

A C T S
OF THE
LEGISLATURE
OF
WEST VIRGINIA;

AT ITS
NINTH SESSION.

COMMENCING JANUARY 17TH, 1871.



CHARLESTON:
H. S. WALKER, PUBLIC PRINTER.

1871.

E R R A T U M .



Page 212, last line on page, for “fixed” read “filed.”

A C T S .

CHAPTER 1.—An ACT authorizing the Trustees of M. E. Church South, in Carroll Township, Lincoln County, to sell and convey their Church property.

Passed January 30, 1871.

Be it enacted by the Legislature of West Virginia :

The trustees of the Methodist Episcopal Church South, in Carroll Township, Lincoln county, in this State, are hereby authorized to sell and convey their church property, situated on Mud River, in said township, in said county, and now used as the Court House for said county.

CHAPTER 2.—An ACT enabling John M. Greer, of Jackson County, to qualify as Sheriff of that County.

Passed January 31, 1871.

WHEREAS, At the general election held in the county of Jackson, on the twenty-seventh day of October, eighteen hundred and seventy, John M. Greer was duly elected to the office of sheriff of said county of Jackson, for the term of four years, commencing on the first day of January, eighteen hundred and seventy-one ;

And whereas, the Board of Supervisors of the said county of Jackson have failed to declare the result of said election as required by law ;

And whereas, it satisfactorily appears that the said John M. Greer was, at the time of the said election, a qualified voter of the said county of Jackson, under the Constitution of this State ; therefore,

Be it enacted by the Legislature of West Virginia :

That the said John M. Greer, for the reasons stated in the preamble to this act, be, and he is hereby authorized, and permitted to qualify as sheriff of the said county of Jackson, for the term of four years, to date from the first day of January, 1871, in the manner prescribed by law, before the Circuit Court of the said county of Jackson, or the judge thereof in vacation, at any time within sixty days from and after the passage of this act.

CHAPTER 3.—An ACT to provide for selling a part of a Church lot in Buckhannon, Upshur County.

Passed February 1, 1871.

Be it enacted by the Legislature of West Virginia :

Authority to
sell.

The trustees of the Methodist Episcopal Church South, in Buckhannon, Upshur county, West Virginia, are hereby authorized to sell and convey a part of the lot on which said church stands.

CHAPTER 4.—An ACT to amend, and re-enact the Charter and extend the corporate limits of the town of Philippi, in the County of Barbour.

Passed February 1, 1871.

Be it enacted by the Legislature of West Virginia :

Corporate
limits.

1. The corporate limits and boundaries of the town of Philippi, Barbour county, West Virginia, shall be as follows: Beginning at the mouth of Anglin's Run, and running up the same, with the meanderings thereof, to a Red Oak tree standing in an alley between lands fo Lewis Wilson and lands formerly owned by Henry A. Barron; thence with said alley to the Beverly and Fairmont turnpike road; thence crossing said road with a line of lands of Wm. P. Keyes, Lewis Wilson and Edward F. Grant to a stone bridge on the left hand branch of said run; thence to the top of the ridge above the coal bank of David F. Byrer; thence with the ridge to a corner of lands of Lair D. Morrell and Samuel Woods, in a low gap of said ridge; thence with the ridge on the lines of said Morrell's land to the Valley River; thence up said river, with the meanderings thereof, to the 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.

Town incor-
porated.

3. The Mayor, Recorder and Councilmen, as 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 Philippi," and shall have perpetual succession and a common seal, and by that name may sue and be sued; may appoint a town sergeant, a treasurer and commissioner of the revenue, such to continue in office during its pleasure.

Electors—
Term of of-
fice.

4. The Mayor, Recorder and Councilmen shall be elected by the male tax-payers of said town, and shall hold office for the term of one year, and shall be residents of said town.

First election

5. The first election under this act shall be held on the

1st Monday in April, 1871, at the Court House in said town, under the supervision of a Justice of Philippi 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 forthwith grant certificates of election to the persons elected; and their term of office shall commence on the second Monday after their election and continue until their successors are qualified.

Annual elections.

Certificate of election.— Commencement of term of office.

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 in office.

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.

Vote by ballot. Tie: How decided. 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 office.

Before whom taken.

Failure to qualify.

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. Salaries: how fixed.

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

Yeas and nays.

Journal 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 to keep them in order; to abate anything which, in the opinion of a majority, shall be a nuisance; to provide for shade and ornamental trees, and against fire and contagious diseases; 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

Powers of council.

of the revenue and treasurer, and other officers if 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 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; 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 the 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 Barbour county, entered of record, may use the jail of said county for its purposes.

Annual levy. 12. The annual levy ordered by the council may be upon all male persons within said town over twenty-one years of age; 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 real and personal property, or two dollars per head on each taxable person.

Sergeant, his powers, duties, compensation and liabilities. 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.

Mayor, his powers and duties. 14. The mayor shall be the chief executive officer of the town; 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.

Recorder. 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 vested with his powers, so far as to hear and determine all cases affecting the government of the town.

16. The treasurer shall have charge of all money belonging to said town, and shall pay the same out on the order of the council, countersigned by the mayor and 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 Barbour county, on account therefor, against them and their securities, respectively, or any or either of them, or their heirs or legal representatives.

Treasurer.

Motion against the sergeant or treasurer.

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 on real estate for taxes.

Sale of real estate delinquent.

Notice of sale.

18 The said town and persons and property therein, shall be exempt from all expense or liability for taking care of the poor of the county; for the construction or repair of roads or bridges outside of its corporate limits: Provided, however, that the said town shall keep its streets and alleys in order, and take proper care of its own poor.

Exemption from road and poor taxes.

CHAPTER 5.—AN ACT changing the times of holding the Courts in the Twelfth Judicial Circuit.

Passed February 1, 1871.

Be it enacted by the Legislature of West Virginia:

That the times of holding the Courts in the several counties of the Twelfth Judicial Circuit of this State, shall hereafter be as follows:

Terms of Court in

For the county of Cabell on the second day of May, August and December.

Cabell.

For the county of Wayne on the eleventh day of March, May and December.

Wayne.

For the county of Logan on the fourth day of April, June and October.

Logan.

For the county of Boone on the tenth day of April, June and October.

Boone.

For the county of Lincoln on the twenty-fifth day of April, the twentieth day of September, and the twentieth day of November.

Lincoln.

CHAPTER 6.—AN ACT authorizing the Trustees of the Island M. E. Church in the city of Wheeling, to sell and convey their Church property.

Passed February 3, 1871.

Be it enacted by the Legislature of West Virginia :

Authority to
sell.

The Trustees of the Island M. E. Church in the city of Wheeling are hereby authorized to sell their church property on Wheeling Island, being Lot No. 62 in Daniel Zane's addition to the city of Wheeling, with the buildings thereon and to convey the same to the purchaser.

CHAPTER 7.—AN ACT incorporating the town of Middlebourne in the county of Tyler.

Passed February 3, 1871.

Be it enacted by the Legislature of West Virginia :

Corporate
Limits.

1. The corporate limits of the town of Middlebourne, in the county of Tyler, shall be as follows: Beginning at the mouth of Gorrell's run on the north side thereof, thence running a straight line to the northwest corner of lot number eighty-one, as laid down in the original plan of said town, thence running with the south line of said lot, south seventy degrees, east to the south east corner thereof, thence running with the line of the lots on the extreme east, as laid down in the original plan of said town, north twenty degrees, east to the corner of lot number twenty-four, thence continuing the same course (south twenty degrees east) to the Waynesburg road, thence with said road to the Sistersville and Salem turnpike road, and with said turnpike road westwardly to Middle Island creek at the corner of Stealy's flat, and thence running up said creek with the meanders to the beginning.

Municipal
Authorities.
Common
Council.

2. The municipal authorities of said town shall be a Mayor and six Councilmen, who shall together form a common Council.

Election.
Term of of-
fice.
Town incor-
porated.

3. The Mayor and Councilmen shall be elected for one year by the citizens of said town entitled to vote under this act, and as 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 Middlebourne," 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.

Corporate
powers.

Corporate
powers to be
exercised by
Council.

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

5. There shall be a Mayor pro tem, town Clerk, a Sergeant, an Assessor, a Treasurer, and a Superintendent of roads, streets and alleys, appointed by the council, to continue in office during its pleasure, and perform the duties respectively as hereinafter prescribed, or as may be required by the council. Officers to be appointed by Council.

6. One person may hold the office of Clerk, Treasurer and Assessor, or any two of said offices. One person authorized to hold two or three offices.

7. The first election under this act shall be held within ninety days from the passage thereof, at the court house of Tyler county under the supervision of Samuel Billingsly, R. R. Swan, L. L. Stealey, John C. Way and Benedict Swan, or any three of them, who shall act as inspectors of said election. First election.

8. A written or printed notice of the time of holding such election, signed by at least three of the persons authorized by the preceding section to act as inspectors of said election, shall be posted at the front door of said court house, and at least two other public places within the corporate limits of said town, for at least ten days, next preceding said election, which said notice shall specify the officers to be voted for. Notice of election.

9. In case the persons appointed in section seven shall fail or refuse to act, the notice aforesaid may be given by any three of the qualified voters of said town, and the said election may be held, conducted, certified and returned by any three voters of said town, appointed for the purpose by the voters present. Notice of election to fill vacancies.

10. Such inspectors or persons acting as such, after severally taking an oath to faithfully discharge the duties of inspectors of said elections, shall preside and act as inspectors of such elections, and all the laws applicable to the election of township officers shall apply to such election, if not inconsistent with this act, and such inspectors shall within ten days after such election, grant a certificate to the persons elected, which shall be recorded among the records of said town. Inspectors of election; how qualified; their duties.

11. The officers first elected in said town shall hold their offices until their successors are elected and qualified. The term of all officers elected after the first election shall commence on the first day of February in each year, and shall be for one year and until their successors are elected and qualified. Terms of office.

12. After the said first election of officers they shall be elected on the first Thursday in January in each year, at Annual elections.

the said court house, or at such other place as the council may direct.

- Laws governing elections.** 13. All elections under this act shall be conducted under such supervision, rules and regulations, not inconsistent with the laws, regulating the general annual elections in this State, as the council may prescribe.
- Oaths of office.** 14. Every person elected or appointed to an office in said corporation shall within ten days after his election or appointment and before he shall enter upon the duties of his office, take and subscribe the oaths prescribed for township officers, which may be done before any person authorized by law to administer oaths, or before the mayor or town clerk of said corporation, which oaths with the certificate of the officer administering the same shall be filed with the clerk aforesaid.
- Before whom taken.**
- How filed.**
- Who may vote.** 15. All persons who have been bonafide residents within the corporate limits of said town for thirty days next preceding a charter election held therein and who are qualified voters under the constitution and laws of this State, and none others, shall be entitled to vote at any charter election held in said town.
- Vacancies; how filled.** 16. When a vacancy shall occur from any cause in the office of mayor, or in the council, the same shall be filled by appointment by the council from among the citizens of the town, eligible under this act.
- Qualification for office.** 17. The officers of said corporation must be residents thereof, and entitled to vote for members of its common council.
- Tie votes; how decided.** 18. Whenever two or more persons shall receive an equal number of votes for the same office, if such number be the highest cast for such office, the persons under whose supervision the election is held shall decide by lot which of them shall be returned elected and shall make their return accordingly.
- Contested elections.** 19. All contested elections shall be heard and determined by the council.
- When councilmen may enter upon the duties of office.** 20. When any four of the newly elected councilmen, shall have been qualified as required by this act, they shall enter upon the duties of their offices respectively.
- Vacancies in office.** 21. If any person elected to the office of mayor, or that of councilman, shall not be eligible or shall refuse or neglect to take the oaths required by this act within the ten days aforesaid, such office shall be deemed vacant, and such va-

cancy shall be filled as vacancies in other cases under section sixteen of this act.

22. The council shall be presided over at its meetings by the mayor, or, in his absence, by the mayor pro tem, or in the absence of both mayor and mayor pro tem, one of the councilmen, selected by a majority of the council present; and a majority of the council shall be necessary to form a quorum for the transaction of business.

Presiding officer of council.

23. The council shall cause to be kept in a well bound book, an accurate record of all its proceedings, by-laws, acts, orders, and resolutions, which shall be fully indexed, and open to the inspection of any one who is required to pay taxes to such town.

Journal of Council.

24. At such meeting of the council, the proceedings of the last meeting shall be read, and corrected, if erroneous, and signed by the presiding officer for the time being. Upon the call of any member, the yeas and nays, on any question, shall be taken and recorded in the journal.

Reading of the Journal.

Yeas and nays.

25. In case of a tie vote in the council, the mayor shall give the casting vote, but he shall not vote, except there is a tie.

Mayor to vote only in case of a tie.

26. The council of said town shall have power therein, to lay off, vacate, close, open, alter, curb, pave, and keep in good repair, roads, streets, alleys, sidewalks, cross-walks, drains and gutters, for the use of the public, or any of the citizens thereof, and to improve and light the same, and have them kept free from obstructions, on or over them; to regulate the width of side walks, on the streets, and to order the side walks, foot ways, cross walks, drains, and gutters to be curbed and paved, and kept in good order, free and clean by the owners or occupants thereof, or of the real property next adjacent thereto; to establish and regulate markets; to prescribe the times of holding the same; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive, or unwholesome; to prevent hogs, cattle, horses, sheep, and other animals, and fowls of all kinds from going at large in said town; to protect places of divine worship in and about the premises where held; to abate, or cause to be abated, anything which, in the opinion of a majority of the whole council, shall be a nuisance; to regulate the keeping of gun powder and other combustibles; to provide in or near said town places for the burial of the dead, and to regulate interments therein; to provide for the regular building of houses or other structures, and for the making of division fences by the owners of adjacent premises, and the drainage of lots by the proper drains and ditches; to make regulations for guarding against danger or damage

Powers of Council.

Powers of Council.

by fire; to protect the persons and property of the citizens of said town, and to preserve peace and good order therein, and for this purpose to appoint when necessary, a police force to assist the sergeant in the discharge of his duties; to prescribe the powers and define the duties of the officers appointed by the council, fix their terms of office and compensation, require and take from them bonds, when deemed necessary, payable to said town in its corporate name, with such sureties and in such penalty as the council may see fit, conditioned for the faithful discharge of their duties; to erect, or authorize or prohibit the erection of gas works or water works in the town; to prevent injury to or pollution of the same, or to the water or healthfulness of the town; to regulate and provide for the weighing of hay, coal and other articles sold or for sale in the town, and to provide a revenue for the town and appropriate the same to its expenses; to provide for the annual assessment of taxable property therein; to adopt rules for the transaction of business and the government and regulation of its own body. But no new streets or alleys shall be made without the consent of the owner or owners of the lots or property proposed to be taken for that purpose, nor shall any alteration be made in those streets and alleys already laid down in the original plan of the town of Middlebourne, or in what is known as Dodd's addition to said town, without the consent of the owners of the property adjacent to such proposed alteration, nor shall any street or alley in said Dodd's addition be opened beyond lot number fourteen without the consent of the owners of the property beyond that lot.

Powers of Council.

27. To carry into effect these enumerated powers and all others conferred upon said town or its council, by this chapter or by any future act of the Legislature of this State, the council shall have power to make and pass all needful orders, by-laws, ordinances, resolutions, rules, and regulations not contrary to the Constitution and laws of this State; and to prescribe, impose and enforce reasonable fines, penalties, and imprisonments in the county jail or the place of imprisonment in said corporation, if there be one, for a term not exceeding thirty days, for violation thereof. Such fines, penalties, and imprisonment shall be recovered and enforced under the judgment of the Mayor of said town, or the person lawfully exercising his functions. The council with the consent of the Board of Supervisors of Tyler county entered of record, may have the use of the jail of said county as a place of imprisonment for violations of this act or any ordinance of said corporation.

Annual estimate.

28. The council shall cause to be annually made up and entered upon its journal, an accurate estimate of all sums which are or may become lawfully chargeable on such town, and which ought to be paid within one year, and it

shall order a levy of so much as may, in its opinion, be necessary to pay the same. Annual levy.

29. The levy so ordered may be upon all persons within said town who are entitled to vote for the officers thereof, not to exceed one dollar each, upon all real and personal estate therein subject to State and county taxes, not to exceed fifty cents upon every one hundred dollars value thereof, and the council may levy such tax upon dogs within said town as they may deem best. But all lots not used for places of residence, business or gardening purposes, and all parcels of land not laid off into town lots within the corporate limits of said town shall not be taxed for the purposes of said corporation a greater amount upon every one hundred dollars value thereof, than they would have to pay for road tax in the same year if they were not included in said corporation. Upon whom and what the levy is to be laid. Tax on dogs. Exemption from tax.

30. All fines assessed under and by virtue of the provisions of this act shall be for the use and benefit of the town. Fines, how to be used.

31. Every male resident of the said town not under twenty-one, nor over sixty years of age, and who is not a pauper, shall if required by the council thereof, work not exceeding two days, by himself or an acceptable substitute, on the roads, streets, and alleys of said town, under the direction of the superintendent of roads, streets and alleys, or may be released from such work upon the payment to the superintendent of such amount as may be fixed by the council, the money so paid to be used in the improvement of said roads, streets, and alleys. Laborers on roads of corporation. How long. How released.

32. Whenever anything for which a State license is required is to be done within 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 spirituous liquors, or wine, beer, ale, porter, or drink of like nature within the town, or within one mile of the corporate limits thereof, shall be granted by the board of supervisors of the county aforesaid, unless the person applying therefor shall produce to such board of supervisors the certificate of the council, of its consent to the granting of such license. Licensee. Licenses to sell liquors; how obtained.

33. The sergeant shall collect the town taxes, levies and licenses, and in case the same are not paid within thirty days after they are placed in his hands for collection, he may sell and distrain therefor in like manner as a sheriff may distrain for the State taxes, and he shall in all respects have the same power to enforce the payment and collection thereof, as a sheriff has to enforce the payment and collection of the State taxes. He shall act as a conservator of the peace, quell all riots, disperse all unlawful assemblies and Sergeant; his powers, duties, compensation and liabilities.

arrest and bring before the mayor all disorderly persons. He shall execute all process issued by the mayor, collect all monies required thereby, and shall exercise the duties of a constable in regard thereto, and receive the same compensation therefor, and his sureties shall be liable to all the fines, penalties and forfeitures that a constable of a township and his sureties are liable to, for any failure or dereliction in said office, to be recovered in the same manner and in the same courts that the said fines, penalties, and forfeitures are now recovered against such constables.

Lien on real estate for taxes.

34. There shall be a lien on real estate within said town, for the town taxes assessed thereon from the time the same are so assessed, and the council may order or 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 the time within which the same may be redeemed. No such sale or renting shall be ordered until such realty shall be returned delinquent, and the sale shall be after twenty days notice posted at the front door of the court house aforesaid and at the post office in said town. But all such property shall be sold subject to the payment of all State, county, and township taxes that may at the time of sale be properly chargeable thereon.

Sale of real estate delinquent.

Notice of sale.

Sergeant; his duty in relation to taxes, fines, penalties, assessments and other claims.

35. It shall be the duty of the sergeant whenever required by the council, to render due account of the taxes, fines, penalties, assessments, and other claims in his hands for collection, and return a list of such as he shall not have been able to collect, by reason of insolvency, removal, or other cause; to which list he shall make an affidavit that he has used due diligence to collect the same, but has been unable to do so, and if the council shall be satisfied of the correctness of said list, it shall allow the sergeant a credit for the amount thereof. He shall receive for his services

His compensation therefor.

in the collection and assessments, a compensation to be fixed by the council of not exceeding five per centum on the amount duly collected and accounted for. He shall

Money in his hands to be paid over to the treasurer

pay over any money in his hands belonging to the town, to the treasurer at such times and under such regulations as the council may prescribe.

Motion against sergeant.

36. If the sergeant shall fail to collect, account for, and pay over all or any of the moneys with which he may be chargeable, belonging to said town, according to the conditions of his bond and the orders of the council, it shall be lawful for the council to recover the same by motion, in the corporate name of the town in the Circuit Court of the county aforesaid, or where the sum does not exceed one hundred dollars, before a Justice of the county or township

in which the same is situated, against the sergeant and his sureties or any or either of them, or his or their executors or administrators, on giving ten days notice of such motion.

37. The mayor shall be the chief executive officer of said 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 said county or other place of imprisonment in said corporation, if there be one, until the fine or penalty and costs shall be paid; but the term of imprisonment in such case shall exceed thirty days. He shall from time to time, recommend to the council such measures as he may deem needful for the welfare of the town. And he shall charge such fees as may be fixed by the council, and the council may allow him a salary, and fix the amount thereof, which shall not be increased or diminished during the term of service for which he shall have been elected.

Mayor, his powers and duties.

38. In the absence from said town, or sickness of the Mayor, or during any vacancy in the office of Mayor, the Mayor pro tem shall perform all the duties of the Mayor and be vested with all his powers.

Mayor pro tem.

39. The town Clerk shall keep a journal of the proceedings of the council, and discharge such other duties as the council may prescribe, and shall have charge of and preserve the records of said town.

Town Clerk, his duties.

40. It shall be the duty of the assessor to make an assessment of the property within the town subject to taxation, substantially in the manner and form in which assessments are made by the assessor of the county, and to return the same to the council on or before the first day of May in each year, and for this purpose he shall have all the powers conferred by law on county assessors. He shall list the number of dogs in the town and the names of the persons owning the same, where required by the council so to do, which

Assessor, his duties.

list he shall return to the council with his assessment of property made in the same year.

- Monies of the town to be paid to treasurer. 41. All monies belonging to the said town shall be paid over to the treasurer, who shall not pay the same out except upon the order of the council, certified by the clerk and countersigned by the mayor.
- Motion against treasurer. 42. If the treasurer shall fail to pay over all or any monies that shall come into his hands, belonging to said town, when thereto required by the council, it shall be lawful for the council to recover the same upon motion, in the corporate name of the said town, in the circuit court of said county of Tyler, or where the sum does not exceed one hundred dollars, before a justice of the township in which said town is situated, against the treasurer and his sureties or any or either of them, or his or their legal representatives, after ten days previous notice has been given of such motion.
- Expenses of persons committed to jail how paid. 43. The expense of maintaining any person committed to the county jail by the mayor, shall be paid by the town.
- Residents not required to work outside roads, nor to be taxed therefor. Supervisors, no jurisdiction over roads. 44. The legal residents of said town shall not be required to work on the roads outside of the corporate limits thereof, and no taxes or levies shall henceforth be assessed upon or collected from the taxable persons or property, within the corporate limits of said town, for the construction and repair of roads outside of said corporate limits, and the board of supervisors of said county, shall not have or exercise any jurisdiction within said corporate limits, in relation to the roads, streets, or alleys.
- Repair of streets. 45. The said town shall proceed without unreasonable delay to put its streets, alleys, walks and gutters in good repair, and shall after that is accomplished, keep the same in that condition.
- Charter, how forfeited. 46. When the said town shall for one year, fail to comply with the requirements of the preceding section, it shall forfeit all the rights and privileges enumerated in this act.
- Acts repealed. 47. All acts heretofore passed, chartering, or amending the charter of said town are hereby repealed.

CHAPTER 8.—An ACT to amend and re-enact Section 11, Chapter 103, of the Acts of the Legislature of West Virginia, passed March 3rd, 1870.

Passed February 3, 1871.

Be it enacted by the Legislature of West Virginia :

“It shall be the duty of said road surveyors to expose all the county roads, one section at a time, at public sale, to the lowest and best bidder, commencing on the first Saturday in April, eighteen hundred and seventy-one, and to continue from day to day, if necessary, until all are sold, and every three years thereafter, commencing on the first Saturday in April, and continuing, as aforesaid, until all are sold; of which sales at least ten days notice shall be given by not less than ten handbills posted in the most public places in the township: Provided, that any person purchasing a contract or contracts at any sale herein provided for shall give bond, with freehold security, to be approved by said surveyors, in a sum to be fixed by said surveyors, for the performance of every contract so purchased.”

Road Surveyors, their duty.

Sections to be offered at public sale.

Notice of sales.

Purchaser of contract to give bond.

CHAPTER 9.—An ACT to amend and re-enact Sections one, two and three of Chapter nine, of the Code of West Virginia, in relation to oaths of office.

Passed February 3, 1871.

Be it enacted by the Legislature of West Virginia :

Sections one, two and three of Chapter nine, of the Code of West Virginia, are hereby amended and re-enacted so as to read as follows :

“1. Every person elected or appointed to any office or trust, civil or military, shall, before proceeding to exercise the authority, or discharge the duties of the same, take the following oath : I, A. B., do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of West Virginia.”

Oaths of office.

“2. He shall also, at the same time, take an oath that he will faithfully and impartially perform the duties of his office to the best of his skill and judgment.”

Oaths of officers.

3. The first Section shall not apply to the case of a person residing in another State or country who is appointed a commissioner by the Governor, or designated, pursuant to law, for any office, agency, or service, to be performed out of this State.

To what officers first section does not apply.

CHAPTER 10.—An ACT to amend the Charter and extend and prescribe the limits of the City of Wheeling.

Passed February 3, 1871.

Be it enacted by the Legislature of West Virginia :

Corporate
limits.

1. The corporate limits and boundaries of the city of Wheeling, in the county of Ohio, shall be as follows: Beginning on the east side of the Ohio River, at the Northeast corner of the Johnathan Zane survey, in Washington township, Ohio county, now corner of lands belonging to the estate of Hugh Nicholas, dec'd, and the Wheeling Iron Works Company; thence with the original Zane line called S. 27 East to the ash corner of the Steinrod survey, near Coal Run; thence down Coal Run to Wheeling Creek, and thence up said Creek to the mouth of Stack Yard Hollow; thence in a direct line Southward to a double Locust corner on the top of the hill in the line between the Steinrod and Reily estates; thence in a direct line Southwardly to the mouth of George's Branch, in Caldwell's Run; thence South to the Ohio and Marshall county line, and with the same Westwardly to the Ohio and Marshall county stone, near the river bank; thence crossing the Ohio River, by a due West course, to the line between the States of West Virginia and Ohio, and with said line Northwardly to the North side of Hanover street, in the town of Martinsville, or Martin's Ferry, Belmont county, Ohio; thence in a direct line and crossing the river to the place of beginning.

Powers, duties and obligations of the municipal authorities.

2. The powers, 'duties and obligations of the municipal authorities of said city shall be and remain as prescribed by the laws now in force, in relation thereto, and shall hereafter extend to and be exercised within the boundaries specified in Section one of this Act, except when inconsistent with this Act.

The rights and property of South Wheeling vested in the city of Wheeling

3. The money, taxes, real estate, rights in action, demands, and property of whatever nature, and the papers, documents and records belonging to the said town of South Wheeling are hereby transferred to and vested in the city of Wheeling, as its successor, as fully and effectually as as they now do in said town.

Eighth ward established.

4. Until otherwise provided, all that part of the territory described in the first Section of this Act, which lies within the Township of Ritchie, shall be a separate ward, and shall be styled the eighth ward, in which an election shall be held on the first Monday in April next, at such places therein as the Mayor of said city shall designate, and in the manner prescribed by the laws and ordinances of the city for similar elections. At the said time and place there shall be elected by the qualified voters of said Township of Ritchie, residing within said ward, two (2) citizens thereof

First election therein.

Officers elected.

to be members of the first branch, and four (4) citizens thereof to be members of the second branch of the city council, who shall serve until the next succeeding election in said city for municipal officers, and until their successors are elected and qualified: ^{Terms of office.} Provided, however, that the candidate receiving the highest number of votes, for the first branch, shall serve for an additional term of two (2) years.

5. It shall be the duty of the city council, at its first regular meeting after the passage of this act, or as soon thereafter as practicable, to attach the remaining part of the said territory, not within the present wards of said city, to such of the adjoining wards as the council may deem proper, and before the first day of January, one thousand eight hundred seventy-three, the council shall re-apportion the representation amongst the several wards, in the manner provided by law: ^{Duty of the city council under this act.} Provided, the whole number of members of the second branch shall not exceed thirty (30) and, Provided further, that nothing herein shall be construed to limit or restrict the power of the council to re-district said city, or change the lines of any ward thereof, as now provided by law.

6. All Acts inconsistent with this Act, are hereby re-^{Acts repeal-}pealed._{ed.}

CHAPTER 11.—An ACT to legalize marriages heretofore celebrated between first cousins, and to exempt the parties thereto from the penalties incurred by reason of such marriages.

Passed February 6, 1871.

Be it enacted by the Legislature of West Virginia:

That marriages heretofore celebrated between first cousins shall not, on that account, be deemed invalid, and the parties to such marriages are exempted from the penalties imposed by Section three of Chapter one hundred and forty-nine, of the Code of this State. ^{Marriages legalized.}

CHAPTER 12.—An ACT to alter a part of the division line between the Counties of Tucker and Barbour.

Passed February 7, 1871.

Be it enacted by the Legislature of West Virginia:

1. The division line between the counties of Tucker and Barbour is hereby altered so as to annex so much of the county of Barbour as lies upon the head waters of the Brushy Fork of Teter's Creek, and east of the main western range of the Laurel Hill mountain, by way of the Pinacle ^{Division line between the counties of Tucker and Barbour.}

and the Ore Bank Hill, crossing the said Brushy Fork at the Narrows to the said county of Tucker.

County surveyors of Tucker and Barbour, their duties.

2. The county surveyor of Tucker and the county surveyor of Barbour, shall run and make the new line above described, and make three fair plats thereof, which they shall certify and forward one each to the Recorders of the county of Tucker and of the county of Barbour, and one to the Secretary of State, who shall file and carefully preserve the same in their respective offices.

Account of said surveyors, how audited.

3. The accounts of the said surveyors for fees and expenses incurred under the provisions of this Act, shall be audited by the Board of Supervisors of Tucker county, and paid out of the Treasury of said county.

CHAPTER 13.—An ACT to authorize the Trustee of the Kate Barclay Lodge No. 71, I. O. O. F., to convey its property.

Passed February 7, 1871.

Be it enacted by the Legislature of West Virginia :

Authority to sell real estate and other property and to execute the necessary deeds.

1. That James McKinney, of the town of Harrisville, county of Ritchie, a surviving trustee of Kate Barclay Lodge No. 71, I. O. O. F., now residing in said county, is hereby authorized and empowered to make and execute such necessary deeds as shall be required to convey the real estate or other property of said Kate Barclay Lodge No. 71, I. O. O. F., to the trustees or other successors of Kate Barclay Lodge No. 51, I. O. O. F., of Cairo, in said county of Ritchie.

Such deeds to be valid and binding.

2. And that such deeds or other papers as shall be required to carry into effect the provisions of the foregoing Section, shall be as valid and binding as if the same were executed by all the late trustees of said defunct Lodge No. 71, I. O. O. F.

CHAPTER 14.—An ACT fixing the times of the commencement of the terms of the Circuit Courts of the First Judicial Circuit.

Passed February 7, 1871.

Be it enacted by the Legislature of West Virginia :

Terms of courts in

The terms of the Circuit Court of the counties comprising the first Judicial Circuit, instead of as heretofore prescribed, shall hereafter commence as follows :

Ohio,

For the county of Ohio, on the first Monday in March and the third Mondays of June and October.

Hancock,

For the county of Hancock, on the second Mondays of April and September and the fourth Monday of November

For the county of Brooke, on the third Mondays of April Brooke, and September and the first Monday of December.

For the county of Marshall, on the first Monday of May Marshall. and October and the second Monday of December.

CHAPTER 15.—An ACT authorizing the Board of Education of Graham Township, Mason county, to lease a portion of a certain School building.

Passed February 8, 1871.

Be it enacted by the Legislature of West Virginia :

That the Board of Education of Graham Township, Mason county, be, and are hereby authorized and empowered to lease unto New Haven Lodge No. 35, Independent Order of Odd Fellows, the third story of their school building in District No. 2, for the term of ninety-nine years, with the right to renew at the end of that time.

Authority to lease a portion of a certain school building.

CHAPTER 16.—An ACT to incorporate the Big Cacapon Lumber and Boom Company.

Passed February 8, 1871.

Be it enacted by the Legislature of West Virginia :

1. That T. B. Davis, W. R. Davis and H. G. Davis, and their associates and successors be and are hereby constituted a body corporate by the name and style of Big Cacapon Lumber and Boom Company, subject to Chapters fifty-two and fifty-three of the Code of West Virginia, and to such additional powers and privileges as may be granted, and to such additional restrictions as may be imposed by this Act.

Corporators.

Incorporation.

Powers of company.

2. The capital stock of said company shall not be less than twenty thousand dollars, to be divided into shares of one hundred dollars each, and at any time hereafter be increased by the vote of the stockholders, to an amount not exceeding six hundred thousand dollars; and for the purpose of obtaining subscriptions to the said capital stock, or so much thereof as may be necessary for the purposes of said corporation, books shall be opened under the direction of the persons named in the first Section of this Act, at such times and places as the persons who act in that capacity may deem expedient.

Capital stock

Shares.

Increase of stock.

Subscription books.

3. The affairs of the corporation shall be managed by the persons named in the first Section of this Act, who are hereby constituted directors, until other directors shall be elected, as hereinafter provided; and in case of the decease of one or more of said persons, or their refusal to act as directors, the remaining person, or persons, shall have power of electing other directors, for the time being, in their stead.

Directors.

Privilege of constructing boom on the Big Cacapon river. 4. The corporation shall have the exclusive privilege of constructing and maintaining a substantial boom or booms, with or without piers, across Big Cacapon river, for the purpose of stopping and securing boats, rafts, saw-logs, and other timber of value; and may erect shear booms on said river; and may dredge and clear the channel of said river, and the main branches thereof; and may remove obstructions therefrom; and may build saw-mills and manufacture and sell lumber, and construct tram railways, subject to the provisions of the Code.

Authority to deal in lumber and construct tram railways. 5. The said corporation are authorized and empowered to purchase and hold lands; to sell and convey real estate, and to engage in mining and manufacturing; and to erect and maintain wharves on Big Cacapon river, subject to the provisions of the Code concerning places of deposit, sale and shipment.

Rates of toll and boomage. 6. The said corporation may, by reason of its compliance with this Act, charge and collect toll or boomage not to exceed two dollars per thousand feet, board measure, for all square timber, saw-logs, boards, plank and other timber that may be floated, rafted or drifted into said boom, and stopped and retained by said boom, or by any logs or other timber in said boom, at any point or place. The said corporation shall have a lien on all saw-logs and other timber and lumber thus boomed, for payment of all tolls or boomage, and other expenses, until the same shall be paid.

Lien for toll and boomage. 7. That if any timber shall have been boomed securely, as aforesaid, and no person should appear to claim the same and pay the tolls thereon, within five days, it shall be lawful for the corporation, after advertising the same for two weeks in some newspaper published in the county of Morgan, or by posting the same for two weeks in three public places in the county of Morgan, with marks thereon, to sell said timber to the best advantage; if said owner appear to claim the same, and at any time within a year from said sale, the owner shall be entitled to receive the proceeds thereof, after deducting the taxes, expenses, and necessary charges; but if not claimed within one year the proceeds shall inure to and be vested in said corporation for their own use.

How proceeds disposed of. 8. That if any person or persons shall wilfully and maliciously injure or destroy any of said booms, or piers, or other works connected therewith, or shall remove, alter or deface any mark or marks on any logs or other timber intended for said boom, he shall pay treble damages, to be recovered by an action of trespass, brought in the name of said corporation, before a justice of any of the courts in the county in which he or they shall reside, or in the county in

Penalty for injuring company's works or defacing marks on logs.

which the offense was committed; and said person or persons so offending may also be subject to an indictment in the Circuit Court for the county where the offense was committed, and upon conviction thereof may be punished by fine and imprisonment, in the discretion of the court. Punishment for injury to company's works.

9. That all timber other than that belonging to said company in said boom, shall be measured and its quantity ascertained by some competent person or persons, to be appointed by the company. Measurement of timber.

10. That should any boards, logs, or other timber belonging to the said corporation be carried by the winds, by the force of the current, or otherwise, into any bays, creeks, coves, or upon the shore, or upon any bar or flat lands, it shall be a penal offense for any person or persons, except the owners thereof, to take possession of, sell or convert to his or their own use said logs or timber—punishable as provided in the seventh Section of this Act. The corporation shall not be liable to any loss or damage that may be caused by fire or flood, or by the lawful acts of any person or persons not in their employ. Whenever the words "logs" or "timber" occur in this act they shall be taken to mean logs and timber of every kind and description, manufactured or unmanufactured. Penalty for converting timbers carried away by winds or water.
Liability of the company for damages.
Meaning of the words "logs" or "timber."

11. The right is reserved to the Legislature to alter or amend this Act; but such alteration or amendment shall not affect the rights of creditors, or impair the vested rights of the corporators. Act may be amended.

CHAPTER 17.—AN ACT enabling Jerome Shelton to qualify as Prosecuting Attorney of Lincoln county.

Passed February 8, 1871.

WHEREAS, Jerome Shelton, of the county of Lincoln, was duly elected to the office of Prosecuting Attorney of the said county, at the general election held therein on the 27th day of October, 1870 Preamble.

And whereas, at the time of the said election, the said Shelton was a registered voter of the said county, but it being represented that he cannot take the oath known as the test oath, prescribed by Section One, Chapter Nine of the Code of West Virginia; therefore,

Be it enacted by the Legislature of West Virginia:

That the said Jerome Shelton, for the reasons stated in the preamble to this act, be, and he is hereby authorized and permitted to qualify as Prosecuting Attorney of the said county of Lincoln for the term of two years, to date from the first day of January, 1871, before the Circuit Court of the said county of Lincoln, at the next term thereof, or ty. Authority for Jerome Shelton to qualify as Prosecuting Attorney of Lincoln county.

Oath of office. at any time previous thereto, before the Judge of said court, in vacation, upon his taking an oath to support the Constitution of the United States, and the Constitution of this State, and the oath prescribed by Section Two of Chapter Nine of the Code of West Virginia.

CHAPTER 18.—AN ACT to incorporate the Wirt County Boom and Lumber Company.

Passed February 10, 1871.

Be it enacted by the Legislature of West Virginia:

Corporators. 1. That William McCoy, D. H. Leonard, Okey Johnston and C. T. Caldwell, and their associates and successors, be, and are hereby constituted a body corporate by the name and style of "Wirt County Boom and Lumber Company," subject to Chapter fifty-two and fifty-three of the Code of West Virginia, and to such additional powers and privileges as may be granted, and such additional restrictions as may be imposed by this act.

Incorporation.

Powers and privileges of Company.

Capital stock Shares. 2. The capital stock of said company shall not be less than ninety thousand dollars, to be divided into shares of one hundred dollars each, and may at any time hereafter be increased by the vote of the stockholders to an amount of not exceeding six hundred thousand dollars, and for the purpose of obtaining subscriptions to the said capital stock, or so much thereof as may be necessary for the lawful purposes of said corporation, books shall be opened under the direction of the persons named in the first section of this act, at such times and places as the persons who act in that capacity may deem expedient.

Increase of stock.

Subscription books.

Pri vilege of constructing booms on Reedy Creek and Spring Creek. 3. The said corporation shall have the exclusive privilege of constructing and maintaining a substantial boom, or booms, with or without piers, across Reedy Creek and Spring Creek, in Wirt county, at, or within five poles of the mouth of such creeks, also, across the West Fork of the Little Kanawha river, at or within five miles of the mouth of the said West Fork, for the purpose of stopping and securing boats, rafts, saw-logs, staves, and other lumber of value, and may erect shear booms on such streams, and may dredge and clear the channel of each of said streams, and the main branches thereof, remove obstruction therefrom, and may build saw mills and manufacture and sell lumber, and construct tram railways, subject to the provisions of the Code.

Authority to deal in lumber; can construct tram railways.

Authority to hold lands and erect wharves. 4. That said corporation are authorized and empowered to purchase and hold lands, to sell and convey real estate, and to engage in mining and manufacturing, and to erect and maintain wharves on such streams subject to the pro-

visions of the Code concerning places of deposit, sale and shipment.

5. The said corporation by reason of its compliance with Rates of toll and boomage at the rate of one dollar and fifty cents per thousand feet, board measure, for all square timber, saw-logs or boards, plank and other timber, that may be floated, rafted or drifted into said boom or booms and stopped and retained by said boom or booms, or by any logs or other timber in at any point or place in said streams, or either of them. The said corporation shall have a lien on all saw-logs and other timber, and thus boomed, for the payment of all toll or boomage and other expenses, until the same shall be paid.

6. That if any timber shall have been boomed securely as aforesaid, and no person shall appear to claim the same and pay the tolls thereon within five days, it shall be lawful for the corporation, after advertising the same for two weeks in some newspaper published in Wirt county, or by posting the same for two weeks at three public places in said county, with marks thereon, to sell said timber to the best advantage, if no owner appear to claim the same, and at any time within six months from said sale the owner shall be entitled to receive the proceeds thereof, after deducting the taxes, expenses, tolls, and necessary charges, but if not claimed within said six months, the proceeds shall inure to and be vested in said corporation for their own use.

7. That if any person or persons shall willfully and maliciously injure or destroy any of said booms, piers, or other works connected therewith, or shall remove, alter, or deface any mark or marks on any logs or other timber intended for said boom or booms, he shall pay treble damages to be recovered by an action of trespass brought in the name of said corporation, before a justice, or any of courts of the county in which he or they shall reside, or in the county in which the offense was committed, and upon conviction thereof, may be punished by fine and imprisonment, in the discretion of the court.

8. That all timber in said boom shall be counted and measured, and its quantity ascertained by some competent person or persons to be appointed by the company, and confirmed by the Circuit Court of Wirt county.

9. That should any boards, logs, or other timber belonging to said corporation be carried by the wind, force of the current, or otherwise, into any bays, creeks, coves, or upon the shore or any flat lands, it shall be a penal offense for any person or persons except the owners thereof to take possession of, sell, or convert to his or their own use such

Liability of company for damages. logs or timber, punishable as provided in the seventh section of this act. The corporation shall not be liable for any loss or damages that may be caused by fire, or flood, or by the lawful acts of any person or persons not in their employ.

Meaning of the words "logs" and "timber." 10. When the words logs or timber occur in this act, they shall be taken to mean logs and timber of every kind and description, manufactured, or unmanufactured.

Act may be amended. 11. The right is reserved to the Legislature to alter or amend this act, but such alteration or amendment shall not affect the rights of creditors, or impair the vested rights of the corporation.

CHAPTER 19.—An ACT for the incorporation of the Ellenboro and Harrisville Turnpike Company.

Passed February 10, 1871.

Be it enacted by the Legislature of West Virginia :

Subscription books.
Capital stock
Commissioners to open books. 1. It shall be lawful to open books and receive subscriptions, to be divided in shares of twenty-five dollars each, to constitute a joint capital stock for constructing a plank, gravel or macadamized road from Ellenboro to Harrisville, in Ritchie county, either upon the beds and tracks of the existing public roads or by such other route as the corporation herein provided for may determine. The books may be opened under the direction of A. S. Core, Lewis G. Reitz, James McKinney, Wm. H. Douglass, Wm. H. Pierpoint and C. F. Scott at Harrisville and Ellenboro, at such time or times as a majority of the above named commissioners may appoint, ten days notice thereof having previously been given.

Incorporation.
Style of company.
Privileges of company. 2. Whenever two thousand dollars of the capital stock shall have been subscribed the stockholders and their personal representatives, and those claiming under them shall be incorporated into a company by the name of the Ellenboro and Harrisville Turnpike Company, which shall be a body corporate, governed in all respects by and endowed with all the rights and privileges conferred by the existing laws of this State in reference to such corporations, except as excepted and modified by this act.

Increase of capital stock. 3. The corporators shall have the right to raise their capital stock by subscription of shares to ten thousand dollars, if it shall be necessary so to do to carry out the purposes of this act.

Construction of road controlled by company. 4. The grading and constructing of the road shall be under the control of the company: Provided, it shall be macadamized or graded at least ten feet in width, and its

grade shall not be over five degrees, and the whole road shall not be less than sixteen feet in width. Width and grade of road

5. Whenever the grading of the road is completed a toll gate may be opened on said road, which shall collect such tolls as are allowed by law to be taken or collected on five miles of road, or the company may, at its option, put two gates on said road and collect half tolls, or take at the same rate per mile as is allowed by law. Toll gates and toll.

6. No officer or stockholder of the road, or other person, except the president in person, shall be allowed to pass free of toll. No one to pass free save the president.

7. The tolls so received on the road may be disposed of as the stockholders may lawfully decide. How tolls are to be disposed of.

CHAPTER 20.—An ACT changing the boundaries of the Town of Bethany, in the county of Brooke.

Passed February 10, 1871.

Be it enacted by the Legislature of West Virginia .

The boundaries of the town of Bethany, in the county of Brooke, shall hereafter be as follows : Corporate limits.

1. Beginning at a point where the eastern line of the grounds of Bethany College leave Buffalo Creek ; thence with said line to Pendleton street ; thence with the north line of Pendleton street to Ross street ; thence with the west line of Ross street to Diamond alley ; thence with the north line of Diamond alley, extending to Buffalo ; with Buffalo Creek to the southeast corner of lots belonging to the heirs of Richard Adams, deceased ; thence with the south line of said lots to Church street ; thence with the east line of Church street to Apollo alley ; thence with the south line of Apollo alley to the property of C. L. Loos ; thence with the east line of said property to the southeast corner of the same ; thence along the south line of the same to Buffalo Creek ; thence with Buffalo Creek to the place of beginning.

2. The said town, within the said limits, shall be a body politic and corporate by the name of the town of Bethany, and by that name shall have and exercise the powers conferred by the forty-seventh Chapter of the Code of West Virginia. Town corporation. Corporate powers.

3. The municipal officers of said town shall consist of a Mayor, Recorder and five Councilmen. Municipal authorities.

4. The first election under this Act shall be held on the first Thursday of May, 1871, and annually thereafter on First election

Annual
elections.

said day, at such place and under such regulations as said council may prescribe.

CHAPTER 21.—AN ACT to extend and prescribe the limits of the town of Beverly, and to amend the charter of the town passed January 17th; eighteen hundred and forty-eight.

Passed February 10, 1871.

Be it enacted by the Legislature of West Virginia:

Corporate
limits.

1. The corporate limits and boundaries of the town of Beverly, in the county of Randolph, shall be as follows: Beginning at the abutment of the bridge across File's creek on the west of the Staunton and Parkersburg turnpike, south of Beverly; thence, north 27° east 123 poles with the east line of the tier of lots east of Walnutstreet to a stake the south east corner of Baker's lots; also a corner to George Buckey's lot; thence north 45° east 78 poles to a stake in Parkinson Collet's field standing a north west course thirty-five links from a white oak stump; thence north 45° west 47 poles crossing the Beverly and Fairmont turnpike to a stake in the edge of Collet's meadow; thence with the same bearing of last mentioned pike south 41° west 24 poles to a stake in the line between George Buckey's and the heirs of Eli Kittle, deceased; thence with their division line, north 65° west $34\frac{1}{2}$ poles to a stake in the stone quarry of said Kittle's corner; thence, with another of their lines south 17° west $4\frac{1}{2}$ poles to a spanish oak stump, their corner; thence, with another of their lines, and passing their south west corner, south 27° west 178 poles to the middle of File's creek; thence, up the same with the meanders thereof about 55 poles to the beginning.

Municipal
authorities.

2. The municipal authorities of said town shall be a Mayor, three Councilmen, a Sergeant, Recorder, Treasurer, Assessor, and a Superintendent of roads, streets and alleys, all of whom shall be elected annually by the citizens and owners of real estate in said corporation, (who may be entitled under this act to vote) except the Recorder, Assessor and Treasurer who shall be appointed by the Council from among their own number, and all of whom together shall constitute a common Council, a majority of whom shall constitute a quorum to transact business.

Common
council.

Bonds of
sergeant and
treasurer.

3. The bond of the Sergeant and Treasurer shall be in such penalty not less than three hundred dollars, as the council may prescribe.

Town incor-
porated.

4. The Mayor, Sergeant, Superintendent of roads, streets and alleys, and the 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 Beverly," 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 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 as provided for by the Code of West Virginia, in the 47th Chapter thereof, not inconsistent with this act. Corporate powers.

5. The 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. Terms of office.

6. All the officers of said corporation must be voters therein and entitled to vote for members of its common council. Qualification for office.

7. The first election under this act, shall be held on the first Monday in May, 1871, in the town of Beverly, under the supervision of a Justice, and Inspector of elections of Beverly township, and annually thereafter on the same day under such supervision, rules and regulations as the council may prescribe. The officers conducting the first election shall grant a certificate of election to the persons elected, which certificate shall be recorded in the journal kept by the council. First election.
Annual election.

8. All white male persons residing in said town, or owning real estate therein, and who shall have paid the town taxes, if any assessed against them for the preceding year, 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 the State for one year, and of the said town or owning real estate therein for six months next preceding the day of election, shall be permitted to vote while such disability continues. Who may vote.

9. 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 election shall decide which of said persons shall be returned elected. And all contested elections shall be determined by the council for the time being. And when a vacancy shall occur, the vacancy shall be filled by appointment of the council. Vote by ballot.
Tie votes: how decided.
Contested elections.

10. The Mayor, Recorder, Treasurer, Sergeant, Assessor, Councilmen and Superintendent of roads, streets and alleys, shall each before entering upon their duties, and within ten days after notice of his election, make oath or Oaths of office.

affirmation before an officer authorized to administer oaths, that they will truly, faithfully and impartially discharge the duties of their said office respectively, so long as they continue therein. And if any of these officers shall fail within ten days so to qualify, his office shall be vacant.

Failure to qualify.

Presiding officer of council.

Journal of council.

Yeas and nays.

Casting vote.

11. 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, and a majority of the council shall be necessary to constitute a quorum to do business. The council shall cause to be kept in a well bound book, an accurate account of its proceedings, by-laws, acts and orders, which shall be open to the inspection of the voters of the town. The proceedings of the last meeting shall be read to the council, corrected when necessary, and signed by the person presiding for the time being. Upon a call of any member, the yeas and noes in any question shall be called and recorded in the journal. The Mayor shall vote only in case of a tie, and shall have the casting vote.

Powers of council.

12. The council so constituted shall have power within said town to lay off, open, curb and pave streets, alleys and gutters for the public use, and to alter, improve and to light the same as well as the streets and alleys now open, and to have said streets and alleys kept in good order and free from obstructions on or over them; to regulate the width of the side walks and streets, and to order the side walks, footways and gutters to be curbed, paved and kept in good order, free and clean by the owners of the adjacent property; to lay off public grounds and provide and 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 the 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 land necessary for a cemetery near or convenient to said town, and provide for its improvement and security; to provide for making division fences, and for shade and ornamental trees, and against danger or damage from fires or contagious diseases; shall have power to prevent hogs, and other animals from running at large in said town; to provide a revenue for the town and appropriate the same, and to provide the annual assessment of taxable persons and property of the town; to adopt rules for the government of its own body, to promote the general welfare of the town, and protect and preserve peace and good order therein; to appoint such officers as they may see proper; to define their powers and prescribe their duties, fix their term of service and compensation, re-

quire and take from them bonds with such surety and in such penalty as the council may determine, conditioned for the true and faithful discharge of their duties; all bonds to be made payable to the town in its corporate name; to regulate and provide for weighing and measuring 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. 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 the 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 may have the right to use the jail of said county for the purpose of carrying into effect the administration of its affairs.

Powers of
council.

13. The annual levy ordered by the council may be upon all male persons within said town over the age of twenty-one years, and on all real and personal estate, not exempt from State taxation, and on all other subjects in said town, as may at the time be assessed with State taxes; provided the tax do not exceed fifty cents on every hundred dollars of the value of the real and personal property, and such property embraced in said corporate limits shall be exempt from county levy.

Annual levy

CHAPTER 22.—AN ACT legalizing the transfer of a certain part of the Wheeling and Bethany Turnpike to the Wellsburg and Bethany Turnpike in the County of Brooke.

Passed February 10, 1871.

Be it enacted by the Legislature of West Virginia:

The order of the Board of Supervisors of the county of Brooke, made and entered on the twentieth day of October, eighteen hundred and sixty-six, transferring the interest of the county of Brooke, in the Wheeling and Bethany turnpike, from the junction of the said Wellsburg and Bethany turnpike, to the town of Bethany in said county, is hereby legalized and said transfer made valid.

Order of Su-
pervisors of
Brooke
county le-
galized.

CHAPTER 23.—AN ACT for the relief of Robert Mercer; of Hancock County.

Passed February 10, 1871.

Be it enacted by the Legislature of West Virginia :

Seven dol-
lars and
ninety cents
to be refun-
ded for erro-
neous taxes.

The sum of seven dollars and ninety cents is hereby appropriated for the purpose of refunding to Robert Mercer, of Hancock county, taxes improperly assessed against him on real estate, for the years 1859 to 1868 inclusive, said taxes having been paid by him to the Sheriff during said years.

CHAPTER 24.—AN ACT to amend and re-enact an act entitled "An act to amend the thirty-fifth section of the act passed by the General Assembly of Virginia, March 11th, 1836, entitled 'An act to incorporate the city of Wheeling, in the county of Ohio.'"

Passed February 10, 1871.

Be it enacted by the Legislature of West Virginia :

That section thirty-five of an act of the General Assembly of the State of Virginia, entitled "An Act to incorporate the city of Wheeling, in Ohio county," as amended and re-enacted by the General Assembly of Virginia, passed March the fourth, eighteen hundred and fifty-four, be amended and re-enacted so as to read as follows :

Powers of
council to
grant or re-
fuse licenses.Exemption
of taverns
with stabling
attached.Power to
regulate
manner of
keeping or-
dinaries.

"35. The council shall have exclusive authority within said city to grant or refuse license to the keepers of ordinaries, inns and taverns, houses of public or private entertainment, boarding houses, public eating houses, coffee houses, places at which spirituous liquors shall be sold, places of public amusement, and boarding stables, or keeping and feeding horses, mules and cattle, for a compensation. Provided, however, that this act shall not require persons keeping an inn or tavern, with stabling attached, to pay any additional license to that now required by law. They shall further have authority to regulate the manner in which such houses or places shall be kept, and to levy and collect taxes thereon in addition to any tax which is or shall be payable on the same to the State.

CHAPTER 25.—AN ACT to repeal the act passed March 4th, 1869, entitled "An Act releasing Zebedee Brown, Treasurer of Clay township, in Braxton county, and his sureties, from the payment of certain money."

Passed February 10, 1871.

Be it enacted by the Legislature of West Virginia :

Act repeal-
ed.

That the act passed March 4th, 1869, entitled "An Act releasing Zebedee Brown, treasurer of Clay township, in Braxton county, and his sureties, from the payment of certain money," be, and the same is hereby repealed.

CHAPTER 26.—AN ACT to amend and re-enact the fourth Section of an Act extending the corporate powers and franchises of the Mill Creek Cannel Coal and Oil Company, passed February 23rd, 1869.

Passed February 10, 1871.

Be it enacted by the Legislature of West Virginia :

1. That the fourth section of the act passed February, twenty-third, eighteen hundred and sixty-nine, entitled, "An Act extending the corporate powers and franchises of the Mill Creek Cannel Coal and Oil Company," be, and is hereby amended and re-enacted so as to read as follows :

"4. The said corporation may in like manner and by like proceedings make such sidings, branches, and extensions of said road, not exceeding fifteen miles in length in any direction, as it may deem necessary to the development of their property. The said corporation may take by purchase, devise or gift, land or money for the purpose of building or equipping said road, its sidings, branches and extensions aforesaid. The said corporation and those to whom it may by any transfer or assignment, convey or have conveyed its said property or franchises, shall commence the construction of said road to Elk river or other terminus thereof as aforesaid, within two years from the twenty-third day of February, eighteen hundred and seventy-one, and shall finish it within five years thereafter, otherwise this act shall be void. But said limitation, if said road to Elk river or other terminus thereof, as aforesaid, is finished within said five years, shall not apply to the other provisions of, and privileges granted by this act."

