the county of Tyler, the dwelling houses of Nimrod Beohard and Elisha Stoneking, now partly in the county of Wetzel.

Line altered.

2. The alteration herein provided for shall not be of force until the surveyor of the county of Tyler shall run and mark the new line or lines, and make three fair plats thereof, which he shall duly certify and forward, one to the secretary of the State, another to the recorder of the county of Wetzel, and the third to the recorder of the county of Tyler, who shall file and carefully preserve the same in their respective offices.

New line to be run.

Plats of line.

3. The account of the said surveyor, for his fees and expenses incurred under the provisions of this act, shall be audited by the board of supervisors and paid out of the treasury of the county of Tyler.

Expenses of surveyor paid by Tyler county.

CHAPTER 160.—An ACT providing for the changing of the county lines between the counties of Wayne and Logan.

Passed March 4, 1868.

Be it enacted by the Legislature of West Virginia:

Line changed.

The county line between the counties of Wayne and Logan is hereby changed so as to include the farm known as the Lewis Brewer farm, (at the mouth of Marbone creek,) in the county of Wayne.

CHAPTER 161.—An ACT to prevent the destruction of Deer in Webster county.

Passed March 4, 1868.

Be it enacted by the Legislature of West Virginia:

Unlawful to hunt deer with dogs, unless deer be wounded.

1. It shall not be lawful for any person or persons in the county of Webster to hunt, chase, catch or kill, or in any way destroy deer by dogs, except that a deer may be first shot and wounded, and then may be caught by a dog.

Penalty for violation of act.

2. Any person violating this act, by allowing his dog or dogs to run, chase or destroy deer in said county, shall be fined ten dollars for each offence, and the cost incurred, before any justice of the peace of said county; one-half to go to the informer and the other half to the general school fund.

Bad habits of dog or dogs.
Notice to owner of dog or dogs.
Violation of act by dog or dogs.
Affidavit against dog or dogs.
Warrant for dog or dogs.
Arrest of dog or dogs.
Trial of dog or dogs.
Sentence of dog or dogs.
Execution of dog or dogs.
Fee for killing dog or dogs.

3. Any dog or dogs found or known to run or catch deer, and the owner of such dog or dogs be notified of the fact, and the dog or dogs be found transgressing this act a second time or more, upon the affidavit of any person who is a lawful witness to testify in other cases, before any justice of the peace, such justice shall issue his warrant, directed to any constable, to arrest and bring such dog or dogs before him, and, on proof of guilt, may condemn such dog or dogs to be killed; and the constable, upon a copy of such judgment signed by the justice, shall forthwith kill the same dog or dogs, and shall be entitled to fifty cents for each dog he may so kill, which shall be recovered off the owner of such dogs.

Fees to officers.

4. The same fees shall be allowed to the justice, constable and witnesses as are now allowed by law for similar services.

Acts repealed.

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

CHAPTER 162.—An ACT to repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 14, 15, 16, 17 and 18 of Chapter 150 of the Code of Virginia, second edition.

Passed March 4, 1863.

Be it enacted by the Legislature of West Virginia :

Sections one, two, three, four, five, six, seven, eight, nine, fourteen, fifteen, sixteen, seventeen and eighteen of chapter one hundred and fifty of the code of Virginia, second edition, are hereby repealed.

Repeal of sections relating to justices.

CHAPTER 163.—An ACT for the relief of the estate of Jacob Harper, deceased.

Passed March 4, 1863.

Be it enacted by the Legislature of West Virginia :

The administrators or executors of the estate of Jacob Harper, deceased, of Raleigh county, are hereby released from the payment of any and all judgments in favor of the commonwealth of Virginia, or of the literary fund, rendered in the circuit court of the city of Richmond, against Wilson Abbot, late sheriff of Raleigh county, and his securities, the said Jacob Harper being one : Provided, that this act shall not be construed to release the said Wilson Abbot or the remainder of his securities, from any liabilities whatever as such sheriff and securities.

Personal representatives of Harper released from liabilities as securities of Wilson Abbot, late sheriff.

Abbot not released.

CHAPTER 164.—An ACT to incorporate the Development Railroad Company.

Passed March 4, 1863.

Be it enacted by the Legislature of West Virginia :

1. It shall be lawful to open books in Middlebourne, Tyler county, under the direction of C. Engle, E. T. Nicklin, L. L. Stealey, R. R. Swan, Arthur Ankrom, A. Dare, A. Thistle, John Wharry, D. D. Johnson, Selman Wells, William Corbitt, J. M. Smith, D. C. Sweeney, R. Stathers, C. J. Stewart, T. K. Knight and E. L. Wade, or any three of them, and in such other place or places, and under the direction of such agents as any three of the above named commissioners may designate, for the purpose of receiving subscriptions to the amount of thirty thousand shares of twenty-five dollars each, to constitute a joint capital stock for the purpose of constructing a railroad from some point on the Ohio river, in Tyler county, to and up the valley of Middle Island creek, to such point as the company hereby incorporated may determine upon.

Commissioners.

Capital stock.

Route and termini of railroad.

2. When two hundred shares of the said capital stock shall have been subscribed, the subscribers, their executors, administrators and assigns, shall be and are hereby incorporated into a company by the name and style of "The Development Railroad Company," subject to

Incorporation.

Rights of company. all the provisions, and entitled to all the benefits of chapters fifty-six, fifty-seven and sixty-one of the code of Virginia, second edition, except so far as the provisions of this act are inconsistent therewith.

Increase of capital stock. 3. If the capital stock of said company shall be insufficient for the purposes of this act, the said company shall have power and are hereby authorized to increase the same, by the addition of as many shares as may by said company be deemed necessary.

Company may issue bonds. 4. The said company shall have power, and are hereby authorized to make and execute bonds or certificates of indebtedness, under the seal of said company, for such sum or sums, and payable at such time or times, and to sell and dispose of the same upon such terms, as the said company may determine upon.

Acts inconsistent herewith not to apply to company. 5. So much and such parts of the code of Virginia hereinbefore recited, or of any other acts or acts, as may be inconsistent with any of the provisions of this act, shall be held not to apply to the company hereby incorporated, so far as the same may affect the charter granted by this act.

Company may make sidings and acquire lands. 6. The said company may make such sidings, branches and extensions of their said road as they may deem necessary for the development of the agricultural and mineral resources of the country through which the said road and its branches may pass; and they are authorized and empowered to purchase and hold lands in fee simple, or any less right, anywhere within five miles of said road or its branches, and to sell, lease, mortgage, or otherwise dispose of the same at their pleasure, and make proper conveyances therefor.

Extension of road along the Ohio river. 7. After twenty miles of the main stem of said road has been completed, the said company may extend the same up or down, or both up and down, the Ohio river, to such point or points as they may determine upon.

Company may mine and manufacture. 8. The said company are authorized to engage in the manufacture of lumber, iron, fire brick, and the manufacture of any and everything taken from or produced upon the lands owned or held by them; and they are authorized to bore, dig, mine, and do all other things necessary for the development of the mineral resources of said lands.

Act may be amended. Proviso. 9. The Legislature reserves the right to alter or amend this act at any time; but such amendment shall not affect or impair the right of the creditors of the said company to have the property and assets thereof applied in discharge of their respective claims, or of the stockholders to have the surplus which may remain, after providing for the debts and liabilities of the corporation, distributed among themselves according to their respective interests.

CHAPTER 165.—An ACT providing for the winding up of the affairs of the Bank of Berkeley.

Passed March 4, 1863.

Be it enacted by the Legislature of West Virginia :

1. All notes and claims against the Bank of Berkeley shall be presented for payment, during business hours, at the banking house at which the same are respectively payable, on or before the first day of January, eighteen hundred and sixty-nine ; and after the said date no suit, motion or proceeding at law or in equity shall be commenced for the recovery of any note, claim or liabilities now existing against said bank, unless it shall have been presented as aforesaid, without obtaining payment thereof.

All claims against bank to be presented before January 1, 1869.

No suit to be commenced for claims not so presented.

2. The stockholders of said bank, in general meeting assembled, within thirty days after the passage of this act, are hereby authorized to appoint commissioners to collect all outstanding debts and claims due to said bank, and convert into money its property and assets, and pay over and distribute the proceeds, after deducting reasonable expenses, to and among the creditors and stockholders according to their respective rights.

Commissioners to wind up affairs of bank.

3. The commissioners, a majority of whom may act, may fill any vacancy occurring in their body, and may compromise any claim in favor of or against the said bank ; and as soon after the said first day of January in eighteen hundred and sixty-nine, as in their judgment it can be properly done, they shall sell the remaining property, assets and claims of said bank not heretofore converted into money, at public auction for cash, or on reasonable terms of credit, or in part for cash and on on reasonable terms of credit, the residue, and pay over and distribute the proceeds as directed by the preceding section.

Powers of commissioners.

Sale of assets of bank.

4. The said commissioners shall also, within thirty days after their appointment, cause a copy of the first section of this act to be published for six months in the Berkeley Union, New Era, Wheeling Intelligencer, Wheeling Register, Parkersburg Times, West Virginia Journal, Shepherdstown Register and Clarksburg Telegraph.

Publication of first section of this act.

CHAPTER 166.—An ACT for the relief of Geary township, in the county of Roane, and Chapmansville township, in the county of Logan.

Passed March 4, 1863.

WHEREAS, The township of Geary, in the county of Roane, and the township of Chapmansville, in the county of Logan, had the enumeration of youths taken, as required by law, but on account of the sickness of members of the boards of education, they were not forwarded to the State superintendent of schools in time to receive their pro-

rata of the State school fund for the year eighteen hundred and sixty-seven; therefore,

Be it enacted by the Legislature of West Virginia:

\$115.09 to be paid to Geary township, Roane county.

That the sum of one hundred and fifteen and nine hundredths dollars is hereby directed to be paid by the auditor, on the order of the State superintendent of free schools, to the township treasurer of Geary township, Roane county, out of the school funds in the treasury for the year eighteen hundred and sixty-seven, and that the sum of four hundred and forty-two dollars is hereby directed to be paid by the auditor, on the order of the State superintendent of free schools, to the township treasurer of Chapmansville township, in the county of Logan, out of the school funds in the treasury for the year eighteen hundred and sixty-seven.

\$442 to be paid to Chapmansville township, Logan county.

CHAPTER 167.—An ACT to refund the taxes collected from Soldiers for Bounty purposes.

Passed March 4, 1868.

Be it enacted by the Legislature of West Virginia:

Taxes to be refunded by boards of supervisors.

All taxes heretofore collected from any person who volunteered into the service of the United States, prior to the first day of January, eighteen hundred and sixty-three, and who has been honorably discharged therefrom, or from the heirs or widow of such soldier, for bounty purposes, during the years of eighteen hundred and sixty-six and eighteen hundred and sixty-seven, shall be refunded upon application to the board of supervisors of the county wherein the taxes were paid: Provided, that this act shall not apply to any person who held the rank of quarter-master or provost marshal; and further provided, that this act shall only include such other officers as were promoted from the ranks.

Act not to apply to certain officers.

CHAPTER 168.—An ACT to amend the charter of the Little Kanawha Navigation Company.

Passed March 4, 1868.

Be it enacted by the Legislature of West Virginia:

1. That the second section of an act to amend and re-enact an act, entitled "An Act to incorporate the Little Kanawha Navigation Company," passed February twenty-eighth, eighteen hundred and sixty-six, be so amended as to read as follows:

Capital stock.

"2. The capital stock of said company shall consist of forty thousand shares of twenty-five dollars each. Said company having been organized under the foregoing act, the same is hereby continued, and shall be governed by the provisions of the fifty-sixth, fifty-seventh and sixty-first chapters of the code of Virginia, second edition, so far as the same are applicable and not inconsistent with its charter. The council of the city of Parkersburg, and the boards of supervisors of Wood, Wirt, Ritchie, Calhoun,

Continuation and powers of company.

Subscription by certain

Gilmer and Braxton counties, shall have power to subscribe to the capital stock of said company, from time to time, to an amount not exceeding twenty thousand dollars each, and may issue their bonds to said company, upon such terms and conditions as may be agreed upon, in payment of any subscription so made. And if the council of said city, or the supervisors of any of said counties, shall decline to make such subscription, or shall subscribe to an amount less than twenty thousand dollars, it shall be lawful for the council of said city, or the supervisors of such county, to loan to said navigation company, from time to time, the bonds of said city or of such county, to such an amount as, including any subscriptions of said city or such county, will not exceed twenty thousand dollars each, in such sums and upon such terms and conditions as may be agreed upon: Provided, that the council of the city of Parkersburg shall not subscribe to the capital stock of said company, nor make any loan thereto, until authorized to do so by a majority of the votes cast by the qualified voters of said city, at an election to be held for that purpose. Provided, farther, that the sums so subscribed or loaned, shall be expended in the improvement of the river in the county subscribing or loaning the same, and that said city and such counties shall have a lien on the works of said company to secure the payment of the interest and principal of any bonds loaned to said company. It shall be the duty of the said company, out of the proceeds of the tolls to be collected as hereinafter provided, after deducting its current expenses, to pay the interest on any bonds issued for such loan or subscription, to the exclusion of all other liabilities of said company which may be contracted subsequent to such subscription or loan; and if such tolls, after paying out of the same such current expenses, shall at any time prove insufficient to pay the interest on said bonds, it shall be the duty of said city or county which may have issued such bonds, to provide for such deficiency, and the circuit court shall have power by mandamus to enforce the provisions of this section."

counties and the city of Parkersburg.

Such counties and city, if they decline to subscribe, may make loans to company.

Proviso.

County subscriptions to be expended in the counties.

Payment of interest on bonds.

Counties to pay any deficiency of interest.

2. The third section of the above recited act is hereby so amended as that said company shall have power to charge and collect tolls on steamboats, barges and other floats, and on all commodities, only according to the distance which the same may be transported on such parts of said rivers, or either of them, as shall have been slack-watered by the construction of one or more locks and dams, including that part of the Little Kanawha river between lock and dam number one, as the same are now located, and the mouth of said river, at not exceeding the following rates, to wit:

Collection of tolls

according to distance of transportation.

On crude and refined oil, whether transported in bulk, in barrels or other packages, per barrel of forty gallons, per mile, five mills.

Oil barrels.

On empty oil barrels, per barrel, per mile, one and one-half mills.

On malt and spirituous liquors, per barrel of forty gallons, per mile, two and one-half cents.

Liquors.

On flour, per barrel, per mile, seven mills.

Flour.

On timber and logs, per one hundred cubic feet, per mile, two cents.

Timber and logs.

Lumber.

On boards, plank, scantling and lumber of all kinds, when transported in rafts, per one thousand feet, reduced to board or inch measure, per mile, two cents; and on the same when transported in boats or barges, per mile, one and one-half cents.

Staves and heading.

On staves and heading for flour, salt, lime, grain or fruit barrels, and on clapboards, shingles and laths, per thousand, per mile, one cent.

On staves and heading for oil, pork or liquor barrels, and on hoop-poles, per thousand, per mile, two cents.

On staves and heading for casks and hogsheads, per thousand, per mile, four cents.

On both staves and heading, per cord, per mile, two cents.

Wood and tan-bark.

On wood and tan-bark, per cord, per mile, one cent.

Coal and coke.

On coal and coke, per thousand pounds, per mile, one cent.

Other articles.

On salt, lime, hydraulic cement, grain, wool, furs, peltry, skins, furniture, groceries, provisions, merchandize, agricultural products, and all articles not herein enumerated, per hundred pounds, per mile, two mills.

Lockage for steamboats and barges.

On all steamboats, for each and every lock to be passed through, two dollars and fifty cents; and

On all barges and other floats, for each and every lock to be passed through, one dollar and fifty cents.

Proviso.

Provided, that in all cases legal tolls shall be paid on the cargoes of all such boats, barges or other floats, exclusive of such toll for lockage, and that no toll shall be collected for the lockage of any raft when toll shall have been paid on the materials composing such raft, to an amount which shall equal or exceed one and one half dollar for each lock to be passed through.

Company may provide transportation and dispose of water power.

3. Said navigation company may become carriers on their said works, and may out of their capital stock, provide suitable transportation for said business, and may lease, sell or use any surplus water or water power afforded by the improvements herein provided for, beyond the amount required for navigation. At all general and special meetings and elections, each stockholder may, in person or by proxy, cast one vote for every share of stock owned by him. The council of the city of Parkersburg, and the board of supervisors of any of said counties which may have subscribed to the capital stock of said company, may each appoint a proxy to cast the vote such city or county may be entitled to at such meeting or election.

How stock voted.**Company may borrow money and secure its payment.**

4. Said company shall have power to borrow money, not exceeding in the aggregate the amount of its capital stock, at such rate of interest, and on such terms as it shall deem proper, to issue and dispose of its bonds or other securities for the same, in such manner as it shall deem best, and to pledge its works and property, by mortgage or deed of trust, for the payment thereof, and of the interest to accrue thereon.

Condemnation of lands and water power

5. Said company may enter and condemn lands and water power for the purpose of improving the navigation of the Little Kanawha

river, including the west fork of said river, and of Hughes' river, by any mode of improvement heretofore authorized by its charter, so far up the said rivers, or either of them, as the said company shall deem proper, or its resources permit; and also for the purpose of constructing and maintaining reservoirs on said rivers, or either of them, or on any of their tributaries, under the provisions of the fifty-sixth chapter of the code of Virginia; and said company shall have the benefit of any and every act declaring said rivers navigable highways.

for improvement of rivers and

construction of reservoirs.

6. Manifests, under oath when required, of the cargoes of all boats and floats of every description, which may navigate said rivers, or either of them, shall be furnished to the superintendents or collectors of tolls, who may be appointed by said company, designating such boat or float by name, or in such manner as said company may by regulation require, the name of its master, the amount of the several kinds of commodities constituting its cargo, the names of the several shippers and consignees of the same, and of the several places at which the same shall have been received and to be discharged; legal toll shall be demanded and paid accordingly, and no boat or other float shall be entitled to a clearance or to lockage, till such toll shall have been paid. It shall be lawful for collectors of tolls, or other authorized agents of said company, to board and enter all boats or other floats on said rivers, for the purpose of verifying such manifest, or of determining the amount of the several commodities composing such cargo, and to demand and receive legal toll on such boat or other float and its cargo; and in case of failure to pay such toll when demanded, such boat or other float and its cargo shall be liable therefor, and may be proceeded against by attachment, as in other cases of attachment for debt. Any person or persons on board of such boat or float, and having control of the same, who shall neglect or refuse to come to when required by such collector or agent, shall forfeit and pay twenty dollars to the use of said company, to be recovered before any justice of the peace; and all persons resisting such collector or agent in the execution of his lawful duties, shall be deemed guilty of a misdemeanor, and prosecuted accordingly. All persons who shall ship off, or authorize to be shipped off, any article subject to the payment of toll, without having first entered the same on such manifest, and paid toll as herein provided, shall forfeit and pay twice the amount of such toll, to be recovered for the use of said company before any justice of the peace or court having jurisdiction of the same, and said company may sue out an attachment before any justice of the peace, against any boat or other float and its cargo, upon either of said rivers, for tolls or forfeitures due and unpaid for such boats or other floats, their owners, masters or shippers, which attachment shall be prosecuted as in other cases of attachment for debt.

Manifests of cargoes to be furnished to superintendents or collectors of company.

Agents of company authorized to board boats.

Attachment for tolls.

Penalty for refusal of boat to come to.

Penalty for shipping goods without entering them on manifest.

Attachments may be sued out by company.

7. The superintendents, collectors of tolls, lock tenders and other authorized agents, who may be appointed by said company, are hereby authorized to prosecute in the name of said company, in usual

Agents of company authorized to prosecute in its name.

forms, for any and all penalties, forfeitures or punishments authorized and sanctioned by this act.

Penalty for opening gates without permission.

8. No person, except the officers or employees of said company, shall be permitted to open any large gate or valve-gate of any lock, without the permission of the authorized lock tender, and every person violating this section shall be deemed guilty of a misdemeanor, and prosecuted accordingly.

Regulations of company.

9. Said company may make such regulations, not inconsistent with its charter and the laws of this State, as it may deem proper for the purpose of facilitating navigation, protecting its property and revenues, and carrying into effect all the privileges and franchises herein or heretofore granted, and such regulations shall be complied with by all persons navigating their said improvements.

Former rights of company not impaired.

10. Nothing in this act shall be construed to impair any rights or remedies which may have heretofore accrued to said company.

Act amendable.

11. The Legislature reserves the right to alter, amend or repeal this act.

Act to take effect when accepted by stockholders.

12. This act shall take effect when the stockholders of said company shall, in general or special meeting, vote to accept the same, and shall have formally entered its acceptance upon its minutes.

CHAPTER 169.—An ACT to legalize an election held in Mercer county on the question of the removal of the county seat of said county.

Passed March 4, 1868.

Preamble.

WHEREAS, On several occasions a legal majority of the qualified voters of Mercer county have expressed a desire to remove the county seat of said county from Princeton to Concord Church, but have been prevented from making such removal in consequence of informalities of a purely technical character, existing in the manner of ordering, conducting and returning the result of the election had on said question of the removal of said county seat, by which the wish of the qualified voters of said county had expressed their desire for such removal; therefore,

Be it enacted by the Legislature of West Virginia :

Election not to be invalidated on account of informality.

That the result of the last election held in Mercer county to take the sense of the qualified voters of said county on the propriety of removing the county seat of said county from Princeton to Concord Church, shall not be invalidated in consequence of any informality existing in the ordering, conducting and returning the result of said last election, nor because the proceedings, or any part thereof, had in said election, were not entered of record upon the journal of the board of supervisors of said county.

CHAPTER 170.—An ACT to incorporate the Elk River Navigation Company.

Passed March 4, 1868.

Be it enacted by the Legislature of West Virginia:

1. That it shall be lawful to open books at Charleston, Kanawha county, under the direction of George Merrill, Samuel Blish, John W. Appleton, Henry Chappell, William Ashfield, Joseph Bibby, James M. Stanton, John S. Swann, Justin N. Chamberlain, William J. Rand, James H. Rogers, William H. Edwards, Joseph T. Thaxton, William Graham, B. W. Byrne, J. B. Wier, Thomas B. Swann, John H. Goshorn, W. F. Goshorn, Benjamin H. Smith, John Dryden, Greenbury Mellton, James H. Connell, Greenbury Slack, John D. White and Giles W. Pease, or any five of them, for receiving subscriptions to the amount of twenty-five thousand dollars, in shares of fifty dollars each, to constitute a joint capitalstock for opening and improving the navigation of Elk river, from its mouth to Birch river, by slack water, at a depth of not less than four feet.

Commissioners.
Capital stock.
2. The said books shall be opened and the subscription made in the manner prescribed by the general laws now in force, regulating corporations for internal improvement companies.

Subscription books.
3. As soon as one hundred shares, or five thousand dollars, shall have been subscribed, the subscribers, their executors, administrators and assigns, shall be and are hereby incorporated into a company, by the name and style of "The Elk River Navigation Company," with all rights, privileges and immunities, and subject to the responsibilities of a body politic or corporate, and may make such by-laws, rules and regulations not inconsistent with the constitution and laws of this State and of the United States, as they may deem necessary and advisable.

Incorporation and style of company.
By-laws.
4. The president and directors of said company, besides the powers hereinbefore conferred, shall exercise the powers and perform the duties prescribed by such general laws, for the acquisition of land and materials for such corporation for works of internal improvement, shall be equally applicable to the acquisition of land by this company, not exceeding five acres at any one place, for the abutment of a dam or the erection of toll houses or other fixtures, and of such materials as may be necessary for the purpose of the company herein incorporated.

Powers of president and directors.
Acquisition of land.
5. That if any person shall wilfully trespass on the possessions or do injury to the works of the company, he shall be deemed guilty of a misdemeanor, and be punished accordingly, except in cases where the offence is of a higher grade.

Penalty for trespass on works of company.
6. That the company may demand and receive, at such points on said river as may be selected by the president and directors of the company in general meeting, such tolls as may be reasonable, and

Tolls.

Limit to amount of tolls. approved by the board of public works : Provided, that the said tolls shall not exceed the rate of tolls allowed by law for similar works of internal improvement, but in no case to exceed fifteen per cent per annum on the net cost of the improvements, including repairs, &c. ; provided, further, that tolls shall not be levied on anything coming into the limits of the improvements, by way of the river from above Porter's creek, (at any point above the point of improvement as reached from time to time) ; provided, further, that tolls shall not be demanded until and before the river has been improved to Jarret's ford.

Penalty for asking too high tolls or failure to pay tolls. 7. That if any toll gatherer of the company shall ask or receive any other or greater tolls than authorized, or if any person shall pass any place where tolls are collected, without payment or tender of the legal tolls, such toll gatherer, the company and the person evading the payment or tender of tolls as aforesaid, shall be liable to the penalties prescribed in such cases by the general law concerning turnpike companies.

Appropriation of tolls to improvement. 8. That the said company may appropriate their tolls to the improvement of the river to any point by them selected, above the mouth of Birch river, and to charge tolls, as specified in the sixth section, to the points of their improvements, as they are successively reached.

Improvement to be commenced and completed by specified times. 9. If the president and directors of said company shall not commence this improvement within two years from the passage of this act, and complete the same within three years thereafter as far as Jarret's ford, then the interest of said company in the navigation and the tolls aforesaid shall be forfeited and cease.

Increase of capital stock authorized. 10. That the capital stock of the company may, at any time hereafter, by vote of the stockholders, be increased to an amount sufficient to improve the said river by slack-water navigation, to any point on the same that may be designated by the stockholders in general meeting, and in that event, tolls may be charged to the point reached by the slack-water improvement.

Where subscriptions to be expended. 16. That all moneys subscribed by persons living above Potter's creek, in Kasawha county, or living in the county of Clay, or owning lands between Porter's creek and Clay Court House, shall be expended on that portion of the river between Potter's creek and Clay Court House ; and that all moneys subscribed by persons living between Clay Court House and the mouth of Birch river, or owning lands on Elk river and its waters, shall be expended on that portion of the river lying between Clay Court House and the mouth of Birch river, unless otherwise specified by them at the time of subscription. The Legislature reserves the right to modify this charter at pleasure.

CHAPTER 171.—An ACT to incorporate the town of Buffalo, in the county of Putnam.

Passed March 5, 1868.

Be it enacted by the Legislature of West Virginia:

1. The corporate limits and boundaries of the town of Buffalo, Putnam county, West Virginia, shall be as follows: Beginning at the mouth of Cross creek; thence up the meanders of said creek to the farm line of George E. Allen; thence along said line to the Kanawha river; thence down Kanawha river to the place of beginning. Corporate limits.

2. The municipal authorities of said town shall be a mayor, a recorder and five councilmen, who together shall form a common council. Municipal authorities.

3. The mayor, recorder and councilmen, so soon as they have been elected and qualified, as hereinafter provided, shall be a body politic and corporate by the name of "The Town of Buffalo," and shall have perpetual succession and a common seal; and by that name may sue and be sued, implead and be impleaded; may purchase and hold real estate necessary to enable them the better to discharge their duties, and needful for the good order, government and welfare of said town. Incorporation.

4. All the corporate powers of said corporation shall be exercised by said council, or under their authority, except where otherwise provided. How corporate powers exercised.

5. There shall be a town sergeant, a treasurer and commissioner of the revenue appointed by the council, to continue in office at its pleasure, and perform the duties respectively, as hereinafter prescribed, or as may be required by the council. Town officers.

6. The duties of the office of recorder, treasurer and commissioner of the revenue may be discharged by the same person, or otherwise, as the council may from time to time determine. Discharge of officers' duties.

7. The mayor, recorder and councilmen shall be elected by the qualified voters of the said town, who may be entitled to vote under this act, and (except when elected to fill vacancies) for the term of one year and until their successors shall have been qualified, and shall be freeholders and residents of said town and entitled to vote for members of the common council. By whom officers elected. Term and qualifications of officers.

8. The first election under this act shall be held on the third Saturday in March, eighteen hundred and sixty-eight, at the academy in said town, under the supervision of a justice of Buffalo township, and annually thereafter there shall be an election on the same day in each year, at such place and under such supervision, rules and regulations as the council of said town may prescribe. The person conducting the first election shall grant certificates to the person elected, which shall be entered upon the records with ordinances of said First election. Subsequent election. Certificates of election.

council, and their term of office shall commence on the first day of April next after election.

Who may vote.

9. All persons, residents of said town, and entitled to vote for county and township officers, shall be entitled to vote for mayor, recorder and councilmen.

Terms of office, powers, duties, compensation and liabilities of council and officers.

10. The terms of office, powers, duties, compensation and liabilities of the council and officers of said town shall be those prescribed in sections ten to twenty-eight, inclusive, of chapter fifty-nine of the acts of eighteen hundred and sixty-six. Provided, that grounds included in this charter, not laid off in town lots, shall not be taxed for incorporation purposes.

CHAPTER 172.—An ACT amending the charter of the town of Spencer.

Passed March 5, 1868.

Be it enacted by the Legislature of West Virginia :

That sections one, seventeen, eighteen and nineteen of chapter forty-one of the acts of eighteen hundred and sixty-seven, entitled "An Act to amend and re-enact the charter of the town of Spencer, in the county of Roane," are hereby amended and re-enacted so as to read as follows :

Corporate limits.

"1. The corporate limits and boundaries of the town of Spencer shall be as follows: Beginning at the corner of Henry D. Chapman's land, on the bank of Spring creek, near Crislip's mill dam; and thence a westerly course with said Chapman's line to a fill in the Ravenswood turnpike road; thence southeast with said road to its forks at Doty's tan yard; thence southeast to the highest point of ground in Henry T. Hughes' field, west of said town; thence southwest to a corner, in the road, of lands owned by said H. D. Chapman and M. B. Hamrick; thence with the line dividing said lands an easterly course to said Spring creek; hence down with the meanders of said creek to the beginning; and the council of said corporation are hereby authorized to extend the corporate limits of said town: Provided, that it shall not be made to contain more than three hundred acres of land."

Extension of town. Provision.

Town licenses.

"17. When anything for which a State license is required is to be done within the said town, the council may require a town license to be had for doing the same, and may impose a tax thereon for the use of the said town, and the board of supervisors shall not grant a license to any person or persons within said corporation, nor within two miles beyond the corporate limits of said town, for the purpose of selling ardent spirits, unless the party or parties applying for such a license shall first produce to the said board of supervisors, a certificate from said town council, showing its approval of the application for such a license; and the council may in any case require from the

Supervisors not to grant licenses in town without consent of council.

person or persons so licensed, a bond with securities, in such penalty and with such conditions as it may determine.”

“18. The sergeant shall collect the town taxes, fines, levies and licenses, and after thirty days from the time he may receive the assessor’s books of the said town, may distrain and sell therefor in like manner as a sheriff may for State taxes, and in all respects have the same powers as a sheriff to enforce the payment and collection thereof, and shall within the corporate limits of the said town, exercise all the duties that a constable can legally exercise in the collection of claims, executing and levying process, and shall be entitled to the same compensation therefor, and he shall have authority to arrest persons beyond the limits of the corporation for offences committed against the corporation, and may enforce the collection of taxes due said corporation, beyond its limits, and he and his securities shall be liable to all the fines, penalties and forfeitures that a constable is legally held liable to, for any failure or dereliction in said office, to be recovered in the same manner and before the same tribunals that the same are now recovered against constables.”

Sergeant; his powers, duties and compensation.

“19. There shall be a lien on real estate within said corporation for the town taxes assessed thereon from the commencement of the year for which they are assessed, and for other assessments, fines and penalties assessed or imposed upon the owners thereof by the authorities of said town, from the time they are so assessed or imposed, and the council may sell real estate for such taxes, after posting notices in five of the most public places in said county, four weeks previous to the day of sale: Provided, that said real estate so assessed with taxes cannot be rented for an amount sufficient to pay said taxes within twelve months: Provided, that persons not registered shall not vote at any election held in said corporation; and provided, further, that no one shall hold office in said town, without first having taken the oath prescribed by chapter one hundred and six of the acts of eighteen hundred and sixty-three.”

Lien for taxes.

Property may be sold or rented for taxes.

Who may vote and hold office.

CHAPTER 173.—An ACT enlarging and extending the corporate limits of the town of Weston, in Lewis county.

Passed March 5, 1868.

Be it enacted by the Legislature of West Virginia:

The corporate limits of the town of Weston, in Lewis county, are hereby enlarged and extended so as to include all the real estate included within the following metes and bounds, to-wit: Beginning at the mouth of Murphy’s creek, and running down the West Fork river to the mouth of Panther run; thence up said run with the meanders thereof to its head; thence a line to Stone Coal creek, east of the dwelling house of John Kierans, so as to include East Weston or Germantown; thence a straight line to the stable of Abraham Smith, Jr., so as to include the dwelling houses of John Kierans and Catha-

Corporate limits set out.

rine McGeary; thence a straight line to the Low Gap, at the head of Gee Lick run; thence a straight line to Murphy's creek, including the dwelling houses of Adam B. Flesher and Marshal Turner; thence down said creek with the meanders thereof to the place of beginning. The powers and duties of the municipal authorities shall be the same within the same, as those heretofore exercised by said authorities.

CHAPTER 174.—An ACT making an appropriation to the West Virginia Hospital for the Insane.

Passed March 5, 1868.

Be it enacted by the Legislature of West Virginia :

\$2000 appropriated for heating purposes.

How drawn.

The sum of two thousand dollars is hereby appropriated, to be applied for the purpose of erecting apparatus for generating steam for heating purposes, for the hospital for the insane. And the same shall be paid by the auditor on the draft of the treasurer of said hospital, endorsed by the president of the board of directors, anything in the eighty-fifth chapter of the code of Virginia, second edition, notwithstanding.

CHAPTER 175.—An ACT to provide for the establishment of the State Line between this State and the State of Maryland.

Passed March 5, 1868.

Be it enacted by the Legislature of West Virginia :

Appointment of commissioner to ascertain true line.

1. The Governor of this State is authorized to appoint a commissioner on the part of the State of West Virginia, to ascertain the true line between the State of West Virginia and the State of Maryland, commencing at the Fairfax stone, thence to the Pennsylvania State line.

Governor authorized to take action towards settlement of line.

2. The Governor of this State is authorized to communicate with the Governor of the State of Maryland, with a view to a joint survey of said line and establishment of the same, and report his proceedings under this act to the next annual meeting of the Legislature of this State.

CHAPTER 176.—An ACT to amend and re-enact Sections 47 and 60 of Chapter 98 of the Acts of 1867.

Passed March 5, 1868.

Be it enacted by the Legislature of West Virginia :

Sections forty-seven and sixty of chapter ninety-eight of the acts of eighteen hundred and sixty-seven, entitled "An act regulating free schools," are hereby amended and re-enacted so as to read as follows:

Duty of township treasurer.

"47. The township treasurer shall collect all levies for school purposes in the townships; he shall attend in person, or by his deputy, at four of the most public places in the township, on four several

days, between the first day of September and the first day of December, spending one day at each place, from eight o'clock in the morning until four o'clock in the afternoon, to receive the said taxes, having first given not less than twenty days notice of the said times and places of such meetings, by posting written notices at not less than ten public places in the township; and on all taxes that shall be paid in full, on or before the last of said days, a discount of two and a half per centum shall be made, to be deducted from the treasurer's commissions, but no discount shall be made after the expiration of said days. Said treasurer shall have the same power to distrain for said taxes, as the collector of State and county taxes now has, which power is also hereby conferred upon the treasurers now in office, in reference to the taxes of eighteen hundred and fifty-seven yet uncollected."

Notices of times and places for collection of school taxes.

Treasurers authorized to distrain.

"60. It shall be the duty of the auditor, on or before the first day of April in every year, to ascertain the amount which is distributable among the several counties as aforesaid, and notify the general superintendent of free schools thereof, and the general superintendent shall thereupon ascertain the proper share of each county, and notify the auditor, and also each county superintendent, who shall ascertain the proper share of each township and each independent school district in his county, according to the number of youths, and notify the auditor thereof, and draw his requisition upon the auditor in favor of the several township treasurers and of each independent school district, for the share which each is entitled to receive, specifying the amount thereof and the name of each treasurer in the said requisition, and shall immediately notify the secretary of the board of education, who, after deducting the commission of the township or district treasurer, shall apportion three-fifths of the same, and all other school funds belonging to the township, among the school districts according to the number of youths, and the remaining two-fifths shall be placed at the discretion of the board of education of the township or independent district, to be distributed among the districts so as to continue the schools in each district in their township the same number of months during the year."

Auditor to ascertain amount of school fund which is distributable.

Duties of school officers in distribution of fund.

CHAPTER 177.—An ACT to amend sub-division VI of Section 1, and Section 5 of the Act passed October 26, 1863, entitled "An Act providing for the formation of corporations, and regulating the same."

Passed March 5, 1868.

Be it enacted by the Legislature of West Virginia:

1. That sub-division six of section one of the act passed October twenty-sixth, eighteen hundred and sixty-three, entitled "An Act providing for the formation of corporations, and regulating the same,"

be and the same is hereby amended and re-enacted so as to read as follows:

Incorporation of benevolent associations.

“VI. For benevolent associations, societies and orders, including orphan, blind and lunatic asylums and hospitals, lodges of Free and Accepted Masons, Independent Order of Odd Fellows, Improved Order of Red Men, Sons of Temperance and Good Templars, and all other associations, societies and orders of like character.”

2. Section five of the said act is hereby amended by adding at the end thereof the following:

Application for incorporation of such associations.

“If the application for a certificate of incorporation be one based on the sixth sub-division of section one, as amended by this act, the applicants shall sign an agreement to the following effect:

“The undersigned agree to become a corporation by the name of (here insert the name), for the purpose of (here describe the purpose), and for that purpose desire authority to purchase, hold, lease, sell and convey real property to the value of \$—, and personal property to the value of \$—. Given under our hands this — day of —, 18—.”

The certificate of incorporation in such case shall correspond with said agreement.”

CHAPTER 178.—An ACT to repeal all laws authorizing suits and other judicial proceedings to be brought and prosecuted in counties not prescribed in Chapter 169 of the Code of Virginia, second edition.

Passed March 5, 1858.

WHEREAS, During the late rebellion, several statutes were passed, authorizing suits to be brought and prosecuted in counties other than those prescribed by the one hundred and sixty-ninth chapter of the code of Virginia, second edition; and whereas, the necessity for all such laws has now ceased; therefore,

Be it enacted by the Legislature of West Virginia:

Repeal of acts authorizing suits to be brought in certain counties.

1. That all acts and parts of acts passed since the seventeenth day of April, eighteen hundred and sixty-one, authorizing civil actions, suits and proceedings to be brought and prosecuted in counties other than those prescribed in chapter one hundred and sixty-nine of the code of Virginia, second edition, be and the same are hereby repealed.

Suits brought before July 1, 1863, not to be affected hereby—unless both parties consent.

2. This act shall not affect any such action, suit or proceeding already commenced and now pending in any of the courts of this State, commenced prior to the first day of July, eighteen hundred and sixty-five, but the same shall be prosecuted to final judgment or decree in the said court, in the same manner as if this act had not been passed, unless both parties shall agree to have the same removed to the proper county. Where such actions, suits or proceedings have been commenced since the first day of July, eighteen

hundred and sixty-five, they shall be transferred to the proper county, upon the motion of either party. In all such cases, the party or parties desiring such removal, shall, if required, pay the clerk of the court in which such action, suit or proceeding is pending, all the fees due him for services rendered therein at the instance of such party or parties, before such removal is made.

Suits brought after July 1, 1863, to be transferred.
Fees of clerk.

CHAPTER 179.—An ACT declaring a part of the Beverly and Fairmont Turnpike a State Road.

Passed March 5, 1868.

Be it enacted by the Legislature of West Virginia :

1. That part of the Beverly and Fairmont turnpike, lying between Webster, in the county of Taylor, and Beverly, in the county of Randolph, is hereby declared a State road, together with the bridge across the Tygart's Valley river at Phillippi, in the county of Barbour, the toll house at said bridge, and all other property of said road, formerly the property of the State of Virginia, is hereby declared the property of West Virginia: Provided, that this act shall not take effect until the expiration or default of all the contracts made by the boards of supervisors of the several counties in which such part of the said road is situated.

Certain property declared State property
on expiration of certain contracts.

2. The board of public works is hereby authorized to appoint a superintendent for said road, and fix his salary, which salary shall be paid from the proceeds of said road arising from the tolls thereof, and not otherwise, and they shall also collect tolls according to the rates heretofore established, and to keep said road in good repair.

Salary of superintendent of roads.
Tolls.

3. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

Acts inconsistent herewith repealed.

CHAPTER 180.—An ACT amending the charter of the Parkersburg and Sandy Railroad Company.

Passed March 5, 1868.

Be it enacted by the Legislature of West Virginia :

That sections one and three of the act of the General Assembly of the re-organized government of Virginia, passed January tenth, eighteen hundred and sixty-two, entitled "An Act incorporating the Parkersburg and Sandy Railroad Company," be and the same are hereby amended and re-enacted so as to read as follows :

"1. That it shall be lawful to open books in the town of Parkersburg, in the county of Wood, under the direction of Samuel D. Karnes, William E. Stevenson, M. C. C. Church, W. B. Caswell and George Bradish, and at Point Pleasant, in the county of Mason, under the direction of Daniel Polesley, Robert S. Brown, George W. Moredock and F. W. Sisson, and at Guyandotte, in the county of Cabell, under the direction of E. A. Smith, William F. Dusenberry,

Commissioners.

Commissioners. William O. Wright, Dr. J. H. Hysell and T. J. Hayslip, and at Charleston, Kanawha county, under the direction of C. W. Smith, James M. Laidley, David Goshorn, John Slack, Jr., and Andrew Cunningham, for the purpose of receiving subscriptions to an amount not exceeding five millions of dollars, to constitute a joint capital stock for the purpose of constructing a railroad from Parkersburg, in the county of Wood, by the most practicable route to some point on the Chesapeake and Ohio Railroad, not above the town of Charleston, in the county of Kanawha, nor below the town of Guyandotte, in the county of Cabell."

Capital stock.

Route and term of road.

Company may borrow money and secure its payment.

Commencement and completion of road.

"3. The said company shall have power to borrow money for the purpose of carrying out the objects of this act, and to issue proper certificates or evidences of such loan, and to pledge the property of the company for the payment of the same, and the interest that may accrue thereon. The said company shall commence the construction of said road within three years, and complete the same within ten years, from the passage of this act."

CHAPTER 181.—An ACT appropriating the Public Revenue for the Fiscal Year 1868.

Passed March 5, 1868.

Be it enacted by the Legislature of West Virginia :

Payments in excess of appropriations legalized.

1. All payments made by the treasurer of this State, in excess of appropriations authorized by law, and all payments made since the thirtieth day of September, eighteen hundred and sixty-seven, by virtue of appropriations made by the act passed February twenty-eighth, eighteen hundred and sixty-seven, entitled "An Act appropriating the public revenue for the fiscal year eighteen hundred and sixty-seven," or under the provisions or by virtue of any general or special law requiring such payments, if made upon warrants legally issued by the auditor, are hereby legalized. And all money remaining* in the treasury on the first day of October, eighteen hundred and sixty-seven, or that may have since been thereinto paid, the surplus of all appropriations made prior to the fifteenth day of January, eighteen hundred and sixty-eight, and all money that may come into the treasury before the first day of October, eighteen hundred and sixty-eight, subject to appropriation for State purposes, shall constitute a general fund, and be appropriated as follows :

General fund

Legislature. For the expenses of the Legislature of eighteen hundred and sixty-eight, twenty-five thousand dollars.

Rent of State house. For rent of Linsley Institute, including repairs and furniture, one thousand one hundred dollars.

Salaries of judges; of reporter and clerk of the supreme court. For salaries of the judges of the supreme court of appeals and of the circuit court, twenty-eight thousand dollars; for salary of the clerk of the supreme court of appeals, one thousand dollars; and for salary of the reporter of the supreme court of appeals, one thousand dollars.

For contingent expenses of courts, three thousand seven hundred dollars. Contingent expenses of courts.

For salary of the governor, two thousand dollars; auditor, one thousand five hundred dollars; secretary of the state, one thousand three hundred dollars; treasurer, one thousand four hundred dollars; adjutant general, one thousand five hundred dollars. Salaries of executive officers.

For salary of first clerk in auditor's office, one thousand two hundred dollars; for salary of second clerk in auditor's office, one thousand dollars; for salary of first clerk in adjutant general's office, one thousand dollars; for clerk of the house of delegates as keeper of the rolls, three hundred dollars; for salary of clerk in the treasurer's office, four hundred dollars; for salary of vaccine agent, one hundred and fifty dollars; for janitor and guard for executive offices, one thousand dollars. Salaries of clerks.

For rent of executive mansion, seven hundred and fifty dollars; for auditor, for rent of house, six hundred dollars; for secretary of the state, for rent of house, six hundred dollars; for adjutant general, for rent of house, four hundred dollars; for treasurer for rent of house, four hundred dollars. House rent for executive officers.

For civil contingent fund, nine thousand dollars; for contingent expenses of auditor's office, including books, stationery, printing, postage and fuel, one thousand six hundred dollars; for contingent expenses of adjutant general's office, twelve hundred dollars; for contingent expenses of the office of the secretary of the state, including clerk hire, one thousand three hundred dollars; for contingent expenses of treasurer's office, three hundred dollars. Contingent funds of executive offices.

For criminal charges, the arrest, conveyance and support of criminals in jails, conveying them to the penitentiary, and pay of witnesses and jurors, thirty-five thousand dollars. Criminals.

For support of convicts in the penitentiary, fifteen thousand dollars. Convicts.

For current expenses of the West Virginia hospital for the insane, forty thousand dollars. Hospital for the insane.

For expense of lunatics confined in jails, five thousand dollars. Lunatics in jails.

For expenses of lunatics in insane asylums at Williamsburg and Staunton, Virginia, thirteen thousand eight hundred and fifty dollars. Lunatics in Virginia.

For public printing, fifteen thousand dollars; for balance due for printing code, (Lamb's report,) three hundred and forty-one dollars and sixty cents; for printing second volume of the report of the supreme court of appeals, one thousand eight hundred dollars. Printing.

For payment of militia claims allowed by regimental courts, five hundred dollars. Militia claims.

For expenses of registration of births, deaths and marriages, one thousand two hundred dollars. Registration of births, &c.

For refunding over paid taxes, and payment of commissions to sheriffs and other officers, six thousand dollars. Over paid taxes.

For refunding taxes erroneously assessed, five hundred dollars. Erroneous assessments.

For expenses of registration of voters, seven thousand five hundred dollars. Registration of voters.