CHAPTER 27.—AN ACT for the Protection of the Cumberland Road.

Passed February 10, 1871.

Be it enacted by the Legislature of West Virginia :

The officers or agents of the Cumberland road may enter upon any convenient lands for the purpose of obtaining therefrom wood, stone, gravel or earth, which may be deemed necessary by them in the repair of said road. But they shall not cut down any fruit trees, or any tree preserved in any field or lot for shade or ornament, or take part of any fence or building ; nor take any of the said things from any lot in any town. Before taking any of the said things, the Superintendent of said road, unless he agree therefor with those having right thereto, shall give to the tenant of the freehold, or his tenant for years, at least ten days notice, in writing, that at a certain time and place, to be specified in the notice, application will be made to a Justice to appoint Commissioners to ascertain what will be a just compensation

Officers may obtain material.

Not to cut down fruit or ornamental trees.

Notice to tenant.

Commissioners to view premises.

Report of commissioners.

Superintendent of road; his duty.

New report.

Penalty for injuring works of the road.

Punishment for injury to works of the road.

Penalty for obstructing passage of road.

for the same. At such time and place, the Justice shall appoint three disinterested freeholders as Commissioners, who after being sworn, shall view the premises, and report, writing the extent to which wood, stone, gravel or earth is proposed to be taken, the nature of the injury which may be done in cutting, quarrying, digging or carrying away the same, and what will be a just compensation therefor. The notice in writing, certificate of the Commissioners having been sworn, and their report shall be forthwith returned to the Clerk's office of the Circuit Court of Ohio county. If good cause be shown against the report, or if the Commissioners cannot agree, or fail to report within a reasonable time, the Justice may, as often as he deems proper, appoint other Commissioners who shall act and report in the manner before prescribed. If the report be confirmed by the Circuit Court of said county, then, upon payment to the person entitled, or into said Court, of the sum so ascertained, the Superintendent of said road may take and carry away the wood, stone, gravel or earth for which such compensation may have been allowed; and though the report may not be confirmed, yet, upon the payment into said court of the sum therein mentioned, the Superintendent of said road may proceed in like manner as if the report had been confirmed, and payment made of the same thereby ascertained. Upon the coming in of a new report, after such payment into court, the court if it affirm the report, shall render judgment against said road for the amount ascertained in said report. From the time of any such judgment against the said road, its rights to cut, quarry, dig, take or carry away, shall be suspended until the said judgment shall be satisfied. And that the road aforesaid shall be four rods in width.

2. And be it further enacted, that if any person shall purposely and maliciously deface or otherwise injure any of the mile stones, parapet walls, culverts or bridges, or any masonry whatever, or any of the gates or toll houses of, or belonging to the said Cumberland road in this State, as the same is now constructed or may hereafter be constructed, every person so offending shall, upon conviction thereof in the Circuit Court of Ohio county, be fined in a sum not exceeding five hundred dollars, or imprisonment in the jail of said county, not exceeding six months, or both, at the discretion of the said court. And if any person shall purposely direct or turn any stream, branch or run of water from its regular course toward or upon said Cumberland road, so as to impair, or in any way injure said road; and if any person shall purposely fill, choke, or otherwise obstruct any of the side drains, valleys, gutters or culverts of said road now made or hereafter to be made, or shall connect any private road or cartway with said Cumberland road, or if any surveyor of any county road shall con-

nect the same with the said Cumberland road, without making at the point of connection, a stone culvert or paved alley, or other good and sufficient fixtures, so as to secure a free passage for the water along such side drain, where such private or county road, or cartway connects with said Cumberland road, and so as to secure such Cumberland road from injury, by reason of such county or private road or cartway being connected with said Cumberland road, every person so offending, shall, upon conviction thereof be for every such offense, fined in a sum not less than five dollars, nor more than twenty dollars; and if any person shall stand his wagon and team, or either of them, over night upon said road, or shall, at any other time, stand a wagon or team, or either of them upon said road for the purpose of feeding, or if he shall, in any other manner, purposely and willfully obstruct the travel upon said road, or if he fast lock, or rough lock either of the wheels of any wagon, coach, or carriage, while traveling upon said road, (excepting, however, such parts of said road as may be at the time of said locking, covered with ice,) every person so offending shall, upon conviction thereof, be fined in a sum not less than two nor more than twenty dollars.

3. And be it further enacted, that all fines, penalties, and forfeitures incurred under the provisions of this act may be recovered by presentment or indictment, in the Circuit Court of Ohio county, or by an action of debt, in the name of the Governor, for the use of said road fund, in the same court; or the said fines, penalties and forfeitures, where the same shall not exceed ten dollars, may be recovered in the name of the Superintendent of said road, by an action of debt, for the use aforesaid, before any Justice of said county.

Fines, penalties and forfeitures : how recovered.

CHAPTER 28.—AN ACT to authorize the Trustees of the Bethel German Baptist Church, in Grant County, to sell and convey the property of said Church.

Passed February 10, 1871.

Be it enacted by the Legislature of West Virginia :

That the Trustees of the Bethel German Baptist Church, in Grant county, are hereby authorized to sell the real estate belonging to the said church, and convey the same to the purchaser.

Authority to sell church property.

CHAPTER 29.—AN ACT for the relief of E. P. Hodges.

Passed February 10, 1871.

Be it enacted by the Legislature of West Virginia :

That the Board of Supervisors of the county of Putnam is hereby authorized to ascertain what amount, if any, is

Authority to
to pay bal-
ance due E.
P. Hodges.

due E. P. Hodges for services rendered as surveyor of roads in his road district, in Curry township, said county, for the years eighteen hundred and sixty-five, eighteen hundred and sixty-six, eighteen hundred and sixty-seven, and eighteen hundred and sixty-eight, and to pay him out of the treasury of said Putnam county, any balance that may be found due him on account of his services as road surveyor aforesaid.

CHAPTER 30.—AN ACT for the relief of Davis Mynes.

Passed February 10, 1871.

Be it enacted by the Legislature of West Virginia :

Authority to
pay money
found due to
Davis Mynes

That the Board of Supervisors of the county of Putnam, is hereby authorized to ascertain what amount, if any, is due Davis Mynes, for services rendered as surveyor of roads of District No. 1, Curry township, said county, for the year 1868, and to pay him out of the treasury of said Putnam county, any balance that may be found due him on account of his services as road surveyor aforesaid.

CHAPTER 31.—AN ACT to provide for selling a part of Church lot in West Liberty, Ohio County.

Passed February 10, 1871.

Be it enacted by the Legislature of West Virginia :

Authority to
sell part of a
church lot.

The Board of Trustees of the Methodist Episcopal Church, in West Liberty, Ohio county, West Virginia, are hereby authorized to sell a part of the lot on which the said church stands, viz: That part lying east of Sprigg's alley, in the north of said town, and convey the same to the purchaser.

CHAPTER 32.—AN ACT to authorize the Trustees of the United Brethren Church, in Doddridge county, to sell and convey the property of said Church.

Passed February 10, 1871.

Be it enacted by the Legislature of West Virginia :

Authority to
sell church
property.

That the Trustees of the United Brethren Church, in Grant township in Doddridge county, are hereby authorized to sell and convey their church property, situated in said township, on the Sistersville and New Salem Turnpike Road.

CHAPTER 33.—AN ACT to amend and re-enact Section 1, and to repeal Section 2, of Chapter 125 of the Code of West Virginia.

Passed February 10, 1871.

Be it enacted by the Legislature of West Virginia :

That Section 1 of Chapter 125 of the Code of West Virginia, be, and is hereby amended and re-enacted so as to read as follows :

1. In the Clerk's office of every Circuit Court rules shall be held on the first Monday in every month, except when a term of the Circuit Court happens to commence on the first Monday in a month, or either of the two following days, or on the preceding Tuesday, Wednesday, Thursday, Friday or Saturday, the rules which otherwise would have been held for the said month on the first Monday, shall be held on the last Monday in the next preceding month. The rules may continue three days ; but when in any case such continuance would interfere with the term of the court for which the rules are held, they shall not continue in such case beyond the day preceding the commencement of the term of such court.

When rules are held, and how long continued.

2. Section two of said Chapter one hundred and twenty-five is hereby repealed.

Section repealed.

CHAPTER 34.—AN ACT to incorporate the town of Fairview in Hancock County.

Passed February 10, 1871.

Be it enacted by the Legislature of West Virginia :

1. The corporate limits of the town of Fairview shall be as follows, to wit : Beginning at the southwest corner of the Methodist Protestant Church grounds, thence so as to include said church grounds to the line of lands of Caleb Gritzinger, thence by the line of said Gritzinger's lands so as to include the same within these corporate limits ; to the lot upon which is erected the dwelling house of Isaac Flowers so as to include said lot in these corporate limits ; thence to the lands of Thomas Moore, and by his lines to the north line of John Mayhew's orchard, so as to include within said corporate limits, the dwelling house and lands of the said Thomas Moore, thence along said north line of John Mayhew's orchard ; thence by said Florence road and the line of lands of John H. Melvine and William Flanegin adjoining the same, so as to include both of said last named lands within said corporate limits to the lands of Jacob D. Frank ; thence by the lines of the last named lands and the out lots of James Melvine adjoining the same, so as to include the two last named lands within said corporate limits, to the out lots of Alexander Morrow adjoining the last named lands,

Corporate limits.

and by the line of the said Morrow's out lots, so as to include the same within the corporate limits; thence by a straight line to the northwest corner of John C. McCown's half acre lot adjoining his stable on the east; thence following the northern boundaries of said half acre lot and the outside boundaries of said McCown's orchard to the Wellsville road so as to include said McCown's residence, half acre lot and orchard within these corporate limits; thence by said Wellsville road to the place of beginning.

Municipal authorities.

2. The municipal authorities of said town shall be a Mayor, five Councilmen, a Sergeant, Recorder, Treasurer and a Superintendent of roads, streets and alleys, all of whom shall be elected annually by the citizens of said corporation, (who may be entitled under this act to vote) except the Treasurer and Recorder, who shall be appointed by the council from among their own number, and all of whom together shall constitute a common Council.

Common council.

Bonds of Sergeant and Treasurer.

3. The bond of the Sergeant and Treasurer shall each be in such penalty, not less than two hundred and fifty dollars, as the council may prescribe.

Town incorporated.

4. The Mayor, Sergeant, Superintendent of roads, streets and alleys, and the 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 Fairview," 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 and other property necessary to enable them the better to discharge their duties and needful for the good order, government and welfare of said corporation.

Corporate powers.

Corporate powers to be exercised by council.

5. All corporate powers of the said town shall be exercised by the said council, or under their authority, except when otherwise provided.

Terms of office.

6. The 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.

Qualification for office.

7. All the officers of the said corporation must be voters therein, and entitled to vote for members of its common council.

First election.

8. The first election under this act shall be held on the first Monday in May, eighteen hundred and seventy-one, at the office of the Clerk of the Circuit Court of Hancock county, in the town of Fairview, under the supervision of a Justice and Inspector of elections of Poe 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 of election to the persons elected, which certificate shall be recorded in the journal kept by the council. Annual election. Certificates of election.

9. All male persons residing in said town, who shall have paid the town taxes, if any assessed against them, for the preceding year, shall be entitled to vote at all elections held in pursuance of this act, but a 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. Who may vote.

10. At all elections the vote shall be given by ballot. Vote by ballot.

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. Tie votes; how decided.

12. All contested elections shall be heard and decided by the council for the time being. Contested elections.

13. Whenever a vacancy shall occur in any office, except that of Treasurer or Recorder, the Sergeant shall order an election to fill said vacancy. Vacancies in office.

14. All 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. And if any of these officers shall fail within ten days, so to qualify, his office shall be vacant. Oaths of office. Failure to qualify.

15. The council shall be presided over at its meeting by the Mayor, or in his absence by one of the councilmen, chosen by a majority of the council. Presiding officer.

16. 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 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 officer 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 or presiding officer shall not vote in common as a member of the Journal of council. Yeas and nays.

Casting vote. council, but in all cases of a tie the Mayor or presiding officer shall have the casting vote.

Powers of council.

17. The council so constituted shall have power within said town to improve the streets; to lay off alleys or walks, and to regulate the width of the same and to keep them in order; to purchase and lay off public grounds, and to erect, provide for and take care of public buildings. And they shall annually make appropriations of such sums of money as may be needed for the proper improvement of the same; 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 the majority of the whole council, shall be a nuisance; to regulate the keeping of gun-powder or other combustibles; to provide against danger or damage from fires or contagious diseases; to provide a revenue for the town, and appropriate the same; to make an annual assessment of the taxable persons and property of the town; to adopt rules for its government and the transaction of business, to appoint a Treasurer and Recorder, 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, conditioned for the full discharge and faithful performance of their duties, (all bonds to be payable to the town); to regulate and provide for the weighing of hay, coal, and live stock, sold by weight in said town; to give an additional license, and to require a tax where a previous tax has been granted by the State or county authorities only, for the sale of intoxicating drinks, or to prohibit the sale of the same in the town, and for the carrying on of any other business, 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 fines and penalties not exceeding the payment of ten dollars, or imprisonment for ten days, under judgment and order of the Mayor, or in his absence or inability, of the person lawfully exercising his functions. The Council with the consent of the Board of Supervisors of Hancock county, entered of record, may use the jail of said county for its purposes.

Annual levy

18. The annual levy ordered by the council may be upon the tax list made by the proper officers for taxation for State and county purposes, provided, that the amount levied in any year shall not exceed thirty cents on each hundred dollars of the valuation of such property, for State and county purposes, and twenty-five cents on each male person over twenty-one years of age.

19. The Sergeant shall collect the town taxes, fines and levies, and licenses, and after ten days from the time of ascertaining and receiving the assessment made by order of the council, may distrain and levy therefor in like manner as the Sheriff may do 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 lawfully 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.

Sergeant, his powers, duties and compensation.

20. 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. He shall be ex-officio a conservator and justice of the peace, within the corporation, and as such shall exercise the powers and duties therein, and matters pertaining to the corporation; but shall have no jurisdiction whatever in civil cases; but for offenses committed against the corporate laws, he shall have power to impose reasonable fines, penalties and costs, and in default of such payment, he may commit in default to the jail of Hancock county, until the fine and costs be paid; provided the term of imprisonment shall not exceed ten days, nor shall any fine be imposed exceeding ten dollars.

Mayor, his powers and duties.

21. 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 Hancock county, on account therefor against them and their sureties, respectively, or any or either of them, or their heirs or legal representatives.

Treasurer.

Motion against Treasurer.

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

Exemption from road tax.

23. When four of the newly elected members shall have been duly qualified, they shall enter upon the duties of their said offices and supercede the former council.

When new Council take office.

- Licenses.** 24. 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 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. The council may also 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.**
- Compensation of Superintendent of streets.** 25. The Superintendent of roads, streets and alleys 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.
- Lands not to be taken for streets, except upon payment of damages.** 26. No new street, alley or foot path (not heretofore provided by survey) shall be laid off on, or opened through any lands within the corporate limits of the said town, unless the owners of said lands be first duly compensated by assessment and payment of proper damages.
- Incorporation to be void on failure to carry out charter.** 27. 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 other way to carry out the provisions of this act, then this act 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.
- Act may be amended.** 28. This act shall at all times be subject to modification or repeal at the pleasure of the Legislature.

CHAPTER 35.—An ACT changing the boundary lines of the Morgantown Independent School District.

Passed February 13, 1871.

Be it enacted by the Legislature of West Virginia:

Boundary lines.

The boundary line of the Morgantown Independent School District is hereby changed so as to include all the territory embraced within the following lines, viz: Beginning at the bridge below the Paper Mill on Decker's Creek; thence running up the road to the "Hog Back," thence east to Decker's Creek, and with the meanders of the same to a corner of lands owned by J. L. Simpson and A. L. Wade; thence with the line of said Simpson and Wade in a southern direction to said Simpson's corner; thence same course continued through said Wade's lands to line of lands owned by P. W. Harner; thence with said Harner's line, and line of C. B. Watts, to the present line of said School District.

CHAPTER 36.—An ACT to amend an Act entitled an Act to re-enact the Charter of the Town of Mannington, in the county of Marion.

Passed February 13, 1871.

Be it enacted by the Legislature of West Virginia :

The charter of the town of Mannington, in the county of Marion, is hereby amended and re-enacted to read as follows :

1. The corporate limits and bounds of the town of Man-^{Corporate} nington shall be as follows : Beginning at a stake in a line^{limits.} of Jeremiah Beatty's ; thence north $16\frac{1}{2}$ and east 56 poles to a stake ; north 36 and west 47 poles to a white oak ; north north 37 and west 78 poles to a stake ; south $10\frac{1}{2}$ and west 37 poles to an apple tree ; south 72 and west $10\frac{1}{2}$ poles to a stake ; south $14\frac{1}{2}$ east 56 poles to a beach tree ; south 43 east 14 poles to a stake , north 62 and east $22\frac{1}{2}$ poles to a small white oak tree above J. B. Nay's mill ; south 38 and east 41 poles to a linn tree ; south 35 and east 72 poles to a sugar tree on the east bank of Buffalo Creek ; thence north 34 and east 32 poles to a rock in the road ; north 34 and east 34 to a gum tree or a point ; thence north 30 and east 20 poles to the place of beginning.
2. The municipal authorities of said town shall be a^{Municipal} Mayor and five Councilmen, who shall together form a com-^{authorities} mon council, one of which shall be elected by the board of council to act as Alderman, whose duty shall be to act as Mayor in his absence.
3. The Mayor and Councilmen, so soon as they have been^{Town incor-} elected and qualified, as hereinafter provided, shall be a^{porate-d.} body politic and corporate by the name of "the town of Mannington," and shall have perpetual succession and a common seal ; and by that name shall sue and be sued, implead^{Corporate} and be impleaded ; may purchase and hold real estate nec-^{powers.} essary to enable them the better to discharge their duties and needful for the order and government of said town.
4. All corporate powers of said corporation shall be ex-^{Corporate} ercised by the said council or under their authority, except^{powers to be} when otherwise provided.^{exercised by}
council
5. There shall be a town clerk, and a sergeant, and a^{Officers to be} commissioner of the revenue appointed by the council, to^{appointed.} continue in office at its pleasure and perform the duties respectively, as hereinafter prescribed, or as may be required by the council.
6. The duties of the office of clerk and commissioner of^{Same person} the revenue may be discharged by the same person, or^{may act as} toherwise, as the council may from time to time determine.^{clerk & com-}
missioner.

- Annual election** 7. The qualified voters of said town shall annually on the first Monday in April, elect a Mayor and five councilmen, to hold their offices one year thereafter, and until their successors are elected and qualified. The vacancies in said board of councilmen shall be filled by said board; in case of resignation, removal or death of the Mayor, the said council shall have power to appoint to fill out the unexpired term. The first election under this act shall be holden at the office of the old council, and conducted by E. C. Snodgrass, N. S. Beatty and Wm. Hall, and annually thereafter by three persons who are freeholders, selected by the council.
- Term of office.**
- Vacancies; how filled.**
- First election.**
- Who may vote.** 8. All persons resident in said town and entitled to vote for county and township officers shall be entitled to vote for Mayor and councilmen.
- Elections; how held. Contested elections.** 9. All elections shall be held in the same manner as prescribed by law for State and county officers; all contested elections shall be heard and determined by the council and their decision shall be final.
- Oaths of office.** 10. The Mayor, Councilmen, Sergeant 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 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 in office. The oaths may severally be administered by a justice of the peace or the mayor. Certificates of the said oaths or affirmations shall be recorded in the proceedings of the journal of the council.
- Failure to qualify.** 11. If any one elected as aforesaid refuses to take the oath within ten days, the said office shall be declared vacant and the vacancy filled as heretofore provided.
- Presiding officer of council.** 12. The council shall be presided over at its meetings by the Mayor, and in his absence by the Alderman, and in the absence of both by the Clerk; the majority of the council shall be necessary to constitute a quorum to do business.
- Journal of council.** 13. The council shall cause to be kept in a journal an accurate record of all its proceedings, which shall be fully indexed and opened to the inspection of the voters of the town. The proceedings of the last meeting shall be read to the council and corrected when necessary, and signed by the person presiding. 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 mem-
- Yeas and nays.**

ber of the council, in a case of a tie shall have the casting Casting vote.
vote.

14. The council so constituted shall have power within Powers of council.
said town to open, curb and pave streets, alleys, walks and gutters for the public use; improve and light the same, and have them kept in good order and free from obstructions on or over them; to regulate the width of side-walks, and to order the side-walks, foot-ways and gutters to be curbed, paved and kept in good order, free and clean by the owners or occupants of the adjacent property; 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 council, shall be a nuisance; to regulate the keeping of all combustible matter; to provide for the burial of the dead, and for this purpose may purchase and hold necessary land for a cemetery convenient to said town, and provide for its improvement, and security; to provide for shade and ornamental trees, and against danger or damage from fires or contagious disease, and to provide a revenue for the town, and appropriate the same, and provide the annual assessment of persons and property of the town, and to adopt rules for the transaction of business, and the government and regulations of its own body; to promote 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 when deemed necessary; to appoint such officers as they may deem proper, including a Sergeant, and Commissioner of the Revenue; to define their powers, prescribe their duties, fix their term of office, and compensation, require and take from them bonds with such surety and such penalty as the council may determine, conditioned for the faithful performance of their duties, and remove them at pleasure, all bonds to be made payable to the town by its corporate name; and to regulate and provide for weighing and measuring of hay and other articles sold or for sale in said town, 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. Provided, however, that nothing in this act shall be construed to interfere with the turnpike companies or the county owning roads leading to and through the corporation; and further that nothing in this act shall be construed as to require the corporation of the town of Mannington to build or keep in repair any bridge or bridges within said corporation owned by any turnpike company, or the county, but the Mayor may make such regulations with said companies, or the county, respecting their roads within the corporation as to him may seem proper, and the officers of the town in the preservation of law and order shall share jurisdiction over said roads and bridges within said corporation.

Powers of
Council.

15. To carry into effect these enumerated powers, and all others conferred upon said town or its council, expressly or by implication in this or any other act of the Legislature, the council shall have power to draft and enforce all needful orders, by-laws and ordinances, not contrary to the Constitutional laws of this State, and to prescribe, impose and enforce reasonable fines and penalties, including imprisonment, not exceeding thirty days; under the judgment and order of the Mayor of the said town.

Annual levy

16. The annual levy ordered by the council may be upon male persons within said corporation over 18 years of age, dogs, hogs, and other animals, and all real estate within said corporation, which is not exempted from State taxation, and all such other subjects in said corporation, as may at the time be assessed with State taxes, provided that the tax do not exceed sixty cents on every one hundred dollars of value of real and personal property, or two dollars per head on each taxable person; and provided further, that the tan yard buildings, stock and machinery of F. H. Burt & Son, shall not be taxed for any year more than the rate of the township tax with which they would have been chargeable if the said property had remained without the corporation.

Licenses.

17. When any thing for which a State license is required is to be done within the said corporation the council may require a town license for doing the same, and may impose a tax thereon for the use of the corporation, 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.

Sergeant, his
powers, duties
and compensation.

18. The Sergeant shall collect the corporation tax, fines, levies and licenses, and within sixty days from the time he may receive the books of the commissioner of the revenue of said town, may restrain and sue therefor in like manner as a Sheriff may for State taxes, and shall 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 corporation 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, and for any failure or dereliction in said office, to be recovered in the same manner and before the same tribunal that the same is now recovered against Constables.

Lien on real
estate for
taxes.

19. 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 their arrears with interest thereon with per centum as the council may prescribe for charges and expenses thereof, and may regulate the terms upon and time in which same may be redeemed; no such sale or renting shall be ordered until such realty shall be returned delinquent, and the sale shall be after 20 days notice at the Court House door, and the post office in said corporation.

20. 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 in the corporation, 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 the control of the police of the corporation, may appoint special police officers, shall see that peace and good order are preserved; shall have power to issue execution for all fines and cost 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, or to such a place of imprisonment as may be provided for in said corporation until the fine and cost be paid, but the term of imprisonment shall not exceed thirty days. He shall from time to time recommend to the council such measures as he may deem needful for the welfare of the town, and shall receive a compensation for his services, to be fixed by the council; shall also receive all monies belonging to the said corporation, and disburse the same from time to time by order of the council, and countersigned by the Clerk, and not otherwise; for the performance of said duty he shall give bond and security in such sum as the council may direct.

Mayor, his powers and duties.

21. All monies belonging to said corporation shall be paid over to the Mayor, and for any default upon the part of the Mayor or Sergeant, the council in the corporate name of said corporation, may on motion, after 10 days notice, obtain judgment before the Circuit Court of the county, on account thereof against them, and their sureties, respectively, or any or either of them, or their heirs or legal representatives.

Monies; to whom paid.

Motion against Mayor or Sergeant.

22. The Clerk shall keep a journal of the proceedings of the council, and have charge of, and preserve the records of the corporation, and shall receive a compensation for his services, to be fixed by the council.

Clerk; his duties and compensation.

23. The said corporation and taxable persons and property therein shall be exempt from all expenses or liability

Exemption from road tax.

for the construction or repair of roads or bridges outside of the corporate limits of said corporation.

Rights, privileges and properties continued.

24. All rights and privileges and properties of the said corporation heretofore acquired and possessed, owned and enjoyed by any act now in force, shall continue and remain vested in said corporation in this act, and all laws, ordinances, acts, resolutions, rights and liabilities existing and now in force, not inconsistent with this act, shall continue in full force and effect until regularly repealed by a council as provided under this act.

CHAPTER 37.—AN ACT authorizing the Morgantown Female Seminary to confer Literary Degrees.

Passed February 10, 1871.

Be it enacted by the Legislature of West Virginia :

Authority to confer literary degrees.

The Board of Instruction of the Morgantown Female Seminary, of the town of Morgantown, in Monongalia county, West Virginia, are hereby authorized and impowered to confer such literary degrees upon the pupils of said school who complete the course of study prescribed by said board, as are usually conferred by institutions of a similar character for the education of females.

CHAPTER 38.—AN ACT releasing taxes charged upon the land of Joseph Smith, for the year 1865.

Passed February 10, 1871.

Be it enacted by the Legislature of West Virginia :

Release of taxes erroneously assessed.

1. That Joseph Smith be, and he is hereby released from the payment of taxes assessed against him on one hundred acres of land situated in the county of Jackson, and near the town of Ripley, for the year 1865, the same for said year having been charged to Edward Maguire, who has paid the taxes assessed thereon.

Boards of Supervisors and Education authorized to release taxes erroneously assessed.

2. The Board of Supervisors of Jackson, and the Board of Education for Mill Creek Township, in said county, are authorized to release to the said Joseph Smith, the county and township taxes erroneously assessed on said hundred acres of land for the said year of 1865.

CHAPTER 39.—AN ACT to incorporate the Keystone Bridge Company.

Passed February 13, 1871.

Be it enacted by the Legislature of West Virginia :

Corporators.

1. That it shall and may be lawful for H. Broeckerhoff, B. H. Smith, T. B. Swann, George H. Porter, James H. Huling, J. B. Walker, William Parsons, J. M. W. Appleton,

Jos. Shields, P. H. Galligher, J. W. Cracraft, George Pfeiffer and Tom. E. Rogers, or any five of them, to open books at Charleston, and at such other places in the county of Kanawha as they may think proper, for receiving subscriptions to an amount not less than fifteen thousand dollars, nor more than one hundred thousand dollars, in shares of one hundred dollars each, for the purpose of erecting a bridge across the Elk River, at or near its mouth, at the town of Charleston, in the county of Kanawha.

Subscription books.

Capital stock.

Shares.

2. The commissioners aforesaid, or such of them as may act, shall give reasonable notice, by publication in some newspaper printed in the county of Kanawha, of the time and place of opening said books of subscription; and whenever one hundred and fifty shares of said stock shall be subscribed, any five of said commissioners shall call a general meeting of the subscribers, at such time and place, and upon such notice as they may deem advisable. To constitute such meeting, or any general or special meeting thereafter, the presence of stockholders entitled to a majority of all the votes shall be necessary, either in person or by proxy. Any meeting of the stockholders may be adjourned from day to day or from time to time, until such majority of votes shall be present.

Notice of opening books.

General meeting of subscribers.

Quorum.

3. From and after the first general meeting aforesaid, the subscribers to said stock shall be and are hereby incorporated into a company by the name and style of "The Keystone Bridge Company," and by that name shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, and may make and establish such by-laws, rules and regulations for the government of said company, and the management and conduct of its business, not contrary to the laws of this State or of the United States, as they may deem proper; and may alter, change and abolish the same from time to time.

Incorporation.

Powers of corporation.

4. The stockholders, at their first general meeting, and at their stated general meetings thereafter, to be held in each year at such times as the by-laws may prescribe, shall elect nine directors of said company, being stockholders, who shall remain in office one year from the time of their election, and until their successors are appointed. As soon as may be after their election, the board of directors shall choose one of their own body president of said company, who shall act as such for the term of one year, and until his successor is appointed. During the absence of the president the board may appoint a president *pro tempore*, who, for the time, shall discharge the duties of the president. A majority of the board of directors shall constitute a quorum for the transaction of business.

Directors.

Their term of office.

President.

Quorum of directors.

Construction of bridge.

5. The president and directors shall have power to construct said bridge for and on behalf of the company, by purchasing the materials therefor, and hiring the workmen and laborers to construct and erect the same, or may contract on behalf of said company with contractors for the construction of the same, and to transact all the business of the company, and appoint agents thereof, under such rules and regulations as the by-laws may establish. They may require payment of the stock subscribed in such proportion and instalments, at such times and upon such notice as they may deem reasonable; and if any stockholder shall refuse to pay the requisition so made, they may sell at public auction the share or shares on which default of payment is made, after one month's notice of the time and place of such sale, published in some newspaper printed in Kanawha county, if any such there be at the time, and if not, then by advertisement to be posted on the door of the Court House of Kanawha county, for a like period, and transfer such share or shares to the purchaser; and any balance due on such share or shares, which may not have been satisfied by said sale, may be recovered from the delinquent stockholder, by motion, on ten days notice, in the circuit court of any county having jurisdiction.

Payment of subscriptions.

Sale of stock in default.

Stock to be personal estate.

6. The stock of said company shall be deemed personal estate, and shall pass as such to the proper representatives of said stockholders, and may be transferred, and certificates thereof issued in such manner and form as the directors shall from time to time provide and direct.

Ground for abutments of bridge.

7. The said company shall have power to acquire and hold such ground, not exceeding one acre, on each side of Elk river, as may be necessary for the abutments of said bridge, toll-houses and other necessary purposes; and if the company shall not be able to agree with the owner or owners of such land for the acquisition thereof, they may proceed in the manner now provided in chapter forty-two of the Code of West Virginia, to acquire such land; and upon the payment of the damages, if any, ascertained and found by the commissioners provided for in said Chapter forty-two, by said company to the owner or owners of said land, or into court, when so required, the said company shall stand seized in fee simple of the ground so condemned.

Condemnation of lands.

Rates of toll.

8. The said company, so soon as the said bridge shall be completed and fit for use, shall be authorized to demand and receive thereat a rate of tolls not exceeding the following, to-wit: For every man on foot, two cents; for every man on horseback, five cents; for loose or led horses, five cents each; for every wagon drawn by two horses, fifteen cents; for every additional horse attached thereto, five cents; for every ox-cart or wagon drawn by two oxen, ten

cents; for every additional one attached thereto, five cents; for every dray and horse, ten cents; for every carriage on springs drawn by two horses, fifteen cents; for every spring carriage drawn by one horse, ten cents; for every score of cattle, twenty cents; for every score of hogs or sheep, ten cents. If the collector of tolls at said bridge shall demand and receive for the use thereof, from any person greater toll than aforesaid, the said company shall for every such offense forfeit and pay to the party aggrieved the toll so demanded and five dollars, to be recovered, with costs, before any justice of the peace of the township in which such offense was committed.

Penalty for demanding excessive toll.

9. If the said company shall not complete the said bridge ready for the use of the public within four years from the passage of this Act, then all the privileges, rights and powers hereby granted shall cease and determine. And if, after said bridge shall have been completed, the said company shall fail to keep the same in proper repair for safe passage and use, they shall forfeit and pay the sum of ten dollars for every twenty-four hours the same shall remain out of repair, for the use of the school fund of this State, and shall, moreover, be liable to any party aggrieved or injured thereby, for the amount of actual damages, he, she, or they may sustain by reason thereof: Provided, that such failure to keep the same in repair shall be occasioned by a want of due diligence on the part of said company or their agents to repair said bridge.

Bridge to be completed within four years.

Penalty for failure to keep bridge in repair.

If failure caused by company's want of diligence.

10. All troops in the service of this State or of the United States, and all expresses sent from either government, shall be permitted to pass said bridge free of toll.

Government privileges.

11: The Legislature reserves the right to alter or amend this Act at any time, in such manner, however, that no injustice may be done to the corporation or their creditors.

Act may be amended.

CHAPTER 40.—AN ACT to incorporate the town of Glenville, in the county of Gilmer.

Passed February 13, 1871.

Be it enacted by the Legislature of West Virginia:

1. That the town of Glenville in the county of Gilmer, as the same has heretofore been laid off into lots, streets and alleys embraced in the following boundary, to-wit: Commencing on the bank of the Little Kanawha river immediately above the mouth of Sycamore run; thence with the road up said Sycamore run to the division line of lands owned by Harrison Cain and Milton Norris; thence with Norris' line to Thomas H. Brannon's line; and thence with his line to the road, to line of lands owned by Robert

Corporate limits.

Linn's heirs; thence with said line to their upper corner at the forks of the road; thence southward to the Little Kanawha river; and thence down the same with the meanders thereof to the place of beginning, shall be, and the same is hereby made a Town corporate, and body politic, by the name of the "Town of Glenville," 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.

- Municipal authorities.** 2. The municipal authorities of said town shall consist of a Mayor, Recorder, and five Councilmen, who together shall form a common council.
- Powers of council.** 3. All corporate powers of the said town shall be exercised by the said council, or under their authority, except where otherwise provided.
- Officers to be appointed.** 4. There shall be a town Sergeant, a Treasurer and Assessor appointed by the council, to continue in office at its pleasure, and perform the duties respectively as hereinafter provided, or may be required by the council.
- Recorder, Treasurer & Assessor.** 5. The duties of the office of Recorder, Treasurer, and Assessor may be discharged by the same person, or otherwise, as the council may from time to time determine.
- Terms of office.** 6. 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 of said town and entitled to vote for members of its common council.
- Qualification for office.**
- First election.** 7. The first election held under this act shall be held on the first Saturday in April, 1870, at the Court House in said town, under the supervision of the present election officers of the township of Glenville. The persons 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 so soon thereafter as a quorum may be qualified, who shall remain in office until the 31st day of December, 1870, and thereafter until their successors are elected and qualified to act. And on the first Saturday in November, 1870, and annually thereafter, there shall be an election held on the same day in each and every year, at such place and under such supervision, rules and regulations as the council in said town may prescribe, whose term of office shall commence on the first day of January next after their election.
- Certificates of election.**
- Annual elections.**

8. All persons residents in said town for six months prior to said election, and entitled to vote for county and township officers shall be entitled to vote for Mayor, Recorder, and Councilmen. Who may vote.

9. The Assessor of said town shall annually, at least ten days before any election make out a list, in alphabetical order, of the qualified voters of said town under this act, and shall deliver the same to the inspectors, or proper officers of the election, before sunrise on the day of the next succeeding, or any special election; and shall be liable to all the fines, penalties and forfeitures, for placing the name of any person on said list who is not a qualified voter, or for failing or refusing to place the name of any person thereon who is a qualified voter under this act, that township Registrars are liable to, which shall be enforced and recovered before the same tribunals wherein the same are imposed enforced and recovered against township Registrars. Assessor; his duties and liabilities.

10. When a vacancy shall occur from any cause in the office of Mayor, Recorder, or in the Council, the vacancy 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 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. Vote by ballot. Tie votes; how decided. Contested elections.

12. The Mayor, Recorder, Councilmen, Sergeant, Treasurer and Assessor shall each, before entering upon the duties of his office, and within ten days after being furnished with a certificate of his election, take the several oaths prescribed for county and township officers. 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 said oaths or affirmations shall be filed with the Recorder, and the act of their administration be entered on the journal of the proceedings of the council. Oaths of office. Before whom taken. Certificates of oaths.

13. If any one elected Mayor, Recorder or Councilmen shall have not 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 provided; but in all cases from among the citizens of the town eligible to such office or position under this Act. Failure to qualify.

Presiding officer.

14. 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.

Quorum.

Journal of proceedings of council.

15. 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.

Reading of journal.

16. The proceedings of the last meeting shall be read to the council, corrected when 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 the council, in cases of a tie shall have the casting vote.

Yeas and nays.

Casting vote.

Powers of council.

17. 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 side-walks and streets, and to order the side-walks, foot-ways 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 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 to appropriate the same, and to provide for the annual assessment of taxable persons or 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, appoint and order out a patrol for the town when deemed necessary; to appoint such officers as they may deem proper, including a sergeant, assessor, treasurer and street commissioner; to define their powers, prescribe their duties, fix their term of service and compensa-

tion, require and take from them bonds with such securities 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 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 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.

Powers of council.

18. To carry into effect these enumerated powers, and all others conferred upon 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 in case of his absence or disability, by one of the councilmen, designated by a majority of the councilmen of said town. The council with the consent of the Supervisors of Gilmer 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.

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

Annual levy

20. The taxes in said town shall be annually laid in the months of May or June, or as soon thereafter as may be, and shall be paid and accounted for by the Sergeant, at the same time that county levies are due and payable.

Taxes: when laid.

21. When anything for which a State license is required, is to be done within 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 the town. And the Board of

Licenses.

Licenses.

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 license, and the council may in any case require from the persons so licensed, a bond with securities, in such penalty and with such conditions as it may determine. But nothing in this section shall be construed to authorize the council of said town to grant a license to sell at retail, ardent spirits, or any drink of like nature.

Sergeant;
his powers,
duties and
compensation.

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 Assessor 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 be liable to the same penalties and forfeitures as a Sheriff is liable to. 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 or like fees 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.

Lien on real
estate for
taxes.Sale of real
estate delin-
quent.Notice of
such sale.

23. There shall be a lien on all real estate within the said town, for the town taxes assessed thereon from the commencement of the year for which they were 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 from the 15th day of December, in the year in which such taxes were assessed, and such per centum in addition thereto for charges and expenses therefor as they may determine; 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.

Laws appli-
cable to such
sale.

24. The law now in force in this State in relation to the making and returning delinquent lists of persons and property, and real estate for the non-payment of taxes thereon, and the selling of real estate on account of the non-payment of the taxes due thereon by Sheriffs, shall be hel

applicable to the making and returning of delinquent lists and the sales made by the Sergeant of said town under this act; except that the Sergeant shall not be required to return any lists to the Board of Supervisors of said county, but shall return such delinquent lists to the council of said town.

25. A list of all sales made for delinquent town taxes on real estate, shall be returned by the officer to the council of said town, and it shall be the duty of said council to certify the said lists to the Recorder of said county, and the same may be redeemed in the same manner, as sales for delinquent State taxes, and the person purchasing the same, his heirs or assigns, shall upon the failure to redeem, be entitled to deeds from the Recorder of said county, in the same manner, and under the same regulations as deeds are obtained upon sales for delinquent State taxes, and such estate shall stand vested in the grantee in such deed as was vested in the party assessed with the taxes (on account whereof the sale was made) at the commencement of the year for which such taxes were assessed. Lists of such sales.

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

27. The said town, within the corporate limits aforesaid shall constitute a separate road and poor district of the said county of Gilmer, and shall be free from all taxes for county or township purposes outside of said corporation; and the taxable persons and property therein shall be exempt from all expense and liability for the construction or repair of roads and bridges outside the corporate limits of said town. And the street commissioner shall discharge the duties of a surveyor of roads in said precinct under the direction of the council. Exemption from road tax.

28. 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, in civil and criminal causes, and shall be entitled to the same fees as justices in such cases. But before he shall exercise the duties of justices in civil causes he shall execute bond with securities in the same manner and penalty as are required of justices, and shall be liable in like manner; 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 Mayor; his powers, duties and compensation.

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 are paid; but the term of imprisonment in such cases 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 fixed by the council, and paid out of the treasury, as other debts and liabilities of said town are paid, which shall not be increased or diminished, for the term for which he was elected.

Recorder, his duties and compensation.

29. 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, and paid out of the treasury as other debts and liabilities of said town are paid, which shall not be increased or diminished for the term for which he was elected.

Treasurer.

30. All monies 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, having been first allowed by ordinance or resolution of the council entered of record and not otherwise. And for any default or liability upon 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.

Motion against Treasurer or Sergeant.

CHAPTER 41.—An ACT to amend and re-enact the Charter of the Town of New Martinsville, in the county of Wetzel.

Passed February 13, 1871.

Be it enacted by the Legislature of West Virginia:

The charter of the town of New Martinsville, in the county of Wetzel, is hereby amended and re-enacted so as to read as follows:

Town incorporated.

1. The town of New Martinsville, in the county of Wetzel, as the same has heretofore been laid off into lots, streets and alleys, and as the same may hereafter be further laid off into lots, streets and alleys, shall be and the same is hereby made a town corporate by the name of "The town of New Martinsville," in Wetzel county, and as such shall perpetual succession and a common seal; and by that name may sue and be sued, plead and be impleaded, and purchase,

Corporate powers.

lease and hold real estate and personal property necessary to the purposes of said corporation.

2. The municipal authorities of said town shall be a Mayor and five (5) Councilmen, who together shall form a common council; but the said five councilmen shall receive no compensation for services.

Municipal authorities.
Common council.

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

Corporate powers to be exercised by council.

4. The Mayor, Treasurer, Recorder and Councilmen shall be freeholders in said town, and entitled to vote for members of its common council.

Qualifications for office.

5. Their term of service shall be for one year, and until their successors have been elected and qualified, as hereinafter provided.

Terms of office.

6. The Mayor and Councilmen, and all other officers herein provided for, except the constable, shall be elected by the voters of said town, who are entitled to vote at State and county elections.

Mayor and councilmen; how elected.

7. The first election under this Act shall be held on the first Monday in April, 1870, at the Court House in said town, under the supervision of John S. Rider, Levi Shuman, Gabriel Leep, John McCaskey and John B. Priest, 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 supervisions, rules and regulations as the council 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 day's notice thereof being posted at the front door of the Court House, 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 by the voters present.

First election.
Annual election.
Certificate of election. Failure to hold first election on day specified.

8. At all elections under this Act, the voting shall be by ballot.

Vote by ballot.

9. Whenever there is an equal number of votes for two or more persons for the same office, the persons conducting the election shall decide which of them shall be returned elected.

Tie votes; how decided.

- Contested elections.** 10. All contested elections shall be heard and decided by the council for the time being.
- Vacancies in office.** 11. Whenever a vacancy in any office shall occur, except that of constable, the council shall order an election to fill said vacancy.
- Constable, Recorder and Superintendent of roads.** 12. There shall be a constable and a recorder, (who shall ex-officio be treasurer,) a superintendent of roads, streets and alleys of said town, all of whom shall be elected annually by the qualified voters of said town, except the constable, who shall be appointed by the council, and hold his office during the pleasure of the council. The bond of the said constable and recorder shall be in such penalty as the council may prescribe, but not less than one thousand dollars.
- Bond of Constable and Recorder.**
- Oaths of office.** 13. All officers elected or appointed under the provisions of this Act, shall, before entering upon the duties of their office, within ten days after their election or appointment, take the oath prescribed for all officers of this State, and also the oath of office, which oaths may be administered by any person authorized to administer oaths.
- Continuance in office.** 14. All officers elected or appointed under 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.
- Presiding officer.** 15. The council shall be presided over at its meeting by the Mayor, or in his absence by a member of the council chosen by those present.
- Quorum.** 16. Two of the councilmen and the mayor shall constitute a quorum for the transaction of business.
- Journal of council.** 17. The council shall cause to be kept by the recorder, an accurate record of its proceedings, which shall be open to the inspection of any tax-payer of the town who may desire to inspect the same.
- Casting vote.** 18. The mayor shall not vote on any question before the council except in case of a tie, when he shall give the casting vote.
- Exemption from road and poor tax.** 19. The said town within the corporate limits thereof, shall constitute a separate road precinct, and the persons and property therein shall be exempt from all expense and liabilities for the construction or repairs of roads and bridges 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 and alleys in repair.

20. Whenever anything for which a State license is required, is to be done within the said town, the council may require a town license therefor, and may impose a license thereon for the use of the town; but no license to sell strong or spirituous liquors, or wines, beer, ale, porter, or drinks of like nature, within one mile of the corporate limits thereof, shall be granted by the Board of Supervisors of the county of Wetzel, unless the person applying therefor shall produce to said board the certificates of the council of said town, of its consent to the granting of such license. The council may require from the person so licensed a bond, with security, payable to said corporation, in such penalty and with such conditions as it may think proper, and may revoke such license at any time if the condition of said bond be broken. Licenses.

21. The powers, duties, liabilities and compensation of the council and officers of said town shall be those prescribed in Sections twenty-five, twenty-six, twenty-seven, twenty-eight, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-eight, forty, forty-three, forty-four and forty-five of Chapter sixteen, of the Acts of 1867, which sections shall have the same force and effect as if herein recited, except so far as they may be inconsistent with this Act. The Council; their powers, duties, liabilities and compensation.

22. The Mayor shall be the chief executive officer of the council; 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 conservator and justice within said town, and shall within the same possess and exercise all the powers and duties vested by law in a justice of the township, except that he shall have no jurisdiction 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 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, as he may require the immediate payment therefor; and in default of such payment, he may commit the party in default to the jail of Wetzel county, until the fine or penalty and costs shall be paid; he shall also have the power, in case of such default, to compel the person in default to work on the streets and alleys of said town, under the direction of the superintendent, but the terms of imprisonment or working on said streets and alleys, 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 The Mayor; his powers and duties.

receive a compensation for his services, to be fixed by the council which shall not be increased during his term of service.

Recorder. 23. The Recorder shall keep a journal of proceedings of the council and have charge of the records of the town, and in the absence from town or sickness of the mayor, or during any vacancy in the office of mayor, he shall perform the duties of mayor, and be invested with all his powers; he may receive a compensation for his services, to be fixed by the council; he shall be a conservator of the peace within the town.

Treasurer. 24. All monies belonging to the said town shall be paid over to the recorder, and no money shall be paid out by him except as the same shall have been appropriated by the council. The mayor shall sign all orders on the treasury.

Annual levy. 25. The levy for town purposes shall be upon all male persons, residents of the town, over twenty-one years of age, dogs, and real and personal property within said town subject to State and county taxes: Provided, the tax so levied upon property do not exceed one dollar on every hundred dollars of the value thereof, and upon persons one dollar per head.

Town levy; how paid. 26. Town levy shall be paid to the recorder after twenty days' notice being posted at the front door of the Court House, and all taxes remaining unpaid after sixty days' after the twenty days' notice shall have been so given, shall be placed in the hands of the constable for collection, who shall proceed to collect the same immediately, by distress or otherwise, as the council may prescribe.

CHAPTER 42.—AN ACT providing for the removal of Jeptha G. Steinsypher, a Lunatic, from the jail of Lewis County, to the State of Tennessee.

Passed February 14, 1871.

Be it enacted by the Legislature of West Virginia .

Authority to remove Jeptha G. Steinsypher to Tennessee. 1. A. W. Woodford, Sheriff of Lewis county, or such persons he may appoint for the purpose, is hereby authorized to remove to his home, in the State of Tennessee, Jeptha G. Steinsypher, a lunatic confined in the jail of Lewis county, and who is a citizen of the State of Tennessee; and the expenses necessarily incurred in effecting such removal, including a compensation to the person making such removal of \$1.50 per day for each day actually employed in making such removal, shall be paid out of the treasury on the warrant of the Auditor.

2. The Governor shall take such steps as he may deem

proper, to obtain from the State of Tennessee re-payment of such expenditure as may be made by this State under this act. ^{Expenses; how secured.}

CHAPTER 43.—AN ACT to amend and re-enact section two of Chapter one hundred and twenty-four of the Code of West Virginia.

Passed February 15, 1871.

Be it enacted by the Legislature of West Virginia :

That section two of chapter one hundred and twenty-four of the Code of West Virginia, be amended and re-enacted so as to read as follows :

“2. Process from any court, whether original mesne or final, may be directed to the Sheriff of any county except that process against a defendant, (unless a railroad, canal, turnpike, telegraph company or insurance company be defendant) to answer in any action brought under the second section of chapter one hundred and twenty-three shall not be directed to any officer of any other county than that wherein the action is brought. Any process may be executed on or before the return day thereof. If it appear to be duly served and good in other respects, it shall be deemed valid, although not directed to any officer, or if directed to an officer, though executed by any other to whom it might lawfully have been directed. Process to commence suits including writs of scire facias, mandamus, prohibition, and the alias or other process, when the original is returned not executed, may also be served by any credible person; and the return of such person, verified by his affidavit, shall be evidence of the manner and time of service. Any process shall be returnable within ninety days after its date, to the court on the first day of a term, or in the Clerk's office, to the first Monday in a month or to some rule day except as follows: A summons for a witness shall be returnable on whatever day his attendance is desired, and an order of attachment may be returnable to the next term of the court, although more than ninety days from the date of the order, and process awarded in court may be returnable as the court shall direct.” ^{How process is directed and returnable; when and by whom it may be executed.}

CHAPTER 44.—AN ACT legalizing the election of Dana L. Hubbard as Clerk of the Municipal Court of Wheeling, and extending the time within which he may qualify.

Passed February 15, 1871.

Be it enacted by the Legislature of West Virginia :

1. The election of Dana L. Hubbard as Clerk of the Municipal Court of Wheeling by the council of that city on the 7th day of February, 1871, is hereby legalized and made valid. ^{Election of Dana L. Hubbard legalized.}

When he may qualify. 2. Said Dana L. Hubbard shall be allowed to qualify and give bond as such clerk at any time before the 15th day of June, 1871.

CHAPTER 45.—AN ACT to amend the Charter of the Town of Grafton, in Taylor County.

Passed February 15, 1871.

Be it enacted by the Legislature of West Virginia :

The first, fifth, sixth, eleventh, eighteenth and nineteenth sections of an act entitled "An Act amending the charter of the town of Grafton," passed by the Legislature of West Virginia, February 28th, 1866, are hereby amended and re-enacted so as to read as follows :

Corporate limits.

"1. The corporate limits and boundaries of the town of Grafton shall be as follows: Beginning on the north bank of the Valley River, opposite the mouth of Bartley Creek and running with the lines of Grafton township to a large spring on the Northwestern turnpike; thence east with the meanders of said turnpike, to the eastern corner of said township, near the dwelling of John W. Blue; thence south with said township line to the Valley River; thence with said river to the beginning."

Clerk, Treasurer, Sergeant and Assessor; how appointed.

"5. There shall be a town Clerk, Sergeant, Treasurer and Assessor appointed by the council, to continue in office at its pleasure and to perform the duties respectively as hereinafter prescribed, or as may be required by the council."

Their duties may be discharged by one person. Oaths of office.

"6. The duties of the office of Clerk, Treasurer and Assessor may be discharged by the same person."

"11. Every person elected or appointed to an office in said town, shall, within ten days after his election or appointment, and before he shall enter upon the duties of his office, take and subscribe the oath of office prescribed for township officers, which may be done before any person authorized to administer oaths, or before the mayor of said town, which oath, with the certificate of the person administering the same, shall be filed with the clerk of said town."

Powers of Council.

"18. To carry into effect these enumerated powers and all others conferred upon said town or its council, by this or any other Act of the Legislature of this State; the council shall have power to make and pass all needful orders, by-laws, ordinances, resolutions, rules and regulations not contrary to the Constitution and laws of this State; and to prescribe, impose and enact reasonable fines, penalties and imprisonments in the county jail or place of imprisonment in said town, for a term not exceeding thirty days for the

violation thereof; such fine, penalty and imprisonment shall be recovered and enforced under the judgment of the mayor of said town, or the person lawfully exercising his functions."

"19. The council shall cause to be annually made up ^{Annual levy} and entered upon its journal, an accurate estimate of all sums, which are or may lawfully become chargeable on said town, and which ought to be paid within one year; and it shall order a levy of so much as may, in its opinion, be necessary to pay the same. The levy so ordered shall be upon all dogs in the said town, and upon all real and personal estate therein subject to State and county taxes: Provided, that the taxes so levied upon property shall not exceed one dollar on every one hundred dollars of the value thereof, and one dollar on each male person over twenty-one years of age, not exempt from taxation on account of bodily infirmity."

The aforesaid Act is hereby further amended by adding at the end thereof the following:

"29. If the owner or occupant of any side-walk, foot-way ^{Powers of council.} or gutter in said town, or of the real property next adjacent thereto shall fail or refuse to pave or keep the same clean, in the manner or within the time required by the council, it shall be the duty of council to cause the same to be done at the expense of the town, and to assess the amount of such expense upon such owner or occupant; and the same may be collected by the sergeant in the same manner herein provided for the collection of town taxes."

"30. It shall be lawful for the council to borrow money ^{Powers of council.} in the name and for the use of said town, and to convey, pledge, or mortgage the public property or revenues of said town for the redemption of such loans, and for the payment of the interest thereon: Provided, that no greater rate of interest than ten per cent. per annum shall be paid on any loan."

"31. It shall be the duty of the Assessor to make an ^{Assessor; his duties and powers.} assessment of the property within said town subject to taxation, substantially in the manner and form which assessments are made by the assessor of the county, and to return the same to the council on or before the first day of June in each year, and for this purpose he shall have all the powers conferred by law on county assessors. He shall list the number of dogs in said town and the names of the persons owning the same, which list shall be returned to the council. The officers of the corporation shall each receive a compensation for his services, to be fixed by the ^{Compensation of officers.}

council, which shall not be increased or diminished during the term for which he was elected or appointed.”

Condemnation of real estate.

“32. The condemnation of real estate for roads, streets, alleys, drains and gutters or other purposes in said town shall be as prescribed in Chapter 42, of the Code of West Virginia, and shall be at the expense of the town, except when such condemnation is for the use of one or more individuals, in which case it shall be at his or their expense.”

CHAPTER 46.—AN ACT for the relief of Goodwin Lykins.

Passed February 15, 1871.

Be it enacted by the Legislature of West Virginia:

\$100 appropriated.

1. The sum of one hundred dollars is hereby appropriated out of any monies in the treasury, not otherwise appropriated, for the payment, in full, of Goodwin Lykins, for his services as Commissioner of the Revenue for the second district of Wayne county, for the year 1861.

2. The Auditor is hereby directed to draw his warrant on the Treasurer for the amount hereby appropriated, or so much thereof as he may find due and unpaid.

CHAPTER 47.—AN ACT requiring the Assessor of the city District, in the county of Ohio, to make a copy of the militia roll of Ohio county, for the year 1870.

Passed February 16, 1871.

Preamble.

WHEREAS, Jacob M. Bickel, Assessor for the city district, and Joseph W. Morgan, Assessor for the county district, in Ohio county, have completed its militia lists for said county, for the year eighteen hundred and seventy, as prescribed by Section five, of Chapter nineteen, of the Code of West Virginia;

And whereas, the said lists, after having been sent to the Adjutant General of the State, were destroyed by fire before being delivered to said office;

And whereas, it is important that complete rolls should be on file in the office of the Adjutant General; therefore, Be it enacted by the Legislature of West Virginia:

Authority for Jacob M. Bickel to make a new militia roll.

1. That Jacob M. Bickel, Assessor for the city district, in the county of Ohio, be empowered, and he is hereby required, to make a new militia roll for the year eighteen hundred and seventy, from the copies now on file in the recorder's office of both assessment districts in said Ohio county, and to transmit the same to the Adjutant General on or before the fourth day of March, eighteen hundred and seventy-one.

2. That upon the receipt of said militia rolls by the Adjutant General, he shall issue his requisition for the payment of the amount due by law for making and transmitting said copies; and also for the payment of the amount due for making the copies so destroyed.

CHAPTER 48.—AN ACT to give the Corporation of Charleston control of the Free Schools within its limits.

Passed February 16, 1871.

Be it enacted by the Legislature of West Virginia :

1. The common council of the city of Charleston shall have entire jurisdiction and control over the common schools included within the corporate limits of said city; and for that purpose the territory embraced within the corporate limits aforesaid, is hereby erected into an independent school district.

Council to control common schools.

2. The Board of Education of Charleston township is hereby authorized and required to turn over to the Treasurer of the city of Charleston, without delay, all monies and property belonging or in anywise appertaining to the common schools embraced within the territorial limits of said city.

Transfer of money and property.

3. The Common Council shall make such rules for the government of the schools under their jurisdiction as they may deem expedient and necessary, for the advancement of the pupils attending the same.

Council to make rules for schools.

4. The Common Council shall have power, whenever, in their opinion, they deem it necessary, to purchase and hold lands on which to build school houses, and to apply to the courts for a writ in the nature of a writ of ad quod damnum to have such lands as they may need for the purpose aforesaid condemned, and to employ and regulate the salaries of teachers in the schools under their jurisdiction, and to lay a sufficient levy upon the taxable property and persons of their city to continue the common schools at least four months in the year, and shall observe and enforce the general school law of the State in the common schools under their control.

Powers of council in regard to said schools

5. The school houses, and lots on which to build school houses, now held by the Board of Education of Charleston township, included within the territorial limits of the city of Charleston, are hereby transferred to the municipal authorities of said city.

School property transferred to the municipal authorities.

6. The Board of Education of Charleston township shall have no jurisdiction or control over the schools of said city.

Jurisdiction forbidden.

CHAPTER 49.—AN ACT to alter the division line between the counties of Harrison and Barbour.

Passed February 16, 1871.

Be it enacted by the Legislature of West Virginia :

Division line

1. The division line between the counties of Harrison and Barbour, is hereby altered and established so as to run as follows : Beginning at a point on the top of a ridge, on the line between said Harrison and Barbour counties, and on the land of A. W. Martin ; thence along the top of said ridge, following the meanders thereof, in a southeast course to a point where the lines between said Harrison and Barbour and Upshur counties intersect.

Surveyors of Harrison and Barbour counties ; their duties.

2. The Surveyors of Harrison and Barbour counties shall run and make the line herein described, and make three fair plats thereof, which shall be disposed of as follows : one copy shall be delivered to the Recorder of Harrison county, one to the Recorder of the county of Barbour, and one to the Secretary of State, to be by them safely preserved and kept in their said offices.

Their accounts ; how audited.

3. The accounts of said surveyors, incurred in the discharge of the duties imposed upon them by this act, shall be audited by the Board of Supervisors of Harrison county, and paid out of the treasury thereof.

CHAPTER 50.—AN ACT to amend Chapter one hundred and sixteen of the Code of West Virginia, in relation to Juries.

Passed February 16, 1871.

Be it enacted by the Legislature of West Virginia :

Section one of chapter one hundred and sixteen of the Code of West Virginia is hereby amended and re-enacted so as to read as follows :

Who are liable to serve as jurors.

“1. All white male persons who are twenty-one years of age, and not over sixty years of age, who are of sound mind and not paupers, and have not been convicted of treason, felony, petit larceny, perjury or bribery, and who have resided in the State for one year, and in the county for thirty days, shall be liable to serve as jurors, except as hereinafter provided.”

Section three of said chapter one hundred and sixteen is hereby amended by adding at the end thereof the following :

Lists to be prepared by Board of Supervisors.

“3. Such list for the residue of the year one thousand eight hundred and seventy-one, shall be prepared by the Board of Supervisors of each county at their stated meeting in the month of May next.”

Section four of said chapter one hundred and sixteen is hereby amended and re-enacted so as to read as follows :

“4. The list so prepared shall be delivered to the Clerk of the Circuit Court, to be by him safely kept, subject only to the inspection of the court, or of the Recorder, or a justice, as hereinafter prescribed.” Lists to be delivered to and preserved by the clerk.

CHAPTER 51.—AN ACT for the relief of S. W. C. Davis.

Passed February 16, 1871.

WHEREAS, it has been represented to the Legislature that the citizens of Mannington township, in the county of Marion, are desirous of relieving Squire W. C. Davis from a portion of his liability to said township as former treasurer thereof, therefore, Preamble.

Be it enacted by the Legislature of West Virginia :

1. At the general election to be held on the fourth Thursday in October next, the qualified voters of Mannington township, in the county of Marion, may by their votes decide whether S. W. C. Davis, former treasurer of said township shall be released and discharged from the payment of five hundred dollars, parcel of his remaining liability to said township. Voters of Township to decide upon relief of S. W. C. Davis

2. The ballots used at said election, at the several places of voting in said township, shall have written or printed upon them respectively, “For relief of Davis” and “Against relief of Davis,” and the vote shall in all respects be counted and certified as in other cases; except that the certificate of the number of votes cast for and against such relief shall be returned to the township clerk of said township, who shall, if a majority of the votes cast appear to have been for relief, issue and deliver to said Davis a written certificate of discharge from liability to said township, to the extent of five hundred dollars. The ballots. The vote; how counted and certified.

CHAPTER 52.—AN ACT to amend the Charter of the Pan-Handle Railroad Company.

Passed February 16, 1871.

Be it enacted by the Legislature of West Virginia :

That the charter of the Pan-Handle railroad company incorporated by an Act of the Legislature passed July 15th, 1868, and amended by the Act passed March 1st, 1869, be further amended as follows :

1. The corporate name of said company is hereby changed to the name of the Pittsburgh, Wheeling and Kentucky Railroad Company, and all contracts and liabilities to or from said Pan-Handle railroad company shall be transferred to and vest in the said Pittsburgh, Wheeling and Kentucky Corporate name changed. Liabilities transferred.

Railroad Company, which shall succeed to all the rights and and be responsible for all the obligations of said Pan-Handle railroad company. All proceedings or suits now pending on behalf of the Pan-Handle railroad company may be prosecuted without delay by the insertion of the name of the new corporation in place of the Pan-Handle railroad company, and be tried and decided just as though such change of party had not been made.

Suits pending to be prosecuted under the name of the new corporation.

2. Any county or municipal corporation or township may subscribe to the capital stock of said company under the provisions of the charter applicable to the county of Brooke, and to raise the money necessary to pay such subscription, any such township, county or municipal corporation may issue its time bonds bearing not more than eight per cent interest, and such bonds and their interest, whether heretofore or hereafter issued shall be exempt in the hands of the holder from all taxation other than for State purposes.

Subscriptions; how made and paid.

3. The maximum capital stock of the company is hereby fixed at eight millions of dollars or such less amount as may be fixed by the board of directors of said company, and the board are authorized to receive subscriptions of land and other property from persons or corporations in payment of subscriptions to the capital stock upon such equitable terms as may be agreed to by the board and such subscribers, which land or property shall be disposed of by the company as soon as practicable at fair prices.

Maximum capital of company.

Authority to receive property subscriptions.

4. The said company shall not construct their work within less than twenty feet of the dwelling of the land owner without his consent, but this prohibition shall not apply to tenant houses nor to towns where the consent of the corporate authorities to use the streets has been obtained.

Protection to dwellings.

CHAPTER 53.—AN ACT to provide for a re-assessment of the value of all the real estate in the county of Tyler.

— Passed February 16, 1871.

Be it enacted by the Legislature of West Virginia :

1. The Board of Supervisors of the county of Tyler may appoint a commissioner on or before the twenty-fourth day of May, eighteen hundred and seventy-one, whose duty it shall be to re-assess the value of all real estate within said county, and who shall be a resident of said county, a discreet freeholder and otherwise a suitable person.

Authority to appoint a commissioner.

2. The commissioner so appointed shall, within ten days after he has been notified of his appointment, take and subscribe the oaths of office prescribed by law for other officers, which oaths shall be certified by the person before whom

Oath of office

the same are taken, and such certificate shall be filed with the Recorder of the county. If from any cause the commissioner so appointed shall fail to qualify within the time prescribed, the president of the Board of Supervisors shall immediately after such failure, call a meeting of said board who may appoint another commissioner in his stead, who shall at once qualify, as prescribed in this Section, and enter upon the discharge of the duties of his office.

Failure to qualify.

3. Two suitable books shall be provided by the Board of Supervisors and delivered to the said commissioner as soon after he has been appointed as practicable; and such books may be furnished to said board by the Auditor.

Books for commissioner.

4. Said commissioner shall, as soon as practicable after receiving the books aforesaid, proceed to examine all the tracts of land and town lots, with the buildings and improvements thereon, within said county, and shall, upon such examination, ascertain and assess the fair cash value thereof; and to assist him in ascertaining said lands and town lots, he shall obtain from the clerk of the Board of Supervisors the land-book of the county, made for the year eighteen hundred and seventy, which book he shall return to said clerk as soon as he has discharged his duties under this Act.

Commissioner; his duties.

5. Said commissioner shall carry with him said land-book and the entries of lands or town lots charged to any person resident, or having an agent in said county, shall be shown to said person or his agent, who shall be required to state whether the same be correctly entered, and if not, then to answer such interrogatories touching the matter as may be propounded to him by the commissioner; and he shall further state whether any other lands or lots within said county ought to be charged to such resident or non-resident, all of which statements and answers shall be made upon oath, and for that purpose said commissioner is hereby authorized to administer all proper oaths; and if such person refuse to make such statements and answer such interrogatories, he shall be fined not less than twenty nor more than one hundred dollars.

Commissioner; his duties and powers.

Freeholder to answer interrogatories on oath.

6. Said commissioner as soon as he shall have completed said assessment shall make two copies thereof in the books to be furnished him under the provisions of this act, and shall take and subscribe an oath to the following effect: "I — —, a commissioner appointed by the Board of Supervisors of said county to ascertain and assess the value of the real estate in said county, do solemnly swear that I have diligently endeavored to ascertain all the tracts of land and town lots properly chargeable in my district, and have entered the same on the foregoing book; that I have

Two copies of assessments.

Oath to be taken and subscribed by him.

assessed the value of the same with the improvements thereon at a fair cash value, and have shown no partiality or favor, and that in making out said books, I have followed the provisions of this act, so help me God;" which oath may be taken and subscribed before any person authorized to administer oaths, and a copy thereof shall be subjoined to each of said books, one of which the said commissioner shall file with the Clerk of the Board of Supervisors of said county, which shall be a guide for the assessor in making out his land book first made out after the said commissioner has made out and delivered one of said books to the said clerk as required by this section; and the other book be shall transmit to the Auditor on or before the first day of December next after the passage of this act.

Before whom taken and subscribed.

Said books; how filed.

Persons aggrieved; their remedies.

Board of Supervisors; their duty on such application.

Copy of orders; to whom certified.

Compensation of commissioner.

Value of lands not to be reduced.

7. Any person feeling himself aggrieved by the assessment of his lands or lots made under the provisions of this act, may within one year after the verification of said commissioner's books apply by himself or his agent, to the Board of Supervisors of the county for relief, but before making such application, he shall give notice to the Prosecuting Attorney of the county, of his intention so to do. It shall be the duty of the Prosecuting Attorney in all such cases to attend to the interests of the State and county. If upon hearing all the evidence, the Board of Supervisors shall be satisfied that the assessment on the property is too high, they shall reduce the same to its proper value, or if they shall be of opinion that the same is too low, they shall increase the valuation in like manner, and they shall correct mistakes as to quantity of land assessed; a copy of all orders made on such application shall be certified to the Auditor, and a like copy to the assessor of said county.

8. For services rendered under this act in making said assessment and books the commissioner shall be allowed such compensation as the said Board of Supervisors may order, to be paid out of the treasury of said county.

9. This act shall not authorize such assessment to reduce the aggregate value of the lands in said county as now fixed by the assessor's land books of said county for the year 1870.

CHAPTER 54.—AN ACT to amend and re-enact the first section of an act passed February 25th, 1869, entitled "An Act to provide Free Schools for the District of Fairmont."

Passed February 16. 1871.

Be it enacted by the Legislature of West Virginia :

The first section of an act to provide free schools for the

district of Fairmont, passed February twenty-fifth, eighteen hundred and sixty-nine, is hereby amended and re-enacted so as to read as follows:

"1. The town of Fairmont and the parts of districts contained within the following boundaries, to-wit: Beginning at the line between Fairmont and Paw Paw township on the Monongahela river and running with the same to Polecat run, thence down said run to Buffalo creek; thence southwesterly to the Fairmont and Wheeling turnpike at the low gap near the residence of Allen Hall; thence with the ridge to the boundary line of said school district as now constituted, near the residence of the late John Conaway; thence in a straight line to the top of the ridge dividing the waters of Bell's run from Goose run; thence with said ridge to the line dividing the lands of Archibald Fleming and William Vandervert; thence with their line to the Westfork river, and down said river to the Monongahela river, and down the same 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 and none other."

Boundaries
of Fairmont
School Dis-
trict.

CHAPTER 55.—AN ACT to incorporate the Raleigh Court House and Blue Sulphur Springs Turnpike Company.

Passed February 16, 1871.

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 thirty thousand dollars, to be divided into shares of twenty-five dollars each, to constitute a joint capital stock, for constructing a turnpike road upon the shortest and most practicable route from Raleigh Court House, by the way of Richmond Ferry on New River, to the Blue Sulphur Springs in Greenbrier county. The said books shall be opened under the direction of Ephraim Guinn, A. A. Miller, John Richmond, John Beckley and Bartley Pack, or any one or more of them, and at such place, or places, and at such times as a majority of the above named commissioners may appoint.

Subscription
Books.

Capital stock

Route of
road.

Corporators.

2. When fifteen thousand dollars of the capital stock shall have been subscribed, the subscribers, their executors, administrators and assigns shall be incorporated into a company by the name and style of "The Raleigh Court House and Blue Sulphur Springs Turnpike Company," subject to any general act of regulations for the incorporation of Turnpike Companies; provided that said road shall be cleared thirty feet, and improved sixteen feet wide, ex-

Incorporation.

elusive of ditches, and be of a grade no where exceeding five degrees; and that the same tolls be charged as now allowed by law upon other roads chartered by the Legislature.

CHAPTER 56.—AN ACT to alter part of the division line between the counties of Raleigh and Wyoming.

Passed February 16, 1871.

Be it enacted by the Legislature of West Virginia :

Division line 1. The division line between the counties of Raleigh and Wyoming, is hereby altered so as to include the lands of William A. Fink, in the county of Raleigh.

Surveyors of said counties; their duties. 2. The county surveyor of Raleigh, and the county surveyor of Wyoming shall run and make the new line above described, and make three fair plats thereof, which they shall certify and forward, one each to the recorders of the county of Raleigh and the county of Wyoming, and one to the Secretary of State, who shall file and carefully preserve the same in their respective offices.

Expenses; how audited and paid. 3. The accounts of the said surveyors' fees and expenses under the provisions of this act, shall be audited by the Board of Supervisors of Raleigh county, and paid out of the Treasury of said county.

CHARTER 57.—AN ACT allowing further time for the Potomac and Piedmont Coal and Railroad Company to organize under its Charter.

Passed February 16, 1871.

Be it enacted by the Legislature of West Virginia :

Company allowed further time to organize. That the Potomac and Piedmont Coal and Railroad Company incorporated by an Act passed February 26, 1866, entitled "An Act to incorporate the Potomac and Piedmont Coal and Railroad Company," may be organized under the provisions of the said act at any time within three years from and after the passage of this act and when so organized shall have all the rights, powers and privileges, and be subject to all the liabilities provided for in said act.

CHAPTER 58.—AN ACT allowing further time for the North Branch Lumber and Boom Company to organize under its charter.

Passed February 16, 1871.

Be it enacted by the Legislature of West Virginia :

That the North Branch Lumber and Boom Company incorporated by an act passed February 12th, 1867, entitled

“An Act to incorporate the North Branch Lumber and Boom Company,” may be organized under the provisions of the said act at any time within three years from and after the passage of this act, and when re-organized shall have all the rights, powers and privileges and be subject to all the liabilities provided for in said act.

Company allowed further time to organize.

CHAPTER 59.—AN ACT to amend and re-enact Section 7 of Chapter 87 of the Acts of 1870.

Passed February 16, 1871.

Be it enacted by the Legislature of West Virginia :

That section seven of chapter eighty-seven of the acts of the Legislature of eighteen hundred and seventy, be and is hereby amended and re-enacted so as to read as follows :

“7. This act shall take effect from and after its passage and shall apply to Grant county also, and the commissioners to be appointed by the Board of Supervisors of Grant county, shall be freeholders of Milroy Township in said county.”

Act shall apply to Grant county.

CHAPTER 60.—AN ACT to incorporate the Piney River Turnpike Company.

Passed February 16, 1871.

Be it enacted by the Legislature of West Virginia :

1. That for the purpose of constructing a turnpike road upon the shortest and most eligible route from the town of Beckley, Raleigh Court House, West Virginia, to the Chesapeake and Ohio Railroad, it shall be lawful to open books for receiving subscriptions for a sum not less than two thousand dollars, nor more than four thousand dollars, in shares of twenty-five dollars each, for which purpose books of subscription may be opened under the superintendence of Wm. McCreery, Sr., A. Beckley, Sr., Edwin Prince, Lewis McDonald, Garner Calloway, or any three of them at such times and places as they may deem advisable.

Subscription books.

Capital stock.

Shares.

Corporators.

2. When one half of the aforesaid amount shall have been subscribed, the subscribers, their executors, administrators and assigns shall be, and they are hereby incorporated into a company by the name and style of the “Piney River Turnpike Company,” subject to the provisions of any general act of regulations for the incorporation of turnpike companies; provided that the said road shall be cleared thirty feet, and improved sixteen feet wide exclusive of ditches, and be of a grade nowhere exceeding five degrees, and that the same tolls be charged as are now allowed by the code of this State.

Incorporation.

Width and grade of road.

Tolls.

CHAPTER 61.—AN ACT to incorporate the Town of Oceana,
in the County of Wyoming.

Passed February 16, 1871.

Be it enacted by the Legislature of West Virginia:

Town incor-
porated.

1. That the inhabitants residing within the boundaries hereinafter described, shall be and are hereby created a body politic and corporate by the name of "The town of Oceana," who shall have power to sue and be sued, contract and be contracted with by their said corporate name.

Corporate
powers.

Corporate
limits.

2. The boundaries and corporate limits of the town of Oceana, in Oceana township, Wyoming county, shall be as follows: Commencing at a Birch tree near the ford of Guyandotte river, below town, crossing to William Henderson's mill; thence south about one hundred yards to a small Locust tree near the Carper house on said Henderson's lands; thence to a Beech tree near said Henderson's spring; thence a straight line to the river opposite the old Baptist church, crossing the river and running thence so as to include said church and lot; thence in a northwesterly direction to a green Poplar tree standing in Perry L. Cook's field; thence west to a green Chesnut tree standing on the bank of the Dry Branch; thence in a straight course to a large Poplar tree in the mouth of a hollow back of said town; thence running with the line of the back lots to the turnpike road, then running with the road to the place of beginning.

Annual elec-
tion.

3. The inhabitants of said town who are entitled to vote for State and county officers, shall meet on the first Monday in April, 1871, and on the same day of each succeeding year, elect a Mayor, Recorder 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.

Municipal
authorities.

Term of of-
fice.

Common
council.

Powers of
council.

4. The Mayor, Recorder and Trustees shall constitute the town council, and 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 town and inhabitants thereof; to open streets, alleys and public highways; to grade, pave and ornament the streets; to prohibit all places of public resort and such other establishments as may render the said town unwholesome or unpleasant as a place of residence.

Powers of
council.

5. The 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 one hundred dollars of the valuation of such property for State and county purposes.

6. 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 of council.

7. The Mayor of said town 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. Mayor; his powers and liabilities.

8. 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. Recorder.

CHAPTER 62. AN ACT to amend and re-enact the Charter of the city of Charleston, in the county of Kanawha.

Passed February 17, 1871.

Be it enacted by the Legislature of West Virginia:

That the charter of the city of Charleston, be, and the same is hereby amended and re-enacted so as to read as follows:

1. The corporate limits of the city of Charleston shall be as follows, to-wit: Beginning at the Kanawha River at low water mark on the line dividing the estate of Bradford Noyes, deceased, from the lands next above the same, and running thence with said dividing line to the foot of the hill; thence a direct continuation of the said line to the Coal Branch; thence down said Coal Branch with its meanders to Elk River; thence down Elk River at low water mark to its mouth; and thence up the Kanawha River, with its meanders, at low water mark, to the place of beginning. Corporate limits.

2. The municipal authorities of said city shall be a Mayor, Recorder and six councilmen, who, together, shall be a common council. Municipal authorities.

3. The Mayor, Recorder and councilmen, so soon as they have been elected and qualified as hereinafter provided, Town incorporated.

- shall be a body politic, by the name of "The City of Charleston," and shall have perpetual succession and a common seal, and by that name may sue and be sued, implead and be impleaded; and 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.
- Corporate powers.** 4. All the corporate powers of the said city shall be exercised by the said council or under their authority, except when otherwise provided, but the Recorder shall have no vote at any meeting of the said council, except in the absence of the Mayor.
- Corporate powers to be exercised by council. Recorder not to vote.**
- Municipal officers.** 5. There shall be a Sergeant, Treasurer, Assessor and an Overseer of the Poor.
- Mayor and recorder; how elected.** 6. The Mayor and Recorder shall be elected by the citizens of said corporation, who may be entitled under this act to vote, but these officers shall not reside in the same ward during their term of office. Two councilmen shall be elected by the qualified voters of each ward.
- Councilmen; how elected.**
- Terms of office.** 7. Their term of office shall be (except when to fill vacancies) for one year, and until their successors shall have been elected and qualified as hereinafter provided.
- Qualifications for office.** 8. The Mayor, Recorder and Councilmen must be freeholders in said corporation, and entitled to vote for members of its common council.
- Wards.** 9. The said city shall consist of three wards as at present located and bounded, under an ordinance of the council of Charleston; but the said council may hereafter increase the number of wards, or alter and change the names, location and boundaries thereof. Elections under this act shall be held on the second Monday in March, in each year as follows, to-wit: In the first ward at the Court House of Kanawha county; In the second ward, at Greenbury Slack's office, and in the third ward, at Mercer Academy, and at such other places as the council may from time to time prescribe by ordinance. The said elections to be under the supervision of three inspectors at each election precinct in said city, who are to be annually selected and appointed by the council of said city, and who shall be governed by such rules and regulations as the council may prescribe. The officers conducting the elections shall grant a certificate to the persons receiving the highest number of votes cast at such election, (except in the case of Mayor, Recorder, Sergeant, Treasurer, Assessor and Overseer of the Poor,) which certificate shall be recorded in the journal kept by the council.
- Annual election.**
- Places of voting.**
- Inspectors of election.**
- Certificates of election.**

10. As soon as the result of such election for Mayor, Recorder, Sergeant, Treasurer, Assessor and Overseer of the Poor is ascertained, the inspectors of election shall sign a certificate containing complete returns of the polls taken at their place of voting, for each of the said offices, and shall enclose the ballots in an envelope which shall be sealed up and endorsed by each of such inspectors. The inspectors, or one of them shall, within three days after the day on which the election was held, deliver the said certificates and the ballots sealed up as hereinbefore provided, to the Recorder of the city of Charleston; at the next meeting of the council thereafter, the Recorder shall present such certificates and ballots to the council, who shall examine the same and ascertain the true result of such election in said city. And the persons appearing to have received the highest number of all the votes cast at the several voting places in said city, for the several offices mentioned in this section, shall be declared elected, and a certificate thereof signed by the Mayor and Recorder shall be granted to the persons so elected.

Certificates of election of the Mayor, Recorder, Sergeant, Treasurer, Assessor and Overseer of the Poor.

Council to declare the result.

11. Every male person residing in said city shall be entitled to vote for all officers elected under this act; but no person who is a minor, or of unsound mind, or a pauper, or who is under conviction of treason, felony or bribery in an election, or who has not been a resident of the State for one year, and of the city of Charleston for thirty days, and of the ward in which he offers to vote for five days next preceding such offer, or who has not been assessed with corporation taxes in the last preceding year, or who has not paid the same shall be permitted to vote at any election under this act while such disability continues. Provided that if any person's right to vote be challenged on account of any constitutional disability not herein mentioned, such person shall not be denied the right to vote, unless and until record evidence of such disability be produced.

Who may vote.

12. All vacancies occurring from any cause in any of the offices provided for in this act, shall be filled by appointment by the council; but in case of a councilman, such appointment shall be made only of a resident of the ward in which such vacancy has occurred.

Vacancies; how filled.

13. At all elections the vote shall be by ballot.

Vote by ballot.

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

Tie votes; how decided.

15. All contested elections shall be heard and decided by the council for the time being, but the council may or-

Contested elections.

der a new election if they are satisfied the ends of justice will be better attained thereby.

Quorum. 16. 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.

Oath of office 17. 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 an oath to faithfully and impartially discharge the duties of his office, and the oath to support the Constitution of the United States and the Constitution of the State of West Virginia. The Mayor having taken such oath or affirmation, may administer the same to the councilmen and other officers. Certificates of said oaths or affirmations 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 supercede the former council of said town.

Failure to qualify. 18. 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. 19. 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 present.

Presiding officer. 20. 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 city. 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 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 presiding at the time shall have the casting vote.

Journal of council. 21. The council shall have power to re-survey said town, and for this purpose may employ a competent engineer, (which officer may be made elective by order of the council,) and prescribe his duties, term of office and amount of compensation; to open new streets, and extend, straighten, widen and repair old streets and alleys; to curb and pave

Powers of council.

streets, side-walks and gutters for public use, and to alter, improve and light the same; and shall have control of all the avenues for public use in said city; 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, side-walks and public alleys; to order and direct the curbing and paving of all side-walks and foot-ways for public use in said city, to be done and kept in good order by the owners or occupants of the adjacent property; to control the construction and repairs of all houses, 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 the majority of the whole council, shall be a nuisance; to regulate the keeping of gunpowder and other combustibles; to provide in or near the city places for the burial of the dead, and to regulate interments in the city, and provide for shade and ornamental trees; to provide for the making of division fences, and for the draining of lots by proper drains and ditches; to make regulations for guarding against danger or damages from fires; to provide for the poor of the city; 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 city, and appropriate the same to its expenses; to issue bonds of the corporation and make sale thereof, but no such bonds shall be sold by such corporation for less than eighty cents on each one hundred cents thereof, nor shall any such bonds be issued without providing during the year of such issue a sinking fund sufficient to discharge and pay off the same, principal and interest, within thirty years; nor shall said corporation be indebted on account of such issue at any period in a greater sum than one hundred thousand dollars, without the consent of a majority of the voters of the city, expressed at an election held for that purpose; to provide for the annual assessment 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 city, and to protect the persons and property of the citizens therein; to appoint such officers as they may deem proper; to define their powers, prescribe their duties, fix their term of service and

Powers of
council.

Powers of council.

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 city by its corporate name;) to regulate and provide for the weighing of hay, coal, wood and other articles sold or for sale in said city, 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 city into three or more wards, and to appoint and publish the places of holding city elections; to erect, or authorize, or prohibit the erection of gas works or water works in or near the town, to prevent injury to and provide for the protection of the same; to provide for the purity of the water and healthfulness of the city,—for all of which purposes, except that of taxation, the council shall have jurisdiction for one mile beyond the corporate limits of said city.

Powers of council.

22. To carry into effect these enumerated powers and all others conferred upon the said city 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 and Recorder of said city, or the persons lawfully exercising their functions; and 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.

Authority to construct wharves and docks.

23. 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 city, 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 ordinance 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.

Annual levy.

24. 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 city levy of so much as in its opinion is the amount which may be raised from licenses and other sources.

25. The levy so ordered shall be upon all male persons, ^{How made.} residents of said city, over the age of eighteen years, dogs and all real and personal estate within said town subject to State and county taxes.

26. Whenever anything for which a State license is re- ^{Licenses.} quired, is to be done within said city, the council may require a city license to be had for doing the same, and may impose a tax thereon for the use of the city; 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 conditions of said bond be broken. And no license to sell strong or spirituous liquors, or wiper, or beer, ale, porter, or drinks of like nature within said city, or within one mile of the corporate limits thereof, shall be granted by the supervisors of Kanawha county, unless the person applying therefor shall produce to said supervisors the certificate of the council of said city of its consent to the granting of such license.

27. The Sergeant shall have the power to collect the city ^{Sergeant; his} taxes, fines and levies, and shall have the power, one month ^{powers, du-} after he shall have received the books of the assessor of ^{ties and lia-} said city, to distrain and sell therefor, in like manner as ^{bilities.} the sheriff may distrain and sell for State taxes, and shall in 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 city, all the 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 the case of the arrest of any person for 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 recoverable against constables.

28. There shall be a lien upon real estate within said ^{Lean on real} corporation for the city taxes assessed thereon, from the ^{estate for} commencement of the year in which they are assessed, and ^{taxes.} for all other assessments, fines and penalties assessed or imposed upon the owners thereof by the authorities of the

city, from the time the same are so assessed or imposed, which 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 that for taxes due the State.

How enforced.
Prohibition of Shows.

29. 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 city.

Bonds of Sergeant and Treasurer.

30. 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 true and faithful performance of his duties as sergeant, and for the collecting and accounting for and payment of the taxes, fines and other monies of the city 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 true and faithful performance of his duties as treasurer, and that he will faithfully pay over and account for all monies that shall come into his hands as treasurer, when and as he shall be thereto required by the council.

Mayor; his powers, duties and compensation.

31. The Mayor shall be the chief executive officer of the city, 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 said city, 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 city, and may appoint special police officers whenever he deems it necessary; and it shall be his duty especially to see that the peace and good order of 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 rioters and disorderly persons in said city before issuing his warrant therefor. He shall have power to issue execution 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 Kanawha county until the fine or penalty and costs shall be paid, to be employed during the term of his imprisonment, as hereinafter provided, 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 city. He shall receive a compensation for his services, to be fixed by the council, which

shall not be increased nor diminished during the term for which he was elected.

32. 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 city. 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. In the absence of the mayor he shall have all the authority of that officer, and shall exercise the functions of the office of mayor. He shall receive a compensation for his services, to be fixed by the council, which shall not be increased nor diminished during the term for which he shall have been elected.

Recorder, his
duties and
compensation.

33. It shall be the duty of the city Sergeant to collect the taxes, fines and other income and revenue of the city, as specified in his bond, and to account for 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 be satisfied he could not have collected the same by use of due diligence, allow them. But if the council shall be of opinion that by use of due diligence on the part of said sergeant he could have collected the same, or any part thereof, then he shall be charged with such as he might have collected. The said sergeant shall do and perform all other acts pertaining to the office of sergeant of a corporation, and of a police officer and constable within said city, 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.

Sergeant;
his duties,
liabilities
and compensation.

34. All monies belonging to said city 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.

Treasurer.

35. If the said treasurer shall fail to account for and pay over all or any monies 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 city, by motion before the Circuit Court of Kanawha county, after ten days previous notice, to recover from the treasurer and his sure-

Motion
against
Treasurer.

ties, or their personal representatives, any sum that may be due from said treasurer to said city.

Motion
against
sergeant.

36. 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 city, 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.

Exemption
from road
and poor tax.

37. The said city, and the taxable persons and property therein, shall be exempt from all expenses 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 city, for any year in which it shall appear that said city shall, at its own expense, provide for its own poor and keep its streets in order.

Rights re-
served.

38. All rights, privileges and properties of the said city, heretofore acquired and possessed, owned and enjoyed by any act now in force, shall continue undiminished and remain vested in said city under this act; and all laws, ordinances, acts and resolutions of the 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.

Duties of
Council.

39. The council 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 city, for a specified purpose within such ward, when requested so to do by a majority of the voters thereof. Whenever, in the opinion of the council, it becomes necessary to lay off said city into more than three wards, the said council shall so lay it off, and apportion the councilmen of said city so that each ward shall be equally represented in the council.

Duties of
Council.

40. 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 city; 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 of such persons; shall fix a reasonable rate per diem as wages to be allowed every such person, until such fine and costs

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

41. This Act shall, at all times, be subject to modification or repeal, at the pleasure of the Legislature. Act amendable.

CHAPTER 63.—AN ACT for the relief of the securities of William Roach, late Sheriff of Wyoming county.

Passed February 17, 1871.

WHEREAS, William Roach, late sheriff of Wyoming county, Preamble. is largely in arrears to this State, and is insolvent;

And whereas, some of the sureties of said Roach are also insolvent, and none of them persons of large means; therefore,

Be it enacted by the Legislature of West Virginia:

That the Auditor be directed to ascertain the exact indebtedness of the said William Roach, as such sheriff, to this State, and the proportion thereof which should be paid by each of his sureties, to be ascertained by dividing the sum of such indebtedness by the whole number of such sureties. Upon such proportion of said indebtedness being so ascertained, any one or more of such sureties may pay into the treasury of this State his proportion of said indebtedness, and thereupon he shall be released from all further liability to this State, growing out of the said indebtedness. Auditor to ascertain indebtedness of William Roach, late sheriff of Wyoming county, etc.

CHAPTER 64.—AN ACT authorizing the county of Kanawha to purchase the stock of the Elk River Bridge Company.

Passed February 17, 1871.

Be it enacted by the Legislature of West Virginia:

That the county of Kanawha, through the properly constituted authorities, is hereby empowered and authorized to purchase the capital stock of the Elk River Bridge Company, at its original cost, for the purpose of making the same a free bridge. Authority to purchase.

CHAPTER 65.—AN ACT to amend Section ten of Chapter One Hundred and Fourteen of the Acts of 1869.

Passed February 17, 1871.

Be it enacted by the Legislature of West Virginia:

That so much of section ten of chapter one hundred and fourteen of the acts of 1869 as imposes a tax on steamboats, carrying passengers of one half cent per passenger per mile for each passenger carried is hereby repealed. Part of chapter 114 repealed.

CHAPTER 66.—AN ACT amending an Act passed March 3rd, 1869, entitled "An Act to enlarge the powers and define the duties of Kanawha Board, and to authorize them to prosecute the improvement of the Kanawha river."

Passed February 17, 1871.

Be it enacted by the Legislature of West Virginia :

That Section three of the said Act, passed March 3rd, 1869, shall be so amended and re-enacted as to read as follows :

Kanawha
Board, their
duties.

3. It shall be the duty of the Kanawha Board to prosecute the improvement of the Great Kanawha river, either by contract or by agents of the board, upon a plan and specifications, to be recommended by a competent engineer, and approved by the board; and the said board shall expend in such improvement the surplus tolls arising from the river, which may not be required to meet the present liabilities of the board, or to pay the interest on the bonds authorized to be issued, and to provide a sinking fund to pay such bonds at maturity: Provided, however, that the said board shall make no contracts for work to be done on the river that will extend more than thirty days beyond the term of office for which the said board were appointed.

CHAPTER 67.—AN ACT to amend and re-enact an Act passed March 3d, 1870, entitled "An Act regulating the deposits of State funds, and to secure interest thereon."

Passed February 17, 1871.

Be it enacted by the Legislature of West Virginia :

An Act entitled "An Act regulating the deposits of State funds and to secure interest thereon," passed March 3d, 1870, is hereby amended and re-enacted so as to read as follows :

Interest on
State funds.

1. The Board of Public Works, consisting of the Governor, Auditor, and Treasurer, is hereby authorized to contract with the designated depositories of money belonging to the State for a rate of interest on said funds not less than two nor more than six per cent per annum.

Security for
deposits to
be given

2. Said board shall require said depositories to give good personal security, or deposit with said board United States or other good securities, and the amount of deposits shall not exceed at any time the amount of security, and no security shall be accepted by said board for more than its market cash value, and all securities shall be examined at least once every six months by said board, and if from any good cause (which cause shall be entered on the order book of said board,) the security is considered insufficient, additional security shall be required.

3. Said board shall issue its order to the Auditor directing him to draw his warrants on the Treasurer for the full amounts of the deposits held by depositories neglecting or refusing to give the required security, and pay interest, designating what depositories such funds shall be transferred to and the amount to each. Failure to give required security.

4. If a sufficient number of the designated depositories shall neglect or refuse to give good security and pay interest, then said board may contract with other banking institutions for the payment of interest as indicated in the first section of this act, and upon such banks filing good security with said board, the funds shall be transferred to said banks, as directed in the third section of this act. Failure to give security and pay interest.

5. All national banks, banking institutions, or bankers of good standing in this State, upon complying with the provisions of this act, may be made depositories of State funds. What banks may be depositories.

CHAPTER 68.—AN ACT to establish Harman's District in Milroy Township, Grant County, as an Independent School District.

Passed February 17, 1871.

Be it enacted by the Legislature of West Virginia:

1. That the district commonly known as Harman's district, in Milroy Township, Grant county, is hereby established as an independent school district. Independent school district established.

2. The qualified voters of said district shall meet at the school house in said district, on the first Tuesday of April, 1871, and annually thereafter, for the purpose of electing a member or members of a board of commissioners, which shall exercise for the district all the powers now by law vested in the township board of commissioners and district trustees. At the first election one commissioner shall be elected for one year, one for two years, and one for three years. In subsequent elections each commissioner shall be elected for three years, except to fill a vacancy; seven qualified voters shall constitute a quorum to transact business in said district meeting, but a less number may adjourn from time to time. In case of a vacancy in the board of commissioners, the remaining commissioners shall call a meeting of the qualified voters of the district by posting written notices of the same in at least three conspicuous places in the district, at least two weeks before the time of said meeting, for the purpose of filling said vacancy. Election of comm'rs.
Their powers and duties.
Term of office.
Vacancy in board.

3. The aforesaid board of commissioners shall appoint a Treasurer; his duties and compensation

of the State school fund from the State Auditor on the order of the county Superintendent, who shall collect all school taxes levied in the district, and payout the same on the written order of the board of commissioners, and who shall give a bond satisfactory to said commissioners in the sum of one thousand dollars. The said treasurer shall hold his office for a period of one year from the first Tuesday in April, and until his successor is elected and qualified, and shall have the same compensation, as is now by law allowed for the collection and disbursement of school monies. He shall make a full and satisfactory settlement with the commissioners at the close of his term of office, and turn over all books, papers and monies in his hands belonging to the district to his successor as soon as the said successor is qualified.

Graded school.

4. Said commissioners shall take the necessary steps, for the establishment of a graded school in said district, which school shall be put in operation on or before the first day of November, 1871, and shall be kept in operation at least six months in each year thereafter.

Failure to discharge duties enjoined by this act.

5. Failure to perform any of the duties enjoined by this act, shall subject the offender to the same penalties as is now inflicted by law, for the offense upon similar officers.

CHAPTER 69.—AN ACT extending the time of Joseph Sprigg to qualify as Attorney General of this State.

Passed February 2, 1871.

Be it enacted by the Legislature of West Virginia:

Time to qualify.

That the time in which Joseph Sprigg is required to qualify as Attorney General of this State be and the same is hereby extended to March 5, 1871.

CHAPTER 70.—AN ACT relating to sales made under deeds of trust, or mortgages, by railroads, or other internal improvement companies in this State.

Passed February 18, 1871.

Be it enacted by the Legislature of West Virginia:

Sale under deed of trust to pass all property owned by railroad company at time of sale.

1. If a sale be made under a deed of trust, or mortgage, executed by a railroad or other internal improvement company in this State, on all its works and property, and there be a conveyance pursuant thereto, such sale and conveyance shall pass to the purchaser at the sale, not only the works and property of the company, as they were at the time of making the deed of trust or mortgage, but any works which the company may, after that time and before the sale, have constructed, and all other property of which

it may be possessed at the time of the sale, other than debts due to it. Upon such conveyance to the purchaser, the said company shall ipso facto be dissolved. And the said purchaser shall forthwith be a corporation by any name which may be set forth in said conveyance, or in any writing signed by him or them, and recorded in the recorder's office of any county wherein the property so sold, or any part thereof, is situated, or where said conveyance is recorded.

Company to be dissolved.

Purchaser to become a new corporation.

2. The corporation created by or in consequence of such sale and conveyance shall succeed to all such franchises, rights, and privileges and perform all such duties as would have been had, or should have been performed by the first company, but for such sale and conveyance; save only that the corporation so created shall not be entitled to debts due to the first company, and shall not be liable for any debts of, or claims against, the said first company, which may not be expressly assumed in the contract of purchase; and that the whole profits of the business done by such corporation shall belong to the said purchaser and his assigns. His interest in the corporation shall be personal estate, and he, or his assigns, may create so many shares of stock therein as he or they may think proper, not exceeding, together, the amount of stock in the first company at the time of the sale, and assign the same in a book kept for that purpose. The said shares shall thereupon be on the footing of shares in joint stock companies generally, except only that the first meeting of the stockholders shall be held on such day and at such place as shall be fixed by the said purchaser, of which notice shall be published for four successive weeks in a newspaper printed in each county in the State wherein said corporation may do business.

New corporation to succeed to all the rights, privileges and duties of the old.

Purchaser's interest in said corporation to be personal estate.

Shares to be like shares in joint stock companies.

3. The debts due to and by, and claims against, the said first company mentioned in the preceding section, shall be subject to the provisions contained in the seventh section of chapter fifty-two, of the Code.

Debts and liabilities of first company subject to sec. 7 ch. 52 of code.

4. This Act shall not apply to any sales heretofore made, or any suits now pending in regard to such sales.

To what sales does not apply.

CHAPTER 71.—AN ACT to amend an act entitled "An Act for the establishment of the West Virginia Institution for the Deaf and Dumb and Blind," passed March 3d, 1870.

Passed February 18, 1871.

Be it enacted by the Legislature of West Virginia:

1. The Board of Regents of the West Virginia Institu-

Board of regents; how appointed.

Incorporation

Powers of board.

President and secretary.

Meetings.

Quorum.

Principal; his duties.

Teachers and assistants.

Furniture, &c.

Residence of officers.

Salaries; when paid.

Physician.

tion for the Deaf and Dumb and Blind shall consist of seven members, not less than two of whom shall be appointed by the Governor from each congressional district, who shall constitute collectively a body corporate, with powers to rent, purchase and convey real estate, and with all other powers necessary for the carrying on of the institution for the education of the deaf and dumb and blind youth of West Virginia, established under the said act passed March 3d, 1870, and to be known as the "Board of Regents of the West Virginia Institution for the deaf and dumb and blind." Said board shall appoint one of their number as President, and in case of his absence a President pro tem; shall also appoint a Secretary, and all orders, drafts or requisitions for money from the State shall be signed by their Secretary and countersigned by the President. Said board shall meet as hereinafter provided, and shall hold such other meetings as they may think necessary. Extra meetings may be called by the President or by any three members of the board by notifying the other members of the time and place of the meeting, and of the nature of the business which renders an extra meeting necessary; any three members of said board shall constitute a quorum for the transaction of all ordinary business, but for the appointment to and removal from office of any of the officers and teachers of said institution, the concurrence of the majority of the members of said board shall be necessary.

2. It shall be the duty of the principal under the direction of the board to superintend the affairs necessary for the proper conduct of the institution, and to make such general regulations as may be necessary for the successful management of the same, and to purchase such books and apparatus as may be necessary for the efficient working of the institution.

3. Said board shall appoint all necessary teachers and assistants, and shall provide the furniture, fixtures, apparatus and other things necessary for the comfort and convenience of inmates of the institution.

4. The principal and matron shall reside in the institution, and the steward and teachers in or near it. All salaries shall be fixed by the board of regents and shall be paid quarterly out of the funds appropriated by the Legislature.

5. The board of regents shall employ as visiting physician of the institution a physician of respectable standing in his profession, and it shall be his duty to render all the medical assistance necessary to its inmates, and fix his sal-

ary not to exceed two hundred dollars, to be paid in the same manner as a teacher.

6. The principal and steward shall give bond with approved security in such amount as the board of regents may direct, for the faithful discharge of their respective duties. Bonds of principal and steward.

7. The board of regents shall prescribe such by-laws, rules and regulations for the government and conduct of the institution under their charge as shall secure the harmonious and efficient management of said institution in all its parts. They shall require such reports from the principal, steward, matron and physician as in their opinion the institution may demand, and they shall annually, on or before the first day of December, report to the Governor all the facts and circumstances in connection with the conduct and progress of the institution, with a careful statement of all the receipts and disbursements of the same, and shall accompany their annual report with such recommendations and suggestions as will enable the State efficiently to foster and promote the enterprise of educating the deaf, dumb and blind youth within its limits. The fiscal year of the institution shall end on the last day of September, and the accounts of the institution shall be kept with reference to said fiscal year; and there shall be an annual meeting of said board on the third Thursday in October in each and every year. By-laws. Reports of officers. Annual report of board. Fiscal year of the institution.

8. The board of regents may provide in said institution accommodation for all the officers, assistants and employees, and for all the deaf, dumb and blind youth resident of the State of West Virginia who may apply for admission to the said institution, between the ages of eight and twenty-five years, and for such other deaf, dumb and blind persons as may apply for admission as paying pupils, under such regulations as said board may direct, but all youth admitted must be of sound mind and not afflicted with any contagious or offensive disease. Accommodations to be provided, and for whom.

9. All such deaf, dumb and blind youth residents of the State of West Virginia between the ages of eight and twenty-five years, shall be admitted to pupilage in the institution on application to the principal; until the institution is filled, applicants shall be admitted in the order of their application, and it shall be the duty of the principal to keep a careful record of the names of all pupils admitted with the dates of their admission and discharge, their age, post office address, the name of their parents or guardians, the degree, cause and circumstances of their deafness or blindness. All such deaf, dumb and blind pupils shall be admitted as above directed without charge for Who may be admitted to pupilage. Record of pupils.

board and tuition; and when not otherwise provided with clothing they shall be furnished by the institution while they are pupils in the same, and the principal shall make out an account therefor in each case against the respective counties from which said pupils are sent, in an amount not exceeding forty dollars per annum for every such pupil, which account shall be certified by the principal and countersigned by the secretary, and which shall be transmitted by the principal to the clerk of the board of supervisors of the county from which such pupil was sent, and such board of supervisors of such county shall at their next annual levy provide for the payment of the same out of such county levy to the said principal for the use of the said institution. The term of pupilage shall be five years at least, and for so much longer time as in the discretion of the board and principal their condition and progress would seem to justify. After all the applicants between the prescribed ages of eight and twenty-five years have been admitted, if there is still room, the principal may admit other deaf and dumb and blind persons on application who may be of suitable age to receive any advantages of the institution, and upon such terms as the board may prescribe, but it shall be distinctly understood that such persons shall withdraw from the institution in the order of the dates of their admission to make room for new applicants between the ages herein already prescribed.

Account to be kept against the pupils respectively counties.

Term of pupilage.

Accommodation of pupils not within the prescribed ages.

Course of instruction.

10. The course of instruction in the institution shall be prescribed by the board of regents with the advice of the principal, and shall be as extensive both in the intellectual, musical and mechanical departments, as the capacities and interests of the pupils may require.

Assessors to register the names of the deaf, dumb and blind, with certain other facts.

11. In addition to their other duties the assessors of the State are hereby required to register in a book to be furnished them by the Auditor for the purpose, the name of all deaf, dumb and blind persons in their respective districts, with the degree and cause of deafness and blindness in each case as far as can be ascertained from the heads of families, or from other persons whom the assessors may conveniently consult, their ages, the names of their parents or guardians, their post office address, and such other circumstances as may constitute useful statistical information in making the said institution promptly efficient in ameliorating the condition of the deaf, dumb and blind by education. They shall complete the registration as early as possible in the first annual assessment after the passage of this act, and shall forward their report directly to the Auditor, who shall if practicable, before the first day of July, or as soon thereafter as possible make an alphabetical abstract of all the facts furnished him by the assessors

Assessor to report to the Auditor.

reports, and shall send the same by mail to the principal of the West Virginia Institute for the deaf, dumb and blind, and said principal is hereby further required to put himself in immediate correspondence with all the deaf, dumb and blind persons of suitable age and condition mentioned in the Auditor's abstract, with a view to their admission as pupils into the West Virginia Institute for the deaf, dumb and blind. The assessor shall receive for the extra duties hereby imposed the same compensation as is now allowed them for the registration of births and deaths, and shall be liable to the same penalties for failure to discharge these duties.

Auditor to forward abstract of Assessors' reports to principal of institution.
Principal to correspond, etc.
Assessor's compensation for registration.

CHAPTER 72.—AN ACT to amend Chapter eighteen, of the Code of West Virginia, in relation to the office of Adjutant General and Quartermaster General.

Passed February 18, 1871.

Be it enacted by the Legislature of West Virginia :

That section one, of chapter eighteen, of the Code of West Virginia, be and the same is hereby amended and re-enacted so as to read as follows :

1. The general superintendent of free schools shall be ex-officio Adjutant General, and as such shall do and perform all the duties required by law to be performed by the Adjutant General.

General Supt. of free schools ex-officio adjutant gen'l.

Section three of said chapter is hereby amended and re-enacted so as to read as follows :

3. The general superintendent of free schools shall also be ex-officio Quartermaster General, and as such shall do and perform all the duties pertaining to that office. As Adjutant General he may employ a clerk, as provided for in section three, of chapter eleven, of said Code, but he shall not be entitled to the salary as Adjutant General, or any part thereof mentioned in the first section of said chapter eleven.

Ex-officio quartermaster general.
Clerk.
Salary of adjutant gen'l abolished.

CHAPTER 73.—AN ACT to amend the provisions of Section 40, of Chapter thirty-one, of the Code of this State, relative to deeds for real estate sold in the year 1860, for taxes.

Passed February 18, 1871.

Be it enacted by the Legislature of West Virginia :

Where any real estate was sold in the year 1860, for the non-payment of taxes, and the purchaser obtained a deed therefor after the 27th day of February, in the year 1866, before the passage of the act of the legislature establishing a code of laws for this State, in the year 1868; and

Real estate sold in 1866 for taxes, and deed obtained after Feb. 27, 1866.

Tender made by the former owner to redeem the same and cir. court has not ordered to reconvey Cir. Ct. of the county where the sale was made to make such order. Motion. Notice of motion. Payment into court. No motion after August 1, 1871. Rights not to be impaired.

under the provisions of section forty, of chapter thirty-one thereof, the former owner of any such real estate, or any other person, within a year thereafter, tendered to the person having the legal title to such real estate, or any part thereof, any sum of money to redeem the same, and the proper Circuit Court has not ordered a deed to be made by the recorder, or a commissioner, to re-convey such real estate to the former owner, no Circuit Court other than that of the county wherein the sale was made shall make such order, and no court shall do so unless upon motion of such former owner, his heirs, or assigns, after he or they shall have given to the person to whom such tender was made, notice in writing of such motion, and the time thereof, ten days previous thereto, nor until he or they shall have paid into such court for the use of the person having the title to the real estate, such sum of money as if such deed had not been made, would be necessary to redeem the same, and no such motion shall be made after the first day of August next. No such order, or deed, made thereunder, shall divest or impair any title or right other than such as may have been acquired by such sale, purchase, and deed, as first aforesaid, or any title or right of any person to whom such notice shall not have been given such time before such motion.

CHAPTER 74.—AN ACT providing for the School District of Salem, in Harrison county.

Passed February 18, 1871.

Be it enacted by the Legislature of West Virginia:

School district established.

1. The town of Salem, in Harrison county, including the lands known as the "Horner Farm," at the mouth of Turkey Run, and all the territory on the water courses above said farm, (except that part of Dog Run above the lands of P. C. F. Randolph,) together with the head waters of Long Run, in Doddridge county, down to the Morrow farm, shall constitute one school district, and be known as the school district of Salem.

Board of education; their powers, duties and liabilities.

2. The board of education of the school district of Salem shall consist of three commissioners, and their secretary. The commissioners shall be resident freeholders of the district, elected by the qualified voters thereof, and by stockholders as provided for in the third section of this act. The said board shall have, within their district, all the powers, perform all the duties, and be subject to the same liabilities as appertain to township boards of education and trustees of school districts, in conformity to the general school law, except so far as they are exempted by the provisions of this act. Whenever the word "township" occurs in the

Meaning of Township.

school law, it shall be construed to mean school district, whenever necessary to give effect to this act.

3. In connection with the schools provided for in the general school laws, the board of education of the school district of Salem may establish an institute, in which may be taught all branches necessary to prepare students for advanced classes in colleges, for teaching, and for business. And tuition in said institute shall be free to youths of the district, the same as in the primary schools. The board may receive monies and subscriptions as stock, in shares of fifty dollars each; and shall invest the same in interest bearing bonds, the interest only of which shall be applied to the maintenance of the schools under the control of the board. Each stockholder, after the payment or proper security of his stock, with annual interest thereon, shall for each share so paid or secured by him, be entitled to cast one vote in person, or by proxy, in the election of the officers of the district, and also to a tuition (if claimed annually by attendance in the schools of the district,) for himself, his heirs, or wards, to the amount of six per cent. of his stock. The board may also receive monies, subscription, and property, and apply all the proceeds thereof for the benefit of the schools under its charge, and it may allow therefor such privileges of tuition as shall be just. When such an institution is established, the board may assume the title of the "Board of Education of the Institute and Graded Schools, of Salem," and shall perform, for said institute, all such necessary duties, and have all such necessary powers as usually pertain to first-class endowed academies.

Authority to establish an institute.

Powers of board.

Stockholders; their privileges.

Powers of board.

4. For the support of the primary free schools of the district, including all expenses thereof, not chargeable to the building fund, the board of education shall annually, as soon as possible after the apportionment of the State fund, levy such tax on the property taxable in the district as will, with the money received from the State for the support of free schools, be sufficient to keep such schools in operation for at least six months in the year: Provided, the said tax in any year shall not exceed the rate of fifty cents on every hundred dollars valuation, according to the latest assessment made for State and county taxation.

Primary free schools; how supported.

Rate of tax.

5. When in any year the schools of the district have been kept in operation six months, the board of education may continue them, not exceeding four months longer, and make up the deficiency in the school fund by apportioning said deficiency among the youths of the district who have attended a school so continued; and the amounts so apportioned shall be collected from the parents or guardians of said pupils, in such manner as the board may direct: Pro-

Authority to continue schools four months.

Deficiency; how supplied.

How apportioned betw'n departments.

vided, the amount apportioned to any pupil in the primary departments, shall not exceed six and one fourth cents per day of actual attendance, nor one dollar for any current month; and in the higher departments it shall not exceed ten cents per day of actual attendance, nor one dollar and fifty cents for any current month.

District lines; how changed. 6. The board of education of the school district of Salem may jointly, with the board of education of any adjacent township, change the boundary line between the said district and such township. When a majority of the voters living above the junction of the streams near the school house, in the present district number seven, desire a separate district, such district, including the said school house, shall be set off and returned to the control of the township board of education.

How pupils may be transferred. 7. Any pupil or pupils in the school district of Salem, whose parents or guardian desire it, may be transferred for school purposes, to any public school that may be nearer them than their own schools: Provided, that the scholars so transferred shall only carry with them their pro rata share of the school funds of their own district for the time transferred.

Schools be continued four months in district No. 7. 8. While the principal school of the Salem district shall be kept on the present site of the school house on Jacob's Run; and while all the present district number seven remains under the control of the board of education of the district of Salem, the said board shall cause, each year, at least four months school to be kept in said district number seven.

Election of comm'rs. 9. The qualified voters of the school district of Salem, shall, in Salem, on the first Monday in April next, elect three commissioners, and a treasurer, as hereinbefore provided for. Peter F. Randolph, Geo. C. Gabert, and Silas Fretlo, shall conduct said election. Annual elections shall, after the present year, occur on the third Monday in August, in Salem, under the supervision of the secretary of the board of education, and the two commissioners filling the terms of office which do not expire for one and two years.