- Soldiers' medals.** For procuring and distributing soldiers' medals, under joint resolution adopted February first, eighteen hundred and sixty-six, one thousand dollars.
- Guards for penitentiary.** For expenses for guard, &c., for the penitentiary, ten thousand dollars.
- Witnesses before committee on penitentiary.** For expenses of witnesses, &c., before the joint special committee to investigate the affairs of the penitentiary, fifty dollars.
- Capitation tax.** For refunding capitation tax to certain counties, under act of February fourteenth, eighteen hundred and sixty-five, five thousand dollars.
- Extra session of Legislature.** For expenses of an extra session of the Legislature, twenty-five thousand dollars.
- Attorney general's office.** For rent and contingent expenses of attorney general's office, three hundred dollars.
- Defending suits against election officers.** For printing notices, summoning witnesses and serving notices, and costs incurred in defending suits under the registration law, to be paid on the approval of the board of registration, one thousand dollars.
- Commissioner of Immigration.** For contingent expenses for eighteen hundred and sixty-six and eighteen hundred and sixty-seven, of the commissioner of immigration, two thousand dollars.
- State library.** Five hundred dollars to keep up the State library, to be expended on the order of the supreme court of appeals.
- William Ware Peck.** Five hundred dollars as compensation to William Ware Peck, for services rendered as attorney general at the January term, eighteen hundred and sixty-six, of the supreme court of appeals of this State.
- Until when payments may be made.** 2. It shall be lawful to make any payment authorized by this act, any time prior to the first day of March, eighteen hundred and sixty-nine.

CHAPTER 182.—An ACT to incorporate Hartford City, in the county of Mason.

Passed March 5, 1868.

Be it enacted by the Legislature of West Virginia:

- Incorporation.** 1. That the places known as the towns of "Hartford City" and "Valley City," in the county of Mason, be and the same are hereby made a town corporate and body politic, by the name of the town of "Hartford City," and as such shall have perpetual succession and a common seal; plead and be impleaded, and purchase, lease and hold real and personal property necessary to the purposes of said corporation.
- Corporate limits.** 2. The boundaries of said corporation shall be as follows: Commencing on the Ohio river, at the point where the line between William Harpold and Major Brown strikes said river; thence with the line between Harpold and Brown in a westerly direction to the public road; thence up said road to where the line between the said Harpold and Brown strikes the road; thence with the said Harpold

and Brown's line until it strikes the line between Dr. J. R. Meeks and Major Brown; thence with the said line between Dr. Meeks and Major Brown, until it strikes the line between the Mason County Mining and Manufacturing Company and Major Brown; thence with the said line of the Mason County Mining and Manufacturing Company to the Ohio river, including within the said corporation all the lands of the Mason County Mining and Manufacturing Company and the residence of Anthony Allen; thence following the Ohio river to the place of beginning.

Corporate limits.

8. The municipal authorities of the said town shall be a mayor, recorder and five councilmen, who together shall form a common council.

Municipal authorities.

4. All the corporate powers of the said corporation shall be exercised by the said council, or under their authority, except where otherwise provided.

How corporate powers exercised.

5. The councilmen must be freeholders in said town, and no person shall be eligible to the office of mayor, recorder or councilman of said town unless entitled to vote for members of the State legislature.

Qualifications for office.

6. Their term of office shall be for one year and until their successors shall have been elected and qualified as hereinafter provided.

Term of office.

7. The mayor, recorder and councilmen shall be elected by the citizens of said town who may be entitled to vote under this act.

By whom officers elected.

8. The first election under this act shall be held on the second Thursday in April, eighteen hundred and sixty-eight, at the school house in said town, under the supervision of any three freeholders, residents of said town; and annually thereafter there shall be an election on the same day in each year, under such supervision, rules and regulations as the council of said town shall prescribe. The persons conducting the first election, and the persons who shall hereafter conduct elections in said town, shall grant all necessary certificates to the persons elected, certifying to their election, and for what office, which certificate shall be entered upon the records with the ordinances of said council. And their term of office shall commence on the first day of May next after their election. If from any cause, the first election shall not be held on the day herein specified, the same may be held on any subsequent day, upon ten days notice thereof being posted on the front door of said school house by any three of the qualified voters of said town, under the superintendence aforesaid, or under the superintendence of any three voters of said town, appointed for that purpose by the voters present. But the term of office of the persons elected on such subsequent day shall be held to commence on the said first day of May, eighteen hundred and sixty-eight.

First election.

Subsequent elections.

Certificates of election.

- Who may vote.** 9. All persons who have had their domicile in the said town for six months next preceding the day of election, who are qualified to vote for members of the Legislature of this State, and none others, shall be entitled to vote for all officers elected by the people under this act.
- Vote by ballot.** 10. At all elections the vote shall be given by ballot.
- The votes; how decided.** 11. Whenever two or more persons shall receive an equal number of votes for the same office, the persons under whose supervision the election is held, shall decide which of them shall be returned as elected, and shall make their return accordingly.
- Term of office, duties, compensation and liabilities of council and officers.** 12. The term of office, powers, duties, compensation and liabilities of the council and officers of said town, shall be those prescribed in sections twelve to twenty-three, twenty-five to forty-one, and forty-three to forty-five, inclusive, of chapter sixteen of the acts of eighteen hundred and sixty-seven, so far as the same are not inconsistent with this act, which sections shall have the same force and effect as if they were herein recited and set forth; and in addition thereto, the said council shall have power within the said town to lay off, grade and pave a wharf to the Ohio river.
- Wharf.**
- Town to constitute a separate road, school and poor district.** 13. The said town, within the corporate limits aforesaid, shall constitute a separate road, school and poor district of the said county of Mason, and shall be free from all taxes for township or school purposes outside of said corporation; and the said council shall constitute the board of education of said school district and board of overseers of the poor for said poor district, and shall have all the powers and perform all the duties within said corporation as are conferred upon and required by the laws of the State of West Virginia, of township boards of education, and trustees of school districts, and boards of overseers of the poor, and shall be subject to the same liabilities, pains and penalties as such boards and trustees.
- Council may borrow money to erect school house, wharf and bridges.** 14. The council shall have power to borrow such sum of money as they may deem necessary, not exceeding five thousand dollars, upon the credit of the town, at a rate of interest not exceeding ten per cent per annum, for the purpose of purchasing land and erecting thereon a good and sufficient school house for the use of said town, and for building a wharf to the Ohio river, and for erecting or building such bridges as may be necessary for the public use and convenience in said town. And in case the said council shall at any time fail to pay the principal or interest, or any part thereof of the money so borrowed, according to the terms of their contract, it shall be the duty of the circuit court of the said county of Mason, upon the application of the person to whom the same is payable, to compel the payment by the said council by a writ of mandamus. In case the council shall borrow money under the provisions of this section, it shall, from time to time, in addition to the regular tax, levy a tax specially appropriated to that purpose, sufficient to pay the principal and interest of the money so borrowed, as the same may become due.
- May be compelled to pay the same and interest by mandamus.**
- Additional tax.**

And in case where a higher rate of taxes than is provided for by section twelve is necessary for the building of school houses or for the support of schools in said town, it shall be the duty of the school to assess such additional taxes as may be necessary for said purpose.

Additional tax for school purposes.

16. This act shall at all times be subject to modification or repeal at the pleasure of the Legislature.

Act amendable.

CHAPTER 183.—An ACT to amend and re-enact Section 3 of Chapter 37 of the Acts of 1863.

Passed March 5, 1868.

Be it enacted by the Legislature of West Virginia :

That section three of chapter thirty-seven of the acts of eighteen hundred and sixty-three, is hereby amended and re-enacted so as to read as follows :

"8. If in any cause the original papers therein, or any of them, or the record for an appellate court, or any paper filed or connected with such record, be lost, the court wherein the cause is, or in which, but for such loss, it would or ought to be, may docket the same ; and on affidavit of such loss, the cause may be proceeded in, heard and determined, upon an authenticated copy of what is lost, or proof of the contents thereof, or if the cause be in an appellate court, upon a new record made up from the records and papers of the court below, and certified by the proper officer, or in case the record and papers, or any part thereof, be lost or destroyed, the court below may, upon application of either party, upon reasonable notice to the opposite party, supply such record or part thereof from the best evidence before it, either documentary or parole; which may be used in the court of appeals for the same purposes that the original might be. The court may, however, at the instance of either party, or in its discretion, require new pleadings to be made up in whole or in part; and the plaintiff, instead of proceeding as hereinbefore provided for, may commence and prosecute a new suit for the same matter ; and such new suit may, if the former suit was in due time, be brought within one year from the passage of this act, notwithstanding the expiration of the time within which suit must otherwise have been brought: Provided, that none of the provisions of this act shall in any manner impair or affect any of the provisions of chapter seventy-nine of the acts of eighteen hundred and sixty-five, entitled 'An Act to prevent the prosecution of suits and the suing out of process by persons engaged in rebellion,' passed February twenty-eighth, eighteen hundred and sixty-five."

Court may docket cause in which papers are lost.

How such causes proceeded in.

How papers supplied.

Court may require new pleadings.

New suit may be brought.

Within what time.

Suitors' test oath not to be affected.

CHAPTER 184.—An ACT concerning the limitation of personal actions.

Passed March 5, 1868.

Be it enacted by the Legislature of West Virginia :

Section five of chapter one hundred and forty-nine of the code of Virginia, second edition, is hereby amended and re-enacted so as to read as follows :

Limitation of actions

on indemnifying bonds;

officers' bonds; contracts under seal;

awards and contracts by writing;

contracts; store accounts;

between partners;

between merchants;

for trespass by rebels in Kanawha county.

"5. Every action to recover money, which is founded upon an award, or on any contract other than a judgment or recognizance, shall be brought within the following number of years next after the right to bring the same shall have first accrued, that is to say: if the case be upon an indemnifying bond taken under any statute, or upon a bond of an executor, administrator, guardian, curator, committee, sheriff or sergeant, deputy sheriff or sergeant, clerk or deputy clerk, or any other fiduciary or public officer, within ten years; if it be upon any other contract by writing under seal, within twenty years; if it be upon an award, or be upon a contract by writing, signed by the party to be charged thereby, or by his agent, but not under seal, within five years; and if it be upon any contract, within five years, unless it be an action for any articles charged in any store account, in which case the action may be brought within three years; or an action by one partner against his co-partner, for a settlement of the partnership accounts, or upon accounts concerning the trade of merchandize between merchant and merchant, their factors or servants, where the action of account would lie, in either of which cases the action may be brought until the expiration of five years from a cessation of the dealings in which they are interested together, but not after; and all actions of trespass against parties for acts committed or property taken in aid of the rebellion in the county of Kanawha, may be brought within three years from the passage of this act."

CHAPTER 185.—An ACT to provide for the payment of the expenses incident to the defence of a suit against the Governor of this State.

Passed March 5, 1868.

Be it enacted by the Legislature of West Virginia :

\$500 appropriated.

That the sum of six hundred dollars be and the same is hereby appropriated for the payment of the fees to counsel and other costs and expenses incident to the defence of a suit in the name of James Robinson, administrator of George Buchanan, deceased, against Arthur I. Boreman, esquire, Governor of this State, now pending in the circuit court of Ohio county, for acts done by the said Governor in the exercise of his office and in execution of the laws of this State, during the late rebellion; the same to be paid under the execution of the attorney general, upon the warrant of the auditor, out of any money in the treasury not otherwise appropriated.

How paid.

CHAPTER 186.—An ACT amending and re-enacting Section 1, Chapter 101 of the Code of Virginia, 1860, second edition.

Passed March 6, 1868.

Be it enacted by the Legislature of West Virginia :

Section one of chapter one hundred and one of the code of Virginia of eighteen hundred and sixty, second edition, is hereby amended and re-enacted so as to read as follows :

“1. No person shall kill any deer from the fifteenth day of January until the fifteenth day of July next following in each year, or run any deer with dogs at any time, unless the deer be wounded. Any one violating this law shall be fined ten dollars ; to be recovered before any justice for the county in which the offence was committed, or the offender may be found. One half of the fine shall go to the informer and the other half into the school fund. Any person found with any recently killed venison or fresh deer skins in his possession, during the time in which the killing of deer is prohibited by this act, shall be deemed, for the purposes of this act, to have killed said deer : Provided, this section shall not apply to deer killed in any park.”

Destruction of deer.
Penalty.
Evidence of guilt.

CHAPTER 187.—An ACT to authorize Alexander Monroe, of the county of Hampshire, to practice law in the courts of this State, without taking the oath prescribed by Chapter 30 of the Acts of 1867.

Passed March 6, 1868.

Be it enacted by the Legislature of West Virginia :

1. That Alexander Monroe, of the county of Hampshire, late a practicing attorney in this State, be and he is hereby exempted from the provisions of the act of the legislature, passed on the fourteenth day of February, eighteen hundred and sixty-six, entitled “An Act in relation to the oaths of attorneys at law,” and he is hereby authorized to practice law in all the courts in this State, without taking the oath prescribed by said act.

Authorized to practice without taking oath.

2. The legislature reserves the right to repeal this act at any time when in their discretion they may deem it proper to do so.

Act may be repealed.

CHAPTER 188.—An ACT legalizing the assessments made in 1867.

Passed March 5, 1868.

WHEREAS, By the provisions of sections seventy-nine and eighty-four of chapter one hundred and twenty-nine of the acts of eighteen hundred and sixty-seven, the land and property books of the assessors are to be examined by the recorders of the respective counties, and a certificate of such examination entered in said books ;

Preamble.

Preamble.

And, whereas, the assessors' books for the year eighteen hundred and sixty-seven were prepared before the passage of said chapter one hundred and twenty-nine, and blanks for such certificates not having been prepared therein, by reason whereof the assessors' books from several counties of the State, for the year eighteen hundred and sixty-seven, have no such certificate appended; therefore,

Be it enacted by the Legislature of West Virginia:

Assessments
legalized.

1. The assessments made by the assessors of the several counties of this State, on persons and property, for the year eighteen hundred and sixty-seven, are hereby legalized.

Redress from er-
roneous assess-
ments not affect-
ed.

2. Nothing in this act shall be construed to impair the right of boards of supervisors to grant redress from erroneous assessments made in said year.

CHAPTER 189.—An ACT concerning cases transferred from the Supreme Court of Appeals and District Courts of Virginia to the Supreme Court of Appeals of West Virginia.

Passed March 5, 1865.

Be it enacted by the Legislature of West Virginia:

Further time
given for dock-
eting cases.

1. That further time, until the close of the first term of the supreme court of appeals of this state to be held in the year eighteen hundred and sixty-nine, be given to the appellants or plaintiffs in error in cases pending in the supreme court of appeals of Virginia and the district courts thereof, on the nineteenth day of June, eighteen hundred and sixty-three, and which were transferred to the supreme court of appeals of West Virginia by an act entitled "An Act defining the jurisdiction and power of the supreme court of appeals and the judges thereof," passed July twentieth, eighteen hundred and sixty-three, to procure and deliver to the clerk of the supreme court of appeals of this State proper copies of the records in said courts, or of such substitute for such records as now is or may be hereafter provided for by law, and to cause them to be docketed in said court last mentioned, and the provisions of this act shall extend to all the cases hereinbefore mentioned, notwithstanding such cases may have been dismissed under and by virtue of the third section of the act of July twentieth, eighteen hundred and sixty-three aforesaid, or under and by virtue of the second section of an act entitled "An Act concerning cases transferred from the supreme court of appeals and district courts of Virginia to the supreme court of appeals of West Virginia," passed February twenty-seventh, eighteen hundred and sixty-six, and cases so dismissed being docketed on compliance with the terms of this act shall be proceeded in as though no such dismissal had taken place.

Cause not so
docketed to be
dismissed.

2. If the appellant or plaintiff in error in any cause so pending as aforesaid in either of the courts heretofore mentioned, shall fail to

cause the same to be docketed in the supreme court of appeals in accordance with the terms and within the time limited and allowed by this act, the said court at any time thereafter may, upon motion of the appellee or defendant in error, cause the said cause to be entered dismissed upon the record, with or without cost, or may for good cause grant further time for having the same docketed; but such extension shall not be granted more than once, and if the cause shall not be docketed within the time allowed, the same shall be dismissed.

Court may grant further time for docketing.

Proviso.

8. So much of the provisions of the acts of July twentieth, eighteen hundred and sixty-three, and of February twenty-seventh, eighteen hundred and sixty-six, aforesaid, as conflict with the provisions of this act are hereby repealed.

Acts repealed.

CHAPTER 190.—An ACT to amend and re-enact Section 5 of Chapter 274 of the Acts of 1860, passed by the General Assembly of the State of Virginia:

Passed March 5, 1868.

Be it enacted by the Legislature of West Virginia:

Section five of chapter two hundred and seventy-four of the acts of eighteen hundred and sixty, passed by the General Assembly of the State of Virginia, is hereby amended and re-enacted so as to read as follows:

"5. The said commissioners of the sinking fund shall be and they are hereby required, authorized and empowered, out of the moneys by them received from the sheriff of said county, to pay the semi-annual interest on the bonds issued under this act, and after the payment of the said interest, shall, from time to time, invest the surplus of said fund in the purchase of the bonds authorized by this act: provided, the same can be purchased at not exceeding par; but if the said bonds cannot be purchased at their par value, then shall the said commissioners invest the surplus of said fund in such securities as the board of supervisors of Ohio county may direct, which said securities so purchased, shall be by them held as a part of the sinking fund, with power to sell and re-invest, and shall be a loan applicable to the payment of the principal and interest of the bonds issued under this act. The said commissioners shall, at the June meeting of the said board of supervisors of Ohio county, in every year, present to the said board, a full and minute report of their receipts and disbursements for or on account of the said sinking fund, submitting therewith, for the inspection of said board, the bonds redeemed by them, and such bonds or other securities as they may from time to time have purchased under this act."

Commissioners of sinking fund of Ohio county; their powers and duties.

Investment of sinking fund.

CHAPTER 191.—An ACT providing for the removal of the county seat of Hampshire county.

Passed March 5, 1868.

Be it enacted by the Legislature of West Virginia :

Commissioners to locate county seat.

1. J. Rufus Smith, of the county of Morgan ; Isaac McKeever, of the county of Hardy, and James Carskadon, of the county of Mineral, are hereby appointed commissioners to locate the county seat of Hampshire county, who shall proceed as soon as practicable to locate said county seat, at the most suitable and convenient point, as nearly central as practicable with reference to the population, geography and routes of travel of the said county, and report their proceedings to the board of supervisors of the said county.

Location at place selected by commissioners.

2. The place designated by the said commissioners in their said report, shall thereafter be the county seat of the said county of Hampshire, and it shall be the duty of the board of supervisors of the said county to cause the necessary buildings to be erected at such county seat, for the holding of the courts, the accommodation of the county officers, and the confinement of prisoners, in the manner prescribed by law. But in case the circuit court shall so order, the courts may be held at Romney and the county records kept at that place, until suitable buildings are erected at the place selected under the provisions of this act.

Temporary county seat at Romney.

Compensation of commissioners.

4. The commissioners provided for in this act shall receive for their services in performing the duties required by this act, two dollars per day for the time employed by them therein, and in going to and returning from said county, and all reasonable expenses incurred by them in the discharge of said duties, which shall be allowed by the board of supervisors, and paid out of the treasury of said county.

Act to be of force when approved by voters.

5. This act shall be of full force and effect after a majority of the legal voters shall vote for such location, which vote shall be taken at the next State election.

CHAPTER 192.—An ACT amending and re-enacting the first and third Sections of Chapter 54 of the Acts of 1867.

Passed March 5, 1868.

Be it enacted by the Legislature of West Virginia :

1. The first and third sections of chapter fifty-four of the acts of eighteen hundred and sixty-seven, are hereby amended and re-enacted so as to read as follows :

Taxes appropriated to roads in Webster and Pocahontas.

"1. All taxes assessed for State purposes in the counties of Webster and Pocahontas, for the year eighteen hundred and sixty-five, except twenty-six hundred and sixty dollars and forty-two cents paid into the State treasury previous to the first day of February, eighteen hundred and sixty-seven, and all taxes assessed on the lands of non-residents in said counties, for the years eighteen hundred and sixty-

one, eighteen hundred and sixty-two, eighteen hundred and sixty-three and eighteen hundred and sixty-four, not collected and paid into the State treasury previous to February first, eighteen hundred and sixty-seven, are hereby appropriated to aid the citizens of said counties in constructing turnpike roads from Edray, in the county of Pocahontas, to Sand run, in the county of Webster, and from Valley Head, in the county of Randolph, to said Sand run, in the county of Webster."

Back taxes appropriated to turnpike roads in Webster and Pocahontas.

2. The sheriff of the county of Pocahontas shall pay said taxes collected in said county, with interest thereon, upon the order of George P. Moore, Robert Y. Gary and C. M. C. Hamric, or any two of them, commissioners appointed by the boards of supervisors of said counties, to whom the board of public works have transferred their authority over said turnpike road, in accordance with the sixth section of said act of eighteen hundred and sixty-seven. On failure of sheriff to pay any of said taxes that he may have collected, or shall hereafter collect, upon the orders of the said parties mentioned and provided in this section, he shall pay four centum per annum damages after the first day of April, eighteen hundred and sixty-eight; provided, however, that said sheriff is entitled to five per cent on the dollar for collecting and paying over the same. And the sheriff of the county of Webster shall pay over the said taxes collected by him to the receiver of said county, appointed by the circuit court thereof, whose duty it shall be to pay out the same to the best advantage in opening and repairing that part of the turnpike from Valley Head, in said county of Randolph, to Sand run, in said county of Webster, known as the Slaven's Cabin and Summersville turnpike road, and he may retain the money, or any part thereof, until any contract upon said road is completed, and he shall have three per cent on the dollar for receiving and disbursing the same, and the sheriff of the county of Webster shall have the same per centum as the sheriff of the county of Pocahontas, for collecting said tax, and shall be liable for damages in the same manner.

Sheriff of Pocahontas to pay taxes to commissioners.

Penalty for failure of sheriff to do so.

Sheriff of Webster to pay taxes to receiver.

Compensation of sheriff.

Penalty for his failure to pay over taxes.

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

Acts repealed.

CHAPTER 193.—An ACT authorizing the Board of Supervisors of Wayne county to declare any stream in said county a public highway.

Passed March 5, 1868.

Be it enacted by the Legislature of West Virginia:

1. That the board of supervisors of Wayne county is hereby authorized to declare any of the streams in said county a public highway for the transportation of timber and lumber.

Any stream may be declared public highway.

2. That such order shall not interfere with any mill or mill-dams that are now erected on any of said streams.

Mill-dams not to be interfered with.

CHAPTER 194.—An ACT in relation to the assessment of lands in the county of Lincoln for the purpose of taxation.

Passed March 5, 1868.

Be it enacted by the Legislature of West Virginia :

Mistakes in land books for 1867 to be corrected.

1. That it shall be the duty of the assessor of the county of Lincoln, in making out the land books of the said county for the year eighteen hundred and sixty-eight, to correct as far as possible all mistakes in the land books of said county for the year eighteen hundred and sixty-seven. It shall also be his duty to re-assess all such real estate in said county as may in his opinion have been assessed either too high or too low by the re-assessment thereof made in the year eighteen hundred and sixty-six. But in making such re-assessment the average value per acre of the lands in the said county shall not be less than two dollars and ten cents.

Reassessment of real estate.

Proviso.

Corrected land books to apply to 1867.

2. The said land books, when completed as provided for in the preceding section, shall apply to the year eighteen hundred and sixty-seven, as well as to the year eighteen hundred and sixty-eight, so far as the taxes on the lands and lots in said county remain uncollected, and the taxes on the said lands and lots for the year eighteen hundred and sixty-seven shall be collected as assessed and charged upon the said land books for the year eighteen hundred and sixty-eight.