Treasurer. 10. The treasurer shall receive the tuition bills, subscriptions, and other monies to be paid to the credit of the district; and shall perform for the district all such other duties as are required of a treasurer.

Adjustment of monies and property of Grant township. 11. The board of education of the school district of Salem shall make an equitable adjustment of all monies or property held by the board of education of the township of Grant, in Doddridge county, based upon the value of all

taxable property, for the year eighteen hundred and seventy, of that portion of said district within said township as compared with the value of the whole township.

CHAPTER 75.—AN ACT directing the Board of Education of Sewell Township, in Fayette county, to pay S. H. Love for services performed as a teacher of Free Schools:

Passed February 18, 1871.

Be it enacted by the Legislature of West Virginia:

The board of education of Sewell township, in Fayette county, is authorized to allow and pay, out of the school fund of said township, to S. H. Love, one hundred and twenty dollars, for four months service performed by him as a teacher of free schools in said township, he having been employed as such teacher.

CHAPTER 76.—AN ACT to provide Free Schools for the town of Volcano.

Passed February 18, 1871.

Be it enacted by the Legislature of West Virginia:

1. The town of Volcano, the school districts and parts of school districts contained within the following boundaries, to-wit: Beginning at a point in the line between Ritchie and Wood counties, at the mouth of the west branch of Laurel Fork of Goose creek; thence up said west branch to the head thereof; thence down to the White Oak Fork of Walker's creek; thence down said fork of said creek to the mouth thereof; thence up Walker's creek to the Bull creek road; thence with the Bull creek road to line between the counties of Wood and Pleasants; thence with the lines of Pleasants and Ritchie counties, in a southerly direction 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.

2. The board of education for the school district of Volcano, 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. Whenever the word "township" occurs in the school law it shall be construed to mean "school district" whenever necessary to give effect to this act.

Incorporation.

3. The board of education of said town, herein provided for, shall be a corporation by the name of "The Board of Education of Volcano," 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.

Commissioners; their election.

4. The qualified voters of the school district of Volcano shall, on the first Tuesday of April next, elect three commissioners as herein provided for, who shall serve until January first, 1872. Subsequent elections shall be held on the fourth Thursday in October in each year.

First election; how conducted.

5. The first election provided for in the preceding section shall be conducted by D. C. Mudge, W. W. Gates, and George P. Sargent, who are appointed commissioners for that purpose; and said election shall be held at Volcano; and said commissioners shall qualify, and said election shall be conducted, so far as practicable, according to the laws governing elections, in force on that day. The official term of the commissioners so elected, shall commence on the first day of May, 1871, and terminate on the thirty-first day of December, 1871. The official term of commissioners elected at subsequent elections, shall commence on the first day of January of each year. Section 2 of chapter 45, of the Code of West Virginia, shall not apply to the first election above provided for, but shall apply to all subsequent elections.

Terms of office.

Organization.

6. The board of education of the school district of Volcano 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 the said board, but shall be entitled 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; all monies collected by him to be at all times subject to payment, on the order of said board of education of said town.

Clerk; his duties.

Treasurer; his bond.

Powers of board.

7. The board of education of said school district of Volcano, 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 districts, 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.

8. It shall be the duty of the said board of education, of the school district aforesaid, to determine, at their first meeting in July of each year, 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 the said school district for the succeeding year, for which amount the 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 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.

Assessment
for school
purposes.

9. The taxes to be raised as aforesaid for school purposes in said school district, shall not exceed the amount as prescribed by law for township school purposes, 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.

Amount of
taxes; how
used.

10. The treasurer of said school district shall be allowed a commission of three per cent. upon all monies 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 defalcation upon the payment of which shall render it necessary to collect by justice's warrant or distraint.

Treasurer; his
commission.

11. The property, real and personal, within the school district of Volcano, now vested in the board of education of Walker's township, shall by this act vest in the board of education for the school district of Volcano.

Property
transferred.

CHAPTER 77.—AN ACT for the opening and keeping in repair the Roads in the county of Jefferson.

Passed February 18, 1871.

Be it enacted by the Legislature of West Virginia:

1. The voters of any township of the county of Jeffer-

Townships may adopt this act. son, assembled in stated or special meeting, may determine to adopt the provisions of this act to govern such township in keeping in repair the roads therein: Provided, however, that notice of the intention to submit the question of the adoption of the provisions of this act to a stated or special meeting, at three or more public places in the township, and provided further, that the determination to adopt the provisions of this act, as aforesaid, shall be by a majority of the voters present, and voting at such stated or special meeting.

Act submitted to the voters.
Notice of intention to submit question of adoption.

Notice of its adoption.

2. Any township meeting, as aforesaid, determining to adopt the provisions of this act, as aforesaid, shall cause a notice of their action to be given to the clerk of the board of supervisors, of the county, whose duty it shall be to lay the same before the said board at the first stated meeting after receiving such notice.

Board of Supervisors; their duty.

3. The board of supervisors of the county, upon receiving the notice, as provided in section second of this act, shall immediately proceed to divide the township so determining to accept the provisions of this act, into three road precincts, of as nearly as practicable equal extent, numbering the same.

Road surveyor; how elected.

4. Road surveyors for the township so determining to accept the provisions of this act, shall be elected by the voters thereof at the first annual election of other township officers after the passage of this act; and there shall be three such road surveyors so elected, no two of whom shall be chosen from the same road precinct, of whom the one who receives the highest number of votes shall hold his office for three years; the one who receives the next highest number of votes shall hold his office for two years, and the one who shall receive the next highest number of votes shall hold his office for one year, but those who receive an equal number of votes, shall, if elected, determine their respective terms of office by lot.

Term of office.

When to commence.

5. The term of office of said board of surveyors shall commence on the first day of January next after their election.

Annual election of surveyor.

6. After the first election thereof, in any township, one road surveyor for such township shall be annually elected, who shall be a voter of the township, residing in the road precinct of his immediate predecessor, whose term of office shall commence on the first day of January next after his said election, and shall continue in office for three years.

Term of office.

Vacancies; how filled.

7. When there is a vacancy in the office of road surveyor, as aforesaid, the same shall be filled for the unex-

pired term at the next annual election thereafter; but in the meantime the board of supervisors, of the county, may fill the vacancy by a temporary appointment, to expire when the person so to be elected at the annual election shall be duly qualified to act, and in no case shall there be two road surveyors in said township elected or appointed, who, at the same time, reside in the same road precinct. The road surveyor, so elected, shall within ten days after being duly notified thereof by the township clerk, and those so appointed shall within ten days after being duly notified thereof by the clerk of the board of supervisors of the county, proceed to qualify by taking the several oaths prescribed by law, which oaths the township clerk is hereby authorized to administer, a copy of which oaths, signed by the road surveyor taking the same, shall be filed by him in his office. Oath of office.

8. Any two of said road surveyors shall constitute a quorum for the transaction of business.

9. Stated meetings of said road surveyors shall be held at the place of voting in their township on the second Tuesday of April and September of every year, and special meetings at such other times as a majority of the surveyors may determine. Meetings of surveyors.

10. It shall be the duty of the surveyors, within twenty days after the first day of January, 1871, and every three years thereafter, to lay out and divide all the county roads in their said township into sections, not exceeding one-half mile in length, which they shall number and describe in a book kept by them for that purpose; they shall also distinctly specify therein what they may deem necessary for the improvement and keeping in repair each section of said county road for the term of three years. Road to be divided. Sections to be numbered and described in a book.

11. It shall be the duty of said road surveyors to expose all county roads, one section at a time, at public sale, to the lowest and best bidder, commencing on the third Tuesday in April, 1871, and to continue from day to day, if necessary, until all are sold, and every three years thereafter, commencing on the third Tuesday of April and continuing, as aforesaid, until all are sold, of which sales at least ten days notice shall be given by not less than ten handbills, posted at the most public places in the township: Provided, that any person purchasing a contract, or contracts, at any sale herein provided for, shall give bond, with freehold security, to be approved by said surveyors, in a sum to be fixed by said surveyors, for the performance of every contract so purchased. To be offered at public sale. Notice of sales. Purchaser of contract to give bond.

12. The road surveyors shall divide all the roads that

Roads hereafter established to be divided into sections.

may hereafter be laid out, altered, or established in said township, into sections not exceeding one-half mile in length, number and describe them; specify the nature and character of the work to be done, within twenty days after the time they may receive an order for the opening of the same, and after giving ten days notice by posting handbills at ten of the most public places in the township, shall proceed to sell the same at public sale, in the manner and form provided in the eleventh section, for such a length of time as they may deem necessary for the opening of the same, after which they shall be kept in repair in the same manner as other roads in the township.

Sale of

Contractor to sign his name, etc

13. It shall be the duty of every purchaser to sign his or their name, or names, as the case may be, and write the sum he or they are to receive for repairing his or their section, or sections, in the books kept by said road surveyors, mentioned in section ten of this act, under the description thereof; and any contractor, or contractors, neglecting or refusing to keep his or their section, or sections, in repair, in conformity thereto, upon complaint of any citizen of the township in which such road is made, to the road surveyor thereof, it shall be their duty to examine thereinto, within four days after such complaint; and if upon such examination they deem the complaint well founded, they shall give notice thereof in writing to the party, or parties, so complained of, and accompanying said notice with a request that the party, or parties, so complained of shall put in good repair, within six days thereafter, his or their portion of road so out of repair, and if he or they shall still neglect or refuse to repair the same, it shall be the duty of the said road surveyors to cause the same to be put in good repair; and the costs of said repairs shall be recoverable by said road surveyors before a justice of the peace of said township, or in the Circuit Court of the county, if such costs exceed the sum of one hundred dollars, as other debts or claims of equal amount are now recoverable by law: Provided, however, that if any road

If contractor fails to keep his section in repair.

Surveyor to give notice to contractor.

Surveyor to cause repairs at his cost.

Notice in case of surveyor being a contractor.

If neglect continue a supervisor to have road repaired at cost of person in default.

surveyor shall become a purchaser, or contractor, as aforesaid, and shall neglect or refuse to keep in repair, according to his contract, any portion of his section so purchased, it shall be the duty of the supervisor of the township in which said road is, upon complaint of any citizen of the township made to him, to examine the section, or sections, so complained of, within four days from the time of such complaint being made, and if such complaint is deemed well founded, he shall give notice in writing to the person, or persons, complained of, accompanying the same with a request that he or they so notified to put his or their section, or sections, so complained of in good repair, according to his or their contract, within six days thereafter; and if such neglect or refusal to repair the same shall con-

tinue for any period of time after said six days, it shall then be the duty of said supervisor of the township to cause the same to be put in good order at the cost of the person or persons so complained of, in manner and form hereinafter provided for other delinquencies.

14. It shall be the duty of the road surveyors to inspect all the roads in the township at least once in every two months, and if they find any contractor, or contractors, have neglected to fill his or their contract, or contracts, to give notice thereof, as provided in the preceding sections, in case of complaints being made, and to enforce the same.

Inspection of roads.
Notice to contractors in case of neglect

15. It shall be the duty of the road surveyors, as soon as practicable after the sale of said county roads, or of any newly established or altered roads, and annually thereafter, to ascertain and report in writing, immediately after such ascertainment, to the board of supervisors of their county, the amount of money necessary to keep in repair and open the roads in their township; whereupon the said board of supervisors, at their first stated meeting thereafter, at which said board may be required to levy the estimates covering county debts and liabilities, shall provide for the amount so reported to them by the road surveyors, as aforesaid, and any other expenses pertaining to the same, by levying a tax of one dollar on every male inhabitant of said township, who has attained the age of twenty-one years, and the balance, after deducting said capitation tax and estimated delinquencies, shall be levied upon the property of said township, taxable for State and county purposes and in the same manner, a list of which persons liable under said assessment, together with the amount with which they are severally chargeable, shall be delivered to the township treasurer of such township, who shall proceed to collect the same in the manner in which he may be now or hereafter required to collect other township taxes; and he is hereby authorized and empowered to use the same means to enforce the collection thereof that he may possess as to other township taxes: Provided, if at any time the authority of township treasurers to collect all other township taxes shall hereafter, by law, or otherwise, cease, the board of supervisors of the county shall appoint a suitable person to collect the taxes herein provided for; and such person so appointed shall in all respects discharge the duties and be liable as said treasurer is now herein required to discharge any duty or made liable in any manner.

Surveyors to report amount necessary to keep up roads.
Surveyor to make levy.
Capitation tax.
Tax on property.
Township treasurer to collect taxes.
Collector to be appointed, if authority of treasurer cease.

16. Every road surveyor and collector of taxes provided for in this act, shall, before entering upon the duties of their office, give bond, with security, to be approved by

Bonds of surveyors and collectors.

the supervisor of their township, in such sum as may be required by the board of supervisors of the county, the same to be made payable to the board of supervisors of their county, and be conditioned as any other fiduciary public officer's bond.

Contractors removing may give up contract.

17. It shall be lawful for any contractor, or contractors, who may remove out of the township, to yield up to the road surveyors the unexpired portion of his or their contract, or contracts, by giving notice thereof in writing at least twenty days before the next annual election thereafter; and the unexpired term of such contract, or contracts, so yielded up, and any section of new road that may have been opened, shall be sold at private sale by the road surveyors, for the unexpired portion of the tri-ennial term: Provided, that in case of death, or removal out of the township, the road surveyors shall cause to be paid, in the same manner of other claims required to be paid to contractors, to the representatives of such person so deceased, or to such person so removing such portions of the money specified in their respective contracts as they shall believe them justly entitled to.

Shall be paid such sums as they are entitled to.

Right to reject bids and sell at private sale.

18. The road surveyors shall have the right to reject any bids that may be by them deemed too high, and sell such section, or sections, or new road, at private sale.

Payment for services of surveyors.

19. The road surveyors shall each keep a regular account of the amount and kind of services performed by them severally, with the date thereof, and render an account thereof, sworn to, to the board of supervisors of the county, who shall audit, and if by them found correct and proper, order payment of the same, or such part thereof as may be deemed proper, out of the funds for road purposes in the township of such road surveyor.

Delinquent lists; how returned and disposed of.

20. Delinquent lists of taxes uncollected under the provisions of this act shall be returned to the board of supervisors of the county, and shall be disposed of relatively to this act, as township levies for school purposes are disposed of

Claims to be paid by collector upon order of board of supervisors.

21. All claims of any contractor, or contractors, or others, for money which may, under the provisions of this act, be due to such contractor, or contractors, or other person, shall be paid by the collector of taxes herein provided for, upon the order or warrant of the board of supervisors, signed by the president.

Penalty for surveyor refusing to act.

22. Any road surveyor duly elected under this act, and who may have qualified as such, neglecting or refusing to perform the duties of his office, shall be subject to all the

ines and penalties now provided by law for any township officer.

23. Upon the adoption of the provisions of this act by any township, as provided herein, all laws, or parts of laws, in conflict with this act, shall be, as to such township, void and of no effect.

Conflicting acts not to affect township which adopts this act.

24. This act may be amended or repealed by the legislature at any time.

Act amendable.

CHAPTER 78.—AN ACT to release and transfer any title or right which the State may have to a tract of land in the county of Calhoun.

Passed February 18, 1871.

Be it enacted by the Legislature of West Virginia :

WHEREAS, a tract of land within the county of Calhoun, the quantity and local description of which in the list hereinafter mentioned is 5,000 acres, West Fork, upon which was charged for the year 1865 tax \$20, was sold in the month of September, in the year 1867, for the non-payment of tax thereon, and purchased by a person who paid the purchase money \$27.67 to the Sheriff of the said county that made the said sale, who gave a receipt therefor to the purchaser. But by mistake the said land was improperly inserted in the list of real estate within the said county sold in the said month for the non-payment of taxes thereon as purchased by the State. And whereas the said land was charged with taxes for other years and sold at other times for the non-payment of taxes, and purchased by different persons who obtained deeds for the same.

Therefore, if by the proceedings aforesaid any title or right to the said land vested in the State, the same is hereby released and transferred to the person who, if the said tax for the year 1865 had been paid otherwise, and the said land had not been sold in the year 1867, would now have title thereto; and the said Sheriff shall pay the amount of the said purchase money into the treasury; and the Auditor and the Recorder of the said county shall correct the said list and the copy thereof in their respective offices so as to show such payment.

Rights vested in the State transferred.

Sheriff to pay the purchase money into treasury.

Lists to be corrected.

CHAPTER 79.—AN ACT to refund to Grant Township, in Doddridge county, certain school money.

Passed February 20, 1871.

Be it enacted by the Legislature of West Virginia :

1. The Superintendent of free schools of Doddridge county, is hereby authorized and required to pay to the Treasurer of Grant township in said county, the school

Authority to pay the school funds withheld from Grant township in 1868.

funds withheld from said township in eighteen hundred and sixty-eight, to be paid out of the school funds distributable this year among the townships of said county, among which the money withheld from Grant township as aforesaid was divided.

CHAPTER 80.—AN ACT to provide for two sessions of the Supreme Court of Appeals in every year.

Passed February 20, 1871.

Be it enacted by the Legislature of West Virginia:

Supreme Court of Appeals to meet twice a year. In Charleston and Wheeling

1. Two sessions of the Supreme Court of Appeals shall be held in every year; one in Charleston, in Kanawha county, to commence on the second Thursday in January, and the other at Wheeling, in the county of Ohio, commencing on the second Thursday in July.

Where cases from different circuits are heard.

2. No case from any of the counties composing the first, second, third, fourth, fifth, sixth and eighth circuits, shall be heard at the session to be held as aforesaid at Charleston, except by consent in writing of the parties or their counsel, unless the party desiring the hearing shall have given written notice of at least thirty days before the commencement of the term to the opposite party or his counsel, of his intention to insist on a hearing; nor shall any case from any of the counties composing the seventh, ninth, tenth, eleventh, twelfth and thirteenth circuits be heard at the sessions to be held as aforesaid at Wheeling, except by consent in writing of the parties or their counsel; unless the party desiring the hearing shall have given written notice to the opposite party or his counsel of his intention to insist on a hearing, at least thirty days before the commencement of said term.

State law library; where to remain.

3. The State Law Library shall remain at the seat of government of this State.

Acts repealed.

4. The third section of chapter one hundred and thirteen of the Code of West Virginia, and chapter twenty-one of the Acts of the Legislature of West Virginia, passed February 8, 1870, are hereby repealed.

CHAPTER 81.—AN ACT to amend and re-enact section 25 of chapter 163 of the Code of West Virginia:

Passed February 20, 1871.

Be it enacted by the Legislature of West Virginia:

Section twenty-five of chapter one hundred and sixty three of the Code of West Virginia is hereby amended and re-enacted so as to read as follows:

25. The board of directors in their discretion may allow a convict ten cents per hour for all work done over and above the amount required of each convict, and on his discharge not exceeding thirty dollars, and if he need it a suit of coarse clothing. All convicts sentenced to the penitentiary for a term of two years or more, and not for life, who may faithfully comply with all the rules and regulations of the penitentiary during his or her confinement, shall be entitled to a diminution of time from such sentence of five days per month, of confinement, provided, however that any infraction of such rules and regulations by a convict, shall as to such convict operate only as a deprivation of such diminution of time for that part of his or her term of sentence prior to, and including the month in which such infraction of the rules and regulations aforesaid occurred. And for the purpose of ascertaining such facts, it shall be the duty of the superintendent to keep a record of all infractions of such rules and regulations, and to make an annual report of the same to the board of directors, who shall cause the same to be inserted in their annual report to the Governor.

Convicts to be allowed pay for over work.

Diminution of time. Proviso.

Record of all infractions of law to be kept

CHAPTER 82.—AN ACT to amend and revive an act to incorporate the Parkersburg Bridge Company, passed February 9th, 1867.

Passed February 20, 1871.

Be it enacted by the Legislature of West Virginia :

1. That it shall be lawful to open books under the superintendence of Okey Johnson, J. N. Camden, Andrew G. Clark, Charles H. Shattuck and Henry Logan, or any three of them, to receive subscriptions to the capital stock of the company hereby incorporated for the construction of a bridge across the Little Kanawha river.

Opening of subscription books.

2. The capital stock of said company shall consist of not exceeding one thousand shares of fifty dollars each, and when three hundred shares have been subscribed, the subscribers, their heirs, executors and assignees are hereby incorporated by the name of "The Parkersburg Bridge Company," and shall have all the privileges, and be governed by the laws of this State relating to bridge and turnpike companies, so far as the same are applicable to, and do not come in conflict with this act.

Capital stock.

Incorporation

3. At the election of officers, and all general business of the company, each share of stock shall be entitled to one vote, which may be cast either personally or by proxy.

Vote of stock-holders.

4. The said company shall have power to construct a bridge across the Little Kanawha river at any place be-

Construction of bridge.

Its height. between the mouth of Worthington creek and the north side of Market Street in the city of Parkersburg, provided the same shall be so constructed by draw or otherwise, as in no way to obstruct the navigation of said river by any class of steamboats, under a penalty of one hundred dollars for each and every day it shall be so obstructed.

Tolls. 5. The tolls charged by said company shall not exceed upon persons or property the tolls authorized by law, to be charged by the Little Kanawha Bridge Company.

Authority to subscribe to the capital stock. 6. The Mayor and council of the city of Parkersburg, and the Supervisors of Wood county, are hereby authorized to subscribe for such portion of the capital stock of said company as they may think proper so to do, and issue the bonds of the city, or county, in payment for the same, and whenever they, or either party see proper to purchase the interests of the other stockholders they may convert the same into a free bridge without further legislation.

Privileges of company. Consolidation of companies. 7. The privileges and franchises granted by this act shall in no wise interfere with the privileges and rights heretofore granted to the Little Kanawha Bridge Company against their consent; and the said Little Kanawha Bridge Company is hereby authorized and empowered to consolidate said company with the Parkersburg Bridge Company, upon such terms and conditions as they may see fit; whereupon the Parkersburg Bridge Company shall succeed to and be invested with all the rights, privileges and franchises of said Little Kanawha Bridge Company.

CHAPTER 83.—AN ACT to provide Free Schools for the District of Elizabeth, in the County of Wirt.

Passed February 21, 1871.

Be it enacted by the Legislature of West Virginia:

How district constituted. Board of education. 1. The town of Elizabeth, in the county of Wirt, as now bounded and designated, shall constitute one school district; and the board of education shall consist of three commissioners, who shall be elected by the resident voters of said district, and have exclusive control of all schools therein.

Rights and powers transferred. 2. The property, real and personal, within the district of Elizabeth, now vested in the board of education of Elizabeth township, shall by this act vest in the board of education of the district of Elizabeth, which board shall have 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 so far as may be otherwise provided in this act. Whenever the

word "township" occurs in the school law, it shall be construed to mean "school district," whenever necessary to give effect to this act. The levy for schools and building purposes made in said township of Elizabeth for the year 1870, shall be collected and disbursed in the same manner as if this act had not been passed; and any debt or liability incurred by the board of education of the township of Elizabeth for school property, real or personal, within the district of Elizabeth, which shall not be liquidated by levies made prior to the passage of this act, shall be borne equitably by the district of Elizabeth and the township of Elizabeth, in the proportion that the taxable property of said district and township bear to each other.

Levy of 1870; how disposed of.

Prior debts and liabilities: how liquidated.

3. The board of education herein provided for shall be a corporation by the name of "The Board of Education of the District of Elizabeth," and by that name may sue and be sued, implead and be impleaded, purchase, hold, and grant estates, personal and real, make ordinances, by-laws, and regulations, not inconsistent with the laws of this State, for the government of all persons and things under its authority, and the proper conducting of its affairs.

Incorporation

4. The qualified voters of the said school district of Elizabeth, shall, on the third Monday in March next, elect three commissioners and one treasurer, who shall qualify, and the treasurer give bond for the faithful performance of his duties, in such penalty as the board of education of said district shall order. The council of the town of Elizabeth shall appoint three voters of said district to conduct said election: and the annual elections thereafter shall be conducted by three voters of said district selected by the board of education thereof.

Election of commissioners and treasurer.

Bond of treasurer.

Council; its duties.

Annual election.

5. The official term of the commissioners to be elected under this act, shall commence on the first day of May next succeeding the time of their election; and the one receiving the highest number of votes at the first election shall hold his office for three years; the one who receives the next highest number of votes shall hold his office for two years, and the other shall hold his office for one year; but those who receive an equal number of votes, shall, if elected, determine their respective terms of office by lot; and annually from the time of the first election, there shall be one commissioner and a treasurer elected, which commissioner shall hold his office for three years. Vacancies in the offices of commissioner or treasurer shall be filled in the manner prescribed by law for township boards of education. The provisions of the general school law in relation to the appointment of trustees, shall not apply to the district of Elizabeth.

Terms of office.

Commissioner and treasurer to be elected annually.

Vacancies in office: how filled.

Certain laws not to apply.

- President and clerk.** 6. The board of education of said district, shall, at their first meeting, or as soon thereafter as may be practicable, elect one of their number president, and appoint a clerk, who shall perform all the duties required to be performed by the president and clerk of a township board of education, which may not be inconsistent with this act.
- Primary and high schools.** 7. The board of education of said district 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 pupils not resident in said district, upon payment of such tuition as they may prescribe.
- Non-resident pupils.**
- Stated meetings of board.** 8. The said board may hold as many stated meetings as they shall deem necessary; and it shall be their duty annually on the first Monday in May to ascertain, 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 during 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 shall exist on the real estate taxable in said district for all taxes levied thereon. The treasurer of said district shall be the collector of all taxes therein; 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 laws of this State.
- Annual levy.**
- Lien for taxes.**
- Rate of taxation.** 9. The taxes raised in said district for school and building purposes, shall never exceed the rate prescribed in the law relating to general free schools, and the amount so levied and collected may be entirely for educational purposes, or partly for educational and partly for building purposes, as the board of education may from time to time deem expedient, but shall not be used for any other purpose.
- Application of taxes.**
- Levy to be sufficient to continue schools four months in the year.** 10. The board of education of said district shall annually levy such tax on the taxable property of said district, as will, with the money received from the State for the support of the schools therein, be sufficient to keep such schools in operation for at least four months in the year..

CHAPTER 84.—AN ACT changing the times for holding the Circuit Courts in the Seventh Judicial Circuit.

Passed February 21, 1871.

Be it enacted by the Legislature of West Virginia:

1. The commencement of the terms of the circuit court, in the several counties composing the seventh judicial circuit, from and after the passage of this act, shall be as follows: ^{Terms of court in}

For the county of Pocahontas, on the eighth of March, Pocahontas. June and September.

For the county of Monroe, on the eighteenth of March, Monroe. June and October.

For the county of Nicholas, on the fourth of May, July Nicholas. and November.

For the county of Greenbrier, on the fourth of April, on Greenbrier. the first of October, and the twenty-fifth of November.

2. All acts and parts of acts, inconsistent with this act, ^{Acts repealed.} are hereby repealed.

CHAPTER 85.—AN ACT creating an Independent School District of the Town of Mason.

Passed February 21, 1871.

Be it enacted by the Legislature of West Virginia:

1. That the town of Mason, Mason county, West Virginia, and suburbs contained within the following boundaries, to-wit: Beginning on the Ohio river bank at the north east corner of land now owned by James McDaniel, thence along McDaniel's line to the land now owned by John Williamson; thence to Williamson's south east corner; thence to Williamson's south east corner; thence to Williamson's south west corner; thence to Williamson's north west corner; thence to the south west corner of land heretofore owned by Lewis Anderson, deceased, now by Ann Behan; thence along the lower line of Ann Behan's land to the Ohio river; thence up the Ohio river to the place of beginning, containing one school district. And the board of education for said district shall consist of three commissioners, who shall be elected by the resident voters of the district. ^{School district established. Boundaries.}

2. The qualified voters of the school district of the town of Mason, shall on the third Monday in March, eighteen hundred and seventy-one, elect three commissioners who shall hold their office for one, two and three years, and their respective terms of office shall be determined by lot, and shall annually thereafter, at the elections to be held for mayor and town council, elect one commissioner. And the town council of the town of Mason shall appoint three voters of said district to conduct said election. ^{Election of commissioners. Annual election. How conducted.}

- Terms of office.** 3. The official term of the commissioners elected under this act, shall commence within five days after they shall have been officially notified of their election. The provisions of the general school law in relation to the appointment of trustees, shall not be held to apply to said district. But the board of education of said district shall perform all the duties prescribed by law in relation to school trustees.
- Appointment of trustees.**
- Board incorporated.** 4. The board of education of said district herein provided for shall be a corporation by the name of "The Board of Education of the Town of Mason," and by that name may sue and be sued, plead and be impleaded, hold and grant estates, personal and real, when necessary, and make ordinances, by-laws and regulations not inconsistent with the laws of this State, for the government of its affairs.
- Powers of board.**
- Property vested in board.** 5. The property, real and personal, within said district, now vested in the board of education in Waggener township, shall by this act vest in the board of education of the town of Mason, and said board of education of the town of Mason shall have 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 so far as may be otherwise provided in this act. And wherever the word township occurs in the school laws of this State, it shall be construed to mean school district, when necessary to give effect to this act.
- Powers and duties of board.** The said board of education shall at their first meeting, or as soon thereafter as may be practicable, elect one of their number as president, another to act as clerk of said board, who shall perform all the duties which are required to be performed by a president and clerk of township board of education.
- President and clerk.**
- Primary school and high school.** 6. Said board of education of said district shall have power to establish an adequate number of primary schools, and a central high school in which may be taught all the branches of education usually taught in colleges; and shall have power to admit pupils not resident in said district on payment of such tuition as they may prescribe, and make all necessary rules and regulations for the admission of pupils therein, and for the examinations that pupils must pass preparatory to admission into schools of higher grade, and to purchase and condemn all necessary real estate for school house and college sites.
- Non-resident pupils.**
- Annual levy.** 7. It shall be the duty of said board of education of said district to determine at their annual meeting on the first Monday in July, as near as possible the amount of money necessary, in addition to all other available funds, which ought to be expended for school purposes in said district during the succeeding school year; for which amount the

said board shall levy a tax on property, real and personal in said district and collect the same. And a lien is hereby declared to exist on the real estate taxable in said district, for all taxes levied thereon by said board for school and building purposes.

Lien for taxes.

8. The voters of said district at said election as aforesaid, shall elect a treasurer, who shall hold his office for two years, whose duty shall be to collect the taxes as aforesaid, and shall pay the same out on the orders of the president and the clerk of board of education of said district. And said treasurer shall have the same powers as sheriffs to restrain and sell property for all taxes levied by said board as aforesaid. And so much of the act passed March second, eighteen hundred and seventy, entitled, that sheriffs shall collect all public taxes except municipal taxes within their respective counties, that is inconsistent with this act, is hereby repealed. And said treasurer shall give bond and security approved by said board, for the faithful performance of his duties aforesaid.

Treasurer; his duties and powers.

Inconsistent act repealed.

Bond of treasurer.

9. It shall be the duty of the board of education of said district, after they are qualified as aforesaid, to notify the township board of education of Waggener township, to meet at the office of the clerk of the board of education of said township for the purpose of a settlement. And the board of education of the town of Mason shall assume the payment of their proportion of all indebtedness of said township that has accrued to the date of the passage of this act. And said township board of education shall pay over to said board of education of the town of Mason their proportion of all money on hand, and shall account for all taxes uncollected up to the passage of this act. And the basis for said settlement shall be the ratio that the taxable property in said school district of the town of Mason is to the remaining taxable property in said township of Waggener.

Notice to the board of Waggener township to meet said board for settlement.

Adjustment of liabilities.

CHAPTER 86.—AN ACT to amend the act entitled “An Act establishing a Code of laws for this State,” in relation to corporations.

Passed February 22, 1871.

Be it enacted by the Legislature of West Virginia :

Section three, of chapter fifty-two of the act entitled “An Act establishing a Code of laws for this State,” is hereby amended and re-enacted so as to read as follows :

“3. Unless specially authorized, no corporation shall subscribe for, or purchase, the stock, lands, or securities of any joint stock company, or become surety or guarantor for the debt or default of such company.”

Restrictions on corporations.

Section two, of chapter fifty-four of said act is hereby amended by adding at the end thereof the following :

Corporations;
additional
purposes for
which they
may be form-
ed.

“IX. And for the laying out of cities, towns, and villages, parks, lawns, and cemeteries; purchasing real estate and holding and disposing of the same for profit; establishing factories, wharves, dock yards, and water ways, and constructing railroad tracks to and from the same, and may hold for such purposes the same quantity of land that may now be held by a company for mining and selling coal; but no such company shall, after ten years from its organization, hold more than six hundred and forty acres in town lots; and no property held by any such corporation not now exempt by law shall be held as exempt from State, county, or municipal taxation, under the provisions of this act.”

Quantity of
land they may
hold for such
purposes.

Section three, of chapter fifty-four of the said act is hereby amended and re-enacted so as to read as follows :

How chapter
34 of the code
is to be con-
strued.

“3. But this chapter shall not be construed to authorize the incorporation of a bank of circulation, or any company for the construction of a work of internal improvement, or any church or religious denomination.”

CHAPTER 87.—AN ACT to incorporate the Dunkard Valley Turnpike Company.

Passed February 23, 1871.

Be it enacted by the Legislature of West Virginia :

Route of road. 1. That for the purpose of constructing a turnpike road from the Morgantown and Fairmont road, one mile west of Morgantown, at the aforesaid road, by way of Granville, Hamilton, Cassville, and the Valley of Dunkard Creek, to its source, in Monongalia county; thence crossing the ridge into Wetzel county, by the way of Cottontown and Burton, on the Baltimore and Ohio railroad, with the privilege of extending the same, by the most practicable route, to the Ohio river, at or near New Martinsville, in Wetzel county, either upon the beds or tracks of the existing roads, or by new locations upon the course hereby indicated, as the commissioners and engineers of said road may determine.

Subscription
books.

2. It shall be lawful to open books and receive subscriptions, to be divided into shares of twenty dollars each, to constitute a joint capital stock for constructing said road. The books shall be opened at Cassville, Blacksville, and West Warren, in the county of Monongalia, under the direction of Morgan L. Boyers, John W. Tucker, Dr.

Commission
to open books.

A. W. Brown, Abraham Hair and Charles W. Edwards; and in the county of Wetzel, under the direction of Joseph Morris, John A. Hoge and Josephus Clark at Burton, and

at such other places and under the direction of such persons as a majority of the aforesaid commissioners may appoint.

3. The grading and constructing of the said road shall be under the control of the company; provided that the said company shall not be required to make a summer or side walk to their said turnpike, nor to cover it with stone or gravel only in their own time and at their own discretion. The road shall be at least fifteen feet wide and the whole width of the road between fences shall be thirty feet.

Construction to be under control of company. Proviso.

Width of road.

4. The board of supervisors of the county of Monongalia and Wetzel in their separate capacities, are hereby authorized and empowered (after taking a vote of the tax payers of their respective counties at an election held for that purpose, or otherwise by a vote of the said supervisors of the aforesaid counties) to subscribe one hundred and fifty shares of said capital stock in the proportion of one hundred shares in the county of Monongalia, and fifty shares in Wetzel county, and levy the same on taxable property of said counties in such levies as the board may deem expedient, to redeem county bonds hereby authorized to be issued by the respective boards of supervisors to assist in the construction of said road.

Counties may take stock.

5. All the bridges on said route shall be valued by some competent person or persons appointed by the board of supervisors aforesaid, and if such valuation shall be approved by the directors of the company then such valuation shall be entered on the books of the company and held as subscription on the part of the county wherein the same is situated, and this subscription shall be in addition to the amount to be subscribed as stated in section fourth; then said bridges shall thenceforth be the property of the company, who shall be, and is hereby invested with all and singular the rights, powers, franchises and privileges for surveying, locating and constructing said road; the counties being entitled as stockholders to the extent of stock subscribed and paid in, and the supervisors may appoint one or more persons to cast the vote of the county wherein they are interested in any meeting of the stockholders, and the number of such votes shall be in proportion to the number of shares of stock held by the county at the time of such meeting.

Bridges, how valued.

Valuation held as county subscription.

Bridges property of company.

Powers of company.

Counties to vote as stockholders.

6. When three hundred shares shall have been subscribed, the subscribers, their heirs, executors and assigns shall be, and are hereby incorporated into a company by the name and style of "The Dunkard Valley Turnpike company," subject to the provisions and possessed of all

Company incorporated.

the privileges and powers granted to corporate bodies in the Code of West Virginia to joint stock companies.

Tolls. 7. Whenever as much as five miles continuously, of said road shall have been made and in good repair, tolls not exceeding the rates allowed by law may be charged and collected upon such part or parts of said road as shall be completed in sections of five miles from one end to the other. And no officer or stockholder of the road or other person excepting the president in person, shall pass free of toll, without an order to that effect be allowed by the directors and entered on the minutes of their proceedings.

CHAPTER 88.—AN ACT establishing a Vaccine Agency in Charleston, in the County of Kanawha.

Passed February 23, 1871.

Be it enacted by the Legislature of West Virginia :

Vaccine agent; how appointed.

His duty.

1. The Governor shall annually appoint some fit agent, who shall reside at Charleston, in the county of Kanawha, to furnish by mail, or otherwise, every citizen of this State, who may apply therefor, with genuine vaccine matter, and directions how to use it, free of charge.

Appropriation made.

2. The sum of one hundred dollars annually, is hereby appropriated for the payment of such agent,—the same to be paid semi-annually on the order of the governor.

CHAPTER 89.—AN ACT to establish Petersburg District, in Milroy Township, Grant County, as an independent School District.

Passed February 23, 1871.

Be it enacted by the Legislature of West Virginia :

School district established.

1. That Petersburg district, in Milroy township, Grant county, is hereby established as an independent school district.

Election of commissioners.

Their powers.

Terms of office.

Vacancies; how filled.

2. The qualified voters of said district shall meet at Petersburg, in said district, on the 1st day of April, 1871, and annually thereafter, for the purpose of electing a member, or members, of a board of commissioners, which shall exercise, for the district, all the powers now by law vested in township boards of commissioners and district trustees. At the first election one commissioner shall be elected for one year, one for two years, and one for three years. In subsequent elections each commissioner shall be elected for three years, except to fill a vacancy; seven qualified voters shall constitute a quorum to transact business, in said district meeting, but a less number may adjourn from time to time. In case of a vacancy in the board of com-

missioners, the remaining commissioners shall call a meeting of the qualified voters of the district, by posting written notices of the same in at least three conspicuous places in the district, at least two weeks before the time of said meeting, for the purpose of filling said vacancy.

3. The aforesaid board of commissioners shall appoint a treasurer for the district, who shall receive the proportion of the State school fund from the State auditor, on the written order of the board of commissioners, who shall give bond satisfactory to said commissioners, in the sum of one thousand dollars. The said treasurer shall hold his office for a period of one year from the first day in April, and until his successor is elected and qualified; and shall have the same compensation as is by law allowed for the collection and disbursement of school monies. He shall make a full and satisfactory settlement with the commissioners, at the close of his term of office, and turn over all books, papers, and monies, in his hands belonging to the said district, to his successor, as soon as the said successor is qualified.

Treasurer;
his duty and
bond.

Term of office.

Compensation

4. Said commissioners shall take the necessary steps for the establishment of a graded school in said district, which school shall be put in operation on or before the first day of November, 1871, and shall be kept in operation not less than six, nor more than ten, months each year thereafter.

Graded school

5. Failure to perform any of the duties enjoined by this act, shall subject the offender to the same penalties as is now inflicted by law for the offenses upon similar officers.

Penalty for
failure to per-
form duties.

CHAPTER 90.—AN ACT to increase the capital stock of the Elk River Bridge Company.

Passed February 23, 1871.

Be it enacted by the Legislature of West Virginia:

That an act entitled "An Act incorporating the Elk River Bridge Company," passed March twenty-seventh, eighteen hundred and forty-eight, by the General Assembly of Virginia, is hereby amended and re-enacted so as to increase the capital stock of said bridge company to an amount not to exceed sixteen thousand dollars.

Capital stock
increased.

CHAPTER 91.—AN ACT requiring Recorders to make a General Index to the Deed Books in their respective Counties except in certain cases.

Passed February 23, 1871.

Be it enacted by the Legislature of West Virginia:

1. The Recorder of each county in this State shall at

Recorders to provide a general index for deed books. the expense of the county, provide a general index for the deed books in his county in which shall be indexed in the name of the grantor and grantee, all the deeds and other writings except wills, which have heretofore been admitted to record, for which services he shall be allowed a fee of six cents for each deed or other writing so indexed, to be paid out of the county treasury. Provided, that this section shall not apply to such counties as have heretofore provided and completed such general index.

Deeds and other writings to be indexed. 2 Hereafter all deeds and other writings, except wills, admitted to record in the Recorder's office of any county in this State, shall be indexed in said general index in the name of the grantor and grantee.

CHAPTER 92.—AN ACT to incorporate the Berkeley and Jefferson Turnpike Company.

Passed February 23, 1871.

Be it enacted by the Legislature of West Virginia:

Subscription books to be opened. 1. That A. McCleary, John P. Kearfert, William Dorsey, John N. Abell, Janifoe Hudgel, of Berkeley county, and John E. Schley, David Billinger, and William G. Butler, of Jefferson county, are hereby appointed commissioners with power to open books for subscribers to the capital stock of the Berkeley and Jefferson Turnpike company; said books to be opened at such times and places as a majority of the above named commissioners shall designate, ten days notice thereof being previously given.

Capital stock. 2. The stock which may be subscribed on the books of said commissioners shall be divided into shares of twenty-five dollars each, and shall constitute a part of the capital stock for the construction of a turnpike from the certain limits of Martinsburg, in Berkeley county, upon or near the present public road from said limits via Tabb's cross roads to Walpeet's cross roads in Jefferson county. When three thousand dollars of the capital stock shall be so subscribed by individuals, the subscribers shall be incorporated into a company politic by the name of "The Berkeley and Jefferson Turnpike Company," which shall be governed by the provisions of the Code of West Virginia. The grading and construction of the road shall be under the control of the company, provided always that it shall be of a bed at least fifteen feet in width, and the whole road shall be at least thirty feet in width. When four miles shall be completed continuously from either terminus, a toll gate may be opened at some convenient point on said section, and when the whole extent of said road is completed, there may be two toll gates on the whole road, and there may be charged the same tolls for the whole distance.

Route of road.

Company incorporated.

Road.

Tolls.

as is now allowed by law to be charged for ten miles or less, and for four miles or less in the same proportion. No officer of the road or other person shall be allowed to pass free of tolls.

3. The counties of Berkeley and Jefferson shall be regarded as stockholders to the amount of stock subscribed by the board of supervisors of each county respectively. The boards of supervisors of each of said counties shall elect some person for such term as they may designate to cast the vote of such county in every meeting of the stockholders.

Counties to be stockholders.
Their votes; how cast.

4. The said corporation is hereby authorized to charge tolls as heretofore provided, but only during the time that said road is kept in good order and repair.

Tolls to be charged only while the road is in repair.

CHAPTER 93.—AN ACT to incorporate the South Branch Railway Company.

Passed February 23, 1871.

Be it enacted by the Legislature of West Virginia:

1. That John J. Jacob, Newton B. Guthrie, George W. Washington, Andrew W. Kercheval, Joseph C. Pancake, Charles M. Taylor, Henry G. Davis, Robert White, James Parsons, Robert W. Gilkerson, C. S. White, D. C. Tabb, Francis W. Heiskell, John W. Moore, Thomas A. Keller, John T. Vance, J. Don Parsons, E. B. Sheetz, John C. Heiskell, William B. Stump, Robert B. Kidd, A. P. White, John M. Snyder, D. T. Parsons, A. H. Pownall, Bailey Tabb, William Harper, Samuel McGlathery, Isaac T. Brady, James A. Gibson, Alexander Monroe, Joseph Poling, Tobias Baker, and Michael Blane, be and they hereby are, appointed commissioners to open books of subscription to the capital stock of "The South Branch Railway Company," in shares of one hundred dollars each, to the amount of fifty thousand dollars, which may be increased by sale of additional shares to five hundred thousand dollars, for the purpose of constructing, equipping, and operating, by steam, or other power, a railway from Romney, Hampshire county, to the Baltimore and Ohio railroad, at some point between the South Branch and Patterson's Creek Bridges, by the shortest and most eligible route, at such times and places, and under supervision of such agents as three or more of said commissioners may, in writing, designate, whenever eight thousand dollars of such capital stock has been subscribed for, upon due notice by publication. The stockholders shall hold a general meeting, and organize the company by election of seven directors, who shall choose one of their number as president.

Commissioners to open books.

Capital stock.

Route of road.

Election of directors and officers.

Annual meeting of stockholders.

dent, to continue in office until the second Tuesday in January next ensuing, on which day thereafter the general stockholders meeting shall continue annually to be held to elect directors and consider measures conducive to the interests of said company.

Right to deal in lands.

2. The said company may acquire by gift, purchase, or devise, hold, sell, and convey mineral and timber lands upon and near the route of its contemplated road; and subscriptions to its capital stock may be in lands, franchises, and material for construction, upon terms of fair valuation, as may be agreed upon.

Who may be stockholders.

3. Any and all persons and corporations, domestic or foreign, may subscribe for, own, hold, and convey stock in said company, which shall be held as personal estate, subject to transfer on the books of the company at its general office of business hereby established at Romney, Hampshire county. Each share of stock shall be entitled to one vote in stockholders meetings, in person or by proxy, authorized under seal.

Stock to be personal estate.

Each share entitled to one vote.

County subscription to stock.

4. The supervisors of Hampshire county may subscribe to the capital stock of said company, an amount not exceeding one-fifth of the minimum of the capital stock in the said company, in county bonds of Hampshire county, bearing interest at the rate of 8 per centum per annum, and to be redeemed in a period of twenty years; and the townships of Romney and Springfield, in said county, are directly authorized, after publication of notice for two weeks in some newspaper published in Romney, and subscribed by at least ten voters in either township, to hold an election at their usual places of election, under the supervision of their officers of elections, whether said townships shall subscribe to said company's stock in bonds to be issued by said townships, conditioned as above, and to the respective amounts of ten thousand dollars; which bonds of such townships shall be issued by their respective supervisors, and countersigned by the clerk of the board of supervisors under its seal. Or the board of supervisors, or townships, by vote provided for above, may alternately endorse or guarantee payments of bonds issued by said company to the amount of thirty thousand dollars.

Townships may take stock.

Authority to construct railroad.

5. The said company shall be, and is hereby, invested with all and singular the rights, powers, immunities, franchises, and privileges for surveying, locating, constructing, and equipping said road, and working, repairing, and preserving the same, and the necessary vehicles and appurtenances thereto belonging, for transportation of passengers and freight thereon, and such transportation of passengers and freight shall not exceed the rate of ten cents per mile of passengers, or of freight per ton. And said com-

Rates.

pany is hereby exempted from State, county, or township taxation until the net profits of its road exceed ten per centum on the capital stock of said company. Exemption from taxation.

6. The right and proceedings required to be had on the part of said company, in order to secure the right of way and necessary lands, shall be such as are provided for in section eight of an act concerning the Alexandria, Loudon and Hampshire railroad company, passed February 19, 1870, which said section eight is made and hereby declared to be a part of this act mutatis mutandis; and the company hereby incorporated is further authorized to construct branches or extensions of their said road, and in no instance to exceed twenty miles. Sec. 8 of an act passed Feb. 19, 1870, made part of this act. Branches.

CHAPTER 94.—AN ACT to restore the county seat of Jefferson, to Charlestown, in said county.

Passed February 23, 1871.

Be it enacted by the Legislature of West Virginia:

1. That the act entitled "An Act to change the county seat of Jefferson county from Charlestown to Shepherdstown," passed January 26th, 1865, and also the act entitled, "An Act permanently locating the county seat of Jefferson county," passed February 15th, 1866, each, respectively, be, and the same are hereby repealed. Acts repealed.

2. That the county seat of the said county of Jefferson, shall cease to be at Shepherdstown, in said county, thirty days from and after the passage of this act, and from and after that date, be located at Charlestown, in said county. Locating the county seat.

3. That Logan Osburn, James H. Moore, John G. Cockrell, David Howell, Jr., and John J. Lock, be, and they are hereby appointed commissioners, to carry out the purposes of this act, to the extent following, to-wit: they shall proceed, immediately upon the passage of this act, to make temporary provision for the courts and public offices required by law to be held and conducted at the county seat. And for that purpose, they are hereby authorized and empowered, to contract, upon the credit of the said county, for the use and occupation, and for such length of time as they may deem necessary, of such buildings or rooms as in their judgment, having due regard to economy, may be required for the purposes aforesaid, also for such repairs and alterations of the same as may be deemed necessary, and for any furniture that may be required, in addition to that belonging to the county, and now used in the court house and public offices at Shepherdstown, which latter, including the iron safe, or safes, together with the public records, books and papers of the Commissioners to execute this act. Their duties and powers.

county, it shall be the duty of the said commissioners, at the time, in the second section of this act mentioned, to have removed to Charlestown, in said county, under the care of the several officers having charge of them. It shall be their duty, to certify the expenses, thus to be incurred from time to time; to the board of supervisors of the said county, whose duty it shall be, to provide for and pay the same out of the county treasury, in the manner now prescribed, or that may be prescribed by law, in respect to providing necessary and proper public, or county buildings.

Expenses;
how audited.

Court-house in
Charlestown
to be re-fitted.

4. It shall be the duty of the said commissioners, to have the court house building at Charlestown, in said county, repaired and refitted, making such changes, in respect to its internal arrangement as will best adapt it to the accommodation of the courts, and such public offices as are required by law, to be established at the county seat.

Authority to
contract for
materials, &c.

5. In performing the duties hereinbefore devolved upon them, as to said buildings, repairs, refitting, &c., the said commissioners are hereby authorized and empowered, upon the credit of the said county, to make all proper and necessary contracts for materials to be furnished, and the work to be done from time to time, as may be required, the cost of which it shall be their duty to certify from time to time, as the same shall become payable to the board of Supervisors of the said county; and it shall be the duty of the said board of supervisors to provide for and pay the same out of the county treasury, in like manner as if the said materials were furnished and the said work and labor were done under the immediate direction of the said board of supervisors; provided that the sum of money expended for all the purposes set forth in this act, shall not exceed the sum of ten thousand dollars; and it shall be the duty of the said commissioners to make report of their proceedings, under the provisions of this act to the said board of supervisors as often as and whenever required by the said board.

Cost; how cer-
tified.

Paid out of
county treas-
ury.

Proviso.

CHAPTER 95.—AN ACT to take the sense of the people upon the call of a Convention, and for organizing the same.

Passed February 23, 1871.

WHEREAS, It is represented that a portion of the good people of this State are desirous of altering the constitution thereof; therefore,

Be it enacted by the Legislature of West Virginia:

1. That polls shall be held throughout the State on the

fourth Thursday of August, 1871, for the purpose of taking the sense of the voters thereof, on the question of calling a convention to alter the constitution of this State. Polls; when and for what purpose held.

2. The Governor shall, on the 1st day of July next, or as soon thereafter as practicable, appoint three persons in each county as commissioners, any two of whom, or more, may act, to superintend the taking of the said polls, at the court houses of the several counties aforesaid. Commissioners to hold election.

3. The commissioners appointed by the Governor in each county, shall appoint three commissioners for each place therein, at which a separate poll is to be taken, any two of whom may act, to superintend the said polls at such places.

4. The commissioners appointed to superintend any of the said polls, whether at the court house or other place of voting, shall attend accordingly. They shall admit all persons to vote entitled to do so, and reject the votes of all not so entitled; and in all respects have the polls taken fairly and impartially. Their duty.

5. If only one of said commissioners shall attend, and be willing to act, he may associate with himself any qualified voter who may be present. If none of the commissioners attend, or none shall have been appointed, any three qualified voters present, and agreeing to act, shall be commissioners. Any such commissioner appointed, or agreeing to act, in the manner provided by this section, shall take the same oath, perform the same duties, and be subject to the same penalties as if he had been originally appointed a commissioner. When qualified voters constitute themselves comm'rs. Their oath, duties and liabilities.

6. The clerk of the township, assisted by such other persons as the commissioners at each place of voting may employ for the purpose, shall record the names of all persons voting, and aid in counting the ballots, ascertaining the result, and making returns thereof. If such clerk, for any reason, shall fail to act, the said commissioners shall appoint some suitable person to discharge his said duties. Township clerk; his duties. Failure of clerk to act.

7. Before entering upon the discharge of their duties, the said commissioners and clerks shall take and subscribe an oath, "That they will support the constitution of the United States, and the constitution of this State; and in the said election they will faithfully and impartially perform their respective duties." Which said oath may be administered by one of said commissioners, or any person authorized to administer oaths. Oath of office.

8. It shall be the duty of the said commissioners to take the vote, on the question aforesaid, of every person quali- Who may vote

Challenge of person offering to vote; how determined.

Party not required to criminate himself.

Vote by ballot.

Right to vote not to be questioned after his ballot has been received and counted.

Poll books.

Disposition of ballots.

Certificate of the result of the election.

Report of commis'rs.

fied to vote for delegates to the legislature, who shall offer to give his vote; no person offering to vote who is not a minor, or pauper, or of unsound mind, and is not under conviction of treason, felony, or bribery in an election, and who has been a resident of the State for one year, and of the county in which he offers to vote for thirty days next preceding such offer, shall be challenged by reason of any other constitutional disqualification then existing, unless and until written charges of some specific act, or acts, of disqualification, verified by the written affidavit of some qualified voter, shall be preferred against the person so offering to vote. And the right of such person to vote shall be tried by the commissioners at once, and not be denied him unless the charge so preferred shall be clearly established by the oaths of at least two competent witnesses; and in examining into the truth of said charges, the person so offering to vote shall not, on oath or otherwise, be required to criminate himself.

9. The said vote shall be taken by ballot. The person voting in favor of the call of said convention, shall have written or printed on his ballot "Convention," and the person voting against such call, shall have written or printed on his ballot "No Convention;" after a ballot has been received by said commissioners, and counted by them, the right of any voter, to cast his ballot, shall not be questioned.

10. Each poll book shall bear on the first page thereof the heading, "Names of all persons voting at — in the township of —, and county of —, this — day of —." Two poll books or lists shall be kept at every election of the names of the voters, which shall be prepared by the clerk of the board of supervisors, and delivered by him to the commissioners appointed by the Governor as aforesaid, who shall in due time cause a sufficient number thereof to be placed in the hands of the commissioners appointed by them to superintend the polls of the several places of voting in their respective counties.

11. The said ballots shall be received and deposited by the said commissioners as provided for in the general election law, and immediately upon the conclusion of the several polls, the ballots shall be counted, and the correctness and the result thereof shall be certified by the commissioners superintending the same, to the following effect: "We the undersigned who acted as commissioners at the poll taken at —, in the township of —, and county of —, on the — day of —, do hereby certify, that having been first duly sworn, we have fairly and impartially taken the said polls according to law, and the result thereof, is as follows: For a Convention — votes; against a Con-

vention — votes.” The commissioners conducting the said polls, at places other than the court house, shall report and deliver their said polls, ballots and certificates within five days after the conclusion thereof to the said commissioners at the court house. And as soon thereafter as may be, the commissioners last named, shall carefully and impartially ascertain the result of the said polls in their county and sign a certificate thereof to the following effect: “The commissioners appointed to superintend the polls at the court house of — county, having carefully and impartially examined the returns of the polls held on the — day of —, do hereby certify that in the said county there were for a convention — votes given, and against a convention — votes were given,” which number of votes shall be written upon said certificate, which said certificate shall be forthwith transmitted to the Governor of the State.

Comm'rs conducting polls at court-house to certify the result.

Certificate.
To be transmitted to the Governor.