Correction of erroneous assessments.

3. Any person who may be of opinion that the assessment of his own lands or lots, or those of any other person, as charged on the said land books for the year eighteen hundred and sixty-eight, is above or below their true value, or erroneous as to quantity, may at any time before the first of April, eighteen hundred and sixty-nine, apply by himself or his agent to the board of supervisors of the said county of Lincoln to have the assessment corrected. Notice in writing of such application shall be given to the prosecuting attorney of the county, and if the application be not made by the owner of such lands or lots, or his agent, such notice shall also be given to such owner or one of the several owners, or the agent of such owner or owners, at least ten days before the application is made, which notice may be served in the same manner in which other notices may by law be served. If such owner or his agent cannot be found within the county of Lincoln, the notice may be served by publication in some convenient newspaper once in each week for four successive weeks, and being posted on the door of the court house of the said county of Lincoln at least twenty days before said application is made; and the service of such notice, when so made, shall be equivalent to personal service. The expense of the publication and proof of such notice, when the same is directed by the board of supervisors of the said county, shall be paid out of the county levy thereof, and in all other cases it shall be paid by the party at whose instance such publication is made. It shall be the duty of the prosecuting attorney of said county in all such cases to attend to the interest of the State and county. If, upon hearing the evidence adduced, the board of super-

Notice of application therefor.

Duty of prosecuting attorney.

visors shall be satisfied that the assessment complained of is erroneous as to the value of the lands or lots assessed or as to the quantity thereof, they shall correct the same by placing such lands or lots on the land books at their true value or quantity, or both, as the case may be. The board of supervisors of the said county of Lincoln shall have the sole jurisdiction over the assessment of the lands and lots in their county made under the provisions of this act, and to hear, try and determine all applications for the correction of such assessment, and their decision in all such cases shall be final. A copy of all orders made on such applications correcting any assessment shall be certified by the clerk of the board of supervisors to the auditor, and a like copy to the assessor of the county. If the tax assessed on such property has been placed in the hands of the sheriff for collection, a copy of such order shall also be certified to the sheriff.

Board of supervisors to have sole jurisdiction.

4. The assessor of the said county of Lincoln shall be allowed such reasonable sum, not exceeding two dollars per day, for the time actually and necessarily employed by him in making the re-assessment required by this act, as the board of supervisors of the said county may determine, to be paid by the county.

Compensation of assessor.

CHAPTER 195.—An ACT amending the charter of the town of Moundsville.

Passed March 5, 1868.

Be it enacted by the Legislature of West Virginia :

Chapter sixty of the acts of eighteen hundred and sixty-six, is hereby amended by the addition of the following section, viz :

"14. Whenever anything for which a State license is required is to be done within said town, the council may require a town license to be had for doing the same, and may impose a tax thereon for the use of the town, and the council may, in any case, require from the person licensed a bond, with sureties, and in such penalty and with such conditions as it may deem proper, and may revoke such license at any time, if the condition of said bond be broken. And no license to sell strong or spirituous liquors, or wine, beer, porter, ale, or drinks of like nature, within said town, or within two miles of the corporate limits thereof, shall be granted by the supervisors of Marshall county, unless the person applying therefor shall produce to said supervisors the certificate of the council of said town, of its consent to the granting of such license."

Town licenses.

Supervisors not to grant license in town without consent of council.

CHAPTER 196.—An ACT to reduce taxes.

Passed March 5, 1863.

Be it enacted by the Legislature of West Virginia:

1. The taxes on persons and subjects required by law to be listed or assessed, shall be yearly as follows:

Taxes on real estate.

On tracts of land and lots, with the improvements not exempted from taxation, twenty cents on every hundred dollars value thereof.

Taxes on personal property.

On all the personal property, money and credits required by law to be listed, and not exempt from taxation, twenty cents on every hundred dollars value thereof.

School tax.

2. There shall also be levied yearly, on the assessed valuation of real and personal property, ten cents on every hundred dollars, for the purpose of free schools, being the tax mentioned in the thirty-seventh section of the act passed December tenth, eighteen hundred and sixty-three, entitled "An Act providing for the establishment of a system of free schools."

Capitation tax.

On every male inhabitant who has attained the age of twenty-one years, one dollar.

Former act repealed.

3. Chapter twenty-six of the acts of eighteen hundred and sixty-four, is hereby repealed.

JOINT RESOLUTIONS.

[No. 1.] Joint Resolution raising a Committee to wait on the Governor.

Resolved by the Legislature of West Virginia, That the Senate appoint two, and the House of Delegates be requested to appoint three, members of a committee to wait upon His Excellency, the Governor, and inform him of the organization of the two Houses, and of their readiness to receive any communication he may desire to make.

ADOPTED, January 21, 1868.

[No. 2.] Joint Resolution providing for ascertaining the amount of Virginia bonds held by citizens of this State.

Resolved by the Legislature of West Virginia, That the Governor of this State be requested to adopt such steps as he may deem most proper and expedient, to ascertain the amount of registered and coupon bonds of the State of Virginia held and owned by citizens of the State of West Virginia, on the twentieth day of June, eighteen hundred and sixty-three, and still so held by citizens of this State, together with the names of the persons holding the same, and the several amounts held by them.

ADOPTED, January 23, 1868.

[No. 3.] Joint Resolution raising a Committee to investigate the affairs of the Penitentiary.

Resolved by the Legislature of West Virginia, That a Joint Committee of seven be appointed, three on behalf of the Senate and four on behalf of the House, to examine the penitentiary and the manner in which the work thereon is being done, and whether the money appropriated for the building of said penitentiary has been properly expended or not, and whether the directors and superintendent have discharged their duty or not; that such committee have power to send for persons and papers, and that they report at as early a day as may be convenient.

ADOPTED, January 24, 1868.

[No. 4.] Joint Resolution instructing our Senators in Congress to vote for the House bill requiring the concurrence of two-thirds of the Supreme Court to declare a law unconstitutional.

Resolved by the Legislature of West Virginia, That the bill lately passed by the House of Representatives of the United States, requiring the concurrence of two-thirds of the Supreme Court of the United States to declare a law of Congress unconstitutional, meets with our entire approbation, and that our Senators in Congress be and they are hereby instructed to vote for the same.

ADOPTED, January 24, 1868.

[No. 5.] Joint Resolution raising a Committee to investigate the affairs of the Hospital for the Insane at Weston.

Resolved by the Legislature of West Virginia, That there be a committee of two on the part of the Senate, and three on the part of the House, appointed to visit, examine and report as to the condition and all the facts in relation to the general management and the building of the West Virginia Hospital for the Insane, at Weston, and that such committee have power to send for persons and papers.

ADOPTED, January 24, 1868.

[No. 6.] Joint Resolution giving notice to William L. Hindman, Judge of the Eighth Judicial Circuit, of proceedings for his removal.

Resolved by the Legislature of West Virginia, That notice be given to William L. Hindman, judge of the eighth judicial circuit of this State, that the Senate and House of Delegates will, on the twenty-fourth day of February next, proceed to consider, and thereafter to determine, the question of his removal from office, pursuant to the thirteenth section of the sixth article of the constitution of this State, and that the following causes are alleged for such removal, that is to say:

I.—*Misconduct in Office.*

In this, that on or about the eighteenth day of March, eighteen hundred and sixty-seven, at the court house of Cabell county, the said William L. Hindman, in disregard of law, and in contempt of the decision of the court of appeals of this State, while acting, and by virtue of his office of judge of the eighth judicial circuit of said State, admitted to the bar to practice as an attorney and counsellor at law in the circuit court of the said county of Cabell, the said county being a part of the eighth judicial circuit, Samuel A. Miller, an active and influential participant in the late rebellion against the government of the United States, as quartermaster in the so-called Confederate service and a member of the so-called Confederate congress, without requiring the said Samuel A. Miller to take the oath required by an act of the legislature of West Virginia, passed February fourteenth, eighteen hundred and sixty-six, commonly called the attorneys' test oath.

And also, in this, that on the twentieth day of August, eighteen hundred and sixty-seven, at the court house of Raleigh county, the said William L. Hindman, in disregard of law and in contempt of the decision of the court of appeals of this State, while acting and by virtue of his office of judge of the said eighth judicial circuit, admitted to the bar and to practice as an attorney and counsellor at law, in the circuit court of the said county of Raleigh, the said county being a part of the eighth judicial circuit, Samuel Price, another active participant in the said rebellion, and a so-called lieutenant governor under and by virtue of the authority of the rebel State government at Richmond, without requiring the said Price to take the oath required by an act of the legislature of the State of West Virginia, passed February fourteenth, eighteen hundred and sixty-six, commonly called the attorneys' test oath.

And also, in this, that on the twentieth day of November, eighteen hundred and sixty-seven, at the court house of Cabell county, the said William L. Hindman, in disregard of law and in contempt of the decision of the court of appeals of this State, while acting and by virtue of his office of judge of the said eighth judicial

circuit, admitted to the bar and to practice as an attorney and counsellor at law in the circuit court of the said county of Cabell, the said county being a part of the said eighth judicial circuit, David S. Hounshell, also an active participant in the rebellion, and a colonel in the so-called confederate army, without requiring the said Hounshell to take the oath required by an act of the legislature of the State of West Virginia, passed February fourteenth, eighteen hundred and sixty-six, commonly called the attorneys' test oath.

II.—*Incompetency.*

In this, that the said William L. Hindman, judge as aforesaid, is, for the reasons and causes hereinbefore stated, incompetent and disqualified for the discharge of the duties of his office.

III.—*Neglect of Duty.*

In this, that on or about the eighteenth day of March, eighteen hundred and sixty-seven, at the court house of Cabell county, the said William L. Hindman, while sitting as judge of the circuit court of the said county of Cabell, the said county being a part of the eighth judicial circuit of this State, in disregard of law and in contempt of the decision of the court of appeals of this State, admitted to practice at the bar of the said court as an attorney and counsellor at law, one Samuel A. Miller, an active and influential participant in the late rebellion against the government of the United States, a quarter-master in the so-called confederate service, and a member of the so-called confederate congress, without requiring the said Miller to take the oath required by an act of the legislature of the State of West Virginia, passed February fourteenth, eighteen hundred and sixty-six, commonly called the attorneys' test oath.

And also, in this, that on or about the twentieth day of August, eighteen hundred and sixty-seven, at the court house of Raleigh county, the said William L. Hindman, while sitting as judge of the circuit court of the said county of Raleigh, the said county being a part of the eighth judicial circuit of this State, in disregard of law, and in contempt of the decision of the court of appeals of this State, admitted to practice at the bar of the said court as an attorney and counsellor at law, one Samuel Price, another active participant in the said rebellion, and a so-called lieutenant governor under and by virtue of the authority of the rebel state government at Richmond, without requiring the said Price to take the oath required by an act of the legislature of the State of West Virginia, passed February fourteenth, eighteen hundred and sixty-six, commonly called the attorneys' test oath.

And also, in this, that on or about the twentieth day of November, eighteen hundred and sixty-seven, at the court house of Cabell county, the said William L. Hindman, while sitting as judge of the circuit court of the said county of Cabell, the said county being a part of the eighth judicial circuit of this State, in disregard of law, and in contempt of the decision of the court of appeals of this State, admitted to practice at the bar of the said court as an attorney and counsellor at law, one David S. Hounshell, also an active participant in the rebellion and a colonel in the so-called confederate army, without requiring the said Hounshell to take the oath required by an act of the legislature of the State of West Virginia, passed February fourteenth, eighteen hundred and sixty-six, commonly called the attorneys' test oath.

ADOPTED, January 27, 1868.

[No. 7.] Joint Resolution relating to the financial policy of the United States.

Resolved by the Legislature of West Virginia, That all questions involving the national currency and paying the public debt, are financial, and not political in their character, and that it is the duty of Congress to mature and furnish such solution of the same as will promote the best interest of the nation at large.

ADOPTED, January 30, 1868.

[No. 8.] Joint Resolution providing for printing the report of the Visitors of the Agricultural College.

Resolved by the Legislature of West Virginia, That two thousand copies of the report of the president and board of visitors of the Agricultural College, and the Governor's message accompanying the same, be printed for the use of the two houses; and that said report be referred to a special committee of five, two on the part of the Senate, and three on the part of the House, with instructions to report by bill or otherwise.

ADOPTED, January 31, 1868.

[No. 9.] Joint Resolution increasing the number of the Committee to investigate the affairs of the Hospital for the Insane, at Weston.

Resolved by the Legislature of West Virginia, That there shall be added one member on the part of the House and one on the part of the Senate, to the joint committee appointed to investigate the construction and management of the hospital for the insane, at Weston; and the said committee have power to employ a clerk, if they deem it necessary.

ADOPTED, February 13, 1868.

[No. 10.] Joint Resolution proposing to celebrate the anniversary of Washington's Birthday.

Resolved by the Legislature of West Virginia, That the Senate and House of Delegates meet in joint session in the hall of the latter on Saturday, the twenty-second instant, at ten o'clock, A. M., and that Washington's farewell address be read, and that Rev. J. D. Herr be requested to deliver his oration on American patriots and heroes, on that occasion.

ADOPTED, February 14, 1868.

[No. 11.] Joint Resolution raising a Committee to inquire what progress has been made in the revision of the Code.

Resolved by the Legislature of West Virginia, That a Joint Committee of two on the part of the House, and two from the Senate, be appointed to ascertain and report the present condition of the code, and when the same will be completed.

ADOPTED, February 14, 1868.

[No. 12.] Joint Resolution providing for the appointment of a Committee to investigate the charges against Judge William L. Hindman.

Resolved by the Legislature of West Virginia, That a Joint Committee consisting of three members on the part of the House, and two on the part of the Senate, be appointed to investigate the charges preferred against Judge William L. Hindman, of the eighth judicial circuit, and report thereon; and that said committee have power to send for persons and papers.

ADOPTED, February 18, 1868.

[No. 13.] Joint Resolution for the relief of Abraham Simons.

Resolved by the Legislature of West Virginia, That Abraham Simons, late of company K, Tenth West Virginia Volunteer Infantry, be and is hereby relieved from disgrace and disability, which occur from his unfortunate and peculiar trial and dismissal from the United States service by a court martial, and that he be entitled to receive a medal as all other soldiers of his State. And that the said Abraham Simons be entitled to the benefit of all acts heretofore passed, relative to the refunding of tax paid on levies for soldiers' bounties.

ADOPTED, February 19, 1868.

[No. 14.] Joint Resolution requesting the transfer of the Gettysburg National Cemetery to the General Government.

WHEREAS, That by an act, entitled "An Act to establish and protect national cemeteries, approved February twenty-second, eighteen hundred and sixty-seven," Congress has adopted a uniform system for the management and care of all the soldiers' national cemeteries throughout the United States, and made provision for their maintenance; therefore, be it

Resolved by the Legislature of West Virginia, That we respectfully request of, and recommend to the legislature of the State of Pennsylvania, the passage of an act empowering the board of commissioners having charge of the soldiers' national cemetery at Gettysburg, to transfer all the right, title, interest and care of said soldiers' national cemetery to the general government, upon the completion of the same.

ADOPTED, February 20, 1868.

[No. 15.] Joint Resolution requesting the transfer of the Antietam National Cemetery to the General Government.

WHEREAS, That by an act, entitled "An Act to establish and protect national cemeteries, approved February twenty-second, eighteen hundred and sixty-seven," Congress has adopted a uniform system for the management and care of all the soldiers' national cemeteries throughout the United States, and made provisions for their maintenance; therefore, be it

Resolved by the Legislature of West Virginia, That we respectfully request of, and recommend to the legislature of the State of Maryland, the passage of an act empowering the board of trustees having charge of the Antietam national ceme-

tery at Sharpsburg, Maryland, to transfer all the right, title, interest and care of said Antietam national cemetery to the general government, upon the completion of the same.

ADOPTED, February 20, 1868.

[No. 16.] Joint Resolution requesting the members of Congress from this State to aid in the establishment of a water line from the basin of the Mississippi to the Chesapeake Bay.

Resolved by the Legislature of West Virginia, That our Senators in Congress be instructed, and our Representatives requested, in connection with the Senators and Representatives of the great west, to press upon the attention of Congress the importance of opening up speedily the nation's natural highway of transit from the Mississippi basin to the Chesapeake bay, by an unbroken water line from the lakes to the Atlantic, through the valleys of the Great Kanawha and James rivers. This is the central route—the natural channel—and pointed out by Washington, in anticipation of the teeming millions whose commerce would demand the outlet, and inevitably flow in it, through coming ages.

ADOPTED, February 20, 1868.

[No. 17.] Joint Resolution raising a Committee to consider the propriety of reducing the number of county officers, and for other purposes.

Resolved by the Legislature of West Virginia, That a Joint Committee of five, two from the Senate and three from the House of Delegates, be appointed to take into consideration the propriety of reporting a bill reducing the number of county officers, and provide, if possible, a cheaper mode of assessing, collecting and disbursing all taxes, and report at as early a day as convenient.

ADOPTED, February 21, 1868.

[No. 18.] Joint Resolution authorizing the Auditor to procure lists of lands bought by the State in 1860.

WHEREAS, It appears that in several of the counties of this State, the lists of lands purchased on behalf of the commonwealth of Virginia, at the sales for delinquent taxes made in the year eighteen hundred and sixty, have been lost or mislaid, so that the assessors of such counties have been unable to comply with the provisions of section one of chapter ninety-two of the acts of eighteen hundred and sixty-five, requiring the return thereof to the office of the recorder of their respective counties; and whereas, such lists are indispensably necessary to carry out the provisions of said section; therefore,

Resolved by the Legislature of West Virginia, That the auditor is hereby authorized to procure from the auditor's office at Richmond, Virginia, certified copies of such lists returned from the counties in which the same cannot now be found, and pay for the same out of the appropriation for contingent expenses of his office.

The auditor shall file and preserve such copies in his office, and certify copies

thereof to the recorders of the respective counties, who shall also file and preserve the same in their respective offices, that proceedings may be had under the provisions of said section.

ADOPTED, February 22, 1868.

[No. 19.] Joint Resolution increasing the number of the Committee to investigate the affairs of the Penitentiary.

Resolved by the Legislature of West Virginia, That E. H. Chambers and N. Goff, on the part of the House of Delegates, and W. I. Boreman and G. Slack, on the part of the Senate, be added to the committee on the penitentiary.

ADOPTED, February 24, 1868.

[No. 20.] Joint Resolution relating to the impeachment of the President of the United States.

WHEREAS, The long threatened design of Andrew Johnson, President of the United States, to usurp the power and authority of Congress and resist the laws of the United States, has at length culminated in the open, defiant and insulting violation of law, by the attempted removal of Secretary Stanton and the appointment of Adjutant General Thomas Secretary of War, *ad interim*, the Senate of the United States being in session :

Resolved by the Legislature of West Virginia, That Andrew Johnson, President of the United States, in the attempted removal of the secretary of war, and the designation of the adjutant general to perform the duties of the office *ad interim*, the Senate being in session, has been guilty of a wilful and flagrant violation of law, and in the opinion of the legislature of West Virginia, ought to be impeached for high crimes and misdemeanors.

2. That the governor be authorized to tender Congress the assistance of West Virginia in sustaining the authority and enforcing the laws of the United States.

ADOPTED, February 25, 1868.

[No. 21.] Joint Resolution authorizing the Auditor to make collections beyond the limits of the State.

Resolved by the Legislature of West Virginia, That the auditor is hereby authorized to go beyond the limits of this State to make settlements and collections of money due the State, and may, if in his judgment he deems it necessary and proper to do so, employ assistance for that purpose. And the necessary expenses and reasonable compensation to persons so employed, shall be paid out of the treasury upon the warrant of the auditor.

ADOPTED, February 28, 1868.

[No. 22.] Joint Resolution postponing the trial of William L. Hindman on the part of the Senate.

Resolved by the Legislature of West Virginia, The joint order of this day for the trial of Judge William L. Hindman, is postponed on the part of the Senate, until the House of Delegates shall have acted on the subject.

ADOPTED, February 28, 1868.

[No. 23.] Joint Resolution relating to the fees of counsel for this State in the suit of Virginia against West Virginia.

Resolved by the Legislature of West Virginia, That the governor be authorized and directed, out of the appropriation heretofore made to provide for the payment of the expenses incurred on behalf of this State in the defence of the suit brought against it in the supreme court of the United States by the State of Virginia, to recover jurisdiction over the counties of Berkeley and Jefferson, to pay to the three counsel employed by him on behalf of this State, in equal sums, one-third to each, the sum of seven thousand five hundred dollars.

ADOPTED, February 29, 1868.

[No. 24.] Joint Resolution removing William L. Hindman, Judge of the Eighth Judicial Circuit, from office.

WHEREAS, William L. Hindman, judge of the eighth judicial circuit, has been placed upon trial before the legislature of this State, upon charges and specifications contained in a joint resolution adopted by the legislature on the twenty-seventh day of January, eighteen hundred and sixty-eight.

And whereas, it is proved to the satisfaction of the legislature, that on or about about the twenty-second day of March, eighteen hundred and sixty-seven, at a circuit court held in and for the county of Cabell, by the said William L. Hindman, as such judge as aforesaid, he, the said William L. Hindman, as such judge as aforesaid, and while holding the said court as aforesaid, did allow and permit one Samuel A. Miller, who then and there disabled from practicing law in the courts of this State by reason of his participation in the late rebellion against the United States, to qualify as an attorney at law, and to practice law in the said circuit court of Cabell county, without taking the oath prescribed by the act passed February fourteenth, eighteen hundred and sixty-six, entitled "An Act in relation to the oaths of attorneys at law," and has allowed and permitted the said Samuel A. Miller to continue to practice law in said court without taking the said oath. All this after the said act had been expressly decided by the supreme court of appeals of this State to be constitutional.

And whereas, it is further proved to the satisfaction of the legislature, that on or about the nineteenth day of November, eighteen hundred and sixty-seven, at a circuit court held in and for the said county of Cabell, by the said William L. Hindman, as such judge as aforesaid, he, the said William L. Hindman, as such judge as aforesaid, and while holding the said court as aforesaid, did allow and permit, one D. S. Hounshell, who was then and there disabled from practicing law in the courts of this State by reason of his participation in the late rebellion against the United States, to qualify as an attorney at law in the said court, and did admit the said Hounshell to practice law in the said court, without taking the oath prescribed by the act passed February fourteenth, eighteen hundred and sixty-six, entitled "An Act in relation to oaths of attorneys at law." All this after the said act had been expressly decided by the supreme court of appeals of this State to be constitutional.

And whereas, it is further proved to the satisfaction of the legislature by the facts above recited, and by other evidence, that the said William L. Hindman is incompetent to properly discharge the duties of the said office of judge; therefore,

Resolved by the Legislature of West Virginia :

1. That the said William L. Hindman, as such judge as aforesaid, has been and is guilty of misconduct and neglect of duty in his said office of judge of the eighth judicial circuit of this State.

2. That the said William L. Hindman is incompetent for the proper discharge of the duties of his said office as judge.

3. That William L. Hindman be and he is hereby removed from his said office of judge of the eighth judicial circuit of this State, for the causes aforesaid, and that the said office be and the same is hereby declared vacant.

ADOPTED, February 29, 1868.

[No. 25.] Joint Resolution relating to the powers and compensation of the Committee appointed to investigate the affairs of the West Virginia Hospital for the Insane at Weston.

Resolved by the Legislature of West Virginia, The committee to investigate the affairs of the West Virginia Hospital for the Insane, at Weston, are hereby authorized to sit after the adjournment of the legislature and report to the governor, or to the next legislature; and the said committee shall receive the sum of three dollars per diem for the time they are necessarily engaged with their labors, and also their traveling expenses.

ADOPTED, March 2, 1868.

[No. 26.] Joint Resolution relative to Berkeley and Capon Springs.

WHEREAS, It is believed the State owns the property known as Berkeley Springs and Capon Springs, and that persons visiting said springs are required to pay to the trustees of said Berkeley Springs, and to the proprietors of the hotels adjacent to said Capon Springs, a consideration for the use of the water of said springs; therefore,

Resolved by the Legislature of West Virginia, The board of trustees of Berkeley Springs is respectfully requested to report to the next legislature, first, what amount of money (if any) has been received from visitors to said springs for the water thereof, and by whom received; second, what plan in its opinion should be devised to secure to the State the revenue that ought to be derived from said Berkeley and Capon springs; and third, a summary of the proceedings of said board since its appointment.

ADOPTED, March 3, 1868.

[No. 27.] Joint Resolution requesting the Governor to call an extra session of the Legislature.

Resolved by the Legislature of West Virginia, a majority of all the members elected to each branch concurring, That the governor be requested to convene the legislature in extra session on the first Tuesday of June next, with a view of considering and determining upon the code of West Virginia.

ADOPTED, March 4, 1868.

[No. 28.] Joint Resolution providing for the distribution of the Report of the Revisor of the Code.

Resolved by the Legislature of West Virginia, That one copy of the report of Daniel Lamb, Esq., late revisor of the code of West Virginia, be delivered to each member of the Senate and House of Delegates who have not already received a copy of the same, provided a sufficient number are already printed.

ADOPTED, March 5, 1868.

[No. 29.] Joint Resolution providing for the distribution of certain Acts.

Resolved by the Legislature of West Virginia :

1. That the five hundred copies of the acts in sheets, to which the members of this legislature are entitled, be by the public printer bound as the other acts of the session are bound, and delivered to the clerk of the House of Delegates, whose duty it is made to forward the same as soon as practicable to the members of this legislature.

2. That the sergeant-at-arms of the House of Delegates pay to the clerk of that branch, out of the fund appropriated for the expenses of the Legislature, sixty dollars, to pay the cost of forwarding to the members of the legislature the acts mentioned in the preceding resolution.

ADOPTED, March 5, 1868.

CORPORATIONS.

THE BANK OF THE WEST.

I, Granville D. Hall, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

The undersigned agree to become a corporation by the name of "The Bank of the West," for the purpose of doing business as a bank of discount and deposit, and the usual financial business transacted by banks other than those of issue. Which corporation shall keep its principal office or place of business at Charleston, in the county of Kanawha, West Virginia; and is to expire on the first day of January, eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of sixty-three thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of sixty-three thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to two hundred thousand dollars in all. The capital so subscribed is divided into shares of one thousand dollars each, which are held by the undersigned, respectively, as follows, that is to say: by L. J. Woodyard, of Charleston, Kanawha county, 9 shares, \$9,000; William T. Thayer, Charleston, Kanawha county, 9 shares, \$9,000; John Claypool, Charleston, Kanawha county, 9 shares, \$9,000; H. W. Reynolds, Charleston, Kanawha county, 9 shares, \$9,000; Isaac N. Smith, as trustee for Mrs. Ellen N. Rand, Charleston, Kanawha county, 9 shares, \$9,000; Isaac N. Smith, Charleston, Kanawha county, 18 shares, \$18,000. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this ninth day of January, eighteen hundred and sixty-seven.

[Signed,]

LEVI J. WOODYARD,
WILLIAM T. THAYER,
JOHN CLAYPOOL,
HENRY W. REYNOLDS,
ISAAC N. SMITH,
(as trustee for Mrs. Rand.)
ISAAC N. SMITH.

Wherefore, the incorporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this sixteenth day of January, eighteen hundred and sixty-seven.

GRANVILLE D. HALL,
Secretary of the State.

SEAL.

SOUTH WHEELING BUILDING ASSOCIATION.

I, Granville D. Hall, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'South Wheeling Building Association,' for the purpose of supporting the stockholders in saving themselves a capital for building purposes, or other legitimate business; which corporation shall keep its principal office or place of business in South Wheeling, county of Ohio, and is to expire on the twenty-second day of January, eighteen hundred and eighty-seven, unless sooner dissolved. And for the purpose of forming the said corporation, we have subscribed the sum of eighteen hundred dollars to the capital thereof; and have paid in on said subscriptions the sum of one hundred and eighty dollars; and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to three hundred thousand dollars, in all. The capital so subscribed is divided into shares of three hundred dollars each, which are held by the undersigned respectively as follows: that is to say, by Henry Knoke, one share; Henry Baer, one share; August Wiedebush, one share; Herman Hartenstein, one share; Michael Roth, one share; Louis Juenke, one share; all of the town of South Wheeling. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-second day of January, eighteen hundred and sixty-seven.

[Signed,]

HENRY KNOKE,

HENRY HARTENSTEIN,

HENRY BAER,

MICHAEL ROTH,

AUGUST WIEDEBUSH,

LOUIS JUENKE."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-second day of January, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my band and the great seal of the said State, at the city of Wheeling, this twenty-fourth day of January, eighteen hundred and sixty-seven.

GRANVILLE D. HALL,

Secretary of the State.

SEAL.

CLIFTON IRON AND NAIL COMPANY.

I, Granville D. Hall, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Clifton Iron and Nail Company,' for the purpose of manufacturing iron and nails of various kinds, and for sale of the same, and to transact any and all other business necessarily connected therewith, or calculated to facilitate the same. Said manufacturing establishment to be located on the premises of Union Coal Mining and Manufacturing Company, in Wagoner township, Mason county, West Virginia, hereafter to be conveyed to this corporation, and where its principal office or place of business shall be kept, at Clifton, Mason county, West Virginia. Said corporation to expire

on the first day of November, A. D., eighteen hundred and eighty-six. And for the purpose of forming said corporation, we have subscribed the sum of one hundred thousand dollars to the capital stock thereof, and have paid in the sum of ten thousand dollars, and desire the privilege of increasing said capital, by sales of additional shares of stock, from time to time, to three hundred thousand dollars. The capital stock so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows: that is to say, first, by H. G. Daniel, 100 shares; H. H. Swallow, 50 shares; T. A. Plants, 20 shares; D. Reed, 15 shares; Dr. Isaac Train, 40 shares; William Long, 15 shares; A. Blumenthall, 10 shares; Henry Delcher, 15 shares—all of Pomeroy, Ohio. George W. Cooper, 40 shares; H. W. Gates, 40 shares; M. Nye, Jr., 10 shares; James N. Titus, 10 shares; M. Bosworth, 20 shares; Duncan Sloan, 20 shares—all of Middleport, Ohio. S. A. Lasley, 20 shares; William Shober, 10 shares; Frank A. Nash, 20 shares; Joseph Hunt, 20 shares—all of Gallipolis, Ohio. William P. Rathburn, of Chattanooga, Tennessee, 50 shares; J. S. Dowrey, 10 shares; John Somerville, 10 shares; Asa Musgrove, 10 shares; A. A. Holland, 10 shares; James Capehart, 50 shares—all of Mason county, West Virginia. John Eakin, of Gallia county, Ohio, 20 shares; F. A. Rathburn, 10 shares, and Waldo R. Strong, 10 shares, of Meigs county, Ohio; W. H. Powell, of Ironton, Ohio, 50 shares; E. G. Leonard, 100 shares; W. W. Hanly & Co., 10 shares; Thompson, Goodrich & Co., 10 shares; John Wynne & Co., 20 shares, Haines & Chapman, 10 shares; R. M. Pomeroy & Co., 10 shares; C. E. Donnally, 10 shares; H. F. West, 10 shares; Richardson, Northman & Co., 20 shares; E. S. Edwards, 10 shares; E. G. Webster, 30 shares; George W. Edwards, 10 shares; Stedman & Shaw, 20 shares—all of Cincinnati, Ohio. H. T. Brown, 5 shares; L. W. Brown, 5 shares; C. H. Grosvenor, 5 shares—all of Athens, Ohio; W. C. Cline, of Wilksville, Vinton county, Ohio, 10 shares.

Given under our hands and seals, this first day of November, A. D., eighteen hundred and sixty-six.

DR. ISAAC TRAIN,	[L. S.]	WILLIAM LONG,	[L. S.]
W. C. CLINE, by M. Nye, Jr.,	[L. S.]	JOHN A. EAKIN,	[L. S.]
A. A. HOLLAND, Jr.,	[L. S.]	E. G. LEONARD,	[L. S.]
HAINES & CHAPMAN,	[L. S.]	RICHARDSON, NORTHMAN & Co.,	[L. S.]
STEDMAN & SHAW,	[L. S.]	FRANK A. NASH,	[L. S.]
HENRY DELCHER,	[L. S.]	J. CAPEHART,	[L. S.]
LOUIS W. BROWN,	[L. S.]	W. W. HANLY & Co.,	[L. S.]
W. P. RATHBURN,	[L. S.]	H. F. WEST,	[L. S.]
WALDO R. STRONG,	[L. S.]	H. H. SWALLOW,	[L. S.]
S. A. LASLEY,	[L. S.]	C. H. GROSVENOR,	[L. S.]
M. NYE, Jr.,	[L. S.]	F. A. RATHBURN,	[L. S.]
M. BOSWORTH,	[L. S.]	H. W. GATES,	[L. S.]
R. M. POMEROY & Co.,	[L. S.]	E. S. EDWARDS,	[L. S.]
T. A. PLANTS,	[L. S.]	JOSEPH HUNT,	[L. S.]
A. BLUMENTHALL,	[L. S.]	DUNCAN SLOAN,	[L. S.]
ASA MUSGROVE, Jr.,	[L. S.]	JOHN WYNNE & Co.,	[L. S.]
H. G. DANIEL,	[L. S.]	GEORGE W. EDWARDS,	[L. S.]
THOMPSON, GOODRICH & Co.,	[L. S.]	J. S. DOWREY,	[L. S.]
WILLIAM SHOBER,	[L. S.]	JOHN SOMERVILLE,	[L. S.]
JAMES N. TITUS,	[L. S.]	D. REED,	[L. S.]
W. H. POWELL,	[L. S.]	GEORGE W. COOPER,	[L. S.]
C. E. DONNALLY,	[L. S.]	E. G. WEBSTER.	[L. S.]
H. T. BROWN,	[L. S.]		

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of November,

eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at Wheeling, this twenty-eighth day of January, eighteen hundred and sixty-seven.

{
SEAL.
}

GRANVILLE D. HALL,
Secretary of the State.

THE REGENCY OF WEST VIRGINIA NORMAL SCHOOL.

I, Granville D. Hall, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation under the name of 'The Regency of West Virginia Normal School,' for the purpose of establishing and conducting a normal school in or near the town of Fairmont, in the State of West Virginia; which corporation is to keep its principal office or place of business in Fairmont. And for the purpose of forming said corporation, we have subscribed the sum of one thousand dollars to the capital thereof; and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to thirty thousand dollars in all. The capital so subscribed is divided into shares of ten dollars each, which are held in equal number by the undersigned, all of whom are residents of Marion county, State of West Virginia. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this twenty-ninth day of January, eighteen hundred and sixty-seven.

[Signed,]

OLIVER JACKSON,
D. B. DORSEY,
J. N. BOYD,
T. A. FLEMING,
J. J. BURNS,

T. A. MAULSBY,
J. H. BROWNFIELD,
J. C. BEESON,
ELMERY R. HALL,
A. B. FLEMING,"
(per E. R. Hall.)

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this first day of February, eighteen hundred and sixty-seven.

{
SEAL.
}

GRANVILLE D. HALL,
Secretary of the State.

MERCHANTS' BANK OF CHARLESTON.

I, Granville D. Hall, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

The undersigned agree to become a corporation by the name of the "Merchants' Bank of Charleston," for the purpose of receiving money on deposit, buying and discounting notes, bonds, bills of exchange, bullion, government securities, gold

and silver coin, bank notes, &c. ; which corporation shall keep its principal office or place of business in the town of Charleston, in the county of Kanawha, and State of West Virginia, and is to expire on the eighth day of January, eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of twenty-three thousand seven hundred dollars to the capital thereof, and have paid in on said subscriptions the sum of twenty-three hundred and seventy dollars ; and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to three hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively, as follows, that is to say: by James H. Brown, ten shares ; G. Slack, ten shares ; Joseph Shields, three shares ; James M. Laidley, fifty shares ; E. Rooke, five shares ; C. F. Walker, two shares ; James Putney, one share ; James H. Rogers, five shares ; John Slack, ten shares ; Frederick A. Laidley, seventy shares ; E. S. Arnold, trustee, two shares ; John Slack, Jr., five shares ; J. C. Hagerman, two shares ; Gilliland & Anderson, five shares ; Alexander T. Laidley, five shares ; N. Fitzhugh, two shares ; George H. Porter, two shares ; Charles Gebhart, one share ; Frank Beller, one share ; J. T. Brodt, one share ; George Bender, one share, R. W. Knight, two shares ; H. C. Tucker, five shares ; John D. White, five shares ; F. Amther, five shares ; A. Ufferman, two shares ; J. M. Hirschfeld, two shares ; William Kyle, one share ; H. C. McWhorter, one share ; John S. Cunningham, one share ; A. P. Sissett, one share ; A. Wallace, Jr., two shares ; John T. Cotton, five shares ; A. Conley and Isaac Conley, one share each ; T. B. Swann, five shares ; James Ruffner, five shares. And the capital hereafter to be sold is to be divided into shares of the like amount.

Given under our hands, this ninth day of January, eighteen hundred and sixty-seven.

[Signed]

John Slack, ten shares ;
 Charles Gebhart, one share ;
 James M. Laidley, fifty shares ;
 Alex. T. Laidley, five shares ;
 J. L. Cunningham, one share ;
 G. H. Porter, two shares ;
 A. Ufferman, two shares ;
 E. Rooke, five shares ;
 F. A. Laidley, seventy shares ;
 J. C. Hagerman, two shares ;
 C. F. Walker, two shares ;
 Anderson Conley, one share ;
 Isaac Conley, one share ;
 James Putney, one share ;
 George Bender, one share ;
 James Ruffner, five shares ;
 G. Slack, ten shares ;
 James A. Brown,
 (by J. M. L.) ten shares ;
 J. Shields, three shares ;

J. M. Hirschfeld, two shares ;
 William Kyle, one share ;
 F. Beller, one share ;
 John Slack, Jr., five shares ;
 H. C. McWhorter, one share ;
 Fred. Amther, five shares ;
 R. W. Knight, two shares ;
 J. T. Brodt, one share ;
 Abel P. Sissett,
 (by A. T. L.) one share ;
 J. D. White, five shares ;
 T. B. Swann, five shares ;
 A. Wallace, two shares ;
 J. T. Cotton, five shares ;
 Gilliland & Anderson, five shares ;
 James H. Rogers, five shares ;
 N. Fitzhugh, two shares ;
 H. C. Tucker, five shares ;
 E. S. Arnold, trustee, two shares."

Wherefore, the corporators named in the said agreement, and who have signed

the same, are hereby declared to be, from this date until the eighth day of January, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at Wheeling, this sixth day of February, eighteen hundred and sixty-seven.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE PALATINE IRON FOUNDRY AND MANUFACTURING COMPANY.

I, Granville D. Hall, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Palatine Iron Foundry and Manufacturing Company,' for the purpose of manufacturing, vending and selling, at pleasure, stoves, grates, hollow ware and castings of every description; all kinds of tools, instruments and implements, and every article of every kind that can be manufactured of wood, iron, brass or copper, or any other vegetable or mineral substance; for building and repairing engines, and for the purpose of purchasing and holding such real estate as may be lawful for the purposes of said corporation; which corporation shall keep its principal office or place of business at Palatine, in the county of Marion and State of West Virginia, and is to expire on the first day of January, eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of one thousand dollars—ten shares of \$100 each—and have paid in on said subscriptions the sum of ten per cent on the above capital, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to fifty thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by

H. C. Morris, of Marion county, West Virginia,	2 shares,	\$100.....	\$200
S. B. Reed,	" " " "	2 " 100.....	200
Robert Lowe,	" " " "	2 " 100.....	200
Joseph Reed,	" " " "	2 " 100.....	200
R. S. Reed,	" " " "	2 " 100.....	200

And the capital hereafter to be sold is to be divided into shares of the like amount.

Given under our hands this seventh day of February, eighteen hundred and sixty-seven.

[Signed,]

H. C. MORRIS,

JOSEPH REED,

S. B. REED,

R. S. REED.

ROBERT LOWE,

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in said agreement.

Given under my hand the great seal of the said State, at the city of Wheeling, this thirteenth day of February, eighteen hundred and sixty-seven.

SEAL.

GRANVILLE D. HALL,
Secretary of State.

THE WEST VIRGINIA COLLEGE.

I, Granville D. Hall, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The West Virginia College,' for the purpose of establishing an institution of learning, in which the ordinary branches of an English and classical education may be taught, near the town of Flemington, in the county of Taylor, and State of West Virginia; which corporation shall keep its principal office or place of business at the said town of Flemington, and is to expire on the thirty-first day of December, eighteen hundred and ninety-nine. And for the purpose of forming said corporation, we have subscribed the sum of five thousand dollars (\$5000) to the capital thereof, and have paid in on said subscriptions the sum of two thousand five hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to the sum of twenty thousand dollars in all. The capital so subscribed is divided into shares of twenty-five dollars each, which are held by the undersigned, respectively, as follows: that is to say, by

F. J. Cather, of the county of Taylor, State of West Va.,	twenty-four shares.
L. E. Davidson, " " " "	twenty-four shares.
David Powell, " " " "	twenty-three shares.
J. H. Cather, " " " "	nine shares.
George Payne, " " " "	twenty-four shares.
Joseph West, " " " "	twenty-four shares.
Benjamin Bailey, " " " "	twenty-four shares.
J. B. Newlon, " " " "	twenty-four shares.
John St. Clair, " " " "	twenty-four shares.

And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands, this first day of May, eighteen hundred and sixty-six.

[Signed,]

F. J. CATHER,	GEORGE PAYNE,
JOHN ST. CLAIR,	BENJAMIN BAILEY,
DAVID POWELL,	L. E. DAVIDSON,
JOSEPH WEST,	J. B. NEWLON."
J. H. CATHER,	

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the thirty-first day of December, eighteen hundred and ninety-nine, a corporation by the name and for the purposes set forth in said agreement.

Given under my hand and the great seal of the State, at the city of Wheeling, this nineteenth day of February, eighteen hundred and sixty-seven.

GRANVILLE D. HALL,
Secretary of the State.

SEAL.

TUSCARORA LODGE NO. 24 INDEPENDENT ORDER OF ODD-FELLOWS.

I, Granville D. Hall secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Tuscarora Lodge, Number Twenty-Four, Independent Order of Odd-Fellows,' for the purpose of promoting religion and morality, and for the exercise of charity towards those members of said corporation who may need the same; which corporation shall keep its principal office or place of business at Martinsburg, in the county of Berkeley, and is to be perpetual, unless dissolved according to law. And for the purpose of forming the said corporation, we have subscribed the sum of one thousand dollars to the capital thereof, and have paid in on said subscriptions the full sum of one thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to fifty thousand dollars in all. The capital so subscribed is divided into shares of twenty dollars each, which are held by the undersigned, respectively, as follows, that is to say: by William Wilen, ten (10) shares; James Matthews, ten (10) shares; Henry Crim, ten (10) shares; Samuel Ailer, ten (10) shares, and Edward B. Hooper, ten (10) shares; all of whom reside at Martinsburg, Berkeley county, West Virginia. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twentieth day of February, A. D. eighteen hundred and sixty-seven.

[Signed,]

JAMES MATTHEWS,
WILLIAM WILEN,
HENRY CRIM,

SAMUEL ALLEN,
E. B. HOOPER."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date perpetually, unless dissolved according to law, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-third day of February, eighteen hundred and sixty-seven.

GRANVILLE D. HALL,
Secretary of the State.

SEAL

MARTINSBURG BUILDING ASSOCIATION NO. 1.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Martinsburg Building Association No. 1,' for the purpose of raising money to be loaned among the members of such corporation, for use in buying lots, houses, or in building or repairing houses; which corporation shall keep its principal office or place of business in Martinsburg, in the county of Berkeley, in the State of West Virginia, and is to expire on the fifth day of March, eighteen hundred and sixty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of twelve hundred and fifty (\$1250) dollars to the capital thereof, and have paid in on said subscription the sum of one hundred and twenty-five (\$125) dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to one hundred and twenty-five (\$125,000) dollars in all. The capital so subscribed is divided into shares of two hundred and fifty (\$250) dollars each, which are held by the undersigned as follows: that is to say, by Louis

Shew, one share; Albert Diehl, one share; John Feller, one share; John H. Schaefer, one share; Adolph Kogelschatz, one share; all of whom are residents of Berkeley county, West Virginia. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this fourth day of March, eighteen hundred and sixty-seven.

[Signed,]

LOUIS SCHEU,
ALBERT DIEHL,
JOHN FELLER,
JOHN H. SCHAEFER,
A. KOGELSCHATZ."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the fifth day of March, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this fifth day of March, eighteen hundred and sixty-seven.

SEAL.

J. S. WITCHER,
Secretary of the State.

THE PEOPLE'S MUTUAL BUILDING ASSOCIATION OF WHEELING.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The People's Mutual Building Association of Wheeling,' for the purpose of accumulating a fund to enable its members to buy houses or real estate and to secure loans; which corporation shall keep its principal office or place of business in Wheeling, in the county of Ohio, and is to expire on the first day of January, (1887,) eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of (\$900) nine hundred dollars to the capital thereof; and have paid in on said subscriptions the sum of (\$90) ninety dollars; and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to (\$300,000) three hundred thousand dollars in all. The capital so subscribed is divided into shares of (\$150) one hundred and fifty dollars each, which are held by the undersigned respectively as follows: that is to say, by John C. Hervey, one share; S. M. Whitesides, one share; William Gregg, one share; A. D. Work, one share; A. D. Hilburn, one share; A. G. Robinson, one share; all of Wheeling, West Virginia. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-fifth day of March, eighteen hundred and sixty-seven.

[Signed,]

JOHN C. HERVEY,
S. M. WHITESIDES,
WM. GREGG,

A. D. WORK,
A. G. ROBINSON,
A. D. HILBURN."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January,

eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at Wheeling, this twenty-sixth day of March, eighteen hundred and sixty-seven.

SEAL.

J. S. WITCHER,
Secretary of the State.

THE MASON CITY COAL AND SALT COMPANY OF WEST VIRGINIA.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Mason City Coal and Salt Company of West Virginia,' for the purpose of digging or boring for oil, salt and other medicinal or mineral or vegetable fluid in the earth; mining coal and other mineral or minerals, and for the purpose of refining, purifying and manufacturing the same, or any part thereof, and also for the purpose of manufacturing and sawing lumber, in the county of Mason, State of West Virginia; which corporation shall keep its principal office or place of business at the town of Mason City, in the county of Mason, and an office at Cincinnati, Hamilton county, State of Ohio, and is to expire on the first day of January, A. D., eighteen hundred and eighty-seven (1887). And for the purpose of forming said corporation, we have subscribed the sum of one hundred and twenty thousand five hundred dollars (\$120,500), all of which is paid in, and desire the privilege of increasing the said capital by sales of additional shares of stock, from time to time, to five hundred thousand dollars (\$500,000) in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows: that is to say, by Lemuel H. Sargent, of the city of Cincinnati, Hamilton county, State of Ohio, one thousand (1000) shares; Henry F. West, of said city of Cincinnati, fifty (50) shares; William Van Vleck, of said city of Cincinnati, fifty (50) shares; Addis E. Chamberlain, of said city of Cincinnati, five (5) shares; Edmund Babb, of the town of Vernon, Jennings county, State of Indiana, one hundred (100) shares. And the capital stock to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twentieth day of March, eighteen hundred and sixty-seven.