12. It shall be the duty of the Governor to ascertain the result as exhibited by said certificates, and immediately thereafter to declare the same by proclamation, to be published in such newspapers as, in the opinion of the governor, will be best calculated to diffuse general information thereof, and at least once a week until the day of election hereinafter appointed; and if it be ascertained that a majority of the votes cast are in favor of a convention, he shall at the same time, and in like manner, make proclamation for holding a general election of delegates to said convention, according to the apportionment and districts in 13th section of this act. The election of delegates to the said convention shall be held on the fourth Thursday of October next.

Governor to declare the result.
Proclamation; how published.

Election of delegates to convention.

Time of election.

13. Each county and delegate district, as may be prescribed by law at the time of holding said election, shall elect the same number of delegates, respectively, as they may be entitled to elect as delegates to the House of Delegates, and each senatorial district, as may be prescribed by law at the time of holding said election, shall elect two delegates.

No. delegates to be elected.

14. That the persons qualified to vote as prescribed in the 8th section of this act shall assemble at their respective places of voting, in their respective townships, on the fourth Thursday in October next, and then and there vote for the same number of persons, who are residents of the county or delegate district, as delegates to said convention, to which the county or delegate district in which they reside may then be entitled to elect as members to the House of Delegates, and also then and there vote for two persons as delegates to said convention, who are residents of the senatorial district, as the same may then be prescribed by

No. to be voted for.

Right to vote; how determined.

law, of which the voter is a resident. And the right of any person to vote at said election shall only be challenged, and if challenged shall be determined as provided for in the said 8th section. The voters shall vote by ballot, and the names of the persons voted for shall be written or printed on the ballot, and the name shall indicate who is voted for for the county or delegate district, and who is voted for for the senatorial district.

Vote by ballot
What the ballot must show
Persons conducting a general election in October to superintend said election. Clerk; his duty.
Oath of clerk.
Result; how returned.
Return of Supervisors to Governor; what it must show.
The Governor to declare the result by proclamation.
Contested elections; how determined.

15. The supervisors and inspectors of election, or other persons who may be authorized by law to superintend the general election on the fourth Thursday in October next, shall superintend and conduct said election for delegates to the convention; and shall appoint a clerk to keep the polls, and one poll book shall be kept at every place of voting, in which shall be entered the names of all persons voting in said election. And the clerk, before entering upon his duties, shall take the oath prescribed by the 7th section of this act; and the persons so superintending and conducting said election, within five days from the election, make a return of the result of the said election to the board of supervisors of their county, together with the poll books and ballots; and on the fifth day after the election the boards of supervisors shall ascertain the result in their county and make return, showing the number of votes given to each person voted for for county or delegate district, as delegates to said convention, and the number of votes given for each person voted for as delegate from the senatorial district, immediately to the Governor; and the Governor shall ascertain the result, and immediately thereafter, by proclamation, to be published in at least one newspaper published in each of the cities of Charleston and Wheeling, and declare who are elected from the counties or delegate districts, and who from the senatorial district. The right is reserved to contest the election of any member declared by such proclamation to be elected, and such contest may be proceeded with and conducted in all respects as provided by law, in all cases of contest for a seat in the House of Delegates, and determined by the convention.

Penalties.

16. If any person shall fail or refuse to perform any duty required of him by this act, upon conviction thereof by indictment or information, he shall be amerced in a sum not exceeding five hundred dollars, in the discretion of a jury.

Convention; its meeting and duties.

17. The persons who shall be elected in pursuance of this act shall on the third Tuesday in January next, meet and assemble at the seat of government in general convention, to consider, discuss and propose a new constitution, or alterations and amendments to the existing constitution of this State

18. The said convention shall be the judge of its own Judge of its own privileges and elections, and the members thereof shall have, possess and enjoy in the most full and ample manner, all the privileges which members elected to, and attending on the Legislature are entitled to, and moreover shall be allowed the same pay for traveling to, attending on, and returning from the said convention, as is now allowed to members of the Legislature for like services. And said convention is hereby empowered to appoint such officers, and to make them such reasonable allowances for their services as it shall deem proper, which several allowances shall be audited by the Auditor of public accounts and paid by the Treasurer of the State upon proper warrants.

Privileges of members.
Pay of.
Officers of convention.
Their expenses.
How audited.

19. The Executive of this State shall have power to award writs of election to supply vacancies which may happen in the convention by death, removal, or other incapacity of any member elected to serve therein, according to the provisions of this act, previously to the meeting of the said convention; but if any such vacancy shall happen after the meeting of the said convention, the presiding officers of the same shall award the said writs, and the election under such writs shall be conducted in all respects as the election hereinbefore provided for.

Writs of election; how and when awarded.
Resignation.

20. The said convention shall provide by ordinance or otherwise for submitting the said constitution to the people for ratification or rejection.

Constitution to be submitted.

21. Each of the clerks appointed under the provisions of this act shall receive one dollar per diem for his services.

Per diem of clerks.

CHAPTER 96.—AN ACT for the relief of Allen McClung.

Passed February 23, 1871.

Be it enacted by the Legislature of West Virginia:

1. The sum of two hundred dollars is hereby appropriated out of any monies in the treasury, not otherwise appropriated, for the payment, in full, of Allen McClung, for his services as commissioner of the revenue of Nicholas county, for the year 1861.

Appropriation

2. The Auditor is directed to draw his warrant on the Treasurer for the amount herein appropriated, or so much thereof as he may find due and unpaid.

Auditor to draw his warrant on treasurer.

CHAPTER 97.—AN ACT to enable Morgan Garrett, late Sheriff of Wayne County, to collect the unpaid taxes for the years 1862, 1865 and 1866.

Passed February 23, 1871.

Be it enacted by the Legislature of West Virginia :

Authority to
collect taxes.

That Morgan Garrett, late Sheriff of Wayne county, is hereby authorized to collect the uncollected taxes for the years 1862, 1865 and 1866, which were not returned delinquent to the Auditor of the State, in the same manner that other taxes are collected.

CHAPTER 98.—AN ACT to amend and re-enact the charter of the town of Morgantown.

Passed February 24, 1871.

Be it enacted by the Legislature of West Virginia :

1. The charter of the town of Morgantown, in the county of Monongalia, is hereby amended and re-enacted as follows :

Corporate
limits.

First. The corporate limits and bounds of said town of Morgantown, in the county of Monongalia, shall be as follows : Beginning at the corner (near the mouth of Falling Run) of the property of West Virginia University, and with the line of the same, including said property, to the property of William J. Protzman, and with the north line of said Protzman ; thence in a line to the Brandonville and Fishing creek turnpike so as to exclude the house and lot near said town now owned by Edward Price, and to include the house and lot now owned by William Anderson near said town ; thence in a straight line to Decker's Creek ; thence up with said creek to a point ranging with the east line of the Monongahela Valley Agricultural and Mechanical Fair Grounds, and with said line to the lane between the property of Alex. L. Wade and William Simpson ; thence with said lane and the lane between the property of Charles B. Watts and M. Hayes to the north east corner of the property of said Hayes ; and thence with line between said Hayes and Watts to line between said Hayes and F. Demain ; thence with said line, and in a straight line, to the Monongahela river, and down the same to the beginning.

Plat to be
recorded.

Second. The boundaries and plat of said town shall be recorded among the deeds in the office of the clerk of the county court of Monongalia.

Municipal
authorities.
Common
council.

Third. The municipal authorities of said town shall be a Mayor, Recorder, and seven Councilmen, who, together, shall form a Common Council.

Fourth. The mayor, recorder and councilmen, so soon as they have been elected and qualified as hereinafter pro-

vided, shall be a body politic and corporate, by the name of "The Town of Morgantown, in West Virginia;" 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 and personal estate necessary to enable them the better to discharge their duties, and needful for the good order, government and welfare of the said town.

Town incorporated.

Corporate powers.

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

To be used by council.

Sixth. There shall be a town sergeant and street commissioner of said town.

Sergeant, etc.

Seventh. The mayor, recorder, and councilmen shall be elected by the citizens of the said town who may be entitled under this act to vote. The town sergeant and street commissioner shall be appointed by the council at the first meeting of the council after the annual election hereinafter provided for.

Officers elected;

Appointed.

Eighth. Their term of office shall be, (except when elected or appointed to fill vacancies,) for one year and until their successors shall have been elected or appointed and qualified, as hereinafter provided.

Term of office

Ninth. The mayor, recorder, and councilmen must be freeholders in said town, and entitled to vote for members of its council. The sergeant and street commissioner must be residents of said town.

Qualifications for office.

Tenth. An election for mayor, recorder, and councilmen shall be held annually on the fourth March in each year, and at such special times as are hereinafter provided. All said elections shall be held at some convenient place in the town, which shall be appointed and duly published by the council.

Annual election.

Eleventh. All persons who have had their domicile in the said town for sixty days next preceding the day of election, and who shall also be entitled to vote for members of the House of Delegates of West Virginia, shall be entitled to vote for all officers elected by the people under this act.

Who may vote

Twelfth. Whenever a vacancy shall occur from any cause in the office of mayor or recorder, the council for the time being, shall at once order a special election to be held to fill the vacancy, of which election two weeks notice shall be given and published by the council.

Vacancies.

Thirteenth. At all elections the vote shall be by ballot.

Vote by ballot

Elections;
how conduct-
ed.

Fourteenth. Before every election the council, for the time being, shall appoint three or more of their own number, whose duty it shall be to superintend the said election, record in a poll-book the votes given, and make return thereof, and of the result of said election, to the council.

Tie votes; how decided:

Fifteenth. Whenever two or more persons are voted for for the same office at said election, and receive an equal number of votes, the said commissioners, or a majority of them, after proclamation made at the front door of the place of voting, that the polls are about to be closed, and after closing the polls shall decide and say which of said persons shall be returned as elected.

Contested elections.

Sixteenth. All other contested elections shall be heard and decided by the council for the time being.

Oath of commissioners.

Seventeenth. Before said commissioners shall act, they shall make oath or affirmation, before a justice of the peace, that they will faithfully and impartially discharge their duty as such; and a certificate of said oath or affirmation shall be annexed to and returned with the poll-books.

Oath of office.

Eighteenth. The mayor, recorder, and councilmen shall each, before entering upon the duties of their office, and within two weeks from the day of their election, make oath or affirmation that they will truly, faithfully, and impartially discharge the duties of their said offices to the best of their ability, so long as they continue therein. The mayor and recorder shall take said oath or affirmation before a justice of the peace, and the councilmen shall take it before the person presiding, for the time, in the council. Certificates of said oath or affirmation shall be given and recorded in the journal of the proceedings of the council.

Mayor and recorder.

Nineteenth. The mayor and recorder shall each enter upon the duties of his office so soon as qualified.

Councilmen.

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

Failure to qualify.

Twenty-first. If any one who has been duly elected mayor, recorder, or councilmen, shall not have been eligible as herein prescribed, or shall refuse or fail to take the oath or affirmation required under this act; or in the case of the sergeant or commissioner also to give the bond hereinafter required, for two weeks from the day of his election or appointment, the council, for the time being, shall declare his office vacant, and shall order a new election for

mayor or recorder, and appoint a new sergcant or commissioner, as the case may be.

Twenty-second. Whenever, from any cause, a vacancy ^{Vacancies.} shall occur in the office of councilmen, the council, for the time being, shall, by a vote of a majority present, fill it by choosing a councilman from among the citizens of the town eligible to that office under this act.

Twenty-third. The council shall be presided over at its meetings by the mayor, or, in his absence, by the recorder, ^{Presiding officer.} or in the absence of both mayor and recorder, by one of the councilmen selected by a majority of the council present.

Twenty-fourth. The presence of the mayor or [recorder,] ^{Quorum.} and at least three councilmen, or in the absence of both mayor and recorder, the presence of four councilmen shall be necessary for the transaction of business.

2. 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 shall be open to the inspection of any one who is entitled to vote for members of council; at each meeting of the council the proceedings of the last meeting shall be read in the council, and shall be thereupon corrected, if erroneous, and signed by the person who presided at the last meeting at the time of its adjournment; upon the call of any member, the yeas and nays on any question before the council shall be called ^{Yeas and nays} and recorded in the journal. The mayor and recorder shall have votes as members of the council, and in all cases of a tie, the person at the time presiding at the council shall have a casting vote. ^{Casting vote.}

3. The council so constituted, shall have power within said town to lay off, open, curb and pave streets, alleys, walks and gutters, for public use, and to alter, improve and light the same, and have them kept in good order and free from obstruction on or over them; to regulate the width of sidewalks on the streets, and to order the sidewalks, footways and gutters to be curbed and paved and kept in good order, free and clean, by the owners or occupants thereof, or of the real property next adjacent thereto; to lay off public grounds, and to provide, control and take care of all buildings proper for the town; to establish and regulate markets; to prescribe the time for holding the same and what articles shall be sold in such markets; to prevent injury and annoyance to the public or to individuals from anything dangerous, offensive or unwholesome; to protect places of divine worship and to prevent disturbance of public worship in and about the premises where held; to abate or cause to be abated any-

Powers of
council.

thing 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 places for the burial of the dead, and to regulate interments in the town; to provide for the regular building of houses or other structures, and for the making of division fences; to make regulations for the purpose of guarding against danger or damage from fires; to provide for the poor of the town; to appoint and publish the places of holding town elections, and the time of holding special elections and polls; to provide a revenue for the town, and appropriate the same to its expenses, and to provide for the annual assessment of the taxable property and persons of 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 property of persons therein; and to preserve peace and good order therein; to keep a town guard, to appoint and order out a patrol for the town, in like manner and for like purposes within the same as the patrol may be ordered out by a justice within the county, and to appoint such other officers as they may deem proper; to define their powers, prescribe their duties, fix their term of service and compensation, require and take from them bonds with sureties in such penalty as the council may see fit, 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 permit or prohibit the establishment of new places for the interment of the dead in or near the town, and regulate the same, and to prevent violations of or injuries to any place of interment, and to protect the same; 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 or danger to the water and healthfulness of the town; for all which purposes named in this clause the council shall have jurisdiction for one mile beyond the town, in like manner as it has within the town; to regulate and provide for the weighing and measuring of hay, wood, coal, and other articles sold, delivered or to be delivered, or for sale in said town, and to regulate the transportation thereof through the streets; to carry into effect these enumerated powers and all other powers conferred upon the said town or its council, expressly or by implication in this or any other acts of the Legislature of West Virginia; the council shall have power to make and pass all needful orders, by-laws and ordinances not contrary to the constitution and laws of West Virginia or of the United States, and to prescribe, impose and enact reasonable fines and penalties, or imprisonment in the county jail for a term not exceeding thirty days; all of which fines, penalties or imprisonments shall be recorded before or en-

forced under the judgment of the mayor of said town, or of ^{Powers of} the person lawfully exercising his functions; and the au- ^{council.}thorities of the town shall have the right to use the jail of the said county of Monongalia for any purposes for which the use of a jail may be needed by them, under the acts of council or of the State.

4. The council shall annually cause to be made up and entered upon its journal an account and estimate of all sums which are or may become lawfully chargeable on the town, which ought to be paid in one year, and it shall order a town levy of so much as, in its opinion, is necessary to be raised in that way, in addition to the amount which may be raised from license and other sources; also the treasurer shall, on the first of February, eighteen hundred and seventy-one, and annually thereafter, publish a full exhibit of all the receipts and expenditures of the said corporation during the last preceding year; said publication shall be made by inserting the said exhibit in some newspaper published in the said corporation, if any, and if there be none so published, then by posting the same in some public place in the said corporation. The levy so ordered may be upon all male persons within the town over sixteen years of age, and on real estate in said town which is not expressly exempted from State taxation, and all such other subjects in said town as may at the time be assessed with State taxes against the person residing in the town: Provided, that the tax do not exceed seventy-five cents on every one hundred dollars of the value of the real and personal property, or one dollar per head on each taxable person; and provided, that the concurrence of a majority of the whole council shall be necessary to pass any act levying taxes on any subject whatever.

5. Whenever anything, for which a State license is re- ^{Licenses.}quired, 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. The revenue from these and other sources shall be collected, ^{Town reve-} paid over, and accounted for, at such times and to such per- ^{nue; how col-} ^{lected.}sons as the council may order. The collector of the town

taxes and levies shall have power to distrain and sell therefor in like manner as a sheriff may sell for State taxes, and shall have in all other respects the same powers as the sheriff to enforce the payment and collection thereof. The taxes on any real estate shall be a lien thereon from the time of their assessment, and if the tax thereon are in arrears for two or more years, the council may order the said real estate to be rented out from time to time, at public renting by the sergeant, for the term of one year, at each renting, and apply the rents until the taxes in arrears accrued by the end of said term, and the costs and charges attending said renting shall have been paid, and the surplus paid to the owner.

Lien on real estate for taxes.

6. 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. The council may order and require real estate in the town delinquent for the non-payment of taxes, to be sold by the sergeant at public auction for the arrears with interest thereon with such per centum as the council may prescribe for charges, and the surplus shall be paid to the owner, and the real estate so delinquent may be redeemed upon the same terms as real estate sold for State taxes is redeemed.

7. 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.

Prohibition of shows.

8. The council shall have power to require and take from the sergeant and street commissioner bond with surety satisfactory to the council in such penalty as it may deem sufficient, conditioned for the faithful and impartial performance of their duties, respectively, and for the collection and accounting for any payment of the fines taxes and other monies of the town which either of them shall be directed by the council to collect, at such times and to such person or persons as the council may order. The council shall have power, with the concurrence of two-thirds of the whole council to remove the sergeant and street commissioner from office for good cause, and to declare the said offices vacant, and whenever from any cause the office of sergeant or street commissioner shall be vacant, the council shall fill the vacancy for the unexpired term as soon as possible.

Bonds of sergeant and street comm'r.

Power of council to remove street comm'r.

9. The council may, by resolution adopted by a vote of a majority of members present, direct a poll to be opened to take the sense of the freeholders of said town, who have their domicil therein, on the question whether the council, on behalf of the town, shall subscribe to the stock of a company incorporated for a work of internal improvement to be submitted to vote of freeholders of the town.

Subscriptions to works of internal improvement to be submitted to vote of freeholders of the town.

in this State, or for the erection of any gas or water works, (which, or any part of which, is to be in or near said town,) an amount not exceeding a certain maximum to be stated in said resolution. The resolution shall designate a certain time and convenient place within said town for said poll, not less than one month from the date of the resolution; and the said resolution shall be duly published for one month in one or more of the newspapers printed in said town, or if it cannot be published in said papers, then by printed handbills posted conspicuously in said town. The council shall appoint three or more of their number as commissioners to superintend the said poll, who shall, before acting as such, take an oath or affirmation to discharge their duties truly, faithfully, and impartially; said commissioners, at the time and place designated in said resolution and so published, shall proceed to open the poll; they shall receive and record the votes of all such persons as are at the time qualified to vote for members of council as shall appear and offer to vote upon the question whether the council, on behalf of the town, shall or shall not subscribe to the stock of said company.

Time and place of such election.

Commissioners to conduct said election.

10. The said commissioners shall open a poll-book and cause to be entered therein a column headed, "Subscription," for the names of such of said voters who offer to vote and who are in favor of said subscription, and they shall in like manner cause to be entered in said book, in a column headed "No subscription," the names of such of said voters who may offer to vote and who are opposed to said subscription. The commissioners shall, with the poll-books, return a certificate of their oath or affirmation aforesaid, and shall, within five days after they are taken, certify the polls and return them to the council. If, by the poll-books, it appear that a majority of the said freeholders voting upon the question are in favor of said subscription, the council may subscribe, on behalf of the town, for stock in said company to an amount not exceeding the maximum named in the said resolution, which subscription shall be binding upon the said town in like manner as it would have been upon an individual subscriber had it been made by him. When such subscription is to be made the council may, in the name and for the use of the corporation, as a provision for the payment of said subscription, contract loans, or cause to be issued certificates of debt, or bonds, but said loans, certificates, or bonds shall be redeemable within a period of not more than thirty-four years. Whenever such loan is made or such certificates or bonds are issued, the council shall annually set apart from the accruing revenues of the town a sum equal to not less than seven per centum of the said loans, certificates and bonds. The fund thus set apart shall be called "The sinking fund,"

Poll books.

Names of voters: how entered.

Certificate of commissioners.

Authority for council to contract loans.

Council to provide a sinking fund.

and shall be applied to the payment of the interest of said loans, certificates and bonds, and to the payment of the principal thereof as the same may become redeemable and payable. If after paying the interest it exceed that part of the principal which is then redeemable, then the residue of the sinking fund shall be invested in stocks of the State of West Virginia, or of the United States, and applied to the same principal when redeemable.

Mayor; his powers, duties and compensation.

11. The mayor shall be the chief executive officer of the town, he shall preside at the meetings of the council; he shall take care that the by-laws, ordinances, acts and resolutions of the council are faithfully executed; he shall be ex-officio a conservator and justice of the peace for the county, except that he shall have no jurisdiction as such in civil cases, nor shall he be a member of the county court; he shall have control of the police of the town, and may appoint special police officers when he deems it necessary; it shall be his duty especially to see that peace and good order are preserved, and the persons and property are protected within the town; he shall from time to time recommend to the council such measures as he may deem needful for 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 for the term for which he has been elected.

Recorder; his powers, duties and compensation.

12. The duty of the recorder shall be to keep the journal of the proceedings of the council, and have charge of and preserve the papers and records of the town, in the absence from the town, or sickness of the mayor, or during any vacancy in the office of mayor, he shall perform the duties of mayor, and be vested with all his powers; he shall be a conservator of the peace within the town; he shall receive for his services a compensation to be fixed by the council which shall not be increased or diminished for the term for which he shall have been elected. In case of the absence from town or sickness of both mayor and recorder, and in case the offices of mayor and recorder are both vacant at the same time, the council shall by a vote of the majority present, appoint one of their own number to fill each office until the mayor or recorder return or resume their duties, or a new election is had for said officers.

Vacancies in offices of mayor and recorder.

Sergeant; his duties and compensation.

13. 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 for and pay the same to such person or persons, and, at such time as the Council may order; he shall do and perform all the other acts appertaining to the office of Sergeant of a corporation, and of a police officer of said town, and, as such, shall have the same powers, duties, fees and liabilities as

are by law prescribed as to Constables; he shall for his services receive a compensation, to be fixed by the Council, which shall not be diminished for the term for which he shall have been elected. Before entering on the duties of his office, and within two weeks from the day of his election, he shall make oath, or affirmation, before the Mayor, or person who for the time being shall preside at the Council meeting, that he will truly, faithfully and impartially discharge the duties of his office so long as he shall remain therein; and he shall, within the said period, execute before the Council his bond as hereinbefore prescribed. And if the Sergeant shall fail to collect, account for and pay over all taxes, fines and other revenue of the town in his hands for collection, according to the condition of his bond, it shall be lawful for the Council to recover the same, by motion, in the corporate name of the town, before any court of said county of Monongalia, against the obligators in his said bond, or any or either of them, his or their heirs, executors or administrators, on giving at least ten days notice of such motion.

Oath of sergeant.

Bond of sergeant.

Motion against sergeant.

14. The duties of the street commissioner shall be fixed and prescribed by ordinance of the council, and for the discharge of the same he shall receive such compensation as may be allowed by said council.

Street commissioner; his duties and compensation.

15. The said town and the taxable persons and property therein shall be exempt and free from the payment of any poor taxes or road tax, and from contributing to any county expenses for the poor and the roads and bridges of said county for any year in which said town shall at its own expense provide for its own poor and shall keep its own streets in order.

Exemption from road and poor tax.

16. All the rights, privileges and properties of this said town heretofore acquired and possessed, owned and enjoyed under any act either of Virginia or West Virginia, now in force, shall continue undiminished and remain vested in said town under this act; and all the 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 for under this act.

Rights reserved.

17. The Council of the town of Morgantown shall appoint three commissioners (two of whom may act), under whose superintendence, on the same day on which the annual election for officers of said town shall be held for the year eighteen hundred and seventy-one, at the place designated in the order appointing such commissioners, a poll shall be opened and held to take the sense of the voters qualified under the provisions of this act, to vote for

Act to be submitted to the qualified voters of town for ratification or rejection.

the officers of the corporation, elective by the people, upon the question whether this act shall be ratified or rejected; the said poll shall contain two columns, and shall be headed thus: "Shall the act to amend the charter of the town of Morgantown, in the county of Monongalia, passed by the Legislature of West Virginia in eighteen hundred and seventy-one, be ratified or rejected?" "For its ratification;" "For its rejection." The said commissioners shall certify the number of votes given for and against said charter, and cause their certificate, with the poll book, to be delivered to the Recorder of the town of Morgantown; the Council shall ascertain the result of the poll, and forthwith enter upon their journal the aggregate vote for and against said charter, and, if it appear that a majority of those voting have voted for its ratification, then this act shall be in force from and after the date of said election; but, if a majority have voted for its rejection, then this act shall not take effect.

CHAPTER 99.—AN ACT for the removal of the County Seat of Grant County.

Passed February 24, 1871.

Be it enacted by the Legislature of West Virginia:

Question of removal submitted to the voters of the county.

1. The male citizens of Grant county who are over twenty-one years of age, and who have never been convicted of treason, felony, or bribery in an election, and who are not paupers, are hereby authorized to meet at their respective places of voting, on the fourth Thursday in April, 1871, to vote upon the question of removing the county seat of said county of Grant, from Grant Court House to Petersburg.

Majority of voters to decide the question.

2. If a majority of said votes cast at said election shall be in favor of the county seat of said county remaining at the Court House of Grant county, then the same shall there remain; and, if a majority of the votes so cast shall be in favor of removing said county seat to Petersburg, then the same shall be so removed.

CHAPTER 100.—AN ACT making an appropriation for the relief of Clayburn Peirson, of Clay county.

Passed February 24, 1871.

Be it enacted by the Legislature of West Virginia:

\$250 appropriated.

The sum of three hundred and fifty dollars is appropriated out of any monies in the treasury, not otherwise appropriated, for the payment, in full, of Clayburn Peirson, of Clay county, for payments made by him for the board and tuition of his two mute children, to the Ohio

Deaf, Dumb and Blind Asylum, at Columbus, for the session ending June 15, 1870, and the Auditor is directed to draw his warrant on the Treasurer for the sum hereby appropriated.

Auditor to draw his warrant on treasurer for the same.

CHAPTER 101.—AN ACT to amend the charter of the Elk River Navigation Company.

Passed February 24, 1871.

Be it enacted by the Legislature of West Virginia:

That the said charter be and the same is amended to read as follows:

1. That it shall be lawful for the Elk River Navigation Company to receive subscriptions to its capital stock, in land at a price not to exceed twenty dollars per acre, provided, that the quantity of land so received and held by them shall not exceed two hundred thousand acres, which said company may hold by deeds from the stockholders so subscribing the same or any part thereof.

Authority to receive subscriptions in lands.

2. That it shall be lawful for the Elk River Navigation Company to increase its capital stock to five million dollars.

Capital stock may be increased.

CHAPTER 102.—AN ACT to amend and re-enact the third and seventh sections of chapter fifty-eight of the code of West Virginia, concerning the West Virginia Hospital for the Insane.

Passed February 24, 1871.

Be it enacted by the Legislature of West Virginia:

That the third and seventh sections of chapter fifty-eight of the code of West Virginia shall be, and the said sections are hereby amended and re-enacted, so as to read as follows:

“3. The board shall be composed of nine members, whose term of office shall be for one year, commencing on the first day of April. The said directors shall be appointed and commissioned by the Governor, and removable at his pleasure, and unless to fill a vacancy, the appointment shall be made annually after the fourth day of March and before the first day of April. Not more than two of the directors shall be selected from the county of Lewis, and not more than one of the others from any one county.”

Board of Directors.

“7. A superintendent, who shall be a physician, shall be employed by the board, and shall receive such compensation as the board may prescribe. The board may appoint officers, nurses and attendants, and fix their compensation. Any one or more of the directors, together with the

Superintendent and other officers to be appointed by the board. Examining board.

superintendent, shall constitute an examining board and may examine persons brought to the asylum as lunatics, and order those found to be such to be received, and found to be restored to be discharged therefrom."

CHAPTER 103.—AN ACT to incorporate the Elizabeth Bridge Company.

Passed February 24, 1871.

- Corporators.** Be it enacted by the Legislature of West Virginia :
1. That William McCoy, William V. Vernon, C. B. Fisher and D. H. Leonard, in the town of Elizabeth, in Wirt county; L. D. Wheaton, W. W. Thomasson and M. H. Shurtz, in Burning Springs township, in said county; Alfred Fought, Thomas Foster, J. W. Hale and J. L. Enoch, of Newark township, in said county, or any of them, at the town of Elizabeth, or at such other place as they may appoint, are hereby authorized to receive subscriptions to the capital stock of the company hereby incorporated, for the purpose of erecting a toll bridge over the Little Kanawha river, at the town of Elizabeth, in Wirt county.
- Subscriptions**
2. The capital stock of said company shall consist of not exceeding two thousand shares, of two dollars each; and whenever five hundred shares are subscribed, the subscribers, their executors, administrators and assigns are hereby incorporated by the name of the Elizabeth Bridge Company, and shall be governed by the provisions of chapters fifty-three and fifty-four of the code of West Virginia, so far as the same are applicable and not inconsistent with this act.
- Capital stock.**
3. The supervisors of the county of Wirt are hereby empowered to subscribe to the capital stock of said company, in money or issuing county bonds, to an amount not exceeding ten thousand dollars.
- Authority to supervisors of Wirt county to take stock.**
4. The said company is hereby authorized to construct a toll bridge over the Little Kanawha river, at the town of Elizabeth, in Wirt county, and may erect gates on said bridge, and collect tolls not exceeding the following rates for each passage, viz: Ten cents for twenty sheep or hogs, fifteen cents for twenty cattle, and so on in proportion for a less or greater number; five cents for a horse, mare, mule or gelding; ten cents for a riding carriage, wagon or other vehicle, whether two or four wheeled, and five cents for each animal more than one drawing it; three cents for each foot passenger. Provided, That all coaches, carriages, horses or foot passengers attending funerals shall be exempt from all tolls. Said tolls shall first be applied
- Toll bridge.**
- Rates of toll.**

to keep said bridge in good repair before any dividend is declared to stockholders.

5. The said company, so soon as three hundred shares Directors. of the capital thereof is subscribed, may hold an election for the selection of five directors of said company, who shall within ten days thereafter choose one of their own body as president. The said president and directors shall President. Their term of office. remain in office for one year, or until their successors are appointed.

CHAPTER 104.—AN ACT to amend and re-enact Sections 3, 4, 5 and 8, of an Act passed February 28, 1870, entitled "An Act to incorporate the Valley River Land, Lumber and Boom Company," and to incorporate additional sections therein.

Passed February 24, 1871.

Be it enacted by the Legislature of West Virginia:

1. Sections 3, 4, 5 and 8, of an Act passed February 28, 1870, entitled "An Act to incorporate the Valley River Land, Lumber and Boom Company," are hereby amended and re-enacted, so as to read as follows:

"3. The said corporation shall have the exclusive privilege of constructing and maintaining a substantial boom or booms, with or without piers, across the Valley River, or its branches for the purpose of stopping and securing boats, rafts, saw logs, and other timber. But such booms shall be so constructed as to permit boats, rafts and other timber to pass without unavoidable delay by paying boomage, as hereinafter provided for. And said corporation may erect shear booms on said river and its branches, and may dredge and clean out the channel thereof, and remove obstructions therefrom, and may build saw mills, and manufacture and sell lumber, and may construct such tram railway as will be necessary for the purpose of getting lumber to or from said river, subject to the provisions of the code." Exclusive privilege of constructing booms within certain limits. Not to interfere with boats. Powers of company.

"4. The said corporation is hereby authorized to purchase and hold lands, necessary for right of way, for tram roads, maintaining of wharves, lumber yards, and abutments for booms; subject to the provisions of the code, concerning places of deposit, sale and shipment." Powers of corporations.

"5. The judge of the circuit court for the county of Taylor shall, upon the application of the said corporation, appoint three discreet freeholders of said county, commissioners, to ascertain and report to said court what would be a fair and reasonable rate of boomage, or toll upon boats, rafts, saw-logs, or other timber, stopped or secured by the boom Commissioners to ascertain rates of boomage.

or booms of said corporation. If the report of said commissioners shall be satisfactory to said court, it shall be confirmed; if not so satisfactory, other commissioners may be appointed, or the former commissioners directed to make another report. Said commissioners shall return with their report the certificate of a justice, notary public, or clerk of said court, that they were sworn well and truly to ascertain, and report what, in their opinion, would be a fair and reasonable rate of toll, or boomage, for said corporation to charge; and when said report shall have been confirmed, the said corporation may, by reason of its compliance with this act, charge and collect toll, or boomage, upon boats, rafts, saw-logs, or other timber, that may be floated, rafted or drifted into their said boom, or booms, and stopped or secured thereby; and the said corporation shall have a lien on all boats, rafts, saw logs, and other timber and lumber thus boomed, for the payment of all tolls, or boomage, and other expense, until the same shall be paid."

Lien for boomage.

Measure of timber.

"8. That all boats, rafts, saw-logs, or other timber charged with the toll, or boomage, shall be counted or measured by some competent person or persons, commissioners to be appointed by said corporation, and confirmed by the said circuit court of said Taylor county."

The following sections are hereby added to said Act:

Compensation of commissioners.

13. The commissioners mentioned in sections five and eight of this act, shall be paid by the said corporation, the sum of two dollars and fifty cents for their services, for each day employed by them.

Company may organize within two years.

14. Said corporation may be organized, and commence its corporate business, within two years after the passage of this act.

CHAPTER 105.—AN ACT providing for the payment of the enrollment of the militia in Taylor county.

Passed February 24, 1871.

Be it enacted by the Legislature of West Virginia:

\$37.50 appropriated.

1. The sum of thirty-seven dollars and fifty cents is hereby appropriated, out of any money in the treasury not otherwise appropriated, to the payment in full to Z. Shields, assessor of Taylor county, for the enrollment of the militia of said county in the year 1870.

Auditor to draw his warrant for the same.

2. The auditor is authorized to draw his warrant on the treasury for the amount mentioned in the preceding section, in favor of Z. Shields, assessor as aforesaid, upon the filing in his office of a verified account for the enrollment so made by said Shields.

CHAPTER 106.—AN ACT providing for the investment of the additional endowment for the West Virginia University.

Passed February 24, 1871.

Be it enacted by the Legislature of West Virginia:

The sum of ten thousand dollars appropriated to West Virginia University for the year 1871, shall be invested by the regents of the university in stocks of the United States, and shall constitute a part of the permanent endowment of said university, to be under the management of said regents, but the same shall not at any time be used or consumed in any way; and the annual interest thereon only shall be disbursed by said regents for the support and benefit of said university as they may direct.

Sum appropriated to be invested in United States stock, and to constitute part of the endowment. Interest thereon only to be disbursed.

CHAPTER 107.—AN ACT to amend Chapter 24 of the Code of West Virginia in relation to insurance companies.

Passed February 25, 1871.

Be it enacted by the Legislature of West Virginia:

The second section of chapter thirty-four of the code of West Virginia is amended and re-enacted so as to read as follows:

“2. It shall not be lawful for any officer or agent of any foreign fire or marine insurance company, directly or indirectly, to take risks or issue policies of insurance within this State, without first procuring from the Auditor a certificate as hereinafter directed. Before obtaining such certificate such company, its officers or agents, shall furnish the Auditor with a statement, under oath, of the President or Secretary of the company for which he or they may act, which statement shall show, First. The name and locality of the company. Second. The amount of its capital stock. Third. The amount of its capital stock paid up. Fourth. The assets of the company, including, first, the amount of cash on hand, and in the hands of agents or other persons; second, the real estate unincumbered; third, the bonds owned by the company, and how they are secured, with the rate of interest thereon; fourth, debts to the company, secured by mortgage or otherwise; fifth, debts for premiums; sixth all other securities.

Fifth. The amount of liabilities due or owing to banks or other creditors by the company.

Sixth. Losses adjusted and due.

Seventh. Losses adjusted and not due.

Eighth. Losses unadjusted.

Ninth. Losses in suspense, waiting for further proof.

Tenth. All other claims against the company.

Eleventh. The greatest amount issued in any one risk.

Which statement shall be filed in the office of the said

What amount of actual capital and deposit necessary.

Auditor. And no foreign insurance company or agent thereof shall transact any business of insurance in this State unless such company is possessed of at least two hundred thousand dollars of actual capital invested in the stock or bonds of some one or more of the States of this Union, whose bonds are at par, or of the bonds of the United States at the current market value thereof at the date of such statement, or in bonds secured by mortgage or deed of trust on real estate within this State worth double the amount for which the same is mortgaged, free from any prior incumbrance, and having undoubted title; and it is hereby provided that at least one hundred thousand dollars in amount of said actual capital shall be in cash or its equivalent, and at least twenty-five thousand dollars in the bonds or notes of individuals, secured by mortgage or deed of trust on real estate within this State, worth double the amount for which the same is mortgaged, shall be deposited with the Governor of this State by such company or its agents, as a security to policy holders in this State, and the same shall remain on deposit as long as such company does business in this State, and until its liabilities are settled, and such company shall have the right to collect the interest as the same shall fall due on such mortgages and deeds of trust. But if any such foreign company shall prefer to make said deposit in cash or in bonds of the United States at their market value, then said company shall be taxed six per cent. on the gross amount of the premiums stated in the return provided for in the thirteenth section of said thirty-fourth chapter, instead of four per cent. as therein provided; and provided further, that if such foreign company shall make said deposit in the bonds or notes of individuals secured as aforesaid, then said company shall be exempt from the tax of four per cent. specified in said thirteenth section, and shall be required to pay only such taxes and assessments as are by law required to be paid by such insurance companies as are incorporated by and under the laws of this State."

Amount of tax to be paid.

Section repealed.

2. So much of the thirteenth section of the said thirty-fourth chapter of the code as is inconsistent or in conflict with this act, is hereby repealed.

CHAPTER 108.—AN ACT to consolidate certain townships in Taylor county, to change the boundary lines thereof, and to fix the number of townships therein.

Passed February 25, 1871.

Be it enacted by the Legislature of West Virginia:

Number of townships reduced.

That the townships in Taylor county be, and they are hereby reduced from nine to five townships; that Haymond and Fetterman townships be and they are here-

by consolidated and made one township, which is hereby named Fetterman township; that Union and Grafton townships be, and they are hereby consolidated and made one township, which is hereby named Grafton township; that Webster and Clay townships, and all that part of Court House township lying south of the turnpike road, from the Valley river bridge to the Flemington township line, and all that part of Flemington township lying south of the turnpike road to the county road, at the point where the said county road intersects with the said turnpike road, at George W. Reynold's farm, thence along said county road, following the meanders thereof to the railroad, thence a straight line to the Barbour county line, so as to include the dwelling house of Minor S. Fleming, and all that part of Flemington township lying east of said county road, are hereby made and constituted one township, which is hereby named Court House township; that Booth's Creek township, and all that part of Court House township lying north of the turnpike road from the Valley river bridge to the Harrison county line be, and the same is hereby made and constituted one township, which shall be and is hereby named Booth's Creek township; the boundary lines of Flemington township shall remain as now established, except so far as the same have been changed by this act.

Certain townships consolidated.

2. This act shall not take effect until the first day of January, 1872, but at the election to be held on the fourth Thursday of October, 1871, one supervisor shall be elected for each of the townships as constituted by this act, by the voters therein; and at the same election there shall be chosen two justices and two constables for each of the townships hereby created, except the township of Flemington, which shall elect but one justice and one constable.

When act takes effect.

Township officers. When elected.

3. The act of the legislature passed February 28, 1867, creating five townships in said Taylor county, and all other acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Acts repealed.

CHAPTER 109.—AN ACT to provide for the payment of certain military claims.

Passed February 25, 1871.

Be it enacted by the Legislature of West Virginia:

1. That the sum of nineteen thousand four hundred and seventy-four dollars and sixty-eight cents is hereby appropriated, and placed at the disposal of the Governor, for the payment of certain military claims, audited by the board of claims, under and by virtue of an act passed March third, eighteen hundred and sixty-nine, entitled, "An Act creating a board for the examination of certain military claims," as exhibited in the report of said board, dated

\$19,474.68 appropriated.

Claims recognized by the U. S. government only to be paid. Expenses of the board of claims not to exceed \$500.

January twenty-fourth, eighteen hundred and seventy-one. Provided, however, that only such claims as are recognized by the United States government shall be paid out of the amount hereby appropriated; and provided further, that the expenses of the board of claims, hereby authorized to be paid out of this appropriation shall not exceed five hundred dollars.

A suitable person to be appointed to disburse the same. Compensation of clerk.

2. The Governor shall, on or after the fifth day of March, 1871, appoint some suitable person, or persons, to receive and disburse the moneys appropriated in this act. But the clerk of the board shall be entitled to receive his pay, not exceeding three hundred and fifteen dollars, at any time after the passage of this act.

CHAPTER 110.—AN ACT to amend and re-enact Section 2 of Chapter 163 of the Code of West Virginia.

Passed February 25, 1871.

Be it enacted by the Legislature of West Virginia:

1. Section two of chapter one hundred and sixty-three of the code of West Virginia is hereby amended and re-enacted so as to read as follows:

Directors, their appointment.

“There shall be a board of directors of the penitentiary, consisting of five persons, appointed biennially by the board of public works, on the first day of April, or as soon thereafter as practicable. Their term of office shall be two years from and after the date of their appointment, and they shall each be allowed, as compensation for their services, a sum to be fixed by the board of public works, not to exceed three dollars for each day necessarily employed, and all necessary travelling expenses, and vacancies in the board shall be filled as they occur, by the board of public works; provided that one only of said directors shall be a resident of the county of Marshall.

Their term of office and compensation.

Vacancies: how filled.

Present board of directors. Their powers.

The present board of directors shall continue in office until the first day of April, eighteen hundred and seventy-one, and until their successors shall have qualified.

Add at the end of section 2 the following:

Provided that no such board of directors shall make any contract extending beyond thirty days from the expiration of their term of office; and provided further, that the board of public works may remove any of the said directors and may fill any vacancy that may occur in the office of director of the penitentiary.

CHAPTER 111.—AN ACT to appropriate three hundred dollars for the purpose of building a bridge across Laurel Fork of Guyandotte river in Wyoming county, West Virginia.

Passed February 25, 1871.

Be it enacted by the Legislature of West Virginia:

1. That the sum of three hundred dollars be appropriated out of any money in the treasury not otherwise appropriated, for the purpose of building a bridge across Laurel Fork of Guyandotte river, near Green M. Cook's, in Wyoming county, West Virginia, provided the board of supervisors of said county, shall appropriate a sufficient amount to finish said bridge. \$300 appropriated to build a bridge. Proviso.

2. That the warrant shall be drawn in favor of Mitchell Cook, who shall superintend the paying out of the same. Warrant to be in favor of Mitchell Cook

CHAPTER 112.—AN ACT to incorporate the Second Creek and Laurel Creek Lumber and Boom Company.

Passed February 25, 1871.

Be it enacted by the Legislature of West Virginia:

1. That A. R. Humphreys, C. C. Hake, E. W. S. Moore and Mathew Humphreys, and their associates and successors, be and are hereby constituted a body corporate, by the name and style of Second Creek and Laurel Creek Lumber and Boom Company, subject to chapters fifty-two and fifty-three of the code of West Virginia, and to such additional powers and privileges as may be granted, and to such additional restrictions as may be imposed by this act. Corporators. Powers and privileges of the company.

2. The capital stock of said company shall not be less than ten thousand dollars, to be divided into shares of one hundred dollars each, and at any time hereafter be increased by the vote of the stockholders to an amount not exceeding six hundred thousand dollars, and for the purpose of obtaining subscriptions to the said capital stock, or so much thereof as may be necessary for the lawful purposes of said corporation, books shall be opened under the directions of persons named in the first section of this act, at such times and places as the persons who act in that capacity may deem expedient. Capital stock. Subscription books.

3. The affairs of the corporation shall be managed by the persons named in the first section of this act, who are hereby constituted directors until other directors shall be elected as hereinafter provided; and in case of the decease of one or more of said persons, or their refusal to act as directors, the remaining person, or persons, shall have power of electing other directors for the time being in their stead. Directors.

Privilege of constructing booms on Second creek and Laurel creek.

Authority to deal in lumber and construct tram railways.

Authority to hold lands and erect wharves

Rates of toll and boomage.

Lien for toll or boomage.

Unclaimed timber in booms may be sold after notice.

How proceeds disposed of.

Penalty for injuring company's works, or defacing marks on logs. Punishment for injury to works of company.

4. The said corporation shall have the exclusive privilege of constructing and maintaining a substantial boom, or booms, with or without piers, across Second Creek and Laurel Creek, for the purpose of stopping and securing boats, rafts, saw logs, and other timber of value; may erect shear booms on said creeks, and may dredge and clear the channel of said creeks, and main branches thereof, and remove obstructions therefrom; and may build saw mills, and manufacture and sell lumber, and construct tram railways, subject to the provisions of the code.

5. The said corporation are authorized and empowered to purchase and hold lands, to sell and convey real estate, and to engage in mining and manufacturing, and to erect and maintain wharves on Second Creek and Laurel Creek, subject to the provisions of the code concerning places of deposit, sale and shipment.

6. The said corporation may, by reason of its compliance with this act, charge and collect toll, or boomage, not to exceed two dollars per thousand feet, board measure, for all square timber, saw logs, boards, plank, and other timber that may be floated, rafted or drifted into said boom, and stopped and retained by said boom, or by any logs or timber in said boom, at any point or place. The said corporation shall have a lien on all saw logs, and other timber and lumber thus boomed for the payment of all tolls, or boomage, and other expenses, until the same be paid.

7. That if any timber shall have been boomed securely as aforesaid, and no person should appear to claim the same, and pay the tolls thereon, within five days, it shall be lawful for the corporation, after advertising the same for two weeks in some newspaper published in the county of Greenbrier or Monroe, or by posting the same for two weeks in three public places in the county of Monroe, with marks thereon, to sell said timber to the best advantage, if said owner appear to claim the same, and at any time within a year from said sale, the owner shall be entitled to recover the proceeds thereof, after deducting the taxes, expenses and necessary charges, but if not claimed within one year, the proceeds shall inure to, and be vested in said corporation for their own use.

8. That if any person, or persons, shall wilfully and maliciously injure or destroy any of said booms, or piers, or other works connected therewith, or shall remove, alter, or deface any mark, or marks, on any logs or other timber intended for said boom, he shall pay treble damage, to be recovered by an action of trespass, brought in the name of said corporation, before a justice of any of the courts in the county in which he or they shall reside, or in the county

in which the offence was committed, and said person, or persons, so offending may also be subject to an indictment in the circuit court for the county where the offence was committed, and upon conviction thereof may be punished by fine and imprisonment, in the discretion of the court.

9. That all timber, other than that belonging to said ^{Measurement} company, in said boom, shall be measured and its quantity ^{of timber.} ascertained by some competent person, or persons, to be appointed by the company.

10. That should any boards, logs, or other timber belong- ^{Penalty for} ing to the said corporation, be carried by the winds, by the ^{converting} force of the current, or otherwise, into any bays, creeks, ^{timber carried} coves, or upon the shore, or any bar or flat lands, it shall ^{away by} be a penal offence for any person, or persons, except the ^{winds or cur-} owners thereof, to take possession of, sell, or convert to his ^{rents.} or their own use said logs or timber, punishable as provided in the seventh section of this act. The corporation shall not be liable to any loss or damage that may be caused by fire or flood, or by the lawful acts of any person or persons not in their employ.

Whenever the words "logs" or "timber" occur in this ^{Meaning of} act, they shall be taken to mean logs and timber of every ^{the words} kind and description, manufactured or unmanufactured. ^{"logs" or} "timber."

11. The right is reserved to the legislature to alter or ^{Act amenda-} amend this act. But such alteration or amendment shall ^{ble.} not affect the rights of creditors, or impair the vested rights of the corporators.

CHAPTER 113.—AN ACT to amend Section 4 of Chapter 33 of the Code of West Virginia.

Passed February 25, 1871.

Be it enacted by the Legislature of West Virginia:

That section four of chapter thirty-three of the code of ^{Licenses to} West Virginia is hereby amended, so as to allow a license ^{keepers of} to be issued to the keepers of bowling alleys and billiard ^{bowling al-} tables for three months, and for any fractional portion of a ^{leys and bil-} year not less than three months, in the same proportion as ^{liard tables.} the annual tax provided by the code.

CHAPTER 114.—AN ACT to amend Chapter 3, of the Code of West Virginia, relating to elections by the people.

Passed February 25, 1871.

Be it enacted by the Legislature of West Virginia:

Section thirteen of chapter three of the act entitled "An act establishing a code of laws for this State," is

hereby amended and re-enacted so as to read as follows:

Oath of officers of election.

"13. Every officer or person, employed in holding an election, or making returns thereof, shall, before entering upon the discharge of his duties, take an oath that he will support the constitution of the United States and the constitution of this state, and that in the election about to be held, he will faithfully and impartially discharge his duties according to law, to the best of his skill and judgment. The supervisors, or any one of the inspectors or of the persons acting as such at any election, or any other person authorized to administer oaths, may administer the said oath to the person required to take the same. Any one of said persons may also administer any other oath necessary to be administered during the holding of any election, or at the taking of a poll to ascertain the sense of the people upon any question."

By whom it may be administered.

Section twenty-one of chapter three of said code is hereby amended and re-enacted so as to read as follows:

Certain persons not deemed residents of the state, county, or township, etc.

"21. No person in the military, naval or marine service of the United States shall be deemed a resident of this State, or of any county, township or corporation thereof, by reason of his being stationed therein."

Section forty-three of the said chapter of said act is hereby amended and re-enacted so as to read as follows:

Who to vote at elections and who not.

"43. It shall be the duty of the supervisors and inspectors of elections in the several townships, and of the officers conducting and holding the elections in each ward of a city, or in an incorporated town or village, voting by wards, to permit all persons to vote therein who are constitutionally entitled to vote at all elections held within the election districts in which they respectively reside, and residents of the township or ward in which they respectively shall offer to vote at the time of such offer, and reject the vote of all other persons offering to vote. Provided, That if the right of any person offering to vote shall be challenged by any such officer, or any other person, and it shall appear that such person is not a minor, or it shall not appear that he is a pauper, or of unsound mind, and shall appear that he has been a resident of the state for one year, and of the county in which he offers to vote for thirty days next preceding such offer, and is a resident of the township or ward in which he offers to vote, the right of such person to vote shall not be further questioned, unless and until a written charge of some specific act of constitutional disqualification, verified by the written affidavit of a qualified voter, shall be preferred against the person offering to vote. And the right of such

person to vote shall not be denied him unless the charge so preferred shall be proved by evidence of record, or clearly established by the oaths of at least two competent and credible witnesses; and he shall not be required in any form to criminate himself. Any person who shall wilfully swear falsely in any such affidavit on any such occasion, or procure another person to do so, shall be guilty of perjury, and be confined in jail one year and fined not exceeding one thousand dollars. And if any such officer aforesaid shall unlawfully and knowingly permit any person to vote at any election who is not entitled to do so, or unlawfully and knowingly reject the vote of any person entitled to vote at such election, he shall be guilty of a misdemeanor, and be fined not less than fifty, nor more than two hundred dollars.”

Penalty for making false affidavits.

Penalty on officers failing to discharge their duties.

Sections twenty-two to forty-two, inclusive, and forty-four to fifty-eight, inclusive, of said chapter of said act are hereby repealed.

Sections repealed.

CHAPTER 115.—AN ACT to restore and re-establish certain townships in Jefferson county.

Passed February 25, 1871.

Be it enacted by the Legislature of West Virginia:

1. That the act, entitled, “An act changing certain townships in the county of Jefferson,” passed December the 23d, 1868, be and the same is hereby repealed.

Act repealed.

2. That Bolivar township and Harper’s Ferry township, in Jefferson county, united by the said act into one township, called Bolivar township, be and the same are hereby restored and re-established, with the same boundaries, respectively, which they possessed before the passage of the said act.

Certain townships re-established.

3. That Charlestown township and Osburn township, in the said county, united by the said act into one township called Grant township, be and the same are hereby restored and re-established, with the same boundaries, respectively, which they possessed before the passage of the said act.

Certain townships re-established.

4. That all the township officers elected for Bolivar township at the last general election, and the justice of the peace heretofore elected or appointed for the said township, be and the same are hereby declared to be township officers of the township in which they respectively reside.

Township officers of Bolivar township

5. That all the township officers elected for Grant township, at the last general election, and the justices of the peace heretofore elected, or appointed for the said township, be and the same are hereby declared to be township officers of the township in which they respectively reside.

Township officers of Grant township.

Township officers to be appointed.

6. That the governor of this state be, and he is hereby authorized and empowered to appoint the remaining township officers for all the restored townships herein named; and the said appointees shall hold their said offices until the next township election, when the said offices shall be filled by election of the people.

When act takes effect.

7. That this act shall take effect from and after ten days from its passage.

CHAPTER 116.—AN ACT for the relief of John F. Wanless, late sheriff of Pocahontas county.

Passed February 25, 1871.

Be it enacted by the Legislature of West Virginia:

Time to collect certain taxes extended.

1. The time given John F. Wanless, late sheriff of Pocahontas county, for the collection of certain taxes and fee bills in his hands prior to the year 1870, is hereby extended to the first day of January, 1872.

Provisu.

Provided additional security be given, to be approved by the auditor.

CHAPTER 117 —AN ACT incorporating the Greenbrier Boating Company.

Passed February 25, 1871.

Be it enacted by the Legislature of West Virginia:

Corporators.

1. Edward McMahon, James McClernan and John R. Wills, their associates and successors, are hereby constituted a body politic and corporate, by the name and style of "The Greenbrier Boating Company," and as such they are empowered to improve and navigate the Greenbrier and New Rivers from the crossing of the former by the James River and Kanawha turnpike to Bowyer's Ferry on the latter river. Said rivers are hereby declared to be public highways.

Capital stock.

2. The stock of the said company shall consist of not less than one hundred, nor more than five hundred shares of one hundred dollars each, and when one hundred shares are subscribed, the said company may be organized by the election of three directors to manage the affairs of the said company.

Credit to be allowed to corporators.

3. The said corporators shall be credited on their subscription of stock with the amount which they have already expended in improving the navigation of the said rivers and in constructing boats.

To hold real estate.

4. The said company shall have the right to purchase or lease any real estate that may be necessary for their pur-

poses, and to make such charges for the transportation of ^{Charges for} freight as may be reasonable. _{fr ight.}

5. The said company may demand and receive, at such ^{Tolls.} points on said river as may be selected by the directors of the company, such tolls as may be reasonable and approved by the board of public works, not to exceed fifteen per cent. per annum on the net cost of the improvements, including repairs.

CHAPTER 118.—AN ACT to provide for a preliminary survey for certain railroads through the State of West Virginia.

Passed February 25, 1871.

Be it enacted by the Legislature of West Virginia :

1. The board of public works shall, after the 4th of ^{Civil engineer; his} March, 1871, employ a skilful and competent civil engineer, ^{compensation} and such engineer shall, with the approval of said board, employ such number of assistants and aids as may be necessary to carry out the work hereinafter mentioned. The pay of such engineer shall be fixed by said board.

2. Said engineer shall survey and select the most eligi- ^{Duties of en-} ble practicable route for the construction of a railroad ^{gineer.} from Charleston, in Kanawha county, to some point on the Pennsylvania state line, with a view of connecting directly with railroads leading to Philadelphia and New York, and said engineer shall be required to survey and report upon ^{His report.} the several routes heretofore contemplated for the construction of railroads between said points. When such survey shall be completed, said engineer shall report to the governor, giving full and accurate description of the route deemed most eligible by him, the timber, coal, and other articles of wealth along such route; the probable cost of the construction of a railroad along such route, together with such other matters as may be useful to show the advantages and disadvantages of the construction of said railroad.