[Signed,]

L. H. SARGENT,
H. F. WEST,
WM. VAN VLECK,
A. E. CHAMBERLAIN,
EDMUND BABB."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this fourth day of April, eighteen hundred and sixty-seven.

SEAL.

J. S. WITCHER,
Secretary of the State.

THE MUTUAL BUILDING AND LOAN ASSOCIATION OF BELLAIR CITY.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Mutual Building and Loan Association of Bellair City,' for the purpose of better enabling its members to build and procure loans; which corporation shall have its principal office or place of business at Bellair City, in the county of Belmont, State of Ohio, and is to expire on the first day of April, eighteen hundred and eighty-seven. And for the purpose of forming said corporation, we have subscribed the sum of one thousand dollars to the capital thereof, and have paid in on said subscription the sum of one hundred dollars, and desire the privilege of increasing the capital, by sales of additional shares, from time to time, to six hundred thousand dollars in all. The capital so subscribed is divided into shares of two hundred dollars each, which are held by the undersigned, respectively, as follows: that is to say, by G. G. Murdock, Bellair, Ohio, one share; Christian Beppers, do, one share; Harrison Bute, do, one share; Uriah Venning, do, one share; Joel Strahl, do, one share. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands and seals, this fifteenth day of April, eighteen hundred and sixty-seven.

[Signed,]

G. G. MURDOCK,
CHRISTIAN BEPPERS,
HARRISON BUTE,
URIAH VENNING,
JOEL STRAHL."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of April, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this eighteenth day of April, eighteen hundred and sixty-seven.

J. S. WITCHER,
Secretary of the State.

SEAL.

THE KANAWHA VALLEY BANK.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Kanawha Valley Bank,' for the purpose of doing business as a bank of discount and deposit, and the usual financial business transacted by banks other than those of issue; which corporation shall keep its principal office or place of business at Charleston, in the county of Kanawha, West Virginia; and is to expire on the first day of January, eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of thirty

thousand dollars to the capital thereof, and have paid in on said subscription the sum of thirty thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to three hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by William Dickinson, of Kanawha Salines, one hundred shares; Levi J. Woodyard, of Charleston, fifty shares; Samuel Christy, of Malden, fifty shares; Henry C. Dickinson, of Kanawha Salines, fifty shares; John Q. Dickinson, of Kanawha Salines, fifty shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this eighth day of April, eighteen hundred and sixty-seven.

[Signed,]

WILLIAM DICKINSON,
LEVI J. WOODYARD,
SAMUEL CHRISTY,

H. C. DICKINSON,
JOHN Q. DICKINSON."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-fifth day of April, eighteen hundred and sixty-seven.

J. S. WITCHER,
Secretary of the State.

SEAL.

POMEROY SILVER MINING COMPANY.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Pomeroy Silver Mining Company,' for the purpose of mining for silver and other valuable minerals, and manufacturing, refining and otherwise preparing the same for sale; which corporation shall keep its principal office or place of business at the company's works, in the county of Jackson, and is to expire on the first day of April, eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of sixty thousand dollars to the capital thereof, and have paid in on said subscription the sum of ten thousand dollars; desire the privilege of increasing the said capital by sales of additional shares, from time to time, to one hundred thousand dollars in all. The capital so subscribed is divided into shares of twenty-five dollars each, which are held by the undersigned, respectively, as follows: that is to say, by Anthony Grimm, of Pomeroy, Ohio, four hundred shares; Henry Priode, of Pomeroy, Ohio, four hundred shares; John Thress, of Pomeroy, Ohio, four hundred shares; John Priode, of Pomeroy, Ohio, four hundred shares; Anthony Rappold, of Pomeroy, Ohio, four hundred shares; Peter Rappold, of Pomeroy, Ohio, four hundred

shares. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands, this twelfth day of April, eighteen hundred and sixty-seven.

[Signed,]

ANTHONY GRIMM,	[L. S.]
HENRY PRIODE,	[L. S.]
JOHN THRESS,	[L. S.]
JOHN PRIODE,	[L. S.]
ANTHONY ^{his} X RAPPOLD,	[L. S.]
_{mark}	
PETER RAPPOLD."	[L. S.]

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of April, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the State, at the city of Wheeling, this twenty-sixth day of April, eighteen hundred and sixty-seven.

SEAL.

J. S. WITCHER,
Secretary of the State.

THE GERMAN BUILDING ASSOCIATION OF BELLAIR.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of "The German Building Association of Bellair" for the purpose of supporting the stockholders in saving themselves a capital for building purposes, or other legitimate business; which corporation shall keep its principal office and place of business in Bellair, Belmont county, State of Ohio, and is to expire on the sixth day of May, eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of fifteen hundred dollars to the capital thereof, and have paid in on said subscriptions the sum of one hundred and fifty dollars, and desire the privilege of increasing said capital by sales of additional shares, from time to time, to three hundred thousand dollars in all. The capital so subscribed is divided into shares of three hundred dollars each, which are held by the undersigned, respectively, as follows: that is to say, Martin Shick, of Bellair, one share; Fredrick Rodewig, of Bellair, one share; John Zilg, of Bellair, one share; Georg Zweig, of Bellair, one share; S. Miller, of Bellair, one share. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this sixth day of May, eighteen hundred and sixty-seven.

MARTIN SHICK,	[L. S.]
GEORG ZWEIG,	[L. S.]
FREDERIG RODEWIG,	[L. S.]
JOHN ZILCH,	[L. S.]
S. MILLER."	[L. S.]

Wherefore the corporators named in the said agreement, and who have signed

the same, are hereby declared to be, from this date until the sixth day of May, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this eighth day of May, eighteen hundred and sixty-seven.

SEAL.

J. S. WITCHER,
Secretary of the State.

THE STATE IMMIGRATION AND IMPROVEMENT COMPANY OF WEST VIRGINIA.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The State Immigration and Improvement Company of West Virginia,' for the purpose of introducing immigration into this State; of mining and manufacturing generally, and constructing works of internal improvement, and of selling lands and real estate generally as agents for the owners; which corporation shall keep its principal office or place of business at Parkersburg, in the county of Wood, and expire on the thirty-first day of March, eighteen hundred and eighty-seven. And for the purpose of forming said company, we have subscribed the sum of two thousand five hundred dollars to the capital thereof, and have paid in on said subscriptions the sum of two hundred and fifty dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to one hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows: that is to say, A. I. Boreman, (Governor of West Virginia,) of Wheeling, W. Va., one share; J. B. Blair, of Parkersburg, W. Va., one share; A. S. Core, of Ellenboro, W. Va., ten shares; Thomas Hornbrook, of Wheeling, five shares; Moses Sweetser, of Washington City, D. C., three shares; and J. H. Diss Debar, of Parkersburg, W. Va., five shares. And the capital to be hereafter sold is to be divided into shares of a like amount.

Given under our hands, this tenth day of April, eighteen hundred and sixty-seven.

[Signed,]

A. S. CORE,
A. I. BOREMAN,
J. B. BLAIR,
MOSES SWEETSER,
THOS. HORN BROOK,
J. H. DISS DEBAR."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the thirty-first day of March, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this ninth day of May, eighteen hundred and sixty-seven.

SEAL.

J. S. WITCHER,
Secretary of the State.

THE CLIFTON SALT COMPANY.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Clifton Salt Company,' to bore wells and erect one or more salt furnaces for the purpose of manufacturing salt, and for the transaction of any and all business necessarily connected therewith, or calculated to facilitate the same, including the transportation to market and sale thereof. Said manufacturing establishment to be located on the premises of Union Coal Mining and Manufacturing Company, in Wagoner township, Mason county, West Virginia, hereafter to be conveyed to this corporation, and where its principal office or place of business shall be kept. Said corporation is to expire on the first day of May, eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of forty thousand dollars to the capital stock thereof, and have paid in the sum of six thousand seven hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares of stock, from time to time, to the sum of one hundred and fifty thousand dollars. The capital stock so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: first, by Daniel & Rathburn, 30; S. A. M. Moore & Co., 35; Henry Priode & Brother, 15; Henry Dilcher, 10; Josiah Huntley, 20; E. Turnbull, 10; T. A. Plants, 20; Dr. Isaac Train, 10; D. Reed, 10; H. H. Swallow, 20; S. McKnight, 10; J. M. Lowry, 20—all of Pomeroy, Ohio; R. C. Grant, 20; James N. Titus, 10; M. Nye, Jr., 10; John Short, 10; James Park, 6; S. D. Martin, 20; Joseph H. Corbin, 10—all of Middleport, Ohio; Thomas Sartees, 20; D. Sloan, 15—both of Coalport, O.; George Dais, 10, Bedford, Ohio; John A. Eakin, 20, Gallia county, Ohio; Furman Smith, 10, Chester township, Meigs county, Ohio; S. A. Lasley, Gallipolis, O., 20; A. A. Holland, 10, Clifton, West Virginia.

Given under our hands and seals this twenty-second day of April, A. D., eighteen hundred and sixty-seven.

Daniel & Rathburn,	[Seal.]	John Short,	[Seal.]
A. A. Holland,	[Seal.]	Duncan Sloan,	[Seal.]
S. A. M. Moore & Co.,	[Seal.]	Stewart A. Lasley,	[Seal.]
James N. Titus,	[Seal.]	Joseph H. Corbin,	[Seal.]
H. Priode & Bro.,	[Seal.]	James Park,	[Seal.]
R. C. Grant,	[Seal.]	Dr. Isaac Train,	[Seal.]
Henry Dilcher,	[Seal.]	S. D. Martin,	[Seal.]
Josiah Huntley,	[Seal.]	J. M. Lowry,	[Seal.]
E. Turnbull,	[Seal.]	George Dais,	[Seal.]
T. A. Plants,	[Seal.]	S. McKnight,	[Seal.]
John A. Eakin,	[Seal.]	D. Reed,	[Seal.]
Furman Smith,	[Seal.]	H. H. Swallow,	[Seal.]
Thomas Sartees,	[Seal.]	M. Nye, Jr.,	[Seal.]

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of May, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this eleventh day of May, eighteen hundred and sixty-seven.

SEAL

J. S. WITCHER,
Secretary of the State.

GERMAN FIRE INSURANCE COMPANY OF WHEELING, WEST VA.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'German Fire Insurance Company of Wheeling, West Virginia,' for the purpose of insuring against all marine risks, and against any damage or loss by fire, or by any other liability, casualty or hazard upon any and every kind of property, real and personal or mixed; to make insurance on life; to grant annuities; to receive endowments; to contract for reversionary payments; to guarantee the payment of promissory notes, bills of exchange and other evidences of debt; to lend money on bottomry and respondentia; to cause themselves to be insured against all risks they may have in any property or life in their own right, or in virtue of any bonds or advances, or of any policy or contract of insurance; to invest its capital stock or other funds of the company in bank or other stocks, in the purchase of bonds issued by this State, the United States or any one of the United States, or the bonds of any incorporated company; to lend money on personal or real security; to discount notes and bills of exchange, and receive the interest in advance; to pay interest upon money deposited with them, and give certificates therefor, and all other things deemed necessary to carry on a general insurance business; which corporation shall keep its principal office or place of business at Wheeling, Ohio county, and is to expire on the fourteenth day of May, eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of fourteen hundred dollars to the capital thereof; and have paid in on said subscriptions the sum of one hundred and forty dollars; and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to five hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by Christian Hess, two shares; August Wiedebusch, two shares; John Roemer, two shares; Anthony Reymann, two shares; Frederick Hanke, two shares; William Klieves, two shares; Theobald Molter, two shares; all of the city of Wheeling, West Virginia. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this fourteenth day of May, eighteen hundred and sixty-seven.

[Signed,]

C. HESS,
AUGUST WIEDEBUSCH,
JOHN ROEMER,
A. REYMANN,
FRIEDRICH HENKE,
WILLIAM KLIEVES,
THEOBALD MOLTHER,"
(his attorney in fact, Herman Roemer.)

Wherefore, the corporators named in the said agreement, and who have signed

the same, are hereby declared to be, from this date until the fourteenth day of May, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at Wheeling, this fifteenth day of May, eighteen hundred and sixty-seven.

SEAL.

J. S. WITCHER,
Secretary of the State.

THE HOT SPRING GOLD AND SILVER MINING COMPANY OF MONTANA.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Hot Spring Gold and Silver Mining Company of Montana,' for the purpose of mining for gold, silver and other metals, within the territory of Montana, and of reducing the same to bullion, and of disposing of the same; which corporation shall keep its principal office or place of business at Wheeling, in the county of Ohio, and State of West Virginia, and is to expire on the first day of May, eighteen hundred and eighty-seven. And for the purpose of forming said corporation, we have subscribed the sum of twenty thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of twenty thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to one hundred thousand dollars in all. The capital so subscribed is divided into shares of five hundred dollars each, which are held by the undersigned, respectively, as follows: that is to say, by

A. Wilson Kelley, of Wheeling, Ohio county,	.....	5	shares.
Thomas Hughes,	" "	5	" "
Moses B. Cox,	" "	5	" "
John F. Hervey,	" "	5	" "
Hans W. Phillips,	" "	5	" "
Alex. C. Quarrier,	" "	5	" "
James C. Jelly,	" "	2	" "
Aaron Kelley,	" "	5	" "
Joseph D. Du Bois,	" "	8	" "

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this sixth day of May, eighteen hundred and sixty-seven.

[Signed,]

A. WILSON KELLY,
THOS. HUGHES,
M. B. COX,
J. F. HERVEY,
H. W. PHILLIPS,

A. C. QUARRIER,
A. KELLY,
J. D. DU BOIS,
JAS. C. JELLY,
by Wm. G. Battelle, his att'y in fact."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of May, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twentieth day of May, eighteen hundred and sixty-seven.

SEAL.

J. S. WITCHER,
Secretary of the State.

WEST VIRGINIA MINING COMPANY.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'West Virginia Mining Company,' for the purpose of mining and boring for silver ore and all other valuable mineral substances, or procuring the mining and boring for such substance; which corporation shall keep its principal office or place of business at Clarksburg, in the county of Harrison, and is to expire on the fifth day of April, eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of five hundred dollars to the capital thereof, and have paid in on said subscription the sum of five hundred dollars; and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to one hundred thousand dollars. The capital so subscribed is divided into shares of ten (\$10) dollars each, which are held by the undersigned, respectively, as follows, that is to say: by James M. Mines, of Clarksburg, West Virginia, ten shares; by Edwin L. Stealey, of Clarksburg, West Virginia, ten shares; by Fernando A. Robinson, of Clarksburg, West Virginia, ten shares; by Peter H. Goodwin, of Clarksburg, West Virginia, ten shares; by William R. Alexander, of Clarksburg, West Virginia, ten shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this third day of April, eighteen hundred and sixty-seven.

[Signed,]

JAMES M. MINES,
E. L. STEALEY,
F. A. ROBINSON,
P. H. GOODWIN,
W. R. ALEXANDER."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the fifth day of April, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this fifth day of May, eighteen hundred and sixty-seven.

SEAL.

J. S. WITCHER,
Secretary of the State.

THE PARKERSBURG BUILDING ASSOCIATION.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Parkersburg Building Association,' for the purpose of the accumulation of a fund by the members thereof, to enable the stockholders to build or purchase for themselves, respectively, dwelling houses or such other property as they may deem advantageous, and for such other purposes as shall be necessary and proper; which corporation shall keep its principal office or place of business at the city of Parkersburg, in the county of Wood, and is to expire on the twenty-second day of May, eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of one thousand five hundred dollars to the capital thereof, and have paid in on said subscription the sum of one hundred and fifty dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to three hundred thousand dollars (\$300,000) in all. The capital so subscribed is divided into shares of three hundred dollars each, which are held by the undersigned as follows, that is to say: E. T. Drahosh, of the city of Parkersburg, one share; Henry Hess, of the same place, one share; Thomas Singleton, of the same place, one share; William Kramer, of the same place, one share, and Louis Hechmer, of the same place, one share. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-second day of May, eighteen hundred and sixty-seven.

[Signed,]

E. T. DRAHOSH,
H. HESS,
THOS. SINGLETON,
WM. KRAMER,
LOUIS HECHMER."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-second day of May, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-fourth day of May, eighteen hundred and sixty-seven.

J. S. WITCHER,

Secretary of the State.

SEAL.

THE CENTRAL SALT AND COAL COMPANY OF WEST COLUMBIA, WEST VIRGINIA.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Central Salt and Coal Company of West Columbia, West Virginia,' for the purpose of manufacturing salt and mining coal for sale and transportation; which corporation shall keep its principal office or place of business at West Columbia, in the county of Mason, and is to expire on the first day of June, A. D. eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of one hundred thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of thirty thousand dollars, and desire the privilege

of increasing the said capital by sales of additional shares, from time to time, to two hundred and fifty thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

Joseph S. Machir,	Mason county, West Virginia,	100 shares.
William H. Martin,	Philadelphia Pa.,	100 "
James I. Carall,	Washington, D. C.	100 "
Pennock Edwards,	Philadelphia, Pa.	100 "
Stephen T. Greenly,	" "	100 "
James Mooney,	" "	100 "
William H. Martin, trustee,	" "	100 "
Pennock Edwards, trustee,	" "	100 "
Amos R. Thomas, M. D.,	" "	50 "
James Sweny,	" "	50 "
John McGrew,	Mason county, West Virginia	50 "

And the capital hereafter to be sold is to be divided into shares of the like amount.

Given under our hands, this twenty-ninth day of May, eighteen hundred and sixty-seven.

[Signed,]	JOS. S. MACHIR,	[L. S.]	JOHN MCGREW,	[L. S.]
	WM. H. MARTIN,	[L. S.]	AMOS R. THOMAS, M. D.,	[L. S.]
	JAMES I. CARROLL,	[L. S.]	JAMES SWENEY,	[L. S.]
	PENNOCK EDWARDS,	[L. S.]	JAMES MOONEY."	[L. S.]
	STEPHEN T. GREENLY,	[L. S.]		

Wherefore, the incorporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of June, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at Wheeling, this first day of June, eighteen hundred and sixty-seven.

SEAL

J. S. WITCHER,
Secretary of the State.

THE NATIONAL BUILDING ASSOCIATION.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The National Building Association,' for the purpose of raising money to be loaned among its members to purchase land and houses, and for the purpose of repairing and building the same; which corporation shall keep its principal office or place of business at Wheeling, in the county of Ohio, and is to expire, on the first day of January, eighteen hundred and seventy-six. And for the purpose of forming the said corporation, we have subscribed the sum of five hundred dollars to the capital thereof, and have paid in on said subscription the sum of fifty dollars, and desire the privilege of increasing the said capital, by sales of additional shares, from time to time, to sixty thousand dollars in all. The capital so subscribed is divided into shares

of one hundred dollars each, which are held by the undersigned, respectively, as follows, viz: J. M. Bickel, one share; R. F. Criswell, one share; J. B. Sheppard, one share; John Morgan, Jr., one share; H. C. Morgan, one share; all of the city of Wheeling, West Virginia. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this thirtieth day of May, eighteen hundred and sixty-seven.

[Signed,]

J. M. BICKEL,
R. F. CRISWELL,
J. B. SHEPPARD,
JNO. MORGAN, JR.,
H. C. MORGAN."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and seventy-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this first day of June, eighteen hundred and sixty-seven.

SEAL.

J. S. WITCHER,
Secretary of the State.

HOPE MANUFACTURING AND COAL COMPANY.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Hope Manufacturing and Coal Company,' for the purpose of mining and selling coal, and the manufacture and sale of salt, and the process of manufacture of cast or wrought iron in any of their forms, and machinery wrought from the same; which corporation shall keep its principal office or place of business at the town of Mason, in the county of Mason, in the State of West Virginia, and is to expire on the twenty-first day of May, A. D., eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of ten thousand five hundred dollars to the capital thereof, and have paid in on said subscription the sum of eighteen hundred and eighteen dollars and fifty cents, and desire the privilege of increasing the said capital by sales of additional shares of stock, from time to time, to one hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows: that is to say, by George H. Patrick, of the town of Mason, county of Mason, State of West Virginia, ten shares; Edward Edwards, of Kanawha county, State of West Virginia, fifteen shares; Micah Williams, of same place, five shares; and Richard D. Jones, same place, five shares; Ephraim A. Young, of the town of Mason, and State of West Virginia, ten shares; Rankin Wiley, of same place, twenty shares; John Young, of same

place, ten shares; William A. White, of same place, ten shares; Joseph S. Dowrey, of same place, ten shares; Nathan Simpson, of same place, five shares; and John Cartwright, of the town of Pomeroy, State of Ohio, five shares. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this twenty-first day of May, A. D., eighteen hundred and sixty-seven.

GEO. H. PATRICK, 10 shares.	JOHN YOUNG, 10 shares.
EDWARD EDWARDS, 15 "	WM. A. WHITE, 10 "
MICAH WILLIAMS, 5 "	J. S. DOWREY, 10 "
RICHARD D. JONES, 5 "	NATHAN SIMPSON, 5 "
E. A. YOUNG, 10 "	J. CARTWRIGHT," 5 "
RANKIN WILEY,* 20 "	

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-first day of May, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this third day of June, eighteen hundred and sixty-seven.

SEAL

J. S. WITCHER,
Secretary of the State.

THE WEST VIRGINIA CENTRAL AGRICULTURAL AND MECHANICAL SOCIETY AT CLARKSBURG.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The West Virginia Central Agricultural and Mechanical Society at Clarksburg,' for the purpose of promoting the agricultural and mechanical interests of the said State, and encouraging the growth and improvement of the stock therein, and for the purpose of acquiring real estate for fair grounds and buildings, &c.; which corporation shall keep its principal office or place of business at Clarksburg, in the county of Harrison; and is to expire on the first day of July, eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of one thousand dollars to the capital thereof, and have paid on the said subscriptions the sum of four hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to ten thousand dollars in all. The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned respectively as follows, that is to say: Caleb Boggess, ten shares, Clarksburg; Washington G. Reynolds, ten shares, Harrison county; Jasper Y. Moore, ten shares, Harrison county; John B. Denham, ten shares, Harrison county; Benjamin B. Stout, ten shares, Harrison county; Burton Despard, ten shares, Clarksburg; Luther Haymond, ten shares, Clarksburg; Richard T. Lowndes, ten shares, Clarksburg; Joseph F.

Osborn, ten shares, Clarksburg; Thomas S. Spates, ten shares, Clarksburg. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands, this twenty-ninth day of June, eighteen hundred and sixty-seven.

[Signed,]

CALEB BOGGESS,

J. Y. MOORE,

W. G. REYNOLDS,

J. B. DENHAM,

B. B. STOUT,

B. DESPARD,

LUTHER HAYMOND,

R. T. LOWNDES,

JOS. F. OSBORN,

T. S. SPATES."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of July, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this first day of July, eighteen hundred and sixty-seven.

SEAL.

JNO. S. WITCHER,

Secretary of the State.

THE GERMAN TURNERS' ASSOCIATION.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The German Turners' Association,' for the purpose of performing and teaching gymnastic exercises, for promoting morality, and anything else generally connected with any or all Turner societies; which corporation shall keep its principal office, place of business and exercise at Wheeling, in the county of Ohio, and is to expire on the third day of July, eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of one hundred dollars, and have paid in on said subscription the sum of fifty dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to twenty-five thousand dollars in all. The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned, respectively, as follows: that is to say, O. E. Naegele, two shares; Jacob Straul, two shares; Fridolin Oser, two shares; Louis Braun, two shares; William Vaas, two shares—all of the city of Wheeling, Ohio county, West Virginia. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this third day of July, eighteen hundred and sixty-seven.

OTTO E. NAEGELE,

JACOB STRAUL,

FR. OSER,

LOUIS BRAUN,

WILLIAM VAAS."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the third day of July, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this fifth day of July, eighteen hundred and sixty-seven.

SEAL.

JNO. S. WITCHER,
Secretary of the State.

LEUBEN LODGE NO. 86, GERMAN ORDER OF HARIGIRIA.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Leuben Lodge No. 86, German Order of Harigiria,' for the purpose of raising money to be loaned or distributed for charitable purposes among its members; which corporation shall keep its principal office or place of business at Martinsburg, in the county of Berkeley, in the State of West Virginia, and is to expire on the twenty-fourth day of June, A. D., eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of six hundred (\$600) dollars to the capital thereof, and have paid in on said subscription the sum of six hundred (\$600) dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to nine thousand six hundred dollars in all. The capital so subscribed is divided into shares of twelve dollars each, which are held by the undersigned, respectively, as follows, that is to say: by Ferdinand Gerling, seven shares; Frederick Pflaging, seven shares; Michael Grant, seven shares; Christian Everley, seven shares; Ludwin H. Staub, seven shares; John A. Baker, seven shares, and John Feller, eight shares, all of whom are residents of Berkeley county, West Virginia. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-fourth day of June, A. D., eighteen hundred and sixty-seven.

FERDINAND GERLING, [L. S.]
FR. H. PFLAGING, [L. S.]
G. M. GRUND, [L. S.]
CHRISTIAN EBERLE, [L. S.]
LUDWIG H. STAUB, [P. S.]
JOHN A. BAKER, [L. S.]
JOHN FELLER, [L. S.]

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-fourth day of June, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this thirteenth day of July, eighteen hundred and sixty-seven.

SEAL.

J. S. WITCHER,
Secretary of the State.

BERKELEY BUILDING ASSOCIATION OF MARTINSBURG.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Berkeley Building Association of Martinsburg,' for the purpose of accumulating a fund, by the savings of members thereof, sufficient to enable them to purchase for themselves, respectively, real or leasehold property; which corporation shall keep its principal office or place of business at Martinsburg, in the county of Berkeley, and is to expire on or before the first day of July, A. D. eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of one thousand five hundred (\$1,500) dollars to the capital thereof, and have paid in on said subscription the sum of one hundred and fifty (\$150) dollars, and desire the privilege of increasing the said capital, by sales of additional shares, from time to time, to one hundred and fifty thousand (\$150,000) dollars in all. The capital so subscribed is divided into shares of one hundred and fifty (\$150) dollars each, which are held by the undersigned respectively as follows, that is to say: by Frank Patterson, two shares; by Joseph T. Hoke, two shares; by Joseph S. Haldeman, two shares; by Grafton Darby, two shares; by Elias S. Troxel, two shares; all of whom are residents of Martinsburg, in the county of Berkeley and State of West Virginia. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands, this twelfth day of July, A. D., eighteen hundred and sixty-seven.

FRANK PATTERSON,	[L. S.]
JOSEPH T. HOKE,	[L. S.]
JOSEPH S. HALDEMAN,	[L. S.]
GRAFTON DARBY,	[L. S.]
E. S. TROXEL."	[L. S.]

Wherefore, the incorporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of July, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in said agreement.

Given under my band and the great seal of the said State, at the city of Wheeling, this thirteenth day of July, eighteen hundred and sixty-seven.

JOHN S. WITCHER,
Secretary of the State.

SEAL

CENTRAL GLASS COMPANY.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Central Glass Company,' for the purpose of manufacturing and selling glassware, and making all moulds and tools for manufacturing glassware, packages for packing same, and any articles required to attach to glassware when manufactured; which

corporation shall keep its principal office or place of business at Wheeling, in the county of Ohio, State of West Virginia, and is to expire on the twenty-fourth day of July, eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of sixty-two thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of sixty-two thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to five hundred thousand dollars in all. The capital so subscribed is divided into shares of two hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say: by John Oesterling, 40 shares; William K. Elson, 40 shares; Roy Combs, 40 shares; Theodore Schultz, 40 shares; Albert P. Hall, 40 shares; James A. Leasure, 40 shares; Peter Cassell, 40 shares; John Handlan, 20 shares; Andrew Baggs, 10 shares—all residents of Wheeling, West Virginia. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this twenty-fourth day of July, eighteen hundred and sixty-seven.

JOHN OESTERLING,	ALBERT P. HALL,
WILLIAM K. ELSON,	JAMES A. LEASURE,
ROY COMBS,	PETER CASSELL,
THEODORE SCHULTZ,	ANDREW H. BAGGS."
JOHN HANDLAN,	

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-fourth day of July, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-fifth day of July, eighteen hundred and sixty-seven.

J. S. WITCHER,
Secretary of the State.

SEAL.

PETROLEO-CALCIUM GAS COMPANY.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Petroleo-Calcium Gas Company,' for the purpose of manufacturing, and selling to others the right to manufacture, Petroleo-Calcium Gas, as patented by Dr. J. H. Connelly, of Wheeling, West Virginia, and of transacting such other business as the interests of said company may demand; which corporation shall keep its principal office or place of Wheeling, in the county of Ohio, and is to expire on the twenty-fifth day of July, eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of twelve thousand dollars (\$12,000) to the capital thereof, and have paid in on said subscription the sum of one thousand two hundred dollars (\$1200), and desire the privilege of increasing the said capital by the sales of additional shares, from time to time, to five hundred thousand dollars (\$500,000) in all. The capital so subscribed is divided into shares of one

hundred dollars (\$100) each, which are held by the undersigned, respectively, as follows, that is to say: by

Joseph H. Connelly, of Wheeling, West Virginia.....	forty shares.
John McLure, Jr., " "	.....twenty shares.
Joseph B. Ford, " "	.....twenty shares.
John P. Gilchrist, " "	.....twenty shares.
Orville C. Dewey, " "	.....twenty shares.

And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands, this twenty-fifth day of July, eighteen hundred and sixty-seven.

JOSEPH H. CONNELLY,
JOHN MCLURE, JR.,
JOSEPH B. FORD,
JOHN P. GILCHRIST,
O. C. DEWEY."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-fifth day of July, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-sixth day of July, eighteen hundred and sixty-seven.

J. S. WITCHER,
Secretary of the State.

SEAL.

THE BEDFORD SALT COMPANY.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Bedford Salt Company,' to bore salt wells and erect one or more salt furnaces, for the purpose of manufacturing salt, and for the transaction of any and all business necessarily connected therewith or calculated to facilitate the same, including the transportation to market and sale thereof; said manufacturing establishment to be located on the premises of the Union Coal Mining and Manufacturing Company in Wagoner township, Mason county, West Virginia, hereafter to be conveyed to this corporation, and where its principal office or place of business shall be kept; said corporation to expire on the first day of August, eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of forty-three thousand dollars to the capital stock thereof, and have paid in the sum of forty-three hundred dollars, and desire the privilege of increasing said capital, by sales of additional shares of stock, from time to time, to the amount of one hundred and fifty thousand dollars. The capital stock so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: S. D. Martin, 30 shares; T. O. Crawford, 44 shares; A. Bingham, 10 shares; John Short, 5 shares; J. H. Corban, 10 shares; R. C. Grant, Trustee, 20 shares; S. D. Roas, 10 shares; J. N. Titus, 5 shares; Thomas Sartees, 10 shares, all of Middleport, Ohio; Edward Tiffany, of Orange,

20 shares; James Heaton, 10 shares; Jane A. Heaton, 10 shares; Junia Castle, 7 shares; Mary Castle, 4 shares; Junia Castle, Jr., 10 shares; J. Quinby, 80 shares; George Dais, 10 shares, all of Bedford township, Meigs county, Ohio; E. Turnbull, 5 shares; S. McKnight, 5 shares; Daniel & Rathburn, 100 shares, all of Pomeroy, Ohio; F. A. Rathburn, 10 shares; William McMaster, 10 shares, all of Rutland township, Meigs county, Ohio; Eli Robinson, 20 shares, of Chester township, Meigs county, Ohio; John Stevens, 5 shares, of Salem township, Meigs county, Ohio; Asa Bradbury, of Gallia county, Ohio, 10 shares; Robert Shore, of Clifton, West Virginia, 20 shares.

Given under our hands and seals this twenty-seventh day of July, eighteen hundred and sixty-seven.

[Signed,]

S. Driden Martin, [Seal.]
 T. O. Crawford, [Seal.]
 Edward Tiffany, [Seal.]
 Daniel & Rathburn, [Seal.]
 James Heaton, [Seal.]
 Jane A. Heaton, [Seal.]
 Eli Robinson, [Seal.]
 A. Bingham, [Seal.]
 E. Turnbull, [Seal.]
 Junia Castle, [Seal.]
 Mary Castle, [Seal.]
 S. McKnight, [Seal.]
 Asa Bradbury, [Seal.]
 Thos. Sarteas, [Seal.]

Rober Shore, [Seal.]
 (To be paid in copper work.)
 J. H. Corbin, [Seal.]
 John Short, [Seal.]
 Junia Castle, Jr., [Seal.]
 Johnathan Quimby, [Seal.]
 John Stephens, [Seal.]
 F. A. Rathburn, [Seal.]
 Wm. McMaster, [Seal.]
 R. C. Grant, trustee, [Seal.]
 S. D. Ross, [Seal.]
 James N. Titus, [Seal.]
 George Dais." [Seal.]

Wherefore the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of August, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this second day of August, eighteen hundred and sixty-seven.

SEAL

JNO. S. WITCHER,
Secretary of the State.

SHEPHERDSTOWN BUILDING ASSOCIATION.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Shepherdstown Building Association,' for the purpose of raising moneys, to be loaned among the members of such corporation, for use in buying lots or houses, or in building or repairing houses; which corporation shall keep its principal office or place of business at Shepherdstown, in the county of Jefferson, State of West Virginia, and is to expire on the first day of Januray, eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of five hundred dollars to the capital thereof, and have paid in on

said subscriptions the sum of seventy-five dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to twenty thousand dollars in all. The capital so subscribed is divided into shares of twenty dollars each, which are held by the undersigned, respectively, as follows:

Henry C. Entler, Shepherdstown, West Virginia.....	.....	five shares.
Lee Moler, " " .....	.....	five shares.
W. G. Butler, " " .....	.....	five shares.
J. P. Hoffman, " " .....	.....	five shares.
B. F. Harrison, " " .....	.....	five shares.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this seventeenth day of August, eighteen hundred and sixty-seven.

H. C. ENTLER,
 W. G. BUTLER,
 J. P. HOFFMAN,
 B. F. HARRISON,
 LEE MOLER."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twentieth day of August, eighteen hundred and sixty-seven.

J. S. WITCHER,
Secretary of the State.

SEAL

WEST VIRGINIA LUMBER AND MANUFACTURING COMPANY.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned have associated together and do hereby agree to become a corporation or body politic in law and in fact, by and under the name, style and title of 'The West Virginia Lumber and Manufacturing Company,' for the object and purpose of manufacturing lumber, staves and other commodities; mining ores, minerals or other products of certain lands situate in Calhoun county, in the State of West Virginia; also leasing the same or portions thereof, with wood privileges; erecting saw mills and other necessary buildings thereon, and vending and transporting to markets such lumber, staves or other commodities and products thereof; which corporation shall keep its principal office or place of business in the city of Philadelphia, in the State of Pennsylvania, and is to expire on the twenty-sixth day of August, Anno Domini, eighteen hundred and eighty-seven (1887). And for the purpose of forming the said corporation, we have subscribed the sum of twenty thousand dollars (\$20,000) to the capital thereof, and have paid in on said subscription the sum of two thousand dollars (\$2000), and desire the privilege of increasing the capital by sales of additional shares, from time to time, to thirty thousand dollars (\$30,000) in all. The capital so subscribed is

divided into shares of fifty dollars (\$50) each, which are held by the undersigned, respectively, as follows: this is to say, by Henry Haines, fifty (50) shares; Archibald T. Markley, fifty (50) shares; Jared C. Marcy, fifty (50) shares; Edward J. Records, (50) shares; Abraham S. Dotter, fifty (50) shares; Henry Haines, one hundred and fifty (150) shares, in trust for Mary Jane Records—all of the said subscribers being residents of the city of Philadelphia, in the State of Pennsylvania aforesaid. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this twenty-third day of August, Anno Domini, eighteen hundred and sixty-seven.

[Signed,]	HENRY HAINES,	[L. S.]	EDWARD J. RECORDS,	[L. S.]
	A. T. MARKLEY,	[L. S.]	A. S. DOTTER,	[L. S.]
	JARED C. MARCY,	[L. S.]	HENRY HAINES,	[L. S.]
			(in trust for Mary Jane Records.)	

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-sixth day of August, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-sixth day of August, eighteen hundred and sixty-seven.

SEAL.

JNO. S. WITCHER,
Secretary of the State.

CLIFTON COAL COMPANY.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that Hiram G. Daniels, President of the Union Coal Mining and Manufacturing Company of West Virginia, a corporation formed under the laws of said State, has, in the manner thereby prescribed, certified to me that at a general meeting of the stockholders of said company, held at the city of Pomeroy, Ohio, on Saturday the seventh day of September, A. D. eighteen hundred and sixty-seven, the following resolution was unanimously adopted:

“Resolved, That the stockholders of the Union Coal Mining and Manufacturing Company of West Virginia, desiring to change said name, and in pursuance of the thirteenth section of the act of the Legislature of the State of West Virginia relating to corporations, passed October twenty-sixth, eighteen hundred and sixty-three, do change the name of the corporation to the “Clifton Coal Company,” and hereby state the same as the name by which it is intended the corporation shall be hereafter known, and that the president certify the same to the Secretary of the State of West Virginia.”

Wherefore, I do hereby declare the proposed change of name authorized and accomplished in law, and that the said corporation is hereafter to be known as the “Clifton Coal Company.”

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-third day of September, eighteen hundred and sixty-seven.

SEAL.

JNO. S. WITCHER,
Secretary of the State.

CANNELTON AND CINCINNATI TRANSPORTATION COMPANY.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Cannelton and Cincinnati Transportation Company,' for the purpose of transporting freight and passengers from and between Cannelton, in West Virginia, and Cincinnati, in Ohio, and to and from other ports and places on the waters of the Kanawha and Ohio rivers, by the steamer 'Cottage No. 2,' and by such other steam vessels as the said corporation may from time to time own; which corporation shall keep its principal office or place of business at Charleston, in the county of Kanawha, West Virginia, and is to expire on the first day of January, (1887,) eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of eight thousand dollars to the capital thereof, and have paid in on said subscription the sum of eight thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to thirty thousand dollars in all. The capital so subscribed is divided into shares of five hundred (\$500) dollars each, which are held by the undersigned respectively as follows, that is to say; by

Henry C. Dickinson,	of Kanawha Salines,	Kanawha Co.,	West Va.,	eight shares;
Walter E. Thacker,	" Charleston,	" "	" "	two "
Joseph D. Moore,	" "	" "	" "	two "
Hiram F. Lucas,	" Mill Creek,	" "	" "	one "
Charles D. Reynolds,	" Charleston,	" "	" "	one "
William Dickinson,	" Kanawha Salines,	" "	" "	one "
Dr. Bernard Romer,	" Malden,	" "	" "	one "

And the capital hereafter sold is to be divided into shares of the like amount.

Given under our hands this tenth day of September, in the year eighteen hundred and sixty-seven.

[Signed,]

H. C. DICKINSON,	C. D. REYNOLDS,
WALTER E. THACKER,	B. ROEMER,
HIRAM F. LUCAS,	WM. DICKINSON."
JOSEPH D. MOORE,	

Wherefore, the incorporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-first day of September, eighteen hundred and sixty-seven.

JNO. S. WITCHER,
Secretary of the State.

SEAL.

WEST VIRGINIA COAL COMPANY.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'West Virginia Coal Company,' for the purpose of mining and shipping coal, and selling the same; which corporation shall keep its principal office or place of business at Grantsburg, in the county of Mason, West Virginia, and is to expire on the fourth day of September, in the year eighteen hundred and eighty-seven. And for the purpose of forming said corporation, we have subscribed the sum of twenty-three thousand dollars (\$23,000) to the capital thereof; and have paid in on said subscriptions the sum of twenty-three thousand dollars; and desire the privilege of increasing the said capital by sales of additional shares, from time to time, as we may desire, to fifty thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say: by Robert Adams, of Mason county, West Virginia, one hundred and thirty shares, \$13,000; Thomas Scott, of Adamsville, Mason county, West Virginia, twenty-five shares, \$2,500; Henry Williams, of Mason City, Mason county, West Virginia, twenty-five shares, \$2,500; Samuel Powell, of Grantsburg, Mason county, West Virginia, twenty-five shares, \$2,500; Emanuel Aston, of Grantsburg, Mason county, West Virginia, twenty-five shares, \$2,500. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this fourth day of September, eighteen hundred and sixty-seven.

[Signed,]

ROBERT ADAMS,
 THOMAS SCOTT,
 HENRY WILLIAMS,
 SAMUEL POWELL,
 EMANUEL ^{his} ~~M~~ ASTON." _{mark}

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the fourth day of September, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this fourth day of September, eighteen hundred and sixty-seven.

JNO. S. WITCHER,
 Secretary of the State.

SEAL.

UNION SALT COMPANY.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Union Salt Company,' for the purpose of purchasing land and building thereon a salt furnace or furnaces, and other necessary buildings, and for manufacturing salt and barrels; for mining coal, and for keeping a store or stores of dry goods, groceries, and other supplies usually kept in a country store, and for selling the same; which corporation shall keep its principal office or place of business at New Haven,

Mason county, West Virginia, and is to expire on the first day of October, eighteen hundred and eighty-seven. And for the purpose of forming said corporation, we have subscribed the sum of fifty thousand dollars (\$50,000) to the capital stock thereof, and have paid in said subscriptions in full, and desire the privilege of increasing said capital by sales of additional shares, from time to time, to five hundred thousand dollars (\$500,000) in all. The capital so subscribed is divided into shares of five hundred dollars (\$500) each, which are held by the undersigned, respectively, as follows: that is to say, by G. W. Moredock, of Hartford City, West Virginia, for himself, twenty shares, and as agent, forty-nine shares; D. E. Newton, of Hartford City, West Virginia, twelve shares; Joseph S. Dowry, of Mason City, West Virginia, eleven shares; George Wilding, of New Haven, West Virginia, six shares; and A. F. McCown, of Hartford City, West Virginia, two shares. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this the twenty-first day of September, eighteen hundred and sixty-seven.

[Signed,]

GEO. W. MOREDOCK,	J. S. DOWREY,
GEO. W. MOREDOCK, "Agent,"	GEO. WILDING,
D. E. NEWTON,	A. F. MCCOWN."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of October, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this first day of October, eighteen hundred and sixty-seven.

JNO. S. WITCHER,
Secretary of the State.

SEAL.

STORER COLLEGE.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Storer College,' for the purpose of establishing and maintaining an institution of learning, embracing a normal school, an academy and a college, for teaching all classes of persons, without distinction of color, all the branches of useful information usually taught in similar institutions; and for the purpose of receiving, holding, managing and applying funds, moneys and property to an amount not exceeding nine hundred thousand dollars, devised, bequeathed or granted in aid thereof; which corporation shall keep its principal office or place of business at Harper's Ferry, in the county of Jefferson, and State of West Virginia, and is to expire on the thirty-first day of December, in the year nineteen hundred and sixty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of nine hundred dollars to the capital thereof, and have paid in on said subscriptions the sum of ninety dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to five thousand dollars in all. The capital so subscribed

is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say :

Silas Curtis, of	Concord, New Hampshire.....	one share.
George T. Day, of	Dover, "	one share.
Isaac D. Stewart, of	" "	one share.
Jonathan M. Brewster, of	" "	one share.
Edward A. Stockman, of	Wells, Maine,	one share.
James Colder, of	Harrisburg, Pennsylvania	one share.
Nathan C. Brackett, of	Harper's Ferry, West Va	one share.
Hamilton E. Keys, of	" "	one share.
Daniel J. Young, of	" "	one share.

And the capital to be hereafter to be sold is to be divided into shares of the like amount.

Given under our hands, this twenty-fifth day of September, A. D., eighteen hundred and sixty-seven.

SILAS CURTIS,	ISAAC D. STEWART,
JONATHAN BREWSTER,	EDWARD A. STOCKEAN,
JAMES COLDER,	HAMILTON E. KEYS,
GEO. T. DAY,	DANIEL J. YOUNG."
NATHAN C. BRACKETT,	

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the thirty-first day of December, nineteen hundred and sixty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this fourteenth day of October, eighteen hundred and sixty-seven.

JNO. S. WITCHER,
Secretary of the State.

SEAL.

WHEELING WAGON AND CARRIAGE COMPANY.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following :

"The undersigned agree to become a corporation by the name of 'Wheeling Wagon and Carriage Company,' for the purpose of manufacturing and dealing in wagons and carts, carriages and buggies, wagon and carriage makers' materials and stock, agricultural implements, wheelwright works generally, and articles composed in whole or in part of wood or iron; which corporation shall keep its principal office or place of business at Wheeling, in the county of Ohio, West Virginia, and is to expire on the eighteenth day of October, eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of twenty-five thousand three hundred dollars to the capital thereof, and have paid in on said subscriptions the sum of twenty thousand eight hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to one hundred thousand dollars in all. The capital so

subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows :

Arthur Little, of Wheeling.....	.....	twenty-five shares;
George Walters, " .....	.....	twenty-five shares;
Frederick Hayes, " .....	.....	twenty-five shares;
Benj. H. Rennard, " .....	.....	ten shares;
George G. Busbey, " .....	.....	twenty-five shares;
Joseph Walters, " .....	.....	twenty-five shares;
John S. Wilson, " .....	.....	ten shares;
William H. Little, " .....	.....	eight shares;
James Emblem, " .....	.....	ten shares;
John Fulton, " .....	.....	five shares;
Charles Ahl, " .....	.....	ten shares;
Henry Harper, " .....	.....	ten shares;
Jesse Hall, " .....	.....	four shares;
Jos. H. Connelly, " .....	.....	three shares;
Henry Kraft, " .....	.....	ten shares;
William L. McNeely, of New Orleans, Louisiana.....	.....	twenty-five shares;
William R. Donaldson, of Washington, Pennsylvania.....	.....	ten shares;
Washington Lewis, " " .....	.....	ten shares;
Rezin Darby, of West Wheeling, Ohio.....	.....	three shares.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this eighteenth day of October, eighteen hundred and sixty-seven.