3. All expenses incurred under this act shall be audited ^{Expenses;} by the board of public works, and upon their certificate ^{how audited} the auditor shall draw warrants on the treasurer for such ^{and paid.} sums as may be necessary, from time to time, to defray the expenses of such survey: Provided, however, that the sum ^{Proviso.} herein authorized to be expended shall not exceed four thousand dollars.

4. And the board of public works is hereby further au- ^{Additional} thorized to cause a survey to be made for a railroad from ^{routes to be} the city of Wheeling down the Ohio river to the mouth of ^{surveyed.}

the Big Sandy river, via the city of Parkersburg. Also, a survey for a railroad from a point on the Maryland line near Piedmont, up the waters of the North Branch of the Potomac and Greenbrier rivers to intersect the Chesapeake and Ohio railroad at some practicable point in the counties of Greenbrier, Monroe or Pocahontas. And for the purpose of making said surveys, the sum of four thousand dollars is hereby appropriated, the sum of two thousand dollars for each survey, the same to be drawn, used and accounted for, as provided in section two and three of this act. And all the provisions of this act in reference to the survey from Charleston to the Pennsylvania line, and the duties of the engineer, shall be applicable to said surveys.

CHAPTER 119.—AN ACT incorporating the city of Huntington, in the county of Cabell.

Passed February 27, 1871.

Be it enacted by the Legislature of West Virginia;

Town incor-
porated.

Corporate
powers.

1. That part of the county of Cabell, included in the limits hereinafter mentioned, is hereby made a city corporate and body politic by the name of "The city of Huntington," and 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 purpose of said corporation.

Corporate
limits.

2. The corporate limits of said city shall be as follows, viz: Beginning at a stake at low water mark on the Ohio river, in the west boundary line of the lands of Samuel Johnson; thence up the said river at low water mark to and crossing the Guyandotte river to the east bank thereof; thence up the last named river at low water mark to a point opposite the south boundary line of the lands of C. P. Huntington; thence with said line to the southwest corner of the lands formerly owned by Wm. H. Hagans; thence in a direct line to the southeast corner of the land formerly owned by J. M. Handley; thence with the south boundary line of the lands of C. P. Huntington to the southeast corner of the lands of Samuel Johnson; thence with the south and west lines of said Johnson lands to the beginning.

Municipal
authorities.

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

Corporate
powers to be
exercised by
council.

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

5. The mayor, recorder and councilmen must be free-^{Qualifications} holders in said city, and entitled to vote for members of ^{for office.} its common council.

6. Their term of office shall be for one year, and until ^{Term of office.} their successors shall have been elected and qualified as hereinafter provided.

7. The mayor, recorder and councilmen shall be elected ^{Officers; how} by the citizens of said city, who may be entitled to vote ^{elected.} under this act.

8. The first election under this act shall be held on the ^{First election.} first Thursday in September, 1871, at Marshal College, postoffice, under the supervision of the justice of the township of Guyandotte, and two qualified voters selected by said justice for that purpose; and annually thereafter there shall be an election on the first Thursday in April ^{Annual elec-} in each year, at such place and under such supervision, ^{tion.} rules and regulations as the council of said city may prescribe. The persons conducting the first election under this act shall grant a certificate to the persons elected, ^{Certificates of} which certificate shall be recorded among the records of ^{election.} said city. If, from any cause, the first election shall not ^{Failure to} be held on the day herein specified, the same may be held ^{hold first elec-} on any subsequent day, upon ten days notice thereof ^{tion on the} being posted on the front door of the court house of ^{day specified.} Cabell county by any three of the qualified voters of said ^{How provided} city, under the superintendence of the persons aforesaid, ^{for.} or under the superintendence of any three voters of said city, 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 expire on the first Thursday in April, 1872.

9. All persons who have had their domicile in the said ^{Who may} city for six months next preceding the day of election, who ^{vote.} 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.

10. At all elections the vote shall be given by ballot. ^{Vote by ballot}

11. Whenever two or more persons shall receive an ^{Tie votes;} equal number of votes for the same office, the persons un- ^{how decided.} der whose supervision the election is held, shall decide which of them shall be returned as elected, and shall make their return accordingly.

12. All contested elections shall be heard and decided ^{Contested} by the council for the time being. ^{elections.}

**Vacancies;
how filled.**

13. Whenever a vacancy shall occur, from any cause, in the office of mayor, recorder, or councilman, the council for the time being shall, by a vote of the majority of those present, fill the vacancy for the unexpired term.

**Officers
appointed.**

14. There shall be a marshal, a treasurer, an assessor, and a commissioner of roads, streets and alleys of the said city, who shall be appointed by the council thereof, and hold their offices during the pleasure of said council.

**One person
may act as re-
corder, treas-
urer and as-
sessor.**

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

Oaths of office.

15. The mayor, recorder and councilmen, and all other officers provided for by this act, shall each before entering upon the duties of their offices, and within one month from the date of their election or appointment, take the oath prescribed by law for all officers of this state, and make oath or affirmation that they will truly, faithfully and impartially, to the best of their abilities, discharge the duties of their respective offices so long as they 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 city.

**Commence-
ment of duties
of councilmen**

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 supercede the former councilmen.

**Commence-
ment of duties
of other offi-
cers.**

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.

**Failure to
qualify.**

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

**Presiding offi-
cers.**

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

Quorum.

20. The presence of a majority of the council shall be necessary to make a quorum for the transaction of business. /

21. The council shall cause to be kept in a well-bound book, an accurate record of all its proceedings, by-laws, acts, orders and resolutions, which shall be fully indexed, and open to the inspection of any one who is required to pay in tax to said corporation.

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 for the time being. Upon the call of any member, the ayes and noes on any question shall be taken and recorded in the journal.

Reading of Journal.

Yeas and nays

23. The mayor and recorder shall have votes as members of the council, and in cases of a tie, the presiding officer for the time being shall have the casting vote.

Mayor and recorder to vote. Casting vote.

24. The said city, within the corporate limits aforesaid, shall constitute a separate road and school district of the said county of Cabell, and the said council shall constitute the board of education of said school district. Said board of education shall have all the powers, and perform all the duties within the said corporation as are conferred upon and required of township boards of education and trustees of school districts, and shall be subject to the same liabilities, pains and penalties of such boards and trustees.

Separate road and school district established.

Council to constitute board of education.

25. The said council shall have power within the said city to lay off, open, close, alter, curb, pave and keep in good repair roads, streets, alleys, sidewalks, cross-walks, drains and gutters for the public use, and to improve and light the same, and have them kept free from obstructions on or over them; to regulate the width of sidewalks on the streets, and to order the sidewalks, foot-ways and gutters to be curbed and paved, and kept in good order, free and clean by the owners or occupants thereof, or of the real property next adjacent thereto; to purchase or otherwise procure so much land, not exceeding five acres, as they may deem necessary for the erection of school houses and other buildings proper for the use of said city, and to contract for, build, enclose, ornament and take care of all such buildings; to establish and regulate markets; to prescribe the times of holding the same, and what articles shall be sold only in such markets, to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to prevent hogs, cattle, horses, sheep and other animals, and fowls of all kinds, from going at large in said city; to protect places of divine worship in and about the premises where held; to abate, or cause to be abated, anything which, in the opinion of 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 city, places

Powers of council.

Powers of
council.

for the burial of the dead, and to regulate interments in the city; to provide for the regular building of houses or other structures, and for the making of division fences by the owners of adjacent premises, and the drainage of lots by proper drains and ditches; to make regulations for guarding against danger or damage from fires; to protect the persons and property of the citizens of said city, and to preserve peace and good order therein, and for this purpose to appoint, when necessary, a police force to assist the marshal in the discharge of his duties; to prescribe the powers and define the duties of the officers appointed by the council, fix their time of service and compensation, require and take from them bonds, where deemed necessary, payable to said city in its corporate name, with such sureties and in such penalty as the council shall see fit, conditioned for the true and faithful discharge of their duties; to erect or authorize, or prohibit, the erection of gas works or water works in or near the city; to prevent injuries to or pollution of the same, or to the water and healthfulness of the city; to regulate and provide for the weighing of hay, coal and other articles sold or for sale in said city, and to regulate the transportation thereof through the streets; to provide a revenue for the said city, and appropriate the same to its expenses; to provide for the annual assessment of taxable persons and property in the city; to adopt rules for the transaction of business and for the government and regulation of its own body; for all of which purposes, except that of taxation, the council shall have jurisdiction, when necessary, for one mile beyond the corporate limits of said city.

Powers of
council.

26. To carry into effect these enumerated powers, and all other powers conferred upon the said city or its councils, expressly or by implication, by this or any other future act of the legislature of this state, the council shall have power to make and pass all needful orders, by-laws, ordinances, resolutions, rules and regulations, not contrary to the constitution and laws of this State; and to prescribe, impose, and enact reasonable fines, penalties and imprisonment in the county jail, or such other place as they may provide, for a term not exceeding thirty days, for violations thereof. Such fines, penalties and imprisonment shall be recovered and enforced under the judgment of the mayor of said city, or the person lawfully exercising his functions. And the authorities of the said city may, with the consent of the board of supervisors of the said county, entered of record, use the jail of the said county of Cabell for any purposes for which the use of a jail may be needed by them, under the acts of the council or of the state.

Annual esti-
mate.

27. The council shall cause to be annually made up and entered upon its journal, an accurate estimate of all sums

which are, or may become lawfully chargeable on said city, and which ought to be paid within one year, and it shall order a city levy of so much as may, in its opinion, be necessary to pay the same.

28. The levy so ordered shall be upon all male persons Annual levy. resident of said city; over the age of sixteen years, dogs, and all real and personal estate within said city subject to state or county taxes; provided that the tax so levied upon property do not exceed one dollar on every hundred dollars of the value thereof, and upon persons two dollars per head.

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

30. If the owner or occupant of any sidewalk, footway or gutter in said city, or of the real property next adjacent thereto, shall fail or refuse to curb, pave or keep the same clean, in the manner, and within the time required by the council, it shall be the duty of the council to cause the same to be done at the expense of the said city, and to assess the amount of such expense upon such owner or occupant, and the same may be collected by the city marshal in the manner herein provided for the collection of the city taxes. Power of council to repair sidewalks and charge the same to the owner

31. It shall be the duty of the city marshal to collect the city taxes, fines, levies and assessments, and in case the same are not paid within one month after they are placed in his hands for collection, he may distrain and sell therefor in like manner as a sheriff may distrain and sell for state taxes, and he shall have in all other respects the same power as a sheriff to enforce the payment and collection thereof. And the said marshal shall have all the powers, rights and privileges within the corporate limits of the said city, in regard to the arrest of persons, the collection of claims, and the execution and return of process, that can be legally exercised by the constable of a township within the same, and he shall be entitled to the same com- Marshal; his powers, duties and compensation

pensation therefor; and he and his securities shall be liable to all the fines, penalties and forfeitures that a constable of a township is legally liable to, for any failure or dereliction in his said office, to be recovered in the same manner and in the same courts, that said fines, penalties and forfeitures are now recovered against such township constable.

Lien on real estate for taxes.

32. There shall be a lien on real estate within said corporation for the city taxes assessed thereon, from the commencement of the year for which they are assessed, and for all other assessments, fines and penalties assessed or imposed upon the owners thereof by the authorities of said city from the time the same are so assessed or imposed.

Lien; how enforced.

33. The lien provided in the preceding section may 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 the liens for taxes due the state and county.

Prohibition of shows.

34. 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 city.

Bonds of marshal and treasurer.

35. The marshal and treasurer shall, before entering upon the duties of their offices, execute bonds, with securities satisfactory to the council, payable to said city, in such penalty not less than three thousand dollars, as the council may prescribe. The marshal's bond shall be conditioned for the true and faithful performance of the duties of his office as such marshal, and for the collecting, accounting for and payment of all taxes, fines, penalties, assessments and other monies which shall come into his hands as such marshal, or which it shall be his duty to collect, at such times and to such persons as are required by this act, or as the said council may order. The treasurer's bond shall be conditioned for the faithful performance of the duties of his office, and that he will pay over and account for all monies that shall come into his hands as treasurer, when and as he shall be thereto required by the council.

Mayor; his powers, duties and compensation

36. The mayor shall be the chief executive officer of the city. 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 said city, 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 city, and may appoint special po-

lice officers whenever he deems it necessary. And it shall be his duty especially to see that the peace and good order of said city 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 city 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 Cabell county or any other place as the council prescribes until the fine or penalty and costs shall 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 for the welfare of the city. He shall receive a compensation for his services, to be fixed by the council, which shall not be increased during the term for which he shall have been elected.

37. The recorder shall keep the journal of the proceedings of the council, and have charge of and preserve the records of the city. In the absence from the city or sickness of the mayor, or during any vacancy in the office of mayor, he shall perform the duties of Mayor and be invested with all his powers. He shall be a conservator of the peace within the city. He shall receive a compensation for his services, to be fixed by the council, which shall not be increased during the term for which he shall have been elected.

Recorder; his duties and compensation.

38. It shall be the duty of the city marshal, 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, penalties, assessments 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 an affidavit that he has used due diligence to collect the same, but has been unable to do so. If the council shall be satisfied of the truth of said affidavit, it shall allow the said claims. But if the council shall be of the opinion that, by the use of due diligence on the part of said constable, he could have collected the said claims, or any part of them, then he shall be charged with such as he might have collected. He shall receive for his services in the collection of taxes and assessments, a commission of five per centum on the amount thereof; to be paid by the person from whom the same is collected. But any person owing such taxes or assessments may pay the same to the treasurer without costs, and take his receipts therefor at any time before the same shall be placed in the hands of the marshal for collection.

Marshal to render an account.

Treasurer.

39. All monies belonging to the city shall be paid over to the treasurer; and no money shall be paid out by him, except as the same shall have been appropriated by the council; he shall pay the same upon the certificate of the recorder, or, in his absence, upon the certificate of the mayor, and not otherwise.

Motion
against mar-
shal and
treasurer.

40. If the marshal shall fail to collect, account for, or pay over to the treasurer all the taxes, fines, penalties, assessments, and other monies belonging to the said city, collected by him, or placed in his hands for collection, according to the conditions of his bond and the orders of the council, it shall be lawful for the council to recover the same, by motion, in the corporate name of the city, in the circuit court of Cabell county, or where the same does not exceed one hundred dollars, before a justice of the township in which said city is situated, against the said marshal and his sureties, or any or either of them, or his or their executors or administrators, on giving ten days' notice of such motion. And in case the treasurer shall fail to account for and pay over all or any part of the monies that shall come into his hands belonging to the said city, when thereto required by the council, it shall be lawful for the council to recover the same, in like manner, and upon the like notice, from the treasurer and his securities, or either of them, or his or their personal representatives, as is provided in relation to the marshal.

Exemption
from certain
taxes.

41. No taxes or levies shall henceforth be assessed upon or collected from the taxable persons or property within the corporate limits of said city for the opening or keeping in repair of roads, the building, leasing or repairing of school houses, or the purchase of lands for the same, or for the support of schools outside of said corporate limits, and neither the board of supervisors of the county of Cabell, nor the authorities of the township in which said city is situated, shall have or exercise any jurisdiction within the corporate limits, in relation to the roads, streets, alleys, schools, or school houses therein; but the same shall hereafter be and remain under the exclusive jurisdiction and control of the municipal authorities of said city, and all taxes and levies heretofore collected from the residents of said city for any of the purposes aforesaid, and which remain unexpended, shall be paid over to the treasurer of said city by the sheriff of said county, or other officer in whose hands the same may be.

Authority to
control roads
and schools.

Powers of
council.

42. The council shall have power to borrow such sum of money, as they may deem necessary, not exceeding twenty-five thousand dollars, upon the credit of the said city, at a rate of interest not exceeding seven per centum per annum, for the purpose of purchasing lands, and erecting thereon a good and sufficient school house, with the neces-

sary enclosures and other buildings, and appurtenances thereto, for the use of the schools of said city. 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 Cabell, upon the application of the person to whom the same is payable, to compel the payment thereof 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 tax authorized by section twenty-eight, 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.

And in any case where a higher rate of taxes than is provided by said section is necessary for the building of school houses, or for the support of schools in the said city, it shall be the duty of the council to assess such additional taxes as may be necessary for such purposes.

43. It shall be the duty of the assessor to make an assessment of the persons and property within the said city subject to taxation, substantially in the manner and form in which such assessments are made by the assessor of the county, and to return the same to the council on or before the first day of July in each year; and for this purpose he shall have all the powers conferred by law upon the county assessors. He shall receive a compensation for his services, to be fixed by the council, which shall not be increased during his continuance in office.

Assessor;
his duties and
compensation

44. It shall be the duty of the commissioner of roads, streets and alleys, to superintend the opening, construction and repair of the roads, streets, alleys, sidewalks, cross-walks, footways, drains and gutters within the said city, and to put and keep the same in good repair, and carry into execution all the resolutions, orders and ordinances of the council in relation thereto. And for this purpose he shall have all the rights, powers and privileges, and perform all the duties by law conferred upon, and required of surveyors of roads in a township, and shall be subject to the same pains and penalties imposed by law upon such surveyors for any neglect of his duty. He shall receive a compensation for his services, to be fixed by the council, which shall not be increased during his continuance in office.

Commissioner
of Roads: his
duties and
compensation

45. All the able bodied male inhabitants of the said city, over eighteen and under fifty years of age, who have resided therein for at least thirty days, shall work upon the roads, streets, alleys, sidewalks, cross-walks, footways, drains and gutters of said city, whenever thereto re-

Who shall
work upon
roads.

Failure to
work on
roads.

quired by the said commissioner; provided that any person so required may pay to the treasurer of said city the sum of two dollars per day for each day he is required to work, or he may furnish to the said commissioner an acceptable substitute, in lieu of his personal attendance, in obedience to such requirement. Any person failing to attend at the time and place required by the commissioner, or, if attending, shall fail to work as directed by said commissioner, he shall, unless he has paid the money or furnished the substitute herein provided for, be subject to a fine of two dollars for each day he shall so fail to attend or work, which may be recovered with costs before the mayor of the city or any justice of the township in which said city is situated, in the name of said city. All the monies so paid and fines so recovered, shall be expended, under the direction of said commissioner, upon the roads, streets, alleys, sidewalks, cross-walks, footways, drains and gutters of said city, and the council thereof shall have power to appropriate from the revenue of said city such sum or sums as they may deem necessary and proper, to be expended for the same purpose, or for the purpose of tools and materials to be used thereon.

Board of edu-
cation; their
powers and
duties.

46. The board of education of said city shall have power to build the school house herein provided for of such size and dimensions, and upon such plan as they may deem best adapted to the purposes for which it is intended. Said board shall also have power to establish and maintain in said building a high school in which may be taught algebra, geometry, natural philosophy, chemistry, with such other branches of mathematics or natural sciences or literature as the board may determine; also the Latin, French and German languages; to prescribe the terms upon which students may be admitted into the said high school, and the tuition fees to be paid therefor; to make and enforce all necessary rules and regulations for the government of said high school, and all other schools kept in said district, and for the exclusion of children therefrom when their attendance would be dangerous to the health or detrimental to the morals or discipline of the school; to purchase all the necessary stationery and text books for the use of indigent children, and to incur all other expenses necessary to make the schools in said district efficient, and to pay the same from the school funds of said district.

Act may be
amended.

47. This act shall at all times be subject to modification or repeal, at the pleasure of the legislature.

CHAPTER 120.—AN ACT to incorporate the Greenbrier River Boom, Lumber, Iron, Land and Manufacturing Company.

Passed February 27, 1871.

Be it enacted by the Legislature of West Virginia :

1. That James Caldwell, John A. Hunter, S. A. M. Syme, Samuel S. Thompson, R. P. Lake, Samuel C. Ludington, R. F. Dennis, Mathew Wallace, B. F. Harlow and Jessie Bright, their representatives, assigns and such other persons as may be associated with them, shall be, and they are hereby constituted a body politic and corporate, by the name of "Greenbrier River Boom, Lumber, Land, Iron and Manufacturing Company," and by that name shall have succession, shall sue, and be sued, plead and be impleaded, and make use of a common seal, and pass by laws for the government of their said company, so that the same are not inconsistent with the constitution and laws of West Virginia, and also the constitution of the United States.

Corporators.

Style of the company.

Powers and privileges of company.

2. The capital stock of said company shall not be less than twenty thousand dollars, to be divided into shares of fifty dollars each, and may be increased, by the vote of the stockholders, at any time or times, to an amount not exceeding five hundred thousand dollars, and for the purpose of obtaining subscriptions to the capital stock, or so much thereof as may be necessary for the lawful purposes of said corporation, books shall be opened under the directions of the persons named in the first section of this act, at such times and places as they may deem expedient.

Capital stock.

Subscription books.

3. The said corporation shall have the privilege of constructing and maintaining a substantial boom or booms, with or without piers, across Greenbrier river, and also to construct piers and sheer booms on said river or any of its tributaries, at any point or points which said company may select and procure, from a point on said Greenbrier river, where the James river and Kanawha turnpike crosses the same, up to the old "Free Bridge," above the mouth of Anthony's creek, in Greenbrier county, West Virginia, and may dredge and open the main channels, and may remove obstructions therefrom of said river and its tributaries, between the places named, and also like privileges equally with St. Lawrence Boom and Manufacturing Company, above said bridge, for the purpose of stopping and securing boats, rafts, masts, spars, logs and other timber of value; and the said corporation may build saw mills and all other houses and shops necessary to carry on their lawful business, and may carry on their lawful business, and may engage in the manufacturing of wood and iron, and may also purchase logs, masts, spars, and all other timber of value, and sell the same, and may purchase and sell all articles of merchandize, and

Privilege of constructing booms on Greenbrier river.

Authority to deal in lumber and construct tram railways.

may construct tram railways, subject, however, to the provisions of the code. But such boom or booms shall be so constructed as to permit boats and rafts to pass them without unnecessary delay, free of toll or boomage charges.

Authority to hold land and erect wharves

4. The said corporation are authorized and empowered to purchase and hold land, to sell and convey real estate, and engage in mining and lumbering, and erect and maintain wharves on Greenbrier river, subject, however, to the provisions of the code concerning places of deposit, sale and shipment; and shall have the privilege of passing and re-passing their agents and employees on either side of said river and tributaries in prosecuting their business.

Rates of toll and boomage.

5. The said corporation, in compliance with this act, may charge and collect toll on boomage at the rate of one dollar per thousand feet, board measure, for all square timbers, masts, spars, saw logs, plank, boards and other timber that may be floated, rafted or drifted into the boom, or booms, and stopped or retained by said boom, or by any other logs or timber in said boom or booms above. The said corporation shall have a lien on all saw logs and other timber and lumber thus boomed, for the payment of all tolls, or boomage, and other expenses, until the same is paid.

Lien for toll or boomage.

Unclaimed timber in booms to be sold after notice.

6. That if any timber shall have been boomed securely as aforesaid, and no person shall appear to claim the same, and pay the toll thereon within five days, it shall be lawful for the corporation, after advertising the same for two weeks in some newspaper published in Lewisburg, West Virginia, or by posting the same for two weeks at three public places in Greenbrier county, with the marks thereon, to sell the same to the highest bidder or best advantage. If an owner appear within one year after the sale of any timber, and claims the same, he shall be entitled to the proceeds, after deducting the taxes, expense and charges. But if not claimed within one year, the proceeds shall inure to and be vested in the said corporation for their own use.

How proceeds disposed of.

Penalty for injuring company's works or defacing marks on logs.

7. That if any person or persons shall wilfully or maliciously injure or destroy any of said booms or piers, or other works connected therewith, or shall deface, remove, or alter or destroy any mark on any logs or timber of any kind intended for said boom or booms, he shall pay treble damages, to be recovered by action of trespass, brought in the name of said company, before a justice or any of the courts of the county in which he or they may reside, or in the county in which the offence was committed, and the person or persons so offending, may also be subject to in-

dictment in the circuit court for the county, and upon conviction thereof may be punished by fine and imprisonment, at the discretion of the court. Punishment for injury to works of company.

8. That all timber in said boom or booms shall be counted and measured, and its quantity ascertained by some competent person or persons, to be appointed by said company and confirmed by the circuit judge of Greenbrier county. Measurement of timber.

9. Should any boards, logs or other timber, belonging to said corporation, be carried by the wind, by the force of the current or otherwise, into bays, creeks, caves, or upon flat land, it shall be a penal offense for any person or persons, except the owners thereof, to take possession thereof, sell or convert to his or their use said logs or timber, and punishable as provided in the seventh section of this act. The corporation shall not be liable for any loss or damage which may have been caused by fire or floods, or by the unlawful act of any person or persons not in their employ. Penalty for converting timber carried away by winds or currents.

10. Whenever the words log or timber occur in this act they shall be taken to mean logs and timber of every kind and description, manufactured or unmanufactured. Meaning of the words "logs" and "timber."

11. That nothing in this act shall be so construed as to deprive owners of mill property, on the said river and branches thereof, from receiving damages for injury to their property by the said corporation, their agents or employees. Rights reserved to property holders on said river.

12. The Greenbrier river is hereby declared a public highway, and the right is reserved to the legislature to alter or amend this act; but said alteration or amendment shall not affect the rights of the creditors, or impair the vested rights of the corporation. Act amendable.

CHAPTER 121.—AN ACT in relation to the sale of liquors in Ohio county.

Passed February 27, 1871.

Be it enacted by the Legislature of West Virginia :

1. Every place within Ohio county, at which intoxicating liquors are sold, shall be kept closed on the day of election. And if any person (whether licensed to sell intoxicating liquors or not) shall, on the day of election, sell or offer, or expose for sale such liquors, or shall, on such day, at any time keep open any place in his possession, or under his control, where such liquors are usually sold, or shall permit any person to drink any intoxicating liquor on the day of an election, at any place in his possession, or under his control, he shall be guilty of a misdemeanor, Places where intoxicating liquors are sold to be closed on the day of election.

Proviso.

and fined, not less than fifty nor more than one hundred dollars for every such offense. Provided, That this section shall not be so construed as to require any person licensed to sell intoxicating liquors in said county, who is engaged in any other business in connection therewith, to close his place of business as aforesaid, excepting the part thereof in which such liquors are usually sold.

Ohio county.

2. This act is intended to apply to Ohio county alone.

CHAPTER 122.—AN ACT to revise and amend the charter of "The Development Railroad Company," granted by an act of the Legislature, passed March 4, 1868.

Passed February, 27, 1871.

Be it enacted by the Legislature of West Virginia:

Time, extended for company to organize under its charter.

1. That "The Development Railroad Company," incorporated by an act, passed March 4, 1868, entitled "An act to incorporate the Development Railroad Company," may be organized under the provisions of the said act, as amended by this act, at any time within three years from and after the passage of this act, and when so organized shall have all the rights, powers and privileges of and be subject to all the liabilities provided for in the act first aforesaid, as amended by this act.

Principal office.

2. The principal office or place of business of said company shall be at Middlebourne, in the county of Tyler, until otherwise ordered by the stockholders or board of directors of the company.

Property exempt from taxation.

3. The property of said company shall be exempt from taxation until its net earnings shall exceed ten per cent. per annum upon its capital stock actually paid in.

4. Sections, two, five and seven of the act aforesaid, passed March 4, 1868, are hereby amended and re-enacted so as to read as follows:

Subscription books.

"2. Any commissioner, or others authorized to act, intending to open books for subscription, under the first section of this act, shall give at least ten days' notice of the time and place at which they intend to open such books, by posting a copy of such notice at four public places near where such books are to be opened, and when two hundred shares of the said capital stock shall have been subscribed, the subscribers, their executors, administrators or assigns shall be and are hereby incorporated into a company, by the name and style of the Development Railroad Company, and at any time thereafter a general meeting of the stockholders in said company may be called to meet at

Incorporation

Meeting of stockholders

Middlebourne, in the county of Tyler, for the purpose of electing a board of directors and to transact any other business which may be necessary to fully organize the said company, and to do anything else which may lawfully be done by them. Notice of said general meeting shall be given in the manner prescribed in section 41 of chapter 53, of the code of West Virginia, or by personal service of such notice upon each of said stockholders at least ten days before such general meeting. Notice thereof

“5. The said company shall have all the rights, benefits and privileges, and be subject to all the duties and responsibilities provided for, and declared in chapters fifty and fifty-three of the code of West Virginia, but so much of said chapters, or of any other act 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. Rights of com-pany.

“7. After twenty miles of the main stem of said road has been located and under contract, beginning at the Ohio river, the said company may extend their road down or up, or both down and up said river, to such point or points as they may determine upon.” Extension of road along the Ohio river.

CHAPTER 123.—AN ACT to repeal an act, passed February 22, 1866, entitled “An act to incorporate the Wayne County Coal and Iron Railway Company.”

Passed February 27, 1871.

Be it enacted by the Legislature of West Virginia:

Chapter fifty-six, of the acts of the legislature of West Virginia of 1866, entitled “An act to incorporate the Wayne County Coal and Iron Railway Company,” passed February 22, 1866, is hereby repealed. Act repealed.

CHAPTER 124.—AN ACT to authorize the Board of Supervisors of Preston County to provide for rewards for the arrest and conviction of horse thieves.

Passed February 27, 1871.

Be it enacted by the Legislature of West Virginia:

1. That it shall be lawful for the board of supervisors of the county of Preston to provide in their annual assessment of taxes in the said county, for a fund to be appropriated to the payment of rewards for the arrest and conviction of criminals committing theft of horses in the said county. Board of supervisors to provide rewards.

2. Each reward authorized by this act shall not exceed the sum of one hundred dollars, and the same shall be paid No reward to exceed \$100.

Sum to be paid upon conviction. Proviso. upon the order of the president of the board of supervisors, upon the conviction of any one or more persons guilty of the said crime: Provided, however, that only a reward for each offense of which any person or persons may be convicted, shall be paid whether one or more persons shall have been instrumental in their arrest and commitment to prison.

CHAPTER 125.—AN ACT providing for the signing of certain proceedings for the Circuit Court of Morgan County.

Passed February 27, 1871.

Be it enacted by the Legislature of West Virginia:

Preamble. That whereas, the order books of the circuit court of Morgan county, at its August term, 1870, were not signed by the late judge of that court on account of his illness at the time and of his subsequent death, it shall be lawful for the present judge of the said circuit court of Morgan, or the judge of any other circuit in the State of West Virginia, to sign the said order books, upon being satisfied that the records of proceedings were correctly made up. And it is hereby provided that all judgments, decrees, rules, and other orders entered at the said term of the circuit court of Morgan, shall have the same force and effect as if the said order books had been duly signed by the late judge of that court.

Authority to sign proceedings. To have full force

CHAPTER 126.—AN ACT to provide for the inspection of oil wells, and the protection of oil producers.

Passed February 27, 1871.

Be it enacted by the Legislature of West Virginia:

Inspector of oil wells to be appointed. Duties of inspector. Powers of inspector. Penalty for failure to comply with requirements of inspector.

1. That upon the application of five or more citizens of any county or counties of this state, wherein any mineral oils are produced, the judge of the circuit court in said county shall appoint a suitable person whose duty shall be to inspect the oil-producing wells in said county or counties as aforesaid whenever called on as hereinafter provided, with the view of ascertaining whether said oil-producing wells are properly cased, seed bagged, plugged, or otherwise made secure against flooding. Said inspector shall have power to enter upon the premises, and to require the wells aforesaid to be properly cased, seed bagged, plugged, or otherwise made secure against flooding. If any party shall fail to comply with the requirement of the inspector as aforesaid, the party operating or boring the well or wells aforesaid shall be liable to a fine not exceeding \$500, and the inspector shall have power and is hereby required to properly case, seed bag, plug, or otherwise make secure against flooding, the wells aforesaid, the ex-

pense thereof, including five dollars per day for his services, to be paid by the party in possession or operating said well or wells.

2. Upon the application of any land owner of oil producing territory, or of any lessee of any oil lease within one mile of any well now bored to a depth of six hundred feet, and not permanently cased or plugged, it shall be lawful for said inspector of oil wells to enter upon the premises and case, seed-bag, or plug said well. Inspector in certain cases to case, seed-bag, or plug wells.

3. The costs of casing, seed-bagging or plugging any well as provided for in section two shall be recoverable by action at law, and the judgment, when obtained, shall be a lien upon said well. Costs; how recovered.

4. From and after the passage of this act it shall not be lawful to bore any oil well to a greater depth than six hundred feet within one-half mile of one or more oil wells, without first casing said well so as to effectually keep out of the lower oil veins the water which exists in the strata above said depths, and in the event of any party failing to comply with the provisions of this section he shall be liable to a fine not exceeding \$500. Wells to be cased after a certain depth.

5. Any person or persons in the peaceable possession of land leased for the purpose of operating for oil or minerals under the sale, assignment or transfer of a lease heretofore made, and who have continuously remained in such possession and have bored for oil and operated for minerals, and in good faith expended money in such boring and operating for the space of three years shall not be disturbed in their right of possession by reason of any defect or informality in such sale, transfer or assignment. But this section is not to apply to any pending suit. Parties not to be disturbed in their rights.

CHAPTER 127.—AN ACT to repeal the act passed February 27th, 1867, entitled "An Act to relieve Minor C. Hall and his sureties."

Passed February 27, 1871.

Be it enacted by the Legislature of West Virginia:

The act passed February 27th, 1867, entitled "An act to relieve Minor C. Hall and his sureties," shall be and the same is hereby repealed. Act repealed.

CHAPTER 128.—AN ACT to authorize the trustees of the M. E. Church parsonage, in Pruntytown, to sell and convey the same.

Passed February 27, 1871.

Be it enacted by the Legislature of West Virginia :

Authority to
sell church
property.

The trustees of the Methodist Episcopal Church parsonage, at Pruntytown, are hereby authorized to sell and convey their parsonage and lot in said town.

CHAPTER 129.—AN ACT conferring jurisdiction on the Municipal Court of the City of Wheeling, in civil and criminal cases, for the violation of the license law.

Passed February 27, 1871.

Be it enacted by the Legislature of West Virginia :

Jurisdiction of
municipal
court.

1. That the municipal court of the city of Wheeling, in the county of Ohio, be and the same is hereby invested with sole jurisdiction, of hearing and determining all complaints concerning the violation of any law respecting licenses for the sale of spirituous liquors, ale, beer, porter, and other intoxicating drinks, granted within the corporate limits of said city.

Also of ac-
tions on bonds
for violation
of licenses.

2. That the said municipal court shall also have sole jurisdiction to try and determine all actions upon bonds for the violation of any license granted for the sale of spirituous liquors and other intoxicating drinks, granted in the corporate limits of said city.

Court to issue
warrants for
offenders.

3. The said municipal court, or the judge thereof, in vacation, upon information under oath of some credible witness, that any person is selling, or offering, or exposing for sale any spirituous liquors, wine, ale, beer, porter, and drinks of like nature, contrary to any law for licensing of said persons to sell such spirituous liquors, wine, ale, beer, porter, and like drinks, shall issue a warrant, requiring the person so accused to be brought before said court at its regular term next succeeding the violation of said license law, or before the judge thereof in vacation, and in the same warrant shall require that the officer, to whom it is directed, summon the informant and such other witnesses as shall be therein named, or whose names are endorsed thereon, to appear and give evidence on the examination, and upon conviction the person so informed upon shall be liable to the penalties already prescribed by law.

Informant
and other
witnesses.

Prosecuting
attorney; his
duty.

4. The prosecuting attorney of Ohio county is hereby required to prosecute all said complaints of the violation of said license laws, and shall be entitled to the same fees as allowed by the code for such cases made and provided.

5. This act is intended to divest all justices within the corporate limits of said city from all and any jurisdiction whatever of all complaints and actions arising from the violation of licenses for the sale of spirituous liquors, wine, ale, beer, porter, and drinks of like nature, granted within the corporate limits of said city of Wheeling; and for the unlawful selling of such spirituous liquors, wine, ale, beer, porter, and drinks of like nature, without license.

Justices within the corporate limits divested of jurisdiction.

6. All acts or parts of acts inconsistent with this act are hereby repealed, so far as the city of Wheeling is concerned.

Acts repealed.

7. Any party aggrieved by this final judgment of said Appeal court may appeal therefrom to the circuit court of Ohio county in the manner now provided by law.

CHAPTER 130.—AN ACT authorizing the construction of a bridge across the Tygart's Valley river.

Passed February 27, 1871.

Be it enacted by the Legislature of West Virginia:

Peter Y. Hite and his assigns, and such persons as may become associated with them for the purpose contemplated in this act, are hereby authorized and empowered to construct a bridge or viaduct across the Tygart's Valley river, suitable and proper for the transportation of coals and other minerals, at any point between Benton's ferry and the confluence of said river, and the west fork of the Monongahela river; and they are hereby given the exclusive right to use and occupy such bridge or viaduct; provided, that the same shall be so constructed as in no wise to hinder or obstruct the free navigation of said river.

Authority to construct a bridge.

Exclusive privilege to use said bridge. Proviso.

CHAPTER 131.—AN ACT to authorize certain commissioners to sell the old jail property in Charlestown, Jefferson county, and pay over the proceeds of said sale to the board of supervisors of the said county.

Passed February 27, 1871.

Be it enacted by the Legislature of West Virginia:

1. That Logan Osborn, James H. Moore, John G. Cockrell, David Howell, Sr., and John L. Lock, (they being the commissioners named in an act entitled "An act to restore the county seat of Jefferson county to Charlestown, in said county," passed February 23d, 1871,) be and they are hereby appointed commissioners, a majority of whom may act, whose duty it shall be and they are hereby authorized and empowered to sell and convey to the purchaser or purchasers thereof, the old jail property situated on

Authority to sell jail property in Jefferson county.

the corner of Washington and George streets in the town of Charlestown, Jefferson county. And the said commissioners are hereby directed to pay over the proceeds of said sale to the board of supervisors of the said county.

Sale to be at public auction.

2. The said sale shall be at public action, after due notice, and shall in the discretion of said commissioners, be of the whole lot of ground and materials together, or of the materials and lot of ground separately—the latter to be divided into two or more lots, should the commissioners in their judgment determine that a more advantageous sale might thereby be effected; the payment upon such purchase or purchases to be made at such times and to be secured in such manner as may seem most expedient to the said commissioners.

Bond of commissioners.

3. That before receiving any part of the money to be paid on account of the purchase of the said property, the said commissioners shall file a bond with the clerk of the circuit court of Jefferson county with such security as shall be approved by him in the penalty of five thousand dollars, conditioned according to law for the faithful performance of their duties.

CHAPTER 132.—AN ACT to incorporate the Sistersville, Wick and Pennsboro' Turnpike Company.

Passed February 27, 1871.

Be it enacted by the Legislature of West Virginia :

Subscription books.

Capital stock.

Route of road.

Commissioners to open books.

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 road, from a point at or near Sistersville, in Tyler county, by way of Wick, in Tyler county, to Pennsboro', in Ritchie county, either upon the bed or track of any road or roads heretofore constructed or authorized by law to be constructed. The said books shall be opened at Sistersville, under the direction of A. Thistle, Joseph Holmes, A. Barr, John Keller, Henry Triford; at Wick, under the direction of F. G. Flesher, A. Shriver, George Long, Horace Hill, A. J. Joseph, E. B. Long and A. J. Stutler; at Pennsboro', under the direction of Ashford Broadwaters, M. Bradford, Thomas D. Baker, Creed Collins, Washington Smith and William Campbell, or any one or more of them, and at such other places and under the direction of such persons as a majority of the above named commissioners may appoint, ten days notice thereof being previously given.

Incorporation

2. When one thousand dollars of the capital stock shall

have been subscribed, the subscribers, their executors, administrators and assigns shall be incorporated into a company by the name and style of "The Sistersville, Wick and Pennsboro' Turnpike Company," subject to the provisions and possessed of all the powers contained in the code of West Virginia; but the company shall have the privilege of making the said road, or any part thereof, with gravel, sand, clay or plank, as to them shall seem most expedient.

3. 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 the purpose, if the voters in favor of the proposition are a majority of the whole vote cast, subscribe for so much of said capital stock as may be determined upon, and levy a tax on the property of their township, subject to taxation of not exceeding in any one year twenty-five cents on every hundred dollars of the taxable value of such property, and when any township shall have so decided to subscribe to the capital stock aforesaid, the supervisor of the township shall subscribe for the amount so determined upon on behalf of the township, and shall represent the stock subscribed by the township in all meetings of the stockholders of said company.

4. The said road shall be at least twelve feet wide, and shall be constructed at grades no where exceeding five degrees of elevation. Tolls, not exceeding the rates fixed by law, may be collected on any continuous section of five miles of said turnpike road, as soon as the same shall be completed and open to the public.

5. The time in which said company shall be allowed to organize the same, under the laws of this state, is hereby extended to one year from the passage of this act.

CHAPTER 133.—AN ACT providing for the collection of uncollected taxes remaining in the hands of the late township treasurers.

Passed February 27, 1871.

Be it enacted by the Legislature of West Virginia:

1. That in all cases where the same has not already been done, the former township treasurers, their executors or administrators shall, as soon as possible after the passage of this act, place in the hands of the sheriff of their respective counties, all the uncollected township taxes remaining in their hands for the years 1868, 1869 and 1870, which have not been returned by them delinquent, and take his receipt therefor, and file the same with the clerk of the board of supervisors.

Sheriff's receipt for taxes 2. It shall be the duty of every such sheriff to receive and receipt for such taxes as aforesaid, and to proceed to collect the same in the same manner, and within the same time allowed by law for the collection of the taxes of 1870. Such taxes shall be accounted for by the said sheriffs in the same manner as other similar township taxes are to be accounted for by them, and they and their securities shall be liable therefor in the same manner and to the same extent as for other taxes.

Manner and time of collection.

How accounted for.

The credit to be allowed the township treasurers.

3. Upon a settlement being made with the sheriff as to such taxes, the township treasurer, in whose hands they formerly were, shall be entitled to a credit for the amount so placed in the hands of the sheriff, except so far as it may be made to appear that the same, or any portion thereof, were lost by the negligence of such treasurer.

CHAPTER 134.—AN ACT establishing the county of Summers out of parts of the counties of Mercer, Monroe, Greenbrier and Fayette.

Passed February 27, 1871.

Be it enacted by the Legislature of West Virginia:

Boundaries.

1. So much of the counties of Monroe, Mercer, Greenbrier and Fayette as is included within the following boundary lines, to-wit: Beginning at the mouth of Round Bottom Branch on New River, in Monroe county; thence crossing said river and running N. $47\frac{1}{2}^{\circ}$ W., 5,430 poles, through the county of Mercer, to a point known as "Brannon's Gate," on the line dividing the counties of Mercer and Raleigh; thence with said county line in an easterly direction to New river; thence with the line between the counties of Raleigh and Greenbrier, down New River to the line of Fayette county; thence with the line dividing Raleigh and Fayette counties, down said river to a station opposite Goddard's house; thence leaving the line of Raleigh county, crossing New river, passing through said Goddard's house, N. $67\frac{1}{2}^{\circ}$ E., 3,280 poles, through said county of Fayette to a station on "Wallow Hole" mountain in Greenbrier county; thence S. 55° E., 3,140 poles to a station east of "Keeny's Knob," in Monroe county; thence S. 9° E., 1,320 poles to a station near Greenbrier river, and running thence S. 32° W., 7,740 poles to the beginning, shall form one distinct and new county which shall be called and known by the name of Summers county, and it is expressly understood and agreed by the applicants therefor that no part of the territory of the county of Raleigh shall ever be attached to the county created by this act.

2. The said new county shall be attached to the same

judicial circuit and congressional and Senatorial districts that the county of Monroe belongs to. Its judicial circuit.

3. The judge of the circuit court of the new county shall as soon after the passage of this act as practicable, appoint a clerk for said court, a prosecuting attorney, recorder, surveyor, county superintendent of free schools, and sheriff of said county, who shall hold said offices until their successors are elected and qualified according to law. County officers.

4. All township officers within the bounds of said new county at the date of the passage of this act shall remain in office for the term for which they were elected and until their successors are elected and qualified according to law. The supervisors of the several townships within said new county, with William Haynes and Ephraim Guinn, shall constitute the board of supervisors of said county of Summers until their successors are elected and qualified as aforesaid, and shall have all the powers and perform all the duties vested in and imposed by law upon other boards of supervisors. Township officers.
Board of supervisors.

5. The county seat of said new county shall be at the mouth of Greenbrier river, and the board of supervisors of said new county shall proceed as soon as practicable after the passage of this act to provide a suitable court house and other public buildings for said new county in the manner required by law. County seat.
County build-ings.

6. The said new county shall be added to the delegate district composed of the counties of Greenbrier and Monroe, and the said counties of Greenbrier, Monroe and Summers shall together elect three delegates, until a new apportionment shall be made as provided by the constitution of this state, of which, at the election held in 1871, one shall be a resident of the county of Greenbrier, one of the county of Monroe, and one of the county of Summers; at the election in 1872, one shall be a resident of the county of Monroe and two of the county of Greenbrier; at the election in 1873, one shall be a resident of the county of Greenbrier and two of the county of Monroe, and so in rotation. Delegate district.
Apportionment of delegates.

7. All process issued in the said counties of Monroe, Mercer, Greenbrier and Fayette before the organization of the said new county, and all public dues and officer's fees which may remain unpaid by citizens of the said new county shall be executed and returned, collected and accounted for by the sheriff or other officer in whose hands the same may have been placed, in the same manner as if this act had not been passed. Return of process.

Jurisdiction
of courts.

8. The courts of said counties of Monroe, Mercer, Greenbrier and Fayette shall retain jurisdiction over all actions, suits and proceedings therein pending at the passage of this act, and shall try and determine the same, and award execution or other process therein, except in cases in which both parties reside in said new county, which last mentioned cases, together with the papers and a transcript of the record of the proceedings therein had, shall, after that day, if either party so desire, be removed to the courts of the said new county, and there tried and determined as other cases.

Board of su-
pervisors may
create new
townships
and provide
for courts.

9. The board of supervisors of said new county may create an additional number of townships therein, not exceeding five in all, without submitting their action in the matter to a vote of the people. Said board shall also provide a place for holding courts in said new county until a court house shall be erected, as hereinbefore provided.

Terms of cir-
cuit court.'

10. The circuit courts of the said county of Summers shall be held on the twenty-ninth day of April, the first day of July, and twenty-fifth day of September in each year.

CHAPTER 135.—AN ACT imposing a tax for the purpose of the further construction of the Hospital for the Insane at Weston.

Passed February 27, 1871.

Be it enacted by the Legislature of West Virginia:

Additional
levy.

1. That a tax of five cents on each hundred dollars of taxable property shall be assessed the present year, and collected for the purpose of the further construction of the Hospital for the Insane at Weston.

Authority for
directors to
use brick in
construction.

2. The board of directors of said hospital shall, if in their opinion the public economy and interests will be promoted thereby, cause the rear and end walls of the sections of said hospital, hereafter erected, to be constructed of brick instead of stone.

Sum not to
exceed that
authorized by
general ap-
propriation
act.

3. This act shall not be construed to authorize the payment of any greater sum for the construction of said hospital than the sum appropriated for that purpose in the general appropriation act of the present session of the Legislature.

CHAPTER 136.—AN ACT to amend chapter one hundred and six of the Code of West Virginia, in relation to attachments.

Passed February 27, 1871.

Be it enacted by the Legislature of West Virginia :

1. Section one of chapter one hundred and six of the code of West Virginia is hereby amended by adding at the end thereof the following :

“1. A claim, whether legal or equitable, for any debt or liability arising out of contract against a foreign corporation, or against a non-resident of this state, may be sued for and recovered in a court of equity; and an attachment in any action at law, or suit in equity, may be sued out as provided in this section, whether the debt or demand of the plaintiff be due or not, but the affidavit, in case the debt or demand be not due, shall show at what time it will become due. Provided, That an attachment shall not be sued out against a foreign corporation, or a non-resident defendant, as such, for a debt or demand not due.”

How a claim against a foreign corporation or non-resident may be sued for. Attachments: how sued out. Affidavit; what it must show. Proviso.

2. Section three of said chapter one hundred and six is hereby amended and re-enacted so as to read as follows :

“3. On an affidavit, such as is mentioned in section one of this chapter, whether the claim of the plaintiff be due or not, if such claim, exclusive of interest, exceeds the sum of one hundred dollars, a justice of any township may, subject to the provisions contained in said section, issue an order of attachment against the personal estate of the defendant for the amount stated in the affidavit, returnable to the next term of the circuit court of the county in which the same was issued. The affidavit and bond of the plaintiff in such case shall be delivered, with the order of attachment, to the officer who is to serve such attachment, and by him returned with the attachment to the clerk of the circuit court, whose duty it shall be to file and preserve the same. And on complaint by any lessor, or his agent, to a justice, that any person liable to him for rent intends to remove or is removing, or has within thirty days removed his effects from the leased premises, if such lessor or his agent make oath to the truth of such complaint to the best of his belief, and to the rent which is reserved, (whether in money or other things,) and will be payable within one year, and the time or times when it will be payable, and also make oath, either that there is not, or he believes, unless an attachment is issued, there will not be left on such premises property liable to distress sufficient to satisfy the rent so to become payable, such justice shall issue an order of

Attachment may be issued by justice: when.

Affidavit and bond of the plaintiff; how returned.

Attachment for rent may be issued by justice; when.

attachment for the said rent, against such goods as might be distrained for the same, if it had become payable, and against any other personal estate of the person so liable therefor. The order of attachment under this section shall be in form or effect as follows :

Form of the order.

A. B., Plaintiff, } — township of — county, to-wit:
 vs.
 C. D., Defendant, } Order of attachment.

The above named plaintiff, having filed with me the affidavit and bond required by law, the sheriff of the county of —, or a constable of any township therein, to whom this order may come, is hereby required, in the name of the State of West Virginia, to attach the personal estate of the said defendant, C. D., sufficient to pay the sum of — dollars, and the costs of this attachment, and to make return of his proceedings under this order to the next term of the circuit court of the said county. Given under my hand this — day of —.

E. E., Justice.

Bond of plaintiff.

Before issuing any attachment under this section, the justice shall take from the plaintiff a bond, with good security, in such penalty and with such condition as is prescribed in the sixth section of this chapter. But the issuing of an attachment under this section shall not preclude the plaintiff from commencing and prosecuting a suit, and obtaining an order of attachment therein, as prescribed in the first section of this chapter.

Attachment not to preclude right to sue.

Section six of said chapter one hundred and six is hereby amended and re-enacted so as to read as follows :

Bond to be given by plaintiff at time of suing out attachment, etc.

“6. But if the plaintiff shall, at the time of suing out such attachment, or afterwards, give bond with good security, approved by the clerk or justice issuing the attachment, in a penalty of at least double the amount of the claim sworn to or sued for, with condition to pay all costs and damages which may be awarded against him, or sustained by any person, by reason of the suing out of the attachment, and to pay to any claimant of any property seized or sold under or by virtue of said attachment all damages which he may recover in consequence of such seizure or sale ; and also to warrant and defend to any purchaser of the property such estate or interest therein as is sold, the said officer shall take possession of the property levied on by virtue of such attachment. If such bond be given, no action shall be maintained against the officer levying such attachment upon property or effects not belonging to the debtor, unless it shall appear that such levy was wilfully and knowingly made.”

Officer levying attachment to take possession of property. No action to be maintained against officer.

CHAPTER 137.—AN ACT to incorporate the Charlestown and Leetown Turnpike Company.

Passed February 27, 1871.

Be it enacted by the Legislature of West Virginia :

1. It shall be lawful to open books and receive subscriptions, to be divided into shares of fifty dollars each, and to constitute a joint capital stock for constructing a turnpike road from Charlestown, in Jefferson county, to Leetown, in said county, upon the beds or tracks of existing public roads, or by such other routes as the corporation herein provided for may determine. The books may be opened under the direction of Samuel S. Moore, O. G. Mix, Joseph F. Abell, W. C. Sheerer and Daniel B. Lucas, 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.

Subscription books.
Route of road.
Commissioners to open books.

2. Whenever five thousand dollars of the capital stock shall be subscribed, the subscribers and their personal representatives, and those claiming under them, shall be incorporated into a company by the name of "The Charlestown and Leetown Turnpike Company," which shall be a body corporate, governed in all respects, and endowed with all the rights and privileges conferred by the existing laws of this state in reference to such corporations, except as modified by this act.

Incorporation Powers and privileges of company.

3. The grading and construction of the road shall be under the control of the company: Provided, That its grade shall not be over five degrees; and the company may make the width forty feet, or any less width, not less than thirty feet.

Grading and construction under control of company.

4. Whenever two miles are completed consecutively, a toll-gate may be erected on the same.

Toll gates.

5. No stockholder, or officer, or other person, except the president, shall be allowed to pass free of toll.

President only to pass free.

6. The annual election of stockholders shall be held on the first day of April, unless some other period be fixed by the stockholders.

Election of stockholders.

CHAPTER 138.—AN ACT to extend the time for former owners of certain real estate, the title to which is vested in this state, to redeem the same.

Passed February 27, 1871.

Be it enacted by the Legislature of West Virginia :

1. That all the right, title and interest held and owned by this state in and to any tract or tracts of land contain-

The time extended for former owners to redeem certain real estate, the title to which is vested in the state.

Owner may cause land to be entered on the assessor's books, and charged with all the taxes properly chargeable thereon, and pay said taxes to sheriff. Duty of the auditor upon the production of said receipt.

Certificate of redemption to be recorded by the auditor

Record made evidence.

Taxes under this section: how paid.

The estate of which the person so redeeming; becomes seized.

ing separately, or in the aggregate, not more than five thousand acres, which have been forfeited to, and the title thereof vested in the state by virtue of any of the provisions of chapter thirty-one of the act entitled "An act establishing a code of laws for this state," or by virtue of the act passed March 4, 1869, entitled "An act to explain and amend the law relative to the sale of real estate for the non-payment of taxes, forfeiture for non-payment and non-assessment of taxes, and transfer of title vested in the state," by reason of the omission of the former owners thereof to cause the same to be entered on the land books of the proper assessor, and charged with the taxes properly chargeable thereon, may, within two years from and after the passage of this act, so far as the title thereto shall remain in this state, be redeemed by such former owners, their heirs or assigns, as hereinafter provided. Any such owner, his heirs or assigns, desiring to redeem any such tract or tracts of land, as hereinbefore mentioned, may cause the same, within the time aforesaid, to be entered on the land books of the proper assessor, and charged on said books with all state, school, county and township, and independent school district taxes, properly chargeable thereon, for any and every year or years since the year 1862, in which the same has not been so entered and charged; and pay to the sheriff of the county in which such lands are so assessed and charged the whole amount of said taxes, and take his receipt therefor, specifying the tract or tracts redeemed and stating separately the amount of state, state school, county and township taxes, and independent school district taxes, if any, paid thereon. Upon the production of any such receipt to the auditor, it shall be his duty to give to such person redeeming any such tract or tracts of land a certificate of the redemption thereof, specifying the tract or tracts so redeemed, and stating all the particulars in relation thereto, required to be shown in the record of such forfeited lands, required to be kept by the auditor by section thirty-four of chapter thirty-one of the code of West Virginia, and by the act last above recited. The said certificate shall be recorded by the auditor in his record of such forfeited lands, and the same, or a copy thereof, certified by the auditor, shall be evidence of the fact therein stated in any suit or proceeding where the title to such real estate shall come in question. All taxes paid to the sheriff under the provisions of this section shall be accounted for and paid over by him in like manner as other similar taxes are accounted for and paid, except that independent school district taxes so paid him shall be paid over by him to the officer whose duty it is, by law, to collect and disburse such taxes. The person so redeeming any such tract, or tracts, of land shall thereafter be seized of such estate, title and interest therein as was vested in him, or the person under whom he claims,

on the day previous to the forfeiture thereof to the state, subject, however to the provisions contained in the third section of this act.