[Signed,]

ARTHUR LITTLE,	CHARLES AHL,
GEORGE WALTERS,	HENRY HARPER,
FREDERICK HAYES,	JESSE HALL,
B. H. RENNARD,	JOSEPH H. CONNELLY,
GEO. G. BUSBEY,	HENRY KRAFT,
JOSEPH WALTERS,	W. R. DONALDSON,
JOHN S. WILSON,	W. L. MCNEELY,
WM. H. LITTLE,	REZIN DARBY,
JAMES EMBLEM,	WASHINGTON LEWIS."
JOHN FULTON,	

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the eighteenth day of October, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this eighteenth day of October, eighteen hundred and sixty-seven.

JNO. S. WITCHER,
Secretary of the State.

SEAL.

THE BELMONT NAIL WORKS COMPANY.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Belmont Nail Works Company,' for the purpose of manufacturing iron and nails; which corporation shall keep its principal office or place of business in the city of Wheeling, Ohio county, and State of West Virginia, and is to expire on the fourth day of January, eighteen hundred and eighty. And for the purpose of forming said corporation, we have subscribed the sum of three hundred and nine thousand six hundred dollars (\$309,600) to the capital stock thereof, and have paid in on said subscription the full sum aforesaid of three hundred and nine thousand six hundred dollars; and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to five hundred thousand dollars in all. The capital subscribed is divided into shares of twelve hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say: by Henry Moore, of the city of Baltimore, Maryland, seventy-one (71) shares; by said Moore, as trustee for Mrs. Mary Frances Lehr, of said city of Baltimore, five (5) shares; by Robert Lehr, of Baltimore, sixty (60) shares; by Jacob Brandt, Jr., also of Baltimore, twenty-five (25) shares; and by the following named parties, all residents of the city of Wheeling, West Virginia, viz.: by Joseph D. Du Bois, twenty-six (26) shares; by Josiah F. Updegraff, trustee for Philip Henry Moore, twenty (20) shares; by said Updegraff, trustee for John Fitzsimons, six (6) shares; by said Updegraff, trustee for Mrs. Margaret W. Russell, of Baltimore, five (5) shares; by Thomas Burke, sixteen (16) shares; by Nicodemus Riester, sixteen (16) shares; by Frank Grubler, two (2) shares; by Washington Rumble, two (2) by James Farrell, two (2) shares, and by Thomas Brewster, two (2) shares. And the capital stock to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-first day of October, eighteen hundred and sixty-seven.

J. BRANDT, JR.,

HENRY MOORE,

ROBERT LEHR.

by J. F. Updegraff, attorney in fe luo

JOSIAH F. UPDEGRAFF,
Trustee for Philip H. Moore.

JOSIAH F. UPDEGRAFF,
Trustee for John Fitzsimons.

JOSIAH F. UPDEGRAFF,
Trustee for Mrs. Margaret W. Russell.

HENRY MOORE.
Trustee for Mary Frances Lehr.

JOSEPH D. DU BOIS,

NICODEMUS REISTER,

THOMAS BREWSTER,

FRANK GRUBLER,

THOMAS BURKE,

JAMES FARRELL,

WASHINGTON RUMBLE."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the fourth day of January, eighteen hundred and eighty, a corporation by the name and for the purposes set forth in the said agreement.

Given under my band and the great seal of the said State, at the city of Wheeling, this twenty-ninth day of October, eighteen hundred and sixty-seven.

JNO. S. WITCHER,
Secretary of the State.

SEAL

HARRISON COUNTY GOLD AND SILVER MINING COMPANY.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Harrison County Gold and Silver Mining Company,' for the purpose of mining for gold and silver on lands leased by said company from Lemnel Bailey, in the said county of Harrison, and State of West Virginia; which corporation shall keep its principal office or place of business in Clarksburg, in the said county of Harrison, and is to expire on the first day of January, eighteen hundred and eighty-seven. And for the purpose of forming said corporation, we have subscribed the sum of three hundred dollars to the capital thereof, and have paid in on such subscriptions the sum of fifty dollars, and desire the privilege of increasing the said capital by the sales of additional shares, from time to time, to five hundred thousand dollars in all. The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned, respectively, as follows, that is to say: by Robert S. Northcott, of Clarksburg, Harrison county, West Virginia, five shares; Angus M. Reager, of Clarksburg, Harrison county, West Virginia, five shares; Joseph W. Odell, of Clarksburg, Harrison county, West Virginia, five shares; William W. Johnson, of Clarksburg, Harrison county, West Virginia, five shares; John Fouse, of Clarksburg, Harrison county, West Virginia, five shares; and John Conwell, of Harrison county, West Virginia, five shares. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands, this twenty-sixth day of October, eighteen hundred and sixty-seven.

ROBERT S. NORTHCOTT,
ANGUS M. REAGER,
JOSEPH W. ODELL,
WILLIAM W. JOHNSON,
JOHN FOUSE,
JOHN CONWELL."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this thirtieth day of October, eighteen hundred and sixty-seven.

JNO. S. WITCHER,
Secretary of the State.

SEAL.

CENTRAL BUILDING ASSOCIATION.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Central Building Association,' for the purpose of raising moneys to be loaned among the members of such corporation, for use in buying lots or houses, or in building or

repairing houses; which corporation shall keep its principal office or place of business in Wheeling, in the county of Ohio, and is to expire on the twenty-eighth day of November, eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of seven hundred and fifty dollars to the capital thereof, and have paid in on said subscriptions the sum of seventy-five dollars; and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to three hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred and fifty dollars each, which are held by the undersigned, respectively, as follows, that is to say: by Thomas O'Brien, one share; James P. Wilkinson, one share; William P. Hubbard, one share; Charles R. Behler, one share, and William L. McPhail, one share, all of the city of Wheeling, West Virginia. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands, this twenty-seventh day of November, eighteen hundred and sixty-seven.

THOS. O'BRIEN, CHAS. R. BEHLER,
JAS. P. WILKINSON, WM. L. MCPHAIL,"
WILLIAM P. HUBBARD,

Wherefore the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty eighth day of November, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-eighth day of November, eighteen hundred and sixty-seven.

JNO. S. WITCHER,
Secretary of the State.

SEAL.

THE JEFFERSON COUNTY BUILDING ASSOCIATION.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'The Jefferson County Building Association,' for the purpose of raising moneys to be loaned among its members, for use in buying lots or houses, or in building or repairing houses; which corporation shall keep its principal office or place of business at Charlestown, in the county of Jefferson, State of West Virginia, and is to expire on the first day of January, eighteen hundred and seventy-eight. And for the purpose of forming the said corporation, we have subscribed the sum of thirteen hundred dollars to the capital thereof, and have paid in on said subscriptions the sum of one hundred and thirty dollars, and desire the privilege of increasing the said capital, by sales of additional shares, from time to time, to two hundred and sixty thousand dollars in all. The capital so subscribed is divided into shares of two hundred and sixty dollars each, which are held by the undersigned, respectively, as follows: William H. Travers, one share; Nathan S. White, one share; J. Ed. Duke, one share; John Burns, one share, and Wells J. Hawks, one share—all residents of Jefferson county aforesaid. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands, this twentieth-seventh day of November, eighteen hundred and sixty-seven.

[Signed,]

WM. H. TRAVERS,
N. S. WHITE,
J. ED. DUKE,

JOHN BURNS,
W. J. HAWKS."

Wherefore, the incorporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and seventy-eight, a corporation by the name and for the purposes set forth in said agreement.

Given under my band and the great seal of the said State, at the city of Wheeling, this twenty-ninth day of November, eighteen hundred and sixty-seven.

SEAL.

JNO. S. WITCHER,
Secretary of the State.

THE POINT PLEASANT SILVER MINING AND EXPLORING COMPANY.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Point Pleasant Silver Mining and Exploring Company,' for the purpose of buying and leasing oil and mineral territory, and boring, mining and shafting for petroleum or other oils, coal, iron, gold, silver, lead and all other minerals and mineral substances, and to sell and convey the same to market; which corporation shall keep its principal office or place of business at Point Pleasant, West Virginia, and is to expire on the sixteenth day of September, eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of three hundred thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of thirty thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to one million dollars in all. The capital so subscribed is divided into shares of twenty-five dollars each, which are held by the undersigned, respectively, as follows: that is to say, by Stephen Comstock, seven hundred and fifty shares; G. J. L. Hantschke, seven hundred and fifty shares; John O. Butler, seven hundred and fifty shares; T. S. Butler, seven hundred and fifty shares; Charles P. T. Moore, seven hundred and fifty shares; T. Stribling, seven hundred and fifty shares; C. Shrewsbury, seven hundred and fifty shares; F. W. Sisson, three hundred and seventy-five shares; B. F. Butler, three hundred and seventy-five shares; J. W. Hoge, (by F. W. Sisson,) three hundred and seventy-five shares; George Moore, seven hundred and fifty shares; J. W. Bryan, seven hundred and fifty shares; C. T. B. Moore, three hundred and seventy-five shares; William C. Wiley, three hundred and seventy-five shares; William Eichhoff, seven hundred and fifty shares; Christian Stortz, two hundred and fifty shares; John G. Stortz, two hundred and fifty shares; John Franz, two hundred and fifty shares; F. Ford, seven hundred and fifty shares; Robert Wiley, three hundred and seventy-five shares; J. E. Clendinen, three hundred and seventy-five shares; A. M. Wilson, three hundred and seventy-five shares; and the said incorporators reside in Mason county, West Virginia. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this sixteenth day of September, eighteen hundred and sixty-seven.

[Signed,]

John O. Butler,	[Seal.]	C. Shrewsbury,	[Seal.]
Stephen Comstock,	[Seal.]	F. Ford,	[Seal.]
G. J. L. Hantschke,	[Seal.]	A. M. Wilson,	[Seal.]
T. S. Butler,	[Seal.]	F. W. Sisson,	[Seal.]
C. P. T. Moore,	[Seal.]	W. C. Wiley,	[Seal.]
J. W. Bryan,	[Seal.]	Robert Wiley,	[Seal.]
George Moore,	[Seal.]	William Eichhoff,	[Seal.]
Christian Stortz,	[Seal.]	John G. Stortz,	[Seal.]
John Franz,	[Seal.]	B. F. Butler,	[Seal.]
C. T. B. Moore,	[Seal.]	J. E. Clendinen,	[Seal.]
Jas. W. Hoge,	[Seal.]	T. Stribling,	[Seal.]

(by F. W. Sisson,)

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the sixteenth day of September, eighteen hundred and eighty-seven; a corporation by the name and for the purposes set forth in said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this thirteenth day of December, eighteen hundred and sixty-seven.

SEAL.

JNO. S. WITCHER,
Secretary of the State.

DECLARATION OF CHANGE OF NAME OF THE OHIO VALLEY GLASS WORKS COMPANY.

I, John S. Witcher, secretary of the State of West Virginia, do hereby certify that the president of the "Ohio Valley Glass Works Company," under his signature and the common seal of the corporation, has certified to me that at a meeting of the stockholders of said corporation, held December eighteenth, eighteen hundred and sixty-seven, the following resolution was adopted, viz:

"Resolved, That the name of this corporation be changed from 'Ohio Valley Glass Works Company' to 'Ohio Valley Glass Company.'"

Wherefore, I hereby declare that the said corporation is to be hereafter known as the "Ohio Valley Glass Company." "

Given under my hand and the great seal of the said State, at the city of Wheeling, this nineteenth day of December, eighteen hundred and sixty-seven.

SEAL.

J. S. WITCHER,
Secretary of the State.

THE AMERICAN BUILDING ASSOCIATION.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The American Building Association,' for the purpose of raising money to be loaned among the

members of such corporation, for use in buying lots or houses, or in building or repairing houses; which corporation shall keep its principal office or place of business at Wheeling, in the county of Ohio, and is to expire on the eighteenth day of December, eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of seven hundred and fifty dollars to the capital thereof, and have paid in on said subscription the sum of seventy-five dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to three hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred and fifty dollars each, which are held by the undersigned, respectively, as follows, that is to say: by Chas. W. Conner, one share; John W. Heiskell, one share; Edmund Bocking, one share; Edmund Hobbs, Jr., one share; Geo. W. Johnson, one share—all of the city of Wheeling, West Virginia. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this eighteenth day of December, eighteen hundred and sixty-seven.

CHAS. W. CONNER,	[L. S.]	JNO. W. HEISKELL,	[L. S.]
GEO. W. JOHNSON,	[L. S.]	EDMUND HOBBS, JR.,"	[L. S.]
EDMUND BOCKING,	[L. S.]		

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the eighteenth day of December, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this nineteenth day of December, eighteen hundred and sixty-seven.

SEAL.

JNO. S. WITCHER,
Secretary of the State.

WHEELING BUILDING ASSOCIATION.

I, John S. Witcher, secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Wheeling Building Association,' for the purpose of supporting the members in saving themselves a capital for use in buying lots or houses, or in building or repairing houses; which corporation shall have its principal office or place of business at Wheeling, in the county of Ohio, and is to expire on the sixth day of December, eighteen hundred and eighty-seven. And for the purpose of forming the said corporation, we have subscribed the sum of nine hundred dollars, and have paid in on the said subscription the sum of ninety dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to four hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred and fifty dollars each, which are held by the undersigned, respectively, as follows, that is to say: J. L. Strohleln, one share; David Kull, one share; Carl Gauding, one share; Gottlieb Staab, one share; Joseph Hosenfeld, one share, and Friedrich Meyer, one share—all of the city of Wheeling. And the capital to be hereafter sold is to be divided into shares of the like amount."

Given under our hands, this sixth day of December, eighteen hundred and sixty-seven.

[Signed,]

DAVID KULL, GOTTLIEB STAAE,
J. H. STROHLWIN, JOSEPH HOSENFELD,
CARL GAUDING, FRIEDRICH MEYER."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the sixth day of December, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this nineteenth day of December, eighteen hundred and sixty-seven.

SEAL.

JNO. S. WITCHER,
Secretary of the State.

EQUITABLE OIL AND MINING COMPANY OF WEST VIRGINIA.

BOSTON, January 27th, 1868.

To the HON. JOHN S. WITCHER,

Secretary of the State of West Virginia:

DEAR SIR: At a general meeting of the stockholders of the Equitable Oil and Mining Company of West Virginia, held at their office in Boston, April fourteenth, eighteen hundred and sixty-seven, it was

Resolved, That the business of the corporation be and the same is hereby discontinued, and that immediate measures be taken to finally settle its affairs and effect a dissolution of the corporation.

Voted—That the President be and hereby is instructed to publish and certify the notice of dissolution required by chapter eighty-three, section forty, of the laws of West Virginia for eighteen hundred and sixty-three. All in favor of dissolution

Whole number of shares issued, six hundred and sixty. Number represented at dissolution of company, six hundred and thirty-two.

F. H. BRIDGE, *Secretary.*

I certify that the above is a correct copy:

[L. S.]

ROBERT H. WALTERS,
President Equitable Oil & Mining Co. of West Va.

LIST OF COMMISSIONERS

In other States, appointed by the Executive of West Virginia, during the years 1866, 1867, 1868, with the residence and date of appointment of each Commissioner; also the date when evidence of his qualification was filed. The term of office of Commissioners is two years.

STATES.	NAMES OF COMM'RS.	RESIDENCE.	DATE OF APPOINTMENT.	When evidence of qualification was filed.
Ohio.....	W. W. Evans.....	Portsmouth.....	Jan. 8, 1868	Jan. 20, 1868
Pennsylvania..	James Starr.....	Philadelphia....	Jan. 20, 1868	Jan. 25, 1868
Dis't Columbia	Charles Walters....	Washington.....	Jan. 18, 1868	Jan. 21, 1868
New York.....	Dana L. Hubbard....	New York.....	May 14, 1867	May 31, 1867
"	Alex. Ostrander....	"	May 20, 1867	May 24, 1867
Pennsylvania..	Chatham T. Ewing..	Pittsburgh.....	July 15, 1867	July 18, 1867
"	William F. Robb....	"	May 31, 1867	June 6, 1867
New York.....	John Butcher.....	New York.....	June 1, 1867	June 24, 1867
Ohio.....	Victor Abraham....	Cincinnati.....	June 14, 1867	June 20, 1867
New York.....	Mathew H. Ellis....	New York.....	July 12, 1867	July 18, 1867
Pennsylvania..	Charles Chauncey..	Philadelphia....	July 20, 1867	July 25, 1867
New York.....	Jas. L. Chittenden..	New York.....	July 27, 1867	Sept. 6, 1867
Pennsylvania..	A. L. Henneshotz..	Philadelphia....	Aug. 6, 1867	Aug. 10, 1867
New York.....	William F. Lett....	New York.....	Aug. 17, 1867	Aug. 23, 1867
Ohio.....	Alex. H. McGuffey..	Cincinnati.....	Aug. 22, 1867	Aug. 27, 1867
New York.....	Joseph B. Nones...	New York.....	Aug. 24, 1867	Aug. 31, 1867
"	Fred. R. Anderson..	"	Sept. 12, 1867	Sept. 16, 1867
Massachusetts..	James B. Bell.....	Boston.....	Sept. 24, 1867	Sept. 30, 1867
Maryland.....	Jos. S. Atkinson....	Baltimore.....	Oct. 1, 1867	Oct. 7, 1867
Illinois.....	Philip A. Hoyne....	Chicago.....	Oct. 8, 1867	Oct. 12, 1867
"	Simeon W. King....	"	Nov. 4, 1867	Dec. 19, 1867
New York.....	J. Spencer Smith...	New York.....	Nov. 13, 1867	Dec. 7, 1867
"	Sizanond Lasar....	"	Nov. 22, 1865	Nov. 28, 1868
Maryland.....	Lloyd Lowndes, Jr.	Cumberland....	Nov. 29, 1867	Jan. 8, 1868
New York.....	Henry C. Banks....	New York.....	Dec. 2, 1867	Dec. 7, 1867
Pennsylvania..	J. Morris Harding..	Philadelphia....	Dec. 5, 1867	
Illinois.....	O. R. W. Lull.....	Chicago.....	Dec. 7, 1867	Dec. 12, 1867
Pennsylvania..	Theodore D. Rand..	Philadelphia....	Jan. 27, 1868	Feb. 1, 1868
Ohio.....	James Wade.....	Cleveland.....	Jan. 27, 1868	Feb. 1, 1868
New York.....	Frederick B. Swift..	New York.....	Jan. 27, 1868	Feb. 6, 1868
"	George W. Colles..	"	Jan. 27, 1868	Feb. 17, 1868
Pennsylvania..	Wm. H. Whitehead..	Philadelphia....	Jan. 27, 1868	Feb. 1, 1868
New York.....	Wm. A. Abbott.....	New York.....	Feb. 3, 1868	
Louisiana.....	H. A. Morse.....	New Orleans....	Feb. 6, 1868	
Massachusetts..	Samuel Jennison...	Boston.....	Feb. 15, 1868	Feb. 21, 1868
New York.....	Charles Nettleton..	New York.....	Feb. 17, 1868	
Pennsylvania..	John H. Frick.....	Philadelphia....	Feb. 19, 1868	Feb. 24, 1868
New York.....	A. Gano Dunn.....	New York.....	Feb. 21, 1868	Feb. 27, 1868
Pennsylvania..	John McClaren....	Pittsburgh.....	Feb. 20, 1868	Feb. 26, 1868
California.....	N. Proctor Smith...	San Francisco..	Feb. 22, 1868	
Pennsylvania..	R. S. Morris.....	Pittsburgh....	Mar. 18, 1866	March 21, 1866
"	Kinsley J. Tener...	Philadelphia....	Mar. 8, 1866	March 23, 1866
"	J. H. Joseph.....	"	Mar. 29, 1866	April 6, 1866
"	Samuel L. Taylor...	"	May 11, 1866	May 15, 1866
"	William V. Archer..	"	June 7, 1866	June 7, 1866
"	Chas. H. T. Colles..	"	June 28, 1866	
"	Chas. C. Lister.....	"	July 28, 1866	Aug. 20, 1866

STATES.	NAMES OF COMM'RS.	RESIDENCE.	DATE OF AP- POINTMENT.	When evidence of qualification was filed.
Pennsylvania...	Samuel B. Huey....	Philadelphia....	Aug. 2, 1866	Aug. 6, 1866
Dis't Columbia	Fredrick Koonen....	Washington....	Mar. 20, 1866	
Minnesota.....	Cyrus Aldrich.....	Minneapolis....	Mar. 29, 1866	April 26, 1866
Louisiana.....	Walter F. Peters....	New Orleans....	April 9, 1866	April 9, 1866
"	P. Chas. Cuvellier..	"	June 2, 1866	June 20, 1866
New York.....	John Livingston....	New York.....	May 11, 1866	Oct. 10, 1866
"	Thomas Saddler....	"	May 21, 1866	May 30, 1866
"	Samuel Swan.....	"	June 2, 1866	June 12, 1866
"	Marion J. Merchant	"	July 23, 1866	
"	A. J. Berrien.....	"	July 28, 1866	Oct. 2, 1866
Virginia.....	William A. Burnett.	Staunton.....	May 11, 1866	May 29, 1866
"	E. M. Garnett.....	Richmond.....	Aug. 9, 1866	Aug. 16, 1866
New Jersey.....	Henry H. Burgess..	South Orange..	June 7, 1866	June 21, 1866
California.....	Emile N. Sutber....	San Francisco..	July 23, 1866	
Maryland.....	Wm. W. Latimer...	Baltimore.....	July 24, 1866	July 30, 1866
Texas.....	Christopher Dart...	Houston.....	Aug. 9, 1866	
Pennsylvania..	John H. Wheeler...	Philadelphia...	Oct. 22, 1866	Oct. 27, 1866
Ohio.....	Reuben Tyler.....	Cincinnati.....	Oct. 23, 1866	Oct. 27, 1866
Maryland.....	Gen. J. R. Kenley..	Baltimore.....	Nov. 2, 1866	Feb. 15, 1867
Missouri.....	Joel G. Harper....	St. Louis.....	Nov. 26, 1866	Dec. 5, 1866
New York.....	Henry J. Cullen, Jr.,	New York.....	Nov. 30, 1866	Dec. 5, 1866
"	E. P. Barnum.....	"	Dec. 24, 1866	Dec. 24, 1867
Arkansas.....	Chas. P. Redmond..	Little Rock....	Dec. 27, 1866	Feb. 5, 1867
Pennsylvania..	John C. Uhle.....	Philadelphia...	Jan. 10, 1867	Jan. 17, 1867
"	A. B. Stephenson...	Buchanan.....	Feb. 26, 1867	March 7, 1867
"	George Griscom....	Philadelphia...	Mar. 1, 1867	
"	E. H. Tharp.....	"	Mar. 5, 1867	March 11, 1867
"	Jacob Stout.....	"	Mar. 28, 1867	
Massachusetts..	Chas. B. F. Adams..	Boston.....	Jan. 16, 1867	Jan. 28, 1867
Ohio.....	Howard Duglas....	Cincinnati.....	Feb. 8, 1867	Feb. 12, 1867
"	Sam'l S. Carpenter..	"	Mar. 13, 1867	March 16, 1867
New York.....	Christian Von Hesse	New York.....	Feb. 13, 1867	Feb. 21, 1867
"	Michael Phillips....	"	April 9, 1867	April 20, 1867
Kentucky.....	George H. Owen....	Louisville.....	Mar. 1, 1867	March 1, 1867
Dis't Columbia	J. S. Hollingshead.	Washington....	Mar. 14, 1867	March 14, 1867
Maryland.....	William B. Hill....	Baltimore.....	Mar. 20, 1867	March 29, 1867
"	John T. McGlone...	"	Apr. 9, 1867	May 3, 1867
"	H. L. Edmonds, Jr.,	"	Apr. 19, 1867	May 6, 1867

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