2. Any tract of land heretofore purchased by or on behalf of this state, at a sale thereof for the non-payment of taxes thereon, where the state and state school taxes thereon, exclusive of interest and damages, did not, at the time of such sale, exceed two hundred dollars, may, within two years from and after the passage of this act, so far as the title thereto shall remain in this state, be redeemed by the previous owner thereof, his heirs or assigns, by paying into the treasury the amount of state and state school taxes, with the interest and damages due thereon at the time of such purchase, with such additional sums as would have accrued thereon for such taxes if the same had not been purchased by the state, with interest thereon at the rate of twelve per cent. per annum from the twentieth day of January in the year following that in which the same would have accrued, and by paying to the sheriff of the county in which the same was sold all the county and township taxes due thereon at the time of such sale, with such additional sums as would have accrued thereon for county and township taxes if the same had not been purchased by the state, with interest on the sum so due and unpaid, and which would have so accrued in each year, at the rate of twelve per centum from the twentieth day of January in the year following that in which the same would have accrued; and by paying to the sheriff of the county in which the same was sold all the county and township taxes due thereon at the time of such sale, with such additional sums as would have accrued thereon for county and township taxes if the same had not been purchased by the state, with interest on the sums so due and unpaid, and which would have so accrued in each year, at the rate of twelve per centum per annum from the time the same should have been paid, and also by paying to the officer whose duty it is to receive and disburse the same, any independent school district taxes due thereon at the time of such purchase, with such additional sums as would have accrued thereon for such taxes if the same had not been purchased by the state, with interest thereon for each year, at the rate of twelve per centum per annum from the time the same should have been paid. Upon the production to the auditor of the receipt of the sheriff for the payment of the whole of such county and township taxes, with the interest and damages thereon as aforesaid, and of such officer as aforesaid, for the payment of any such independent school district taxes which may have been assessed thereon, with interest as aforesaid; or if no such independent school district taxes have been assessed thereon, upon a certificate of the proper assessor of that fact, and the payment of the

Real estate heretofore sold for taxes where the state and state school taxes did not exceed \$200 may be redeemed within two years by former owners, by paying into the treasury taxes, interest thereon, damages due and other additional sums, and by paying to the sheriff of the county in which the same was sold certain taxes and other sums, and by paying to the officer whose duty it is to receive the same certain taxes and other sums. Duty of the auditor to furnish the party so redeeming with a certificate of redemption.

said state and state school taxes, with the interest and damages aforesaid into the treasury, it shall be the duty of the auditor to give to the person so redeeming a certificate of such redemption, specifying the tract or tracts so redeemed with the local description thereof, as shown by the return of the sheriff in his list of real estate purchased for the state. Such certificate shall be recorded by the auditor in his record book of forfeited lands, and the same, or a certified copy thereof, shall be evidence of the facts therein stated in any action or proceeding where the title to such real estate shall come in question. When any tract of land is redeemed, under the provisions of this section, the auditor shall certify the fact to the proper assessor. The taxes paid to the sheriff, under the provisions of this section, shall be accounted for and paid by him in like manner as other like taxes are accounted for and paid by him. The person so redeeming any such tract of land as is mentioned in this section, shall thereafter be seized of such estate, title and interest therein as was vested in him, or the person under whom he claims, at the time of the purchase thereof by the State, subject, however, to the provisions contained in the third section of this act.

Certificate to be recorded by the auditor. Record made evidence.

Taxes paid to sheriff under provisions of this section; how accounted for. The estate of which the party redeeming tract of land mentioned in this section becomes seized.

Certain rights not to be impaired.

3. No redemption of any tract or tracts of lands under the first or second sections of this act, shall in any manner affect or impair the title to any such tract, or to any part thereof, transferred to and vested in any person under and by virtue of any of the provisions of chapter thirty-one of the act entitled "An act establishing a code of laws for this state," or under and by virtue of any of the provisions of the act, passed March 4, 1869, entitled "An act to explain and amend the law relative to the sale of real estate for the non-payment of taxes, forfeiture for non-payment and non-assessment of taxes and transfer of title vested in the State," and the right and title of any such person to such tract or tracts of land, or to any part thereof, shall be and remain as valid and effectual to all intents and purposes as if this act had not been passed.

Section 30, of chapter 31, revived.

Same time given to persons mentioned in section 30, of chapter 31, to redeem as if section 10 had not been enacted.

4. Section thirty of chapter thirty-one of an act entitled an act establishing a code of laws for this state is hereby revived, re-enacted and declared to be in full force and effect, as the same is printed and published in the book known as the code of West Virginia, anything to the contrary in section ten of the act, passed March 4, 1869, entitled "An act to explain and amend the law relative to the sale of real estate for the non-payment of taxes, forfeiture for non-payment and non-assessment of taxes, and transfer of title vested in the state," notwithstanding; and the person mentioned in said section thirty of said chapter thirty-one of said code, shall have the same

time to redeem any real estate therein mentioned, as if the said section ten had not been enacted. And the said section ten having been, by a clerical error, made to repeal said section thirty, when section thirty-four of said chapter thirty-one was intended, the said section ten is hereby amended and re-enacted so as to read as follows :

Section 10
amended and
re-enacted.

“10. So much of section thirty-four of said chapter thirty-one as is not re-enacted in this act is hereby repealed.”

CHAPTER 139.—AN ACT to incorporate the St. Lawrence Boom and Manufacturing Company.

Passed February 27, 1871.

Be it enacted by the Legislature of West Virginia :

1. That Grayson M. Prevost, Cecil Clay, R. Livingston Kester, Joseph A. Clay, Charles M. Prevost and their associates and successors be and are hereby constituted a body corporate and politic, by the name and style of the “St. Lawrence Boom and Manufacturing Company,” and by that name may sue and be sued, plead and be impleaded, in all courts of record and elsewhere ; have a common seal, to be altered by them at pleasure ; make by-laws, not repugnant to the laws of this state or of the United States, for the management of their corporate concerns, and have and enjoy all the rights of a corporation.

Corporators.

Powers and
privileges of
company.

2. That the capital stock of said company shall not be less than twenty thousand dollars, to be divided into shares of fifty dollars each, and which may, at any time hereafter, by vote of the stockholders, be increased to an amount not exceeding two hundred thousand dollars, and each share thereof shall entitle the holder to one vote in all meetings of the stockholders, to be given either in person or by proxy. And for the purpose of obtaining subscriptions to the said capital stock, or so much thereof as may be necessary for the lawful purposes of said corporation, books shall be opened under the direction of the persons named in the first section of this act or a majority of them, at such time and place as the persons who act in that behalf shall deem expedient. And, in case the company shall organize before a sufficient amount is subscribed to the said capital stock for the lawful purposes of said corporation, the president and directors thereof shall have authority and power at any time thereafter, and without opening new books of subscription, to receive further subscriptions to said capital stock until the full amount authorized by this act is subscribed. And the said company may receive, at its discretion, the full paid stock of the Greenbrier Lumber Company, in payment of subscriptions to its stock, at par,

Capital stock.

Subscription
books.

so that the amount so subscribed shall not exceed twenty thousand dollars.

Privilege of constructing booms on Greenbrier river.

3. That the said corporation are authorized and empowered and shall have the right to erect and maintain on the Greenbrier river, between the St. Lawrence ford and the Mathews' ford, in Greenbrier county, such boom or booms with or without piers as may be necessary for the purpose of stopping and securing boats, rafts, logs or other timber, and to erect such piers or wharves and side branch or shear booms on said river between the points above mentioned as may be necessary for that purpose, and equally with the Greenbrier Boating Company shall have the same rights and privileges from the St. Lawrence ford upward along said river to the point where the James River and Kanawha Turnpike crosses the same, and from the latter point upward along said river to the old bridge above the mouth of Anthony's creek; provided said boom or booms be so constructed as to admit the safe passage of rafts and boats, and not prevent the navigation of said river or tributaries, but no person or persons shall be allowed at any time to encroach upon or encumber said booms with boats or rafts, either of saw logs or of other lumber.

Authority to deal in lumber and construct tram railways

4. That the said corporation are authorized and empowered to purchase and hold real estate, to sell and convey the same, to engage in mining and manufactures and in the sale of lumber and other articles of their own or other manufacture, to dredge and clean the channel of said river or its tributaries; and remove obstructions therefrom, and to construct tram railways, subject to the provisions of the code.

Adjustment of damages.

5. That if any person or persons suffer damage by the exercise of powers herein granted to said corporation and the amount thereof cannot be agreed upon by the parties nor by some suitable person or persons selected by the parties to estimate the same, the circuit court of the county where the boom or booms, pier or wharves are situated, shall, upon application of the party aggrieved, cause said damages to be ascertained by three disinterested freeholders of the same county, who shall make report to said court on or before the first day of the term next after the award shall have been made, and which, being confirmed by the court, shall have the effect of a judgment from the time of such confirmation.

Penalty for injuring company's works or defacing marks on logs.

6. That if any person or persons shall wilfully and maliciously injure or destroy any of said booms or piers or other works connected therewith, or shall remove, alter or deface any mark or marks on any logs or other timber intended for said booms or contained therein, he or they

shall pay treble the amount of the damages to the corporation, to be recovered by action at law, and further be liable to indictment and prosecution before the circuit court of the county in which the offense is committed, for a misdemeanor, and on conviction shall be sentenced to pay a fine not exceeding one hundred dollars, and to suffer imprisonment in the county jail not to exceed six months. The company shall not be liable for any loss or damage that may be caused by fire or flood, or by the unlawful acts of any person or persons not in their employ.

7. That the said corporation may, by reason of its compliance with this act, charge and collect toll or boomage at the rate of one dollar per thousand feet board measure for all saw logs, square timber, spars, clapboards, bolts, and other timber that may be floated, rafted or drifted into said booms, and stopped and retained by said booms or by any logs or timber in said booms; provided, however, that they shall pass through their boom or booms within such reasonable time not exceeding ten days, free of boomage or other charge, any and all logs, lumber and other timber that may at the time it comes into their boom or booms be distinctly marked and designed for any boom below the St. Lawrence ford, except where spars, square or round timber or lumber may have been rafted or otherwise prepared to run below said boom or booms, and such rafts may be staved or broken to pieces in any other way, or have escaped from control, and said logs or lumber should go into said boom by accident or be taken in by the agents of said corporation, in which case the company shall deliver the same to the owner on the production by him of reasonable evidence of his right thereto, for which they shall be entitled to twelve cents for every spar and stick of square timber, and six cents for every log of round timber, to be paid by the person claiming the same; provided also, that when any boat, raft or other timber shall be run through any boom or booms of the said corporation at such a low stage of water as shall make such running only possible by reason of the improvement by said corporation of the said river or its tributaries, the said corporation may collect reasonable tolls not to exceed the tolls provided in the former part of this section. Rates of toll and boomage.

8. That if any timber shall have been boomed and secured as aforesaid and no person should appear to claim the same and pay the tolls thereon, it shall be lawful for the corporation, after advertising the same four weeks in any one newspaper published in the county of Greenbrier, with the marks thereon, to sell said timber to the best advantage if no owner appear to claim the same, and at any time within a year from said sale the owner shall be entitled to receive the proceeds thereof after deducting the Unclaimed timber in booms may be sold after notice. How proceeds disposed of.

tolls, expenses and necessary charges, but if not claimed within the said one year, the proceeds shall inure to and be vested in said corporation for their own use.

Lien for tolls
or boomage.

9. That the corporation shall have a lien on all saw logs and other timber and lumber boomed as according to the seventh section, for the payment of all tolls or boomage and other expenses until such time as the same shall be paid.

Authority to
hold land.

10. That for the purposes aforesaid the said corporation shall be and are hereby authorized and empowered to purchase, hold and possess any real estate adjacent to said boom or booms, or convenient thereto, with the right to erect all such buildings as may be necessary for the convenient management of their affairs, and for the same purposes their agents and those in their employ are hereby empowered to use and occupy the lands on the shore of said river and the tributaries thereof so far as may be necessary at the place or places where said booms or piers are erected and at such other place or places as may be necessary for rafting and securing saw logs and other timber, and to pass and re-pass to and from said booms and piers over the land on both sides of said river and the tributaries thereof for the purpose of making repairs from time to time, and generally for doing all matters and things necessary for the full accomplishment of the objects and purposes of said corporation, subject, however, to pay such damages as may arise in the prosecution of such objects, the damages, if any, to be ascertained and determined as in the fifth section of this act.

Measurement
of timber.

11. That all timber boomed or secured in said boom or booms shall be counted or measured, and its quantity ascertained by some competent person to be appointed by the company and confirmed by the circuit court of the county in which the said booms are located.

Penalty for
converting
timber carried
away by
winds or cur-
rents.

12. That should any boards, logs or other timber marked and registered in the office of the company, be carried by the winds or by the force of the current or otherwise, into any bays, creeks, caves, or upon the shore, or any bar or flat lands, it shall be a penal offense for any person or persons except the owners thereof to take possession of, sell or convert to his or their own use, said logs or timber, punishable as in the sixth section of this act.

Act
amendable.

13. The legislature reserves the right to alter or amend this act at any time, in such manner, however, that no injustice be done to the corporators or their creditors.

CHAPTER 140.—AN ACT appropriating the public revenue for the fiscal year one thousand eight hundred and seventy-one.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

1. All payments heretofore made by the treasurer of this state in excess of appropriations authorized by law, and all payments made since the thirtieth day of September, one thousand eight hundred and seventy, by virtue of appropriation made by the act passed March third, entitled, "An act appropriating the public revenue for the fiscal year eighteen hundred and seventy," 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, one thousand eight hundred and seventy, or that may have since been thereinto paid, the surplus of all appropriations made prior to the eighteenth day of January, eighteen hundred and seventy-one, and all money that may come into the treasury before the first day of October, one thousand eight hundred and seventy-one, subject to appropriations for state purposes, shall constitute a general fund, and be appropriated as follows :

For expenses of the legislature of eighteen hundred and seventy-one,.....	\$21,000 00	Legislature.
For salaries of the judges of the supreme court of appeals and the circuit courts.....	31,000 00	Salaries of judges.
For salary of the clerk of the supreme court of appeals.....	1,000 00	Salaries of clerk and reporter of supreme court of appeals.
For salary of the reporter of the supreme court of appeals.....	1,000 00	
For the purpose of keeping up the state library, to be expended under the direction of the governor.....	1,000 00	To keep up State Library.
For printing the fourth volume of the West Virginia Reports.....	2,000 00	Printing 4th vol. W. Va. Reports.
For contingent expenses of courts.....	2,000 00	Contingent expenses of courts.
For criminal charges, the arrest and support of criminals in jails, conveying to jails and penitentiary, pay of witnesses, jurors, &c.....	24,000 00	Criminal charges.

Support of convicts.	For support of convicts in the penitentiary.....	\$13,000 00
Guards to Penitentiary.	For pay of guards in the penitentiary.....	8,500 00
Current expenses Hospital for Insane.	For current expenses proper of the hospital for the insane.....	25,000 00
Transportation of patients.	For transportation of patients to the hospital for the insane.....	1,500 00
Expenses of lunatics in jail.	For expenses of lunatics in jails, and elsewhere than in the hospital for the insane.....	6,000 00
Salaries of executive officers.	For salary of the governor.....	2,000 00
	For salary of the auditor.....	1,500 00
	For salary of the secretary of the state.....	1,300 00
	For salary of the treasurer.....	1,400 00
	For salary of attorney general.....	1,000 00
Contingent fund.	For the civil contingent fund.....	4,000 00
Expenses of office of secretary of state.	For the contingent expenses of the office of the secretary of the state	500 00
	For salary of clerk in the office of the secretary of the state.....	1,000 00
Expenses of auditor's office	For contingent expenses of the auditor's office..	1,500 00
	For salary of first clerk in auditor's office.....	1,200 00
	For salary of second clerk in auditor's office....	1,000 00
	For salary of third clerk in auditor's office.....	1,000 00
Treasurer's office.	For contingent expenses of the state treasurer's office:.....	200 00
	For salary of clerk in treasurer's office	1,000 00
Clerk of superintendent of schools.	For salary of clerk to the superintendent of free schools, who performs the duties of adjutant general.....	1,000 00
Superintendent of weights and measures.	For superintendent of weights and measures....	200 00

For salary of private secretary to the governor,	\$900 00	Salary secretary of governor.
For contingent expenses of governor's office.....	1,000 00	Contingent expenses of executive offices.
For rent and contingent expenses of attorney general's office.....	200 00	
For pay of janitor and guards of executive offices and capitol building.....	1,000 00	Janitor and guard.
For public printing.....	13,000 00	Public printing.
For clerk of the house of delegates as keeper of the rolls.....	300 00	Clerk house of delegates.
For expenses of registration of births, deaths and marriages	100 00	Registration of births, deaths and marriages.
For balance due for rent and repair of Linsley Institute in full.....	421 50	Rent and repair of Linsley Institute
For refunding overpaid taxes, sheriff's commission, &c.....	2,500 00	Refunding taxes.
For refunding taxes erroneously assessed.....	500 00	
For publication of notice of elections and other expenses incident to elections, to be drawn only upon the order of the governor, and shall be subject to his disposal.....	1,000 00	Publication of notices and other expenses of election)
For balance in full due the deaf, dumb and blind institution at Staunton, Virginia.....	500 00	For deaf, dumb and blind institution at Staunton, Va.
For balance due on account of insurance of state library.....	25 00	Balance for insurance of state library.
For coal and gas used in the capitol building....	400 00	Coal and gas.
For expenses incurred in removal to new capitol building.....	200 00	Expenses of removal to new capital.
For payment in full of balance due to Reverdy Johnson, for services as attorney for West Virginia, in the suit of Virginia vs. West Virginia, in the supreme court of the United States.....	2,500 00	For balance due Reverdy Johnson.

Payment of Charles James Faulkner for services in supreme court	For payment in full of Charles James Faulkner, for services in suit of Virginia vs. West Virginia, in the supreme court of the United States.....	\$2,500 00
Expenses to investigate Virginia debt.	For pay of clerk, time and expenses of commissioners to investigate debt of Virginia, to be at the disposal of the governor and drawn upon his order only.....	1,500 00
Printing the code.	For printing the code.....	10,000 00
Payment of James H. Ferguson.	For payment in full of balance due James H. Ferguson for services rendered in preparation and publication of the code.....	1,000 00
Payment of William P. Hubbard.	For payment in full of balance due William P. Hubbard for services rendered in the preparation and publication of the code.....	170 00
Expenses of the institution for the deaf, dumb and blind.	For current expenses, salaries of teachers, &c., of the institution for the deaf, dumb and blind.....	11,000 00
For furniture for institution for deaf, dumb and blind.	For furniture for the institution for deaf, dumb and blind	2,000 00
For executive committee of Marshall college.	For the payment of the executive committee of Marshall College, for services rendered in the years 1869, 1870 and 1871, up to April, 1871,	300 00
J. H. Ryder.	For J. H. Ryder, for monies paid for building press in new building at Marshall College.....	63 00
Salaries of teachers at Normal school.	For salaries of teachers at, and current expenses of, Marshall College and state normal school,	2,500 00
	For salaries of teachers at, and current expenses of, Fairmont branch of the state normal school.....	2,000 00
	For salaries of teachers at, and current expenses of West Liberty branch of the state normal school.....	2,000 00
For expenses of the board of regents of state normal school.	For expenses of the board of regents of the state normal school.....	250 00
For expenses of board regents W. Va. University.	For expenses of the board of regents of the West Virginia University.....	250 00

For salaries of teachers at, and current expenses of the West Virginia University.....	\$2,500 00	Salaries of teachers of West Virginia University.
For salary of state librarian.....	600 00	Salary of state librarian.
For insurance of the state library, to be expended under the supervision and control of the governor.....	200 00	Insurance of state library.
For the further construction of the hospital for the insane.....	50,000 00	Construction of hospital for the insane.
For the further construction of the wall around the penitentiary.....	50,000 00	Construction of wall around the penitentiary.
For the construction of buildings for the institution of the deaf, dumb and blind.....	15,000 00	Buildings for the deaf, dumb and blind.
For the construction of a monument at Antietam, to be placed at the disposal of the governor, and drawn only on his order.....	1,000 00	Monument at Antietam.
To the West Virginia University for an endowment fund, to be used for that purpose only...	10,000 00	Endowment for the West Virginia University.
For the salary of the vaccine agent at Charleston.....	100 00	Salary of vaccine agent.
For furnishing the capitol buildings, to be placed at the disposal of the governor	1,500 00	Furnishing capitol building.
For public printing due to and received by John Frew.....	3,203 72	John Frew:
For J. H. Diss Debar, commissioner of immigration, in full, for services as such for seven years.....	1,000 00	Commissioner of immigration.
For immigration purposes, to be placed at the disposal of the governor, and drawn only on his order.....	1,500 00	For immigration purposes.

2. It shall be lawful to make any payment authorized by this act at any time prior to the first day of March, one thousand eight hundred and seventy-two.

Any payment authorized by this act may be made before March 1, 1872.

3. No money appropriated hereinbefore shall be drawn from the treasury, except as the same may be actually required for immediate use.

No money to be drawn until actually required.

CHAPTER 141.—AN ACT to refund certain taxes.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia:

\$199.89 re-
funded.

The auditor is hereby directed to issue his warrant upon the treasurer for one hundred and ninety-nine dollars and eighty-nine cents in favor of Jacob Crow, for state and school taxes erroneously paid, since the year 1860, on 96½ acres of land situated in the county of Marshall.

CHAPTER 142.—AN ACT to alter the incorporation of the Benwood Iron Works.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia:

Change of the
principal
place of busi-
ness of the
corporation.

So much of the certificate issued by the secretary of state on the 6th day of August, 1864, creating a corporation by the name of the Benwood Iron Works, of Wheeling, West Virginia, as is contained in the following words: "Which corporation shall keep its principal office or place of business at the city of Wheeling, in the county of Ohio," is hereby altered and amended so as to read as follows: "Which corporation shall keep its principal office or place of business at Benwood, in the county of Marshall."

CHAPTER 143.—AN ACT to create an Independent School District in the township of Scott and county of Putnam.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia:

School dis-
trict estab-
lished.
Board of
education.

1. That school district No. 10, in the township of Scott, and county of Putnam be, and the same is hereby created an independent school district, by the name of the School District of Winfield, and the board of education shall consist of three commissioners, who shall have exclusive control of all common schools within the district.

Board incor-
porated.Powers of
corporation.

2. The board of education of the district herein provided for, and their successors, shall be a body corporate by the name of "The Board of Education of the District of Winfield," 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.

Meaning of
the word
"township."

Whenever the word "township" occurs in the school law it shall be construed to mean "school district," whenever necessary to give effect to this act.

Property vest-
ed in board.

3. The property, real and personal, within the district of Winfield, now vested in the board of education of Scott

township, shall by this act vest in the board of education of the district of Winfield.

4. The board of education of said district shall be in-vested with the same rights, exercise the same powers and perform the same duties as the trustees of school districts. And the provisions of the general school law in relation to the appointment of trustees, shall not be held to apply to the district of Winfield.

Powers and
duties of
board.

5. The qualified voters of the school district of Winfield shall, on the fourth Thursday of May next, elect three commissioners, who shall hold their office for one, two and three years from the first day of June next, and their respective terms of office shall be determined by lot, and annually thereafter shall elect one commissioner, whose term of office shall be for three years, which elections shall be held at the same time and place, and be conducted by the same officers, as the borough elections of the town of Winfield.

Election of
commission-
ers.

6. The board of education at their first meeting, or as soon thereafter as may be practicable, shall elect one of their number to act as president, and another to act as clerk of said board, who shall perform all the duties which are required to be performed by a president and clerk of township boards of education.

President and
clerk of board

7. It shall be the duty of the said board of education to determine, at an annual meeting, on the first Monday in July, or 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 during their succeeding school year, for which amount the said board shall levy a tax on property, real and personal, in said district, and collect and disburse the same in such manner and at such rates of commission as they may determine, and a lien is hereby declared to exist on the real estate taxable in said district for all taxes levied thereon by said board for school and building purposes. But the tax thus levied shall never exceed the rate prescribed in the general school law.

Annual levy.

Lien for taxes

8. It shall be the duty of the board of education to notify the township board of education of Scott township, to meet at some convenient place in said township, during the month of June next, for the purpose of a settlement, and the board of education of the district of Winfield, shall assume the payment of their proportion of all indebtedness of said township that shall have accrued to the first of June next. And said township board of education shall pay over to said board of education of the dis-

Adjustment
of accounts.

trict of Winfield their proportion of all money on hand, and shall account for all taxes uncollected up to the first of June next. And the basis for said settlement shall be the ratio that the taxable property in the said district of Winfield bears to the remaining taxable property in the said township of Scott.

How the proportion of state school fund due school district of Winfield is to be paid. 9. The proportion of the state school fund, to which the said district of Winfield shall from time to time be entitled, shall be paid by the auditor of the state to the board of education of said district, on the written order of the county superintendent.

CHAPTER 144.—AN ACT to legalize a deed from Andrew Beirne to Samuel R. Houston and others, trustees of the Monroe Presbyterial High School, at Union, Monroe county.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia:

Deed legalized 1. That a deed made and executed by Andrew Beirne to Samuel R. Houston, John Echols, A. A. Chapman, A. T. Caperton, J. W. Lanius, N. H. Roberts, John H. Hansbarger, M. H. Bittenger, J. P. Peck, B. G. Dunlap, James M. Brown, J. C. Barr, Samuel Price, Thomas Mathews, B. F. Renick, M. D. Dunlap, E. Vawter, A. H. Johnston, and George W. Hutchinson, trustees of the Monroe Presbyterial High School at Union, Monroe county, Va., on the fourth day of March, 1862, and acknowledged by said Beirne, before G. W. Hutchinson, clerk of the county court of said Monroe county, in the clerk's office thereof, on the fourth day of March, 1862, shall not be deemed, held, or adjudged invalid, defective or insufficient in law or equity, or avoided or prejudiced by reason of any defects, informality or omission in said certificate of said clerk of said county court; but said deed so made and acknowledged as aforesaid, shall be good, valid and effectual in law.

Acknowledgment and recordation of said deed legalized. 2. The acknowledgment and recordation of said deed, made in the clerk's office of said Monroe county, on the fourth day of March, 1862, is hereby legalized and declared to be valid.

CHAPTER 145.—AN ACT to incorporate the Charlestown and Duffield's Turnpike Company.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia:

Subscription books. 1. It shall be lawful to open books, and receive subscriptions to be divided into shares of fifty dollars each, and to

constitute a joint capital stock for constructing a turnpike road from Charlestown, in Jefferson county, to Duffield's Depot, in said county, with the privilege of extending the same to intersect the Shepherdstown and Halltown turnpike at any point which the stockholders of the road hereby incorporated may hereafter determine upon; said road to be constructed upon the beds or tracks of existing public roads, or by such other routes as the corporation herein provided for may determine. The books may be opened under the direction of William Beall, Charles Aglionby, James W. Glenn, James L. Hunter, J. Lawrence Hooff, and Daniel B. Lucas, 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.

Route of road.

Commission-
ers.

2. Whenever five thousand dollars of the capital stock shall be subscribed, the subscribers, and their personal representatives, and those claiming under them, shall be incorporated into a company by the name of the "Charlestown and Duffield Turnpike Company," which shall be a body corporate, governed in all respects, and endowed with all the rights and privileges conferred by the existing laws of this state in reference to such corporations, except as excepted or modified by this act.

Incorporation

Powers of
company.

3. The grading and construction of the road shall be under the control of the company, provided that its general grade shall not be over five degrees, and the company may make the width forty feet, or any less width not less than thirty feet.

Grading and
construction
of road.

4. Whenever two miles are completed consecutively a toll gate may be erected on the same.

5. No officer or stockholder of the road, or other person, except the president, shall be allowed to pass free of toll.

Who to pass
free.

6. The annual election of stockholders shall be held on the first day of April, unless some other period be fixed by the stockholders.

Annual elec-
tion of stock-
holders.

CHAPTER 146.—AN ACT to incorporate the Martinsburg Gas and Water Company.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia:

1. That Henry Kratz, Lewis Wolfus, D. Darby, S. H. Martin, William Wilen, Louis Schew, H. H. Blackburn, John G. Wilson, J. L. W. Baker, F. Gerling, Bernard Doll, William D. Burkhart, J. Nelson Wisner, E. S. Tröxell, J. Q. A. Nadenbousch, W. T. Logan, J. N. Abell, Wil-

Corporators.

Incorporation liam Dorsey, Charles P. Matthaei, A. Bowman and M. J. C. Hoffman, and their present and future associates, successors and assigns, be and hereby are created, constituted and declared to be a body politic and corporate in fact, by the name of the Martinsburg Gas and Water Company, and by that name they and their successors may have perpetual succession, and shall, in law, be capable of suing and being sued, and of pleading and being impleaded, in all courts and places whatsoever, and have a common seal, with power to alter the same; and by and under the name and style aforesaid, the company shall have full power and authority to erect water works, and supply water therefrom, and to make or manufacture gas from or out of any substance or material whatever, and sell or dispose of the same; said works to be used for the purpose of supplying the town of Martinsburg, in the county of Berkeley, with pure water and gas for lighting the said town, or the streets thereof, and any buildings, manufactories, or houses therein contained and situate; and for such purposes the said company shall have the exclusive right to lay down at suitable depths, and maintain in the public streets, lanes and places of said town, such mains and pipes as may be necessary and proper, and to enter into, make and execute any contracts, agreements or covenants, in relation to the objects of this incorporation, or that the board of directors thereof may deem necessary or proper in carrying on the business thereof, and of enforcing the same, and be capable of purchasing, taking and holding any estate or property, real or personal, as shall be necessary to give effect to the purposes of this incorporation, or for the accommodation of their business and concerns.

Powers of company.

Authority to furnish gas and water.

Exclusive right to lay mains.

Contracts.

Power to hold property.

Capital stock. 2. The capital stock of said company shall be two hundred thousand dollars, and may be increased by said company to such further sum as may be found necessary, not exceeding five hundred thousand dollars; and that a share in the same shall be twenty-five dollars; and the subscriptions to the same, or to such parts thereof as, from time to time, may, by the directors for the time being, be deemed proper and necessary, be opened by the appointment or under the direction of the directors hereinafter named, or a majority of them, subject to such rules, limitations and conditions as by them shall be prescribed.

Subscriptions.

Directors; their term of office. Election of directors. 3. The stock, property, and affairs and concerns of the said company shall be ordered, managed and controlled under the direction of seven directors, being stockholders. The said directors shall hold their offices from the third Monday of April, inclusive, in every year, and shall be elected on the second Monday in April in each year, at such time and place as a majority of the directors for the time being shall appoint; and upon such notice as may by the

by-laws of said corporation be fixed, and that all elections for directors shall be by ballot, and made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and that each stockholder shall be entitled to one vote for each share of stock which he, she, or they shall have held in his, her, or their own name, or names, at least twenty days before the time of voting, and that the persons having the greatest number of votes shall be directors, provided a majority of the stock be represented at said elections, but not otherwise; and if it shall happen that two or more persons have an equal number of votes, the directors in office at the time of such election shall, by a plurality of votes, given by ballot, determine which of the persons so having an equal number of votes shall be director, or directors, so as to complete the whole number; and the directors so chosen shall, as soon as may be thereafter, proceed in like manner to elect one of their number, by ballot, for their president; and if any director shall cease to be a stockholder, or shall resign, his office shall be vacant; and whenever any vacancy shall in any manner happen, the same shall be filled by the remaining directors by plurality of votes, until the next annual election, and that Bernard Doll, John N. Abell, J. Q. A. Nadenbousch, W. T. Logan, William Dorsey, William Wilen and J. L. W. Baker shall be the present directors, and shall hold their offices respectively until the third Monday of April inclusive, which shall be in the year of our Lord one thousand eight hundred and seventy-two, and until others are elected, appointed, and qualified in their place, and shall proceed to choose their president at such time and place as they, or a majority of them, shall determine.

Election of
president.

Present direc-
tors, their
term of office.

4. In case it shall at any time happen that an election of directors shall not be made on the day appointed by this act for that purpose, the said corporation shall not for that cause, or for any non-user, be deemed to be dissolved, but it shall and may be lawful to hold an election for directors on any other day, in such manner as shall be provided for by the by-laws and ordinances of said corporation, and the directors of said corporation, for each year, shall continue to hold and exercise their respective offices as such, until their successors be regularly elected, appointed and qualified, according to the provisions of this act.

Provisions in
case of failure
to hold elec-
tion on day
appointed.

5. The directors of said company, for the time being, shall form a board, and they, or a majority of them, shall be a quorum for transacting the business of the said company, and shall have power to make such by-laws, rules and regulations as to them shall seem needful and proper, not repugnant to the laws of this state or the United States, for the management of their corporate concerns, touching

Board of di-
rectors.

By-laws.

Appointment
of officers.

the government of said company, the management and disposition of stock, property, estate and effects thereof, the election of directors, and all such other matters as may appertain to the concerns of the said company; and shall also have power to appoint officers, clerks and servants for carrying on the business thereof, and designate their representatives, giving such salaries and allowances as to them shall seem best.

How stock
may be
assigned.

6. The stock of the said company shall be assignable and transferrable according to such rules, and subject to such regulations as the board of directors shall, from time to time, make and establish, and shall be considered personal property.

Payment of
subscription.

7. It shall and may be lawful for the directors, or a majority of them, to require payment of the sums to be subscribed, at such times and in such proportions as they or a majority of them, shall deem fit, under the penalty of the forfeiture of all previous payments thereon, and that previous notice of the instalments required, after the first, and of the time when the same are to be paid, be published for four successive weeks in a public newspaper printed and published in said county of Berkeley.

Notice of re-
quired in-
stalments to
be given.

When compa-
ny to com-
mence opera-
tions.

8. If said company shall not commence operations within two years from the passage of this act, then the powers, privileges, and franchises therein granted, shall be forfeited and cease.

How injury to
works of com-
pany may be
punished.

9. If any person, or persons, shall wilfully do, or cause to be done, any acts or acts whatever, whereby the works of the corporation, or any reservoir, pipe, conduit, or any engine, machine or structure, or any matter or thing appertaining to the same, or any of them, shall be stopped, injured or destroyed, obstructed, impaired or weakened, the person or persons so offending shall forfeit and pay to the said company double the amount of the damages sustained by means of such offence or injury, to be recovered in the name of the said company, with costs of suit, by action at law, to be brought in any court having cognizance thereof; and such person, or persons, may be prosecuted in such other manner as the law may permit.

Company
may acquire
right of way.

10. The said company shall have power to enter upon lands in and around the said town of Martinsburg, and condemn and acquire a sufficient right of way over, under and through the same, for the purposes of its said improvement, as provided by law in the forty-second and fifty-second chapters of the code of West Virginia; but said company by said condemnation shall not acquire a title in fee to said lands.

11. The principal office or place of business of said company shall be kept in the town of Martinsburg, Berkeley county aforesaid. Principal office.

12. The town council of the corporation of Martinsburg is hereby authorized to subscribe and take stock of the said Martinsburg Gas and Water Company to an amount not exceeding twenty thousand dollars, and it shall be lawful for the said town council to issue the bonds of the said corporation of Martinsburg, and negotiate a loan or loans for the amount herein authorized to be subscribed, at a rate of interest not exceeding eight per cent., and payable in such manner and times as the said council may determine when issuing the same. And the said town council shall, from time to time, assess and collect taxes alike upon the taxable subjects of said corporation, sufficient to pay the interest on such loans, and final extinction of the principal thereof. Town council authorized to subscribe to capital stock.

13. This act shall be deemed a public act, and the said company shall be entitled to and subject to the laws now in force, applicable to and for joint stock companies and works of internal improvement, except so far as the provisions of this act are, or may be inconsistent therewith, and the said company shall have exclusive privileges, and this act shall be benignly and favorably construed for the purposes therein expressed and declared, in all courts and places whatsoever. Company subject to general laws. Privileges exclusive. How act construed.

14. All the provisions of this charter shall apply to any extension of the limits of the town of Martinsburg. To what limits act applies.

15. The legislature may at any future time, saving and securing the rights acquired by the said corporation hereunder, alter, modify, or amend this act. Act may be amended.

CHAPTER 147.—AN ACT to legalize certain deeds.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia:

That no deed executed prior to the first day of January, 1860, by any officer, authorized by the laws in force at the date of such deed to convey lands sold for the non-payment of taxes, and not redeemed, shall be hereafter questioned in act or proceeding, because of any irregularity or defect in form apparent upon the face of such deed, or because it may not recite all the circumstances attending the sale in pursuance of which such deed was executed. But this act shall not apply to any deed which is the subject of controversy in any action or proceeding instituted prior to its passage. Deeds legalized. To what deeds act does not apply.

CHAPTER 148.—AN ACT to incorporate the town of Frankford, in the county of Greenbrier.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia:

Town
incorporated.

1. That the place known as "Frankford," in the county of Greenbrier, be and the same is hereby made a town corporate and a body politic by the name of the "Town of Frankford," and shall in all respects be subject to the provisions of chapter forty-seven of the code, entitled "Of townships and villages."

Corporate
limits.

2. The corporate limits of said town shall be as follows: Beginning at a stake southwest of Dr. Raymond's residence, thence south to the turnpike road, and with said turnpike road a direct line to the line between Rev. J. H. Leps and Samuel Ludington, Sr., and with said line to the turnpike road above and northwest of Frankford, and with the same to the line between Harrison Fleshman and Samuel C. Ludington, and with the same to the line between the Stevenson property and Samuel C. Ludington, and with that line to the point of beginning.

CHAPTER 149.—AN ACT to legalize the action of the board of supervisors of Wyoming county, declaring the result of the election in that county, on the fourth Thursday of October last, for county and township officers

Passed February 28, 1871,

Preamble.

Whereas, The board of supervisors of Wyoming county failed, at the time prescribed by law, to ascertain and declare the result of the election held in that county on the fourth Thursday in October, 1870, for county and township officers;

And whereas, Said board of supervisors did, at a special meeting, held on the 10th and 11th day of February, 1871, ascertain and declare the result of said election for such officers. Therefore

Be it enacted by the Legislature of West Virginia.

Action of the
board of su-
pervisors in
declaring the
result of the
election legal-
ized.

The action of said board of supervisors in ascertaining and declaring the result of said election for county and township officers, be and the same is hereby legalized and made valid; and the several persons declared by said board elected at said election to county and township offices in said county, are authorized within sixty days from the passage of this act, to qualify in the manner prescribed by law for the discharge of the duties of their offices respectively.

CHAPTER 150.—AN ACT to abolish Big Levels township, in Greenbrier county, and to embrace the same in the townships of Lewisburg and Falling Spring.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

1. That Big Levels township, in Greenbrier county, be and the same is hereby abolished. Township abolished.

2. That the territory heretofore embodied in said township be included in the townships of Lewisburg and Falling Spring, of said county, and the dividing line between said two last mentioned townships shall be as follows: Beginning at John Lipps' mill, on Greenbrier river, and thence in a straight line to Mrs. Elizabeth McClung's residence; thence in a straight line to the residence of James F. Watts; and thence in a straight line to the line of Williamsburg township, at the farm of Samuel C. Ludington, lately purchased from Wm. H. Shields; and that part of Big Levels township lying north of said line, including the residence of said Mrs. Elizabeth McClung, shall be included in Falling Spring township, and that part lying south of said line, including the residence of said John Lipps and James F. Watts, shall be included in Lewisburg township. Territory of said township disposed of.
Dividing line of Lewisburg and Falling Spring township in Greenbrier county.
Big Levels township parceled out.

3. That in the township of Lewisburg, as above defined, there shall be two precincts for holding elections, one at the court house in the town of Lewisburg and the other at Livesay's mill; and in the township of Falling Spring, as above defined, there shall also be two precincts for holding elections, one at Frankford and the other at Falling Spring. Precincts in the township of Lewisburg and Falling Spring.

4. This act shall not apply to any supervisor, constable or justice now in office, but they shall remain in office until the expiration of their term. To whom act does not apply.

CHAPTER 151.—AN ACT for the relief of the sufferers by the late flood, in the county of Jefferson.

Passed February 28, 1871.

Whereas, By the late flood in the Shenandoah river, the property of a portion of the citizens of Jefferson county was greatly injured and destroyed; and, whereas, it is proper, in the opinion of the Legislature, that such persons should be relieved from the payment of taxes upon the property so injured and destroyed; therefore

Be it enacted by the Legislature of West Virginia :

1. That the citizens of the said county of Jefferson, whose property was destroyed or greatly injured by the late flood in the Shenandoah river, as mentioned in the

Preamble.
Certain citizens relieved from the payment of taxes of 1870.

preamble to this act, be and they are hereby released from the payment of the state, and state school taxes assessed thereon for the year 1870, as hereinafter mentioned.

Board of supervisors to report the names of said sufferers to the auditor with amount of tax charged to them.

2. It shall be the duty of the board of supervisors of Jefferson county to ascertain and report to the auditor the names of the citizens of the said county, whose personal property was destroyed, and of such citizens whose real property was materially injured, with the amount of state and state school taxes charged thereon; and, in case such taxes have been paid into the treasury, it shall be the duty of the auditor to draw his warrant on the treasury in favor of such citizens for the amount so paid by him, and the sum shall be paid to such persons out of any money in the treasury not otherwise appropriated.

Duty of auditor.

Copy of the report.

3. A copy of the report mentioned in the preceding section shall also be furnished to the late sheriff of Jefferson county, in whose hands a portion of the taxes assessed on the property mentioned in the first section now remain for collection, and it shall be the duty of said sheriff to include the said taxes in his delinquent list, with a note showing that the same have been released by an act of the Legislature.

Duty of the sheriff.

CHAPTER 152.—AN ACT amending section 19, chapter 45, of the Code of West Virginia, in relation to the education of colored children.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

That section nineteen of chapter forty-five of the code of West Virginia be amended and re-enacted so as to read as follows :

White and colored persons not to be taught in the same schools.

19. White and colored persons shall not be taught in the same school; but to afford to colored children, as far as practicable, the benefits of a free school education, it shall be the duty of the trustees of every school district to establish therein one or more primary schools for colored persons, between the ages of six and twenty-one years, whenever the number of such persons residing therein, and between the ages as aforesaid, exceeds twenty-five according to the enumeration made for school purposes. The trustees of two or more school districts, whether in the same or adjoining townships, or counties, may by agreement with each other, join in establishing a primary school for the colored children residing in said district; and such schools so established shall be subject to the same regulations that are provided for the schools for white children in section fourteen of this chapter.

Duty of trustees of school districts.

CHAPTER 153.—AN ACT for the relief of John B. Morrison.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

The sum of one hundred and fifty dollars is hereby appropriated, out of any monies in the treasury not otherwise appropriated, for the payment in full of John B. Morrison, for his services as commissioner of the revenue, for the first district of Randolph county, for the year eighteen hundred and sixty-one; and the auditor is hereby directed to draw his warrant on the treasurer for the amount hereby appropriated, or so much thereof as he may find justly due and unpaid to to him.

\$150 appropriated.

Auditor to draw his warrant for the amount.

CHAPTER 154.—AN ACT for the relief of Jacob Phares.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

The sum of one hundred and fifty dollars is hereby appropriated, out of any monies in the treasury not otherwise appropriated, for the payment in full of Jacob Phares, for his services as commissioner of the revenue for the second district of Randolph county, for the year 1861, and the auditor is hereby directed to draw his warrant on the treasurer for the amount hereby appropriated, or so much thereof as he may find justly due and unpaid to him.

\$150 appropriated.

Auditor to draw his warrant on treasury for the amount.

CHAPTER 155.—AN ACT releasing and exempting certain citizens of Jefferson county, residing at Harpers Ferry, from the payment of taxes due the State for the year 1870.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

1. That R. R. B. Lucas, M. Walsh, Michael Doran, T. A. Kirwin, Samuel W. Trail, Barney McCabe, Margaret Krepps, James Watson, S. M. Williams, Matthew Quinn, F. McCabe's heirs, Emily Marquette, Mary Nunamaker, Martin Brannan and Jesse Grimes, be and are hereby released and exempted from the payment of all taxes assessed on both their personal and real property for the year 1870, and now due the state of West Virginia.

Release of certain taxes.

2. The auditor is hereby authorized to allow the sheriff of Jefferson county a credit on his books for the amount hereby released.

Auditor to allow sheriff credit for the amount released.

CHAPTER 156.—AN ACT to encourage immigration into the State of West Virginia.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

Board of public works to take certain measures to encourage immigration to the state.

1. That it shall be the duty of the board of public works to settle upon and carry into operation a practical plan for the introduction of sober and industrious immigrants, with their families, from other states of this Union and from Europe, into this State, to open correspondence with individuals, capitalists, emigration agencies and steamship companies, in this country and in Europe, to cause to be published such information as will fully show the natural resources of this state—its soil, climate, and mineral wealth and productions—and, also, the inducements for investment, the demand for labor, and the advantages which West Virginia offers as a home to the emigrant; to cause correct and accurate intelligence to be furnished to the capitalists and the emigrant desirous of investing or settling in this state, to aid and assist as far as possible in the removal of emigrants to the state; to make suitable arrangements to receive immigrants from Europe upon their arrival at New York or Baltimore, and transport them to their destination or place of employment, and generally to adopt, establish, and organize such plans and measures as will tend to secure or facilitate the development and settlement of this state.

Agent to be appointed.

2. Said board shall appoint a fit and proper person, who shall be known as the "commissioner of immigration," whose duties and salary shall be prescribed by said board, and who shall be subject to removal by said board. The said board shall have power to appoint all necessary clerks and agents, to prescribe their duties, and fix their salaries.

Report of board.

3. It shall further be the duty of said board to report annually to the legislature a full account of their acts and doings, under the provisions of this act.

Expenses; how paid.

4. All expenses attending the operations of said board, including the salaries of its officers and agents, shall be paid out of the state treasury, on the endorsement of said board, not to exceed the amount appropriated for the purpose.

CHAPTER 157.—AN ACT to amend an act amending the charter of the Parkersburg and Sandy Railroad Company, passed February 27, 1870.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

1. Section two of the act of the Legislature of West Virginia, passed February 27, 1870, entitled "An act

amending the charter of the Parkersburg and Sandy Railroad Company" is hereby amended and re-enacted so as to read as follows :

"2. The capital stock of said company shall be divided into shares of fifty dollars each, and when one thousand shares of said capital stock shall have been subscribed, and three per cent. thereof shall have been actually paid in according to law, the subscribers, their executors, administrators and assigns shall be and are hereby incorporated into a company politic, and corporate by the name and style of "The Parkersburg, Ripley and Charleston Railroad Company," subject to all the provisions and entitled to all the benefits of the code of West Virginia, except so far as this act may be inconsistent therewith."

Capital stock.
Shares.

Incorporation

CHAPTER 158.—AN ACT providing more effectually for the sale of real estate delinquent for the non-payment of the taxes assessed thereon.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

1. That it shall be the duty of the auditor to include in the lists of real estate, to be delivered to the sheriffs or collectors of the several counties of this state, under the provisions of section four of chapter thirty-one of the act entitled "An act establishing a code of laws for this state," known as the code of West Virginia, a list of any and all such real estate as may have been previously sold for the non-payment of the taxes thereon, and purchased by or on behalf of the state, if the sale thereof so made has for any cause been set aside by any court, and the taxes for which it was sold have not been paid ; and it shall be the duty of the sheriff or collector, to whom such list shall be delivered, to sell all such real estate for the taxes previously assessed and not paid thereon, in like manner and with like effect as other real estate delinquent for the non-payment of taxes due thereon.

Auditor to include in the lists of real estate he delivers to sheriffs a list of real estate sold for the non-payment of taxes thereon and purchased by the state, if the sale has been set aside and the taxes not paid.

Sheriff to sell such real estate.

2. No court shall have power or jurisdiction to enjoin the sale of any real estate delinquent for the non-payment of the taxes assessed thereon, unless the constitutional right to levy or assess such taxes shall come into question, or unless it be averred in the bill that all the taxes and levies which have been assessed and made thereon have been fully paid ; and no court shall have jurisdiction to bear or determine any other questions in relation to the assessment of such taxes, or the sale of such real estate, than those specified in this section.

Jurisdiction of courts to enjoin such sale limited.

CHAPTER 159.—AN ACT to amend and re-enact section one of chapter twenty-one of the acts of 1867, entitled, "An act providing for the election and qualification of a mayor and trustees for the town of Lewisburg."

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia:

Act amended.

1. That the first section of chapter twenty-one of the acts of 1867, entitled, "An act providing for the election and qualification of a mayor and trustees for the town of Lewisburg," be repealed, amended and re-enacted, so as to read as follows, to-wit:

Who may vote.

"1. That for the better government of said town it shall be lawful for those persons entitled to vote for members of the legislature who have been resident in the said town for thirty days next preceding an election, to meet at the court house of Greenbrier county, in said town, on the first Saturday in April, 1871, and annually thereafter, and elect, in the manner prescribed by law for electing members of the legislature, a mayor, and four proper persons to serve as trustees of said town: Provided, That if any person's right to vote at any election herein provided for, be challenged on account of any constitutional disability arising out of any amendment to the constitution of this state since the first day of January, eighteen hundred and sixty-six, such person shall not be denied the right to vote unless and until record evidence of such disability be produced. The mayor and trustees so elected shall, before entering upon the discharge of their duties as such, take the oaths to support the constitution of this state and of the United States, and also the oath of office, before a justice or the recorder of Greenbrier county. If the mayor refuse or neglect to

Annual election.

Record evidence of the disability of persons offering to vote required.

Oath of office.

Failure to qualify.

Incorporation

Mayor; his powers, duties and compensation.

Absence of mayor.

qualify, or after he has qualified his office shall from any cause become vacant, the said trustees shall elect one of their number to be mayor, and said mayor and trustees shall qualify and enter upon the discharge of their duties as soon after their election as practicable, not exceeding twenty days after such election, and they shall be a corporation under the style and name of the "mayor and trustees of the town of Lewisburg." The mayor shall have all the power and jurisdiction of a justice in both civil and criminal cases; he shall be governed by the same rules and entitled to the same fees as a justice, and shall be allowed such salary as the trustees may prescribe, not exceeding fifty dollars in any one year. He shall be the presiding officer of the board of trustees, and the executive officer of said town. In the absence of the mayor, a member of the trustees shall be designated by the others to fill his place during such absence. Two of the trustees, with the mayor, or any three of the trustees, shall be a board for the transaction of business."

CHAPTER 160.—AN ACT to amend and re-enact sections eight, nine and fourteen of an act passed July 14, 1868, entitled, "An act to amend and re-enact the charter of the town of Union, in the county of Monroe."

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

Sections eight, nine and fourteen of an act passed July 14, 1868, entitled, "An act to amend and re-enact the charter of the town of Union, in the county Monroe," are hereby amended and re-enacted so as to read as follows :

"8. On the first Wednesday in April, in the year 1871, and on the same day in each year thereafter, there shall be an election for all officers required to be elected by this act, by the voters in said town, to be held at the court house, or at such place within the limits of said corporation, and under such rules and regulations, and certified and returned by such persons, as the said council may direct. If, from any cause, the said elections should not be held at the times herein prescribed, it shall be the duty of the council, upon the written application of a majority of the qualified voters residing within the limits thereof, to issue their order for a special election, within ten days from the date of such order, and give notice thereof, by posting a copy of such order on the front door of said court house, at least six days before such election. Should the council fail or refuse to issue their order, as hereinbefore provided for, a majority of the qualified voters residing in said town may unite in a call for such special election, and after giving ten days' notice of the time and place at which the election will be held, by posting a notice thereof on the said court house door, may proceed, at the place and time set forth in such notice, to elect such officers as are required to be annually elected under this act, having first chosen three qualified voters in said town to conduct said election, who shall be sworn to support the constitution of the United States and of this state, and that they will faithfully and impartially discharge their duties as officers of the election about to be held. The officers elected at any special election held, as herein provided for, shall hold their respective offices until two weeks next after the election to be held on the first Wednesday in April following such special election, and until their successors shall have been elected and qualified."

First election.

Annual elections.

Failure to hold elections on the day prescribed; how provided for.

Failure of council to issue their order.

Notice of election.

Commissioners of election; their oath.

Terms of office.

"9. All persons who have been residents of this state one year, and who have been domiciled in said town for thirty days next preceding any election therein, and who have been assessed with a town tax and actually paid the same, and who are also qualified to vote for members of the legislature, and none others, shall be entitled to vote at all elections for officers of said town."

Who may vote.

Oaths of office.

“14. The mayor, recorder and councilmen, and all officers herein provided for, shall each, before entering upon the duties of their respective offices, and within two weeks from the time of their election or appointment, take and subscribe an oath, or affirmation, that they will support the constitution of the United States and of this state, and that they will faithfully and impartially discharge the duties of their respective offices, to the best of their skill and judgment. The mayor, having taken such oath, or affirmation, may administer the same to the councilmen and other officers. A certificate 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 the duties of their respective offices, and shall supersede the former council of said town.”

CHAPTER 161.—AN ACT in relation to oaths taken before recorders.

Passed February 28, 1871.

Preamble.

Whereas, A question has been raised as to the power of a recorder to administer an oath in any case not before him for decision; therefore

Be it enacted by the Legislature of West Virginia:

Authority for recorders to administer oaths.

That any oath heretofore, or hereinafter taken before a recorder, and certified by him, shall be as valid and binding and have the same force and effect in all cases and to all intents and purposes as if taken before any other officer who is specially authorized to administer oaths.

CHAPTER 162.—AN ACT relating to appeals to the Supreme Court of Appeals, amending section 12 of chapter 135 of the code of West Virginia.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia:

When appellant must file record.

That the last clause of section twelve, chapter one hundred and thirty-five, of the code of West Virginia, be amended and re-enacted so as to read as follows: Provided further, that if the appellant fail to file such record with the clerk of said court of appeals, within six months from the time his appeal is perfected, he shall be deemed to have abandoned his appeal, but such court, for good cause shown, may allow the same to be proceeded with. But no appeal now pending shall be dismissed because the record was not fixed in time.

Pending appeals not to be dismissed.

filed

CHAPTER 163.—AN ACT authorizing the Hopewell Baptist Church to sell thirty acres of land in the county of Jackson.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia:

That the Hopewell Baptist Church, in the county of Jackson, is hereby authorized to sell and convey thirty acres of land in said county, devised to said church by James N. Ankrom.

Authority to sell certain church property.

CHAPTER 164.—AN ACT authorizing the auditor to refund certain monies to counties and townships.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia:

1. That all county, township and school district taxes that may have been heretofore or may hereafter be paid into the treasury of the state, in the redemption of lands returned delinquent for the non-payment of the taxes thereon, be released and returned to the counties, townships and independent school districts respectively in which the said taxes were assessed.

Certain delinquent taxes released and returned to counties, townships and independent school districts.

2. The auditor is hereby authorized and directed to issue his warrants on the treasury in favor of the proper county, township or independent school district officers for the several sums of money due such county, township or independent school district on account of such delinquent taxes.

Auditor's warrant to be drawn for the same.

CHAPTER 165.—AN ACT authorizing the Methodist Episcopal Church South, at Farmington, in the county of Marion, to sell and convey their church property.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia:

The trustees of the Methodist Episcopal Church at Farmington, in Marion county, are hereby authorized to sell and convey their church property.

Authority to sell church property.

CHAPTER 166.—AN ACT for the better protection of telegraph and railroad property.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia:

That any person who shall wilfully or maliciously destroy or injure any of the wires, poles, insulators or other property or material belonging to any telegraph or railroad company shall be guilty of a misdemeanor, and, upon conviction, shall be punished by imprisonment in the county

Penalty for injury to the property of telegraph or railroad companies.

jail not exceeding twelve months, and by fine not exceeding five hundred dollars, at the discretion of the court. Such person shall also be liable in a civil action for all damages to such property caused by such destruction or injury.

CHAPTER 167.—AN ACT to amend and re-enact section fourteen of chapter one hundred and twenty-four of the code of West Virginia, as amended and re-enacted by chapter one hundred and nine of the acts of 1870.

Passed February 28, 1871.

Preamble.

Whereas, By chapter one hundred and nine of the acts of the legislature of 1870, section fourteen of chapter one hundred and twenty-four of the code of West Virginia was, by mistake and inadvertence, so amended as to give to the parties defendant therein named only one year from the date of a judgment or decree to appear and have the same re-heard, when it was intended to give them five years for such purpose, for remedy whereof,

Be it enacted by the Legislature of West Virginia :

Section 14 of chapter 124 of the code amended.

That section fourteen of chapter one hundred and twenty-four of the code of West Virginia, as the same was amended and re-enacted by chapter one hundred and nine of the acts of 1870, be now amended and re-enacted, so that the same shall hereafter read as follows :

Within what time case may be re-heard and injustice corrected.

“ Any unknown party or other defendant, who was not served with process in this state, and did not appear in the case before the date of such judgment, decree or order, or the personal representative of such may, within five years from that date, if he be not served with a copy of such judgment, decree, or order, more than one year before the end of said five years, and if he was so served, then within one year from the time of such service, file his petition to have the proceedings reheard, in the manner and form provided for by sections twenty-six and thirty of chapter one hundred and six, and all the provisions of these sections, and of sections thirty-one and thirty-two of chapter one hundred and six are hereby made applicable to proceedings under this section.”

CHAPTER 168.—AN ACT to incorporate the Union and Greenbrier River Turnpike and Railroad Company.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

Route of road.

That for the purpose of constructing a turnpike, McAdam or railroad, as the stockholders may determine, from the town of Union, in Monroe county, to the nearest depot

of the Chesapeake and Ohio Railroad Company, on the south or north side of Greenbrier river, Thomas Mann, James M. Nickell, Calvin H. Burdett, John A. Nickell, Harry Robinson, Frank Hereford, A. T. Caperton, Madison McDaniel, and Augustus A. Chapman, their successors and assigns, and such persons as may become stockholders, are hereby created a body politic and corporate under the name of "The Union and Greenbrier River Turnpike and Railroad Company." Said company is hereby authorized to construct a turnpike road or McAdam road, or to construct and equip a railroad, upon any of the plans now in use, with the broad or narrow gauge, or upon the plan and model known as the "tram railroad," with the right to operate the same, either by steam or horse power, from the town of Union, in Monroe county, to such depot of the Chesapeake and Ohio Railroad Company, on the south or north side of Greenbrier river, by the nearest or most practicable route, as the said stockholders may determine.

Corporators.

Incorporation

Powers of corporation.

2. The capital stock of said company shall not exceed one hundred thousand dollars, to be divided into shares of twenty-five dollars, and books of subscription may be opened in the town of Union, under the direction of Andrew H. Johnston and Henry S. Shanklin; and at Rocky Point, under the direction of A. M. Hawkins and A. N. Campbell. Any county may subscribe, as provided by sections forty and forty-one of chapter thirty-nine of the code, and any township may also subscribe. The supervisor of a township may submit to the people thereof the question of subscribing a sum to be proposed at a special election to be called by said supervisor, to be held at the places, and to be conducted in the manner and by the persons prescribed by law for holding general elections, after having given forty days' notice in a newspaper published in the town of Union. The result of the voting shall be certified by the supervisor, and if a majority of the votes cast be for the proposed subscription, then the sum which was proposed shall be subscribed to the capital stock of said company in behalf of the township by the supervisors thereof. The supervisor of a township owning such stock, or a proxy of such township, shall represent its stock in all meetings of stockholders.

Capital stock. Shares.

Commissioners to open books.

How counties and townships may subscribe

3. The meetings of the stockholders and of the president and directors shall be held, and the principal office kept in the town of Union, unless the stockholders shall otherwise order.

Meeting of the stockholders and principal office.

4. The president and directors of said company may borrow money in furtherance of the object of the company, and through the president may execute deeds of trust or mortgage upon the property of the company, to secure the

Power to borrow money.

payment of money so borrowed, or other debts of the company.

Rates of toll
on turnpike.

5. Whenever as much as five miles continuously of said road shall have been completed, tolls, not exceeding the rates allowed by law, if it be a turnpike or McAdam road, may be charged, and so when any additional section of five miles shall have been completed, on the whole line of road.

Rates of toll
on railroad.

6. Should said company determine upon the construction of a railroad or tramroad, and shall actually build the same, upon the completion of five miles thereof, and so on until the whole road is built, they may charge the following rates of toll for transportation, to-wit: For a person, with his baggage (not exceeding 150 pounds,) not exceeding cents per mile; for produce and other articles not exceeding cents per ton per mile; for any person or produce, or other articles transported for a distance less than ten miles, a charge may be made at the foregoing rates as for ten miles; when articles weigh less than four pounds to the cubic foot, a charge may be made on each cubic foot as for four pounds weight, and when the articles in any one consignment weigh less than one hundred pounds, a charge may be made as for a hundred pounds. If for the transportation of any person with his baggage, or for any consignment, the whole charge would be less than twenty-five cents, that sum may be charged as a minimum. For the weighing, storage and delivery of any article at a depot or warehouse of the company, a charge may also be made, not exceeding the ordinary warehouse rates charged in the town in or nearest which the depot may be.

Condemna-
tion of lands.

7. Said company may cause such lands as may be necessary for its use to be condemned, as provided in chapter forty-two of the code of West Virginia.

Property ex-
empt from
taxation.

8. The property of said company shall be exempt from all taxation until its net earnings exceed ten per cent. of its capital stock.

Powers of
company.

9. The company hereby incorporated shall have the rights, power and privileges, and be subjected to the regulations, restrictions and liabilities specified in chapters fifty-two and fifty-three of the code of West Virginia, as far as applicable, and not inconsistent with the provisions of this act.

Organization.

10. Said company may be organized when four hundred shares shall be subscribed to its capital stock, and, unless it shall be organized, and commence its proper corporate business within one year from the passage of this act, this act shall cease to have effect.

11. The right is reserved to the legislature to alter, amend or repeal this act; but such alteration, amendment or repeal shall not effect the rights of creditors or impair the vested rights of the corporation. Act amendable.

CHAPTER 169.—AN ACT authorizing the extension of the Iron Valley Railroad, from Iron Dale by Mogan-town to the Pennsylvania state line.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

That George Hardman and D. Randolph Martin, their heirs and assigns be, and are hereby authorized to extend their railroad from Franklin Iron Works, or Iron Dale, in the county of Preston, to Morgantown, in the county of Monongalia, and from thence to the line dividing the state of West Virginia and Pennsylvania, with the same rights and subject to the same restrictions and conditions prescribed by the act of the legislature, passed June 9, 1868, entitled "An act to authorize the construction and maintainance of a railroad, with branches, from Franklin Iron Works to the Baltimore and Ohio Railroad, in the county of Preston," except that in obtaining title to the lands required for the extension of said road, and the materials from the land adjacent thereto, proper and necessary for its construction and repair, they, the said George Hardman and D. Randolph Martin, their heirs and assigns, shall take proceedings, as prescribed by chapter 52 of the code of West Virginia, and the acts amendatory thereof, instead of proceeding under the provisions of the 56th chapter of the code of Virginia, in relation to corporations generally. And that they shall have the right to increase the width of their road to sixty feet.

Authority to extend the Iron Valley railroad.
Rights and privileges of company confirmed.
Proviso.

CHAPTER 170.—AN ACT to amend and re-enact an act passed February 24th, 1870, entitled "An act to incorporate the Northern and Southern West Virginia Railroad Company."

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

1. That Charles S. Lewis, Benj. Wilson, Henry W. Schealy, Peter H. Goodwin, Solomon S. Fleming, Joseph L. Carr, Cyrus Vance, Luther Haymond, George C. Sturgiss, G. D. Camden, T. S. Spates, John S. Hood, Wm. Hood, William A. Hanaway, John J. Brown, D. H. Chadwick, Geo. W. Jollet, Blackwell Jackson, Thomas A. Horner, William Price, Francis H. Pierpoint, A. B. Fleming, Fontane Smith, Jesse Miller, Jonathan M.

Corporators.

Bennett, John Brannon, Henry Brannon, William J. Bland, Mathew W. Horner, Richard P. Camden, William L. Dunnington, A. E. Sweeny, Levi Johnson, Henry C. McWhorter, George Jeffreys, Henry C. Dickinson, Philip Gallagher, James Gillolan, L. G. Huling, Benj. W. Byrne, Edward Cameron, Edward Blanchard, Henry Brockerhoff, James O. Watson, Hiram J. Lynch, James Lynch, Ulysses N. Smith, William D. Rollyson, Felix J. Baxter, Addison McLaughlin, William A. Quarrier, James Morrox, Jr., William B. Ice, Peregrine Hays, Samuel A. Miller, Benj. H. Smith, John F. W. Holt, James M. Laidley, J. B. Walker and John Dryden, and their associates, successors and assigns, and all who shall become stockholders when three thousand shares of the capital stock shall have been subscribed as hereinafter provided, are hereby made a body politic and corporate by the name and style and title of "The Northern and Southern West Virginia Railroad Company," provided said subscriptions shall be made in good faith within three years after the passage of this act.

Incorporation

Authority to construct railroad.

Route of road.

Company subject to code

Capital stock.

How stock voted.

Subscription books.

Donations.

Proviso.

2. The said company is authorized to construct a railroad from some point on the Pennsylvania line, in the county of Monongalia, via Morgantown, Fairmont, Clarksburg, Weston and Charleston, to some point on the Kentucky state line, in the county of Wayne. The said company shall have power to construct as much of said railroad as their capital stock may allow, and shall have all the rights, benefits, privileges, and be subject to all the duties and responsibilities provided for and declared in chapters fifty-two and fifty-three of the code, so far as the same are applicable to railroad companies, and not inconsistent with the provisions of this act.

3. The capital stock of this company shall not exceed ten millions of dollars, to be divided into shares of one hundred dollars each, and shall be considered as personal property, and transferrable; and each share shall entitle the holder thereof, either in person or by proxy, to cast one vote in all meetings of the stockholders of said company. And, for the purpose of obtaining subscriptions to the said capital stock, books may be opened under the direction of the persons named in the first section of this act, or any three or more of them, at such time and place or places in or out of this state as the persons who act in that behalf shall deem expedient, and payment may be made for any part of such subscription, either in land or other property, and the said company may receive voluntary donations of land or other property, and hold the same as part of its capital stock; provided, however, that said company shall not hold or possess more than five hundred thousand acres of land as a subscription to its capital

stock ; and, provided further, that all of such land so subscribed shall be located in this state.

4. The land so subscribed as stock shall be received at its actual cash value at the time of subscription, and shall be sold and conveyed to actual settlers only within ten years after the completion of said road from Charleston to the Pennsylvania state line, such conveyances to be executed by the president under the authority of the board of directors. And, in case the said corporation shall organize and proceed to act as a corporate body, before the whole amount of capital stock shall have been subscribed, the president and directors shall have power to receive further subscriptions. And it shall be lawful for bodies corporate and politic, with their principal officers in or out of this state, to subscribe for and be owners of the capital stock, or any part thereof of said company.

Land to be taken at actual cash value, and sold to actual settlers.

Subscriptions after organization.

Subscriptions by corporations.

5. Whenever one thousand shares of the capital stock shall have been subscribed for, and ten per cent. of each subscription actually paid, the said company may be organized by the election of nine directors, who, from their own number, may elect a president and vice-president, and may appoint and provide for the necessary officers of said company. The president and directors shall have power and authority to conduct all the business of said company, borrow money for its use, and to execute deeds of trust or mortgage on its property in order to secure the payment of all its debts, contracts, or liabilities, or any of them.

Election of directors and officers.

Power of directors.

6. The first meeting of the stockholders of said company shall be held at Clarksburg, in the county of Harrison, and all subsequent meetings at such place or places either in or out of this state, as the directors may from time to time appoint. And the said stockholders shall have authority, at their first meeting or any subsequent meeting, to fix and determine the place of meeting, in or out of this state, of the directors, and the principal office of said company; provided, however, that the stock held within West Virginia shall always be represented by directors resident in the state, in the proportion of the stock held within the state to the whole stock of the company. The president, officers and agents, and a proportionate number of directors may be residents of another state.

First meeting of stockholders.

Principal office.

Proviso.

7. The said company may and shall have full power and authority to locate, construct and maintain any branch railroad or railroads not exceeding twenty miles in length, and shall have power to connect their said railroad or any branch thereof with any railroad or railroads that are or may be constructed on or near or across the route of its

Branches.

road or branches. No company whose road shall be so crossed or connected with, shall discriminate in its charges or otherwise against the trade or travel of the road hereby authorized to be constructed, which limitation and restriction shall apply with equal force in favor of roads so crossed or connected with.

Represent - a
tion of bond-
holders in
stock holders'
meeting.

8. The stockholders of the said company may admit the bondholders under any mortgage authorized by the company to representation in the meetings of the stockholders and determine the ratio of votes to be cast by them.

Exemption
from taxation.

9. The property of the said company shall be exempt from taxation until its net earnings exceed ten per centum upon its capital stock.

Act may be
amended but
not so as affect
the rights of
creditors or
stock holders.

10. The legislature reserves the right 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 in the 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.

Limita tion of
time within
which the
work of con-
struction is to
be commenc-
ed and com-
pleted.

11. The work of constructing said road shall be commenced within two years from the passage of this act and completed within ten years from commencement, and unless the same be so commenced and completed within said time, all the rights and franchises herein conferred shall be forfeited.

CHAPTER 171.—AN ACT to provide for the settlement of the accounts of certain officers and persons for school monies in their hands, or under their control.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

Committee to
settle the ac-
counts of cer-
tain officers.

1. The general superintendent of free schools, on the fifth day of March next, or as soon thereafter as practicable, if he deem it proper, may appoint in any one or more counties two suitable persons, who, together with the county superintendent of free schools, shall constitute a committee whose duty it shall be to examine into and settle the accounts, vouchers, records and papers of any board or boards of education, township treasurers, independent school district treasurers, sheriffs, or any other officer or person who heretofore or hereafter has had or may have in his or their hands, or under their control, any school monies belonging to any township, or independent school district, at any time since the organization of this state; said committee shall give to the board, officer or person with whom a set-

tlement is to be made, at least ten days' notice, in writing, of the time and place at which a settlement is proposed to be made, and it shall be the duty of such board, officer, or person to appear before the said committee at the time and place appointed, with a full and complete statement of all such monies which may have come to their hands, or with which they are chargeable, and with all books, records, papers, and vouchers in their possession or under their control, in relation to such monies, and file the same with said committee. Said committee may examine under oath any person appearing before them in pursuance of such notice, and any other witness which they may deem necessary or proper, and for this purpose any member of the said board, or the clerk of the board of supervisors may administer an oath to any such person, officer or witness. If any such board, officer or person shall fail to appear in pursuance of such notice, and said committee shall be able to make a correct statement of the accounts and liabilities of such board, officer or person, without such appearance, it shall be their duty to do so. The said committee may summon and compel the attendance of witnesses before them, and for this purpose they shall have all the powers of a court of record.

Notice to such officers.

Appearance before committee of such officers.

Examination under oath.

Who may administer oath.

Failure to appear in pursuance of notice.

Power of committee to compel attendance of witnesses.

2. When any such settlement shall be completed by said committee, it shall be returned to and filed with the clerk of the circuit court, and upon the failure of any person found to be in arrears for any such monies as aforesaid to pay the same to the sheriff of the county, or to such other officer as the court may direct, the same may be recovered of him and his sureties by motion in the name of the township or independent school district, in such court, upon ten days' notice that such motion will be made. But in case said committee shall be unable, by reason of the failure of any such board, officer or person to appear before them, in pursuance of such notice or to produce to them any book, record, voucher, account, or other necessary paper or statement, to make such settlement, it shall be their duty to file their petition in the circuit court of their county, or with the clerk thereof in vacation, against any one or more of such boards, officers, and persons, and their securities, where they have any, as they may deem necessary and proper to compel such settlement, and thereupon a summons shall issue against the defendants in said petition, to appear and answer the same at the next term of the circuit court of the said county; which summons may be served in the same manner as any other summons issued by the clerk of the circuit court may by law be served; and such proceedings in said petition may thereafter be had as in a suit in chancery regularly brought in such court for the settlement of any account.

Settlement to be returned to clerk of the circuit court.

Failure of any person found in arrears to pay; how proceeded against

Inability of committee to make settlement for want of evidence.

To proceed petition in circuit court.

Hearing of
such petition.

3. Upon the hearing of such petition, the court may make any and every such order or decree as may be just, against any one or more of such boards, officers or persons, and against their securities if they have any, and may fix and settle the sum or sums to be paid by any such board, officer or person, and the securities of such officer or person, if he have any, either separately or jointly, according as they may be liable; and may enforce the payment of any such sum or sums by execution or by imprisonment of the parties for a failure to pay at such time as the court may order. The court may also make such order or decree as to the costs as may be right and proper; provided, that no decree for costs shall be made against the committee filing such petition.

Clerk of the
board of su-
pervisors to be
clerk of com-
mittee.

4. The clerk of the board of supervisors shall be the clerk of the said committee, and he and each member of said committee shall receive for his services a sum not exceeding two dollars per day for each day actually and necessarily employed in the discharge of his duties, to be audited by the board of supervisors, and paid out of the county treasury.

CHAPTER 172.—AN ACT to incorporate the Ohio River and Wayne County Mineral and Railway Company.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

Corporators.

1. Z. D. Ramsdell, Charles B. Webb, G. G. Burgess, Joseph Ferguson, Abel Segur, A. C. Handley, William Shannon, M. Garrett, Milton Shelden and G. W. Parsons, Jr., of West Virginia; Milton J. Ferguson and G. W. Gallup, of Kentucky; and C. B. Hoard and Charles Duval, of New York, and such other persons as may be associated with them, in the manner hereinafter provided, shall be, and they are hereby constituted a body politic and corporate by the name of "The Ohio River and Wayne County

Incorporation

Mineral and Railway Company," and by that name shall have succession, and may sue and be sued in any court whatever, and may have and use a common seal, and shall have the powers, rights and franchises necessary and proper for carrying on the mining of coal and iron, the building of manufactories, saw-mills and furnaces, the manufacturing of lumber, and the buying and disposing of the same; together with the right to buy and sell real estate or the mineral on land, the transportation of coal and other property to market, and shall have power and authority to make and pass such by-laws, rules and regulations for the management and government of the affairs of said corporation and its officers and agents as may be deemed necessary or proper, and to amend or repeal the same at any regular

Powers of cor-
poration.

meeting of the stockholders; provided, however, that such by-laws and regulations shall not be repugnant to any law of this state or of the United States. Proviso.

2. That the capital stock of such company shall not exceed the sum of three million dollars, to be divided into shares of one hundred dollars each, and shall be considered personal property, and shall be transferable, as may be provided for in the by-laws of said company, and each share shall entitle the holder thereof to one vote in all meetings of the stockholders of said company, to be given in person or by proxy; and for the purpose of obtaining subscriptions to said capital stock, books shall be opened under the direction of the above named corporators, or a majority of them, at such times and at such place or places as the persons acting in that behalf may deem expedient for the whole or any part of such subscriptions either in land or other property or money, and if in lands or other property then at such just price and valuation as may be agreed upon by those receiving such subscriptions, and in case the said company shall organize and proceed to act as a corporation before a sufficient amount is subscribed to said capital stock for the lawful purposes of said company, the president and directors of said company shall have power at any time thereafter, and as often as they may deem necessary, and without opening anew books of subscription to said capital stock to receive further subscriptions to said capital stock and to augment the same to such extent as may be authorized and fixed at any general meeting of the stockholders of the said company, not to exceed three million dollars in the aggregate, and it may be lawful for all persons and bodies corporate or politic whatsoever, to become subscribers for and owners of shares of the capital stock of said company. Capital stock.
Shares.
Stock, how voted.
Subscription books.
Subscriptions after organization.
Subscriptions by corporations.

3. The affairs of said company shall be managed by the persons named in the first section of this act, who are hereby constituted directors of said company until directors shall be elected as hereinafter provided; and in case of the decease of one or more of said persons, or their refusal to act as directors, the remaining one shall have power to select other persons or directors for the time being, in their stead, and whenever an amount of the capital stock of said company shall be subscribed sufficient in the judgment of said directors to justify it in proceeding to the prosecuting of its business, a general meeting of the subscribers to the stock of said company shall be held at such time and place as the directors for the time being may appoint, for the purpose of electing a president and directors of said company, to serve for one year thereafter, and until others are elected in their places; and subsequent elections for president and directors of said company shall be held annually thereafter. Directors.
Vacancies, how filled.
Meeting of subscribers.
Election of directors.

- at such times and places as the by-laws of said company may prescribe, and the directors of said company shall have all the powers and authority given to them by this act, and such other powers and authority not inconsistent with this act, conferred on them by the resolutions and by-laws of the said company.
- Powers of directors.** 4. The directors of said company shall consist of such members, not less than five nor more than nine, as may be fixed by the by-laws, all of whom shall be stockholders of the said company, and the president and directors of said company shall have the power to appoint and remove all officers, servants, and agents of the company; to manage and conduct all its business of every kind; to borrow money at any time, and from time to time for the use of said company, and when necessary to execute deeds or mortgages as security for payment or fulfillment of its debt, contracts and liabilities.
- Number of directors.**
- Powers of directors.**
- Meeting of stockholders.** 5. That the meetings of the stockholders and also of the president and directors of said company may be held at such places as the president may from time to time designate; and in all meetings of the stockholders the holders of a majority of the stock, and in all the meetings of the president and directors, a majority of the president and directors shall constitute a quorum for the transaction of business.
- Quorum.**
- Rights and privileges of company.** 6. That the said company be and the same is hereby invested with all the rights, powers and authority necessary to enable it to locate, construct and maintain such railroad as the directors may deem necessary for the convenient transaction of its business from any point on the Ohio river in the county of Wayne, to the mineral lands in the counties of Wayne and Lincoln, by the most favorable route or routes, with right to construct and equip such lateral roads as may be deemed necessary for the development of the minerals in said counties of Wayne and Lincoln. And the said company is authorized and empowered to purchase and hold mineral and timber lands not exceeding fifty thousand acres, and to sell, lease, or otherwise dispose of the same, and make proper conveyances therefor.
- Route of road.**
- Branches.**
- Authority to hold and deal in lands.**
- Right of way.** 7. The said corporation shall have the rights and privileges and be subject to all the conditions and restrictions in the constitution and laws of this state in regard to surveying and laying out and acquiring the right of way for said railway and its branches.
- Exemption from taxation.** The said corporation shall be exempt from taxation upon the actual cost of making and equipping the said railway until its income shall equal eight per centum upon that amount of capital, but upon no other or greater sum.

8. The legislature reserves the right to alter or amend this act. Act amendable.

CHAPTER 173.—AN ACT for the relief of George W. Corbin.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

That the board of supervisors of the county of Ritchie are hereby authorized to ascertain what amount, if any, is due George W. Corbin for services rendered as surveyor of roads in precinct No. 3, of Clay township, in said county, for the year 1867, and pay him out of the treasury of said Ritchie county any balance that may be found due him on account of his services rendered as road surveyor aforesaid. Authority for board of supervisors of Ritchie county to pay George W. Corbin amount due him for services as surveyor of roads.

CHAPTER 174.—AN ACT providing for the payment of a claim due R. S. Blair for services rendered as Adjutant General, second brigade, first division, West Virginia militia.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

The auditor is hereby authorized to issue his warrant on the treasury for the sum of thirty-one dollars and eighty cents, in favor of R. S. Blair, for services rendered the state as adjutant general of the second brigade, first division, West Virginia militia, while in active service in the month of August, 1864. Auditor to draw his warrant for \$31.80 in favor of R. S. Blair.

CHAPTER 175.—AN ACT to supply the lost records of Preston county.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

1. It shall be the duty of the circuit court of Preston county, as soon as practicable after the passage of this act, to appoint one or more competent commissioners, whose duty it shall be to proceed with all possible speed to supply the lost records in the public offices in the said county, which were totally destroyed by fire. Such commissioner, or commissioners, shall have all the powers conferred upon courts and recorders by sections seventeen and eighteen of chapter one hundred and thirty of the code of West Virginia, as amended and re-enacted by the act passed March 2, 1870, entitled "An act to amend and re-enact sections seventeen and eighteen of chapter one hundred and thirty of the code of West Virginia." Commissioners to supply lost records. Their powers.

Powers of
commission-
ers.

2. In addition to the powers conferred upon said commissioner, or commissioners, by the preceding section, he or they shall have power, and it shall be his or their duty, upon the application of any party interested, to enquire into and ascertain as far as possible the boundaries of any tract or lot situated in the said county of Preston, and for this purpose he or they may cause such surveying to be done by one or more competent surveyors as may be necessary, and such surveyor, or surveyors, shall return to and file with said commissioner, or commissioners, two fair plats and reports of all surveys made by him or them.

Report of
commis-
sioners to
circuit court.

3. It shall be the duty of such commissioner, or commissioners, at each term of the circuit court of said county after his or their appointment, to report to said court the contents of all papers in the clerk's and recorder's office, and of all judgments, decrees, orders and entries, and of any and every thing which was of record in any book therein, which was destroyed by fire aforesaid, or which has been otherwise lost, so far as the same have been proved before, or ascertained by him or them up to that time. The said commissioner, or commissioners, shall also, at the request of any party interested, include in said report the chain of title of any person to any tract or lot of land, and the length of time he and those under whom he claims have been in the possession thereof, so far as the same can be ascertained.

Notice of
filing of the
final report.

4. Upon the filing of the final report of such commissioner, or commissioners, the court shall order a notice to be published in each newspaper printed in the said county of Preston once in each week, for twelve successive weeks, of the filing of said report, and requiring all person interested therein to appear before said court at a time to be specified in said notice, and do what is necessary to protect their interests. If any person interested in such report be under disability, the court shall appoint a guardian ad litem for him, whose duty it shall be to attend to his interests in the premises.

Guardian
ad litem,

Final hearing
of report.

5. Upon the final hearing of any such report, the court may amend, confirm or recommit the same, and may make any order in relation thereto which may be necessary or proper. So much of any such report as is proper to be recorded in the office of the recorder shall, upon the confirmation thereof, be certified to and recorded by the recorder of the said county, in a book or books to be provided for that purpose, and so much thereof as is proper to be recorded by the clerk of the circuit court shall, upon its confirmation, be recorded by such clerk in a book or books to be provided for that purpose; and, such records when so made shall in all cases be prima facie evidence of what is

Report to be
recorded.

stated therein and, after ten years from the confirmation of such report, shall be conclusive evidence of what is stated therein.

Report to be evidence conclusive after ten years from its confirmation.

6. The said commissioner, or commissioners, shall receive for his or their services not exceeding three dollars per day for each and every day actually and necessarily employed in the discharge of his or their duties under this act, to be ascertained and certified by the court, and paid out of the county treasury.

Compensation of commissioners.

7. The said commissioner, or commissioners, may summon and compel the attendance of witnesses in relation to any matter before him or them, and for this and all other purposes shall have all the powers conferred by law upon commissioners in chancery, and such witnesses shall be entitled to the same fees and mileage as are allowed to witnesses attending the circuit court. And any officer or other person performing any duty under the order of such commissioner, or commissioners, shall have the same fees therefor as are allowed by law for like services in other cases; and it shall be the duty of said commissioner, or commissioners, to certify with his or their final report, a detailed account of all the fees, costs and expenses made and incurred in the proceedings before him or them, with the names of the persons to whom the same are payable, which fees, costs and expenses, when allowed by the court, shall be certified to the board of supervisors of the county, and paid out of the county treasury.

Power to summon and compel attendance of witnesses.

Witnesses' fees and mileage.

Statement of all fees and costs to be filed by commissioners.

CHAPTER 176.—AN ACT to repeal a portion of the act passed March third, 1869, entitled, "An act to enlarge the powers and define the duties of the Kanawha Board and to authorize them to prosecute the improvement of the Kanawha river."

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

That so much of an act passed March third, eighteen hundred and sixty-nine, entitled, "An act to enlarge the powers and define the duties of the Kanawha Board, and to authorize them to prosecute the improvement of the Kanawha river," as requires the appointment of a superintendent for said river, and so much of said act as requires publication of the reports of the Kanawha Board in a newspaper published at the seat of government is hereby repealed.

A portion of an act repealed.

CHAPTER 177.—AN ACT to amend and re-enact section eleven of chapter ten of the Code of West Virginia.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

Section 11 of chapter 10 of the code amended.

That section eleven of chapter ten of the code of West Virginia is hereby amended and re-enacted so as to read as follows :

Bonds to be approved by the governor to be submitted to the attorney general or some judge.

“11. Every bond required by law to be approved by the governor, shall be first submitted to the attorney general, or one of the judges of the supreme court of appeals, or a judge of the circuit court, for examination; and if the attorney general, or the judge to whom it shall be submitted, shall be of opinion that it is in proper form and legally executed, he shall make an endorsement thereon to that effect.”

CHAPTER 178.—AN ACT to repeal chapter forty-three of the acts of 1870.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

Act repealed.

Chapter forty-three of the acts of 1870 is hereby repealed.

CHAPTER 179.—AN ACT authorizing the West Virginia Coal and Lime Company to construct tram roads and for other purposes.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

Authority to construct tram roads.

Route of roads

Condemnation of lands.

Authority to deal in real estate.

Acts repealed.

1. That the West Virginia Coal and Lime Company shall have power to lay out and construct tram roads, for the transportation of its products and other commodities, in and through the counties of Wood, Pleasants, Ritchie, Doddridge, Gilmer and Wirt, from its mines and works to places and points of intersection with general lines of intercommunication; and to equip said roads with all necessary and proper stations, buildings, cars and machinery for the said improvements. And the said company, for the purposes of its said roads and works connected therewith, shall have power to enter upon and condemn lands, and acquire rights of way, according to the provisions of the code of West Virginia, chapters forty-two and fifty-two.

2. The said company shall have power to purchase and hold lands in fee simple, or other lesser interests and rights therein, for the uses and purposes of said roads and works, subject to the provisions of the code of West Virginia.

3. All acts and parts of acts inconsistent with this act are hereby repealed.

CHAPTER 180.—AN ACT to incorporate the Iron Valley and Pennsylvania Line Railroad.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

1. That Andrew Stuart, Sebastian Rush and Levi Fike, ^{Corporators.} of the State of Pennsylvania, and D. R. Martin and W. W. Wharton, of the State of New York, and John Heradar, George Manst, Thomas Scott, Charles Cantner, H. C. Hagans, Joseph Feather, John D. Rigg, David Morgan, Joseph H. Gibson, James W. Brown, William Albright, Charles E. Brown, Francis Hermans, William G. Brown, James C. McGrew, Smith Crane, James H. Carroll, Wm. B. Zinn, Joseph Guseman, Reason A. Pell, George Hardman, Robert W. Monroe, George Orr, S. L. Allen, J. R. Smoot and Joseph Jackson of West Virginia, and their associates, successors and assigns, and all who shall become stockholders, when two thousand shares of the capital stock shall have been subscribed as hereinafter provided, are hereby made a body politic and corporate by the name and style of the Iron Valley and Pennsylvania Line Railroad. ^{Incorporation} Provided said subscription shall have been made in good faith within two years after the passage of this act.

2. The said company is hereby authorized to construct a ^{Route of road.} railroad from near the Pennsylvania line, where the same crosses the Big Sandy creek, by way of Brandonville, Bruceton Mills, Muddy Creek Furnace, Valley of Green's Run, near Kingwood, and Martin's Iron Works, so as to intersect the Baltimore and Ohio Railroad at or east of the mouth of Raccoon Creek, subject to all the rights and privileges of this act, and to provide everything necessary for convenient transportation on the same.

The gauge of said road shall not be greater than that of ^{Gauge of road.} the Baltimore and Ohio Railroad, but may be less.

3. The capital stock of the said company shall be two ^{Capital stock.} millions of dollars, divided into shares of one hundred dollars each; and books may be opened by said corporators, or any five of them, to receive subscriptions to the said ^{Subscription} stock, at any time after the passage of this act, at such ^{books.} place or places as any five of them may direct.

4. The said books shall be opened and the subscriptions ^{Subscriptions,} received in the manner provided for in an act to incorpo- ^{how received.} rate the West Virginia Central Railway Company, passed March second, 1864. The said company shall be subject to all the provisions and liabilities, and entitled to all the ^{Rights and} rights and benefits, and all the general laws now in force ^{privileges of} in this state relating to railroad companies, except so far ^{company.} as the provisions of this act may be inconsistent therewith.

5. If the capital stock of the said company shall be in-

Increase of capital stock. sufficient for the purposes of this act, the said company shall have power and are hereby authorized to increase the capital by the addition of as many shares as shall be deemed necessary. And said company shall have power to borrow money and issue their bonds therefor, to accept and receive donations in land, money, or other thing, from the Congress of the United States, or from any other source or sources whatever, for the purpose of carrying on the object of this act, and the said company may pledge the property of the company for the payment of such loans and the interest that may accrue thereon. The said company shall be required to commence the construction of the said railroad within two years after the passage of this act, and shall complete the same within six years.

Powers of company.

Commencement of construction of said road.

Act amendable.

Certain rights not to be impaired.

6. The legislature reserves the right to alter or amend this act, but such alteration shall not affect the vested rights of the company, or impair the rights of the creditors of the corporation to have the profits 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 181.—AN ACT to create an independent school district in the township of Grant, and county of Harrison.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia:

School district established.

Board of education.

Board incorporated.

President and secretary of Board.

Powers of Board.

1. That school district No. 6, in the township of Grant, and county of Harrison, be and the same is hereby created an independent school district by the name of the school district of Shuts' Mills, 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 common schools within the same.

2. The board of education of the school district of Shuts' Mills, and their successors shall be a body corporate by the name of the board of education of Shuts' Mills, and shall be vested 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.

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 school, 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 Shuts Mills.

Provisions of general law as to trustees not to apply to district.

4. It shall be the duty of the board of education to determine at an annual meeting to be held in the month of September, as near as may be practicable, the amount of money necessary, in addition to all other available funds, to continue the school of the district for a period not less than eight months; and they shall cause the 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.

Annual levy.

5. The election of officers herein provided for shall be held at the same time and in the same manner as prescribed by law for the election of other school officers; and the supervisor of Grant township, in said county, shall designate such time and place within the limits of said school district to hold elections required under this act as may to him seem proper and convenient to the voters of said district.

Election of officers.

CHAPTER 182.—AN ACT to aid in the rebuilding of the bridge over the Valley River, on the line of the Staunton and Parkersburg turnpike road, at Beverly, in the county of Randolph.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia:

That the auditor of this state issue his warrant, or warrants, on the treasury, to be paid out of any money therein not otherwise appropriated, to such person as the board of supervisors of the county of Randolph shall direct, for two-fifths of such sum as may be necessary to erect and rebuild the wooden superstructure of the bridge over the Valley river, at Beverly, in the county of Randolph, on the line of the Staunton and Parkersburg turnpike road. Provided, however, that the amount the said auditor is authorized to issue warrants for is not to exceed the sum of twelve hundred dollars, and that before the warrant shall issue, there shall be deposited in the office of said auditor a certificate of the said board of supervisors, that the other three-fifths of the sum necessary for the erection and rebuilding of the superstructure of said bridge has been

Two-fifths of the sum necessary to rebuild a bridge appropriated.

Provido.

secured by the citizens of said county, or by said board of supervisors, and that the person authorized to receive said subscription on the part of the state, has given bond, with good security, in the penalty of twenty-four hundred dollars, conditioned for the faithful accounting for and paying over the same, as directed by the said board of supervisors.

CHAPTER 183.—AN ACT for the relief of the sureties of Jacob Jefferson, late sheriff of Marshall county.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia:

Sureties
released.

The sureties of Jacob Jefferson, late sheriff of Marshall county, are hereby released from all liability, as such sureties, for all fines, penalties, commissions and interest on account of taxes assessed in said county, for the years 1857 and 1858, and placed in the hands of said Jefferson, as sheriff, for collection, upon the payment by such sureties, into the treasury of this state, of the balance due on account of said taxes for said years.

CHAPTER 184.—AN ACT for the relief of James L. Carr, of Kanawha, for taxes erroneously assessed against and paid by him for the year 1865.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia:

\$66.90 appro-
priated.

The auditor is hereby authorized to issue his warrant upon the treasurer for sixty-six dollars and ninety cents in favor of James L. Carr, being the amount of taxes paid by him to the state on an erroneous assessment made against him for the year 1865.

CHAPTER 185.—AN ACT to provide for submitting to the people of West Virginia the proposed amendment to the constitution of the state.

Passed February 14, 1871.

Be it enacted by the Legislature of West Virginia:

Election to
ascertain the
sense of the
people on the
proposed
amendment
to the consti-
tution; where,
when, and
how held.

1. An election shall be held at every voting place within this state on the fourth Thursday in April, eighteen hundred and seventy-one, and the supervisors and inspectors of election throughout the state, shall at their respective places of voting cause a poll to be taken to ascertain the sense of the qualified voters voting at said election on the ratification or rejection of the proposed amendment to the constitution as agreed to by joint resolution of the legislature of West Virginia, adopted on the twenty-seventh day of January, eighteen hundred and seventy-one.

2. At said election those voting for the said amend- Ballots, how prepared.
ment shall have written or printed on their ballots the words "For ratification," and those voting against said amendment shall have written or printed on their ballots the words, "For rejection."

3. As soon as possible after the polls are closed the names entered on the poll books shall be counted by the inspectors and clerks in the presence of the supervisor, and the number thereof set down in words at the foot of the lists, which shall be signed by the inspectors and clerks. Names on poll books, how counted and signed.
The ballot box shall then be opened, and one of the inspectors taking therefrom one ballot at a time in the presence of all the other officers, shall read the contents of such ballot and hand the same to the other inspector, who shall satisfy himself that it was correctly read. Ballots, how counted. The contents of the ballot, as they are read, shall be entered by the clerks under the supervision of the supervisors and inspectors, on the tally sheets by suitable marks in the respective columns thereon so as to show the number of votes for ratification and the number for rejection. The ballots shall be counted as they are read, and whenever the number shall be equal to the number of votes entered on the poll books, the excess, if any remain in the ballot box, shall be immediately destroyed by the inspectors without examining or allowing any one to examine or know the contents thereof. Excess of ballots, how disposed of.

4. As soon as the result is ascertained the inspectors shall sign two certificates thereof to the following effect: Certificates of the results.
"We, the undersigned, who acted as inspectors of the election held at _____, in the township of _____, and county of _____, on the twenty-seventh day of April, eighteen hundred and seventy-one, do hereby certify that having first been duly sworn we have fairly and impartially held the said election according to law, and the result thereof is as follows: For ratification, _____ votes. For rejection, _____ votes, (giving the number of votes in full in writing.) Given under our hands this _____ day of _____, eighteen hundred and seventy-one." The said two certificates shall correspond in all respects and contain full returns of the polls taken at such place of voting for ratification and for rejection. One of said certificates to be delivered to clerk of the board of supervisors. The inspectors, or one of them, shall within three days, excluding Sunday, after such election was held deliver one of the certificates to the clerk of the board of supervisors and the other to the recorder of the county.

5. The board of supervisors of each county shall hold a special meeting on the fifth day after such election or so soon thereafter as practical, and at such special meeting ascertain the result of such election in their county in the manner now prescribed by the act to regulate elections by Meeting of the board of supervisors to ascertain result of election in their county.

Result to be entered on their minute book.

the people. After ascertaining the result of said election the said board shall cause the same to be entered in the order or minute book in the following form: "At a meeting of the board of supervisors of — county, held at — on the — day of —, eighteen hundred and seventy-one. The board having carefully and impartially examined the returns of the election held at the several places of voting within said county, on the twenty-seventh day of April, eighteen hundred and seventy-one, ascertained that at said election there were cast

For ratification, — votes.

For rejection, — votes.

Copy of said order to be forwarded to secretary of state.

A copy of which order, officially signed by the president and countersigned by the clerk of said board, shall be transmitted by said board, without delay, to the secretary of the state, and endorsing on the envelope or cover as follows: "Returns of election on amendment to the constitution." The secretary of the state shall carefully preserve the said returns until the day for the opening and counting the same as hereinafter provided, and after the result is ascertained the said secretary shall file and preserve the said returns in his office.

Duty of secretary of state.

Returns from the state, how opened and counted.

6. On the first day of June next after the said election, or as soon thereafter as practicable, the governor, the secretary of the state, auditor and treasurer, or any three of them, shall proceed to open the envelopes or covers containing the returns from the several counties when the said vote shall be counted. If it appear from said returns that a majority of the votes cast were for ratification of the amendment, it shall be the duty of the governor to issue his proclamation setting forth the fact of such ratification by the the people, declaring the said amendment to be a part of the constitution of this state, and in force as such from the twenty-seventh day of April, eighteen hundred and seventy-one.

Proclamation by the governor.

Laws regulating the election.

7. All laws regulating elections by the people in force on the fourth Thursday of April, eighteen hundred and seventy-one, shall apply to the election herein provided for in all respects not conflicting with this act, and nothing in this act shall be construed as interfering in any manner with said laws except so far as the same pertains to the election herein specially provided for.

CHAPTER 186.—AN ACT to amend the charter of the "Village of Kanawha City," in the county of Kanawha.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia:

That section first of the act passed March 2, 1868, incorporating the village of Kanawha City, in the county of

Kanawha, is hereby amended and re-enacted so as to read as follows :

1. The place known as the "Village of Kanawha City, Incorporation in the county of Kanawha, is hereby made a city corporate and body politic by the name of "Saint Albans," and as such shall have perpetual succession and a common seal ; Powers of corporation. and by that name sue and be sued, plead and be impleaded, and purchase, lease and hold real and personal property necessary to the purposes of said corporation : and the corporate limits thereof shall be as follows, viz : Coal river, Kanawha river and the lands of J. F. Corporate limits. Hansford.

2. Sections two and sixteen, inclusive, of said act are hereby repealed. Sections repealed.

3. The said corporation shall be invested with all the rights and powers conferred by chapter forty-seven of the code of West Virginia, subject to the restrictions contained in sections thirteen, fifteen and forty-six, inclusive, of said chapter. Rights and powers of corporation.

4. The first election under this act shall be on the fourth Thursday in April, 1871, and annually thereafter on the fourth Thursday in April instead of the first Thursday of January. First election. Annual election.

5. The first election under this act shall be held in the same place and manner as it would have been held for the village of Kanawha City but for this act, and the persons now qualified as officers of Kanawha City shall exercise the like functions as officers of "Saint Albans," until such first election. Place of holding election. Municipal authorities.

6. All the rights and properties possessed, ordinances enacted and liabilities incurred by the village of Kanawha City are hereby made the rights, properties, ordinances and liabilities of the city of Saint Albans. Rights reserved.

CHAPTER 187.—AN ACT to incorporate the Weston and Clarksburg Railroad Company.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

1. R. P. Camden, William E. Arnold, T. B. Camden, J. M. Bennett, Thomas A. Edwards, Charles S. Lewis, their successors and assigns, and such persons as may become stockholders, are hereby created a body politic and corporate, under the name of "The Weston and Clarksburg Railroad Company." Incorporation

2. The said company is hereby authorized to construct

Authority to construct a railroad upon any plan. and equip a railroad upon any of the plans or models now in use, either broad or narrow gauge, or upon the plan and model known as the "tram railroad," with the right to operate the same either by steam or horse power, from the town of Weston, in Lewis county, to some point on the Northwestern Virginia Railroad, in Harrison county. And it may cause such lands as may be necessary for its use to be condemned, as provided by chapter forty-two of the code of West Virginia.

Route of road.

Condemnation of lands.

Capital stock. 3. The capital stock of said company shall not exceed one million dollars to be divided into shares of one hundred dollars each. To obtain subscriptions to the capital stock, books may be opened by the persons named in the first section, or any three of them, at such places and times as they shall appoint. Bodies politic and corporate may become owners of such stock. Any county may subscribe to it, as provided in sections forty and forty one of chapter thirty-nine of the code. Any township or town in this state may also subscribe. The supervisor of a township, or the council of a town, as the case may be, may submit to the people thereof the question of subscribing a sum to be proposed by them to the capital stock of said company, at a special election to be called by them, to be held at the places and conducted in the manner and by the persons prescribed by law for general elections; at which election all male persons residing in the township or town, except miners, paupers, persons of unsound mind, or under conviction of felony or bribery in an election, shall be entitled to vote. Forty days' notice prior to the election, stating the time, places and object thereof, shall be published by the supervisor or mayor in one or more newspapers published in the county in which the township or town may be; and if there be no such newspaper, the notice shall be posted at the front door of the court house of the county, and at one other public place in the town or township. Those voting for the proposed subscription shall have written or printed on their ballots the words "For subscription," and those voting against it, the words "Against subscription. The result of the voting shall be certified, in case of a township, to the supervisors of the county, and in case of a town to the council thereof, and in each case shall be declared and entered of record among their proceedings by the supervisors or council. If a majority of the votes cast be for the proposed subscription, then the sum which was proposed shall be subscribed to the capital stock of said company on behalf of the township or town by the supervisors or mayor thereof, as the case may be.

Shares.

Subscription books.

Authority for bodies corporate and politic to take stock.

How counties may subscribe.

Authority for townships or towns to subscribe.

Question of subscribing, how submitted to township.

Who may vote.

Notice of election.

Ballots, how prepared.

4. To pay any subscription so made by a township or town, the supervisor and clerk of the township, and mayor and recorder of a town, as the case may be, may issue notes,

Subscription by townships, how paid.

coupon or registered, under their official signatures, payable within ten years, bearing not more than ten per cent. interest, which shall be exempt from all taxation. For the payment of such notes, the faith of the township or town shall be pledged; and the supervisor and clerk of the township, and council of the town, shall assess and cause to be collected, as other township or town taxes are collected, upon real and personal property within the township or town, subject to taxation for state purposes, taxes sufficient to discharge such notes.

5. The supervisor of of a township, and the mayor of a town owning such stock, or a proxy of such township or town, shall represent its stock in all meetings of stockholders of the company. Township stock, how represented.

6. The meetings of the stockholders and of the president and directors shall be held, and the principal office of said company shall be kept at the town of Weston, unless the stockholders shall otherwise order. Meeting of stockholders and directors. Principal office.

7. The president and directors of said company may borrow money in furtherance of the legitimate objects of the company, and through the president may execute deeds of trust or mortgages upon the property of the company, to secure payment of the same and other debts. Authority for president and directors to borrow money

8. Said company may charge the following rates of toll for transportation, to-wit: For a person, with his baggage (not exceeding one hundred and fifty pounds), not exceeding ten cents per mile; for produce and other articles, not exceeding twenty cents per ton per mile; for any person, or produce or other article transported for a distance less than ten miles, a charge may be made, at the foregoing rates, as for ten miles. Where articles weigh less than four pounds to the cubic foot, a charge may be made on each cubic foot, as for four pounds weight. And when the articles in any one consignment weigh less than one hundred pounds, a charge may be made as for one hundred pounds. If for the transportation of any person with his baggage, or for any consignment, the whole charge at the above rates would be less than twenty-five cents, the same may be charged as a minimum. For the weighing, storage and delivery of any article at any depot or warehouse of the company, a charge may also be made not exceeding the ordinary warehouse rates charged in the town in or nearest which the depot or warehouse may be. Rates of toll.

9. The property of said company shall be exempt from all taxation until its net earnings exceed eight per cent. of its capital stock; and in no event shall it be subject to township or town taxation. Property exempt from taxation.

Powers of
company.

10. The company hereby incorporated shall have the rights powers and privileges, and be subject to the regulations, restrictions and liabilities specified in chapters fifty-two and fifty-three of the code of West Virginia, so far as applicable and not inconsistent with the provisions of this act.

Organization
of company.

11. Said company may be organized when fifty shares shall be subscribed to its capital stock; and unless it shall be organized and commence its proper corporate business within three years after the passage of this act, this act shall cease to have effect.

Company to
surrender its
rights and
privileges,
and to transfer
its property
at a fair
valuation to
any competing
through
line which
runs through
Lewis county.

12. It is expressly provided that when any railroad company now, or which may hereafter be chartered and organized, shall construct a railroad from the Pennsylvania line, or the Baltimore and Ohio or Northwestern Virginia railroad, through Lewis county, to Charleston, or any point on the Great Kanawha, or Ohio river, and shall desire to purchase the track and property of the company hereby incorporated, the said "Weston and Clarksburg Railroad Company," shall sell its track and property to such company at a fair reasonable value to be agreed upon between the two companies, if they can agree, and if they cannot agree, it shall be the duty of the circuit court of Kanawha county, on the motion of the company desiring to purchase, to appoint three commissioners, not residents of Lewis county, to fix upon a fair and reasonable valuation of the track and property of said "Weston and Clarksburg Railroad Company," and upon the payment or tender of the sum so fixed by said commissioners to said Weston and Clarksburg Railroad Company, all the rights, privileges and franchises of said Weston and Clarksburg Railroad Company shall cease and be as null as if this act had not been passed.

When act to
take effect.

13. This act shall not take effect until the first day of November next.

CHAPTER 188.—AN ACT to incorporate the Steer Creek Valley and Elk River Railroad Company.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia:

Corporators.

1. L. Stump, C. A. Patterson, C. B. Conrad, W. H. Browning, M. H. Stump and their associates, successors and assigns, and all who shall become stockholders, when one thousand shares of the capital stock shall have been subscribed, as hereinafter provided, are hereby made a body politic and corporate by the name and style and title of "The Steer Creek Valley and Elk River Railroad

Incorporation

Company;" provided said subscription shall be made in Proviso. good faith within two years after the passage of this act.

2. The said company is hereby authorized to construct Route of road. a railroad from or near the mouth of Steer Creek, in the county of Calhoun, to some point on Elk River, between the mouth of Little Otter and Duck Creek, tributaries of said Elk River, and to provide every thing necessary for the equipment and use of said railroad.

3. The capital stock of said company shall not exceed Capital stock. the sum of one million five hundred thousand dollars, to be divided into shares of one hundred dollars each, and shall be considered as Shares to be personal property. personal property and transferable; and each share shall entitle the holder thereof, either in person or by proxy, to cast one vote in all meetings of the stockholders of said company. Subscription books. And, for the purpose of obtaining subscriptions to the said capital stock, books may be opened under the direction of the persons named in the first section of this act, or any three or more of them, at such times and place or places as the persons who act in that behalf shall deem expedient. Voluntary donations. And payment may be made for any part of such subscription, either in lands or other property; and said company may receive voluntary donations of land or other property, and hold the same as part of its capital stock.

4. In case the said company shall organize and proceed Authority to receive subscriptions after organization. to act as a corporate body before the whole amount of capital stock shall have been subscribed, the president and directors shall have power to receive further subscriptions. Authority for bodies corporate and politic to take stock. And it may be lawful for bodies corporate and politic to subscribe for and be owners of the capital stock, or any part thereof of said company.

5. Whenever one thousand shares of the said capital Organization of company. stock shall be subscribed for, the said company may be organized by the election of seven directors, who from Election of officers. their own number may elect a president and vice-president, and may appoint and provide for the necessary officers of said company. Powers of president and directors. The said president and directors shall have power and authority to conduct all the business of said company; to borrow money for its use; to execute deeds of trust or mortgages on its property in order to secure the payment of all its debts, contracts or liabilities, or any of them.

6. The first meeting of the stockholders of said First meeting of the stockholders. company shall be held at Stumptown, in the county of Gilmer, and all subsequent meetings at such stations upon the line of said road as the directors from time to time may appoint. And the said stockholders shall have

Place of meeting of directors. authority at their first meeting, or at any subsequent meeting, to fix and determine the place of meeting of the directors, and the principal office of said company.

Quorum. 7. A majority of the directors shall constitute a quorum.

Branch roads. 8. The said company may and shall have full power and authority to locate, construct and maintain any branch railroad, or railroads, not exceeding twenty-five miles in length, to any coal, timber, oil, or other lands owned by the company.

Bondholders, how admitted to representation. 9. The stockholders of said company may admit the bondholders under any mortgage authorized by the company to representation in the meetings of the stockholders.

Property exempt from taxation. 10. The property of said company shall be exempt from taxation until its net revenue may pay eight per cent. upon its capital stock.

Charter subject to chapters 52 and 53 of the code. 11. This charter shall be subject to chapters fifty-two and fifty-three of the code of West Virginia, so far as the provisions of the same are applicable thereto and consistent with this act.

Act amendable, but not so as to impair vested rights. 12. The legislature reserves the right to alter or amend this act, but such alterations or amendments shall not affect the right of the creditors of the corporation to have the property and the 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 company distributed among themselves according to their respective interests.

CHAPTER 189.—AN ACT to incorporate the Twelve Pole Land, Lumber and Boom Company.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

Corporators. 1. Z. D. Ramsdell; S. J. Ferguson, H. Spurlock, George W. Parsons, Jr., J. M. Ferguson, Hawkins Cole, C. B. Webb, H. C. Duncan, Milton Sheldon, C. B. Hoard, C. W. Ferguson and L. C. Queen, and their representatives, assigns and such other persons as may be associated with them, shall be and they are hereby constituted a body

Incorporation politic and corporate by the name of the Twelve Pole Land, Lumber and Boom Company, and by that name shall have succession, shall sue and be sued, plead and be impleaded, make and use a common seal, and pass by-laws for the government of their said company, so that the same are not repugnant to the constitution and laws of this state, and the

Powers and privileges of corporation. constitution of the United States.

2. The capital stock of said company shall not be less than twenty thousand dollars, to be divided into shares of one hundred dollars each, and may at any time hereafter be increased by the vote of the stockholders to an amount not exceeding five hundred thousand dollars, and for the purpose of obtaining subscriptions to the capital stock or so much thereof as may be necessary for the lawful purposes of said corporation; books shall be opened under the direction of the persons named in the first section of this act at such times and places as the persons who act in that capacity may deem expedient.

Capital stock.
Shares.

Subscription books.

3. The said corporation shall have the exclusive privilege of constructing and maintaining a substantial boom or booms with or without piers, across the Twelve Pole river at any point or points above the mouth of said river, and below the mouth of Buffalo creek, for the purpose of stopping and securing boats, rafts, and every kind and description of valuable timber, manufactured or unmanufactured. But such boom or booms shall be so constructed as to permit boats and rafts to pass them without material delay, and without paying toll, boomage or other charges, and may erect shear booms on said river, and may dredge and clear the channel of said river and the main branches thereof, and remove obstructions therefrom, and may build saw mills and other mills for manufacturing lumber, and manufacture and sell lumber, and construct tram railways, subject to the provisions of the code.

Exclusive privilege of constructing booms on Twelve Pole river.

4. The said corporation are authorized and empowered to purchase and hold lands, to sell and convey real estate, and to engage in mining and manufacturing, and to erect and maintain wharves on said Twelve Pole river, subject to the provisions of the code concerning places of deposit, sale and shipment.

Authority to deal in lumber and construct tram railways.

5. The said corporation may, by reason of its compliance with this act, charge and collect toll or boomage at the rate of fifty cents per thousand feet board measure for all square timber, saw logs, boards, planks and other timber that may be floated, rafted or drifted into said boom and stopped and retained by said boom or by any other logs or other timber in said boom. The said corporation shall have a lien on all saw logs and other timber and lumber thus boomed for the payment of all toll on boomage and other expenses until the same shall be paid, and may hold the same subject thereto as provided in section six of this act.

Rates of toll and boomage.

Lien for toll or boomage.

6. That if any timber shall have been boomed securely as aforesaid, and no person shall appear to claim the same and pay the tolls thereon within twenty days, it shall be lawful for the corporation, after advertising the same for

Unclaimed timber in booms may be sold for after notice.

two weeks in a newspaper published in the county of Wayne, or by posting the same for two weeks at three public places in Ceredo, with the marks thereon, to sell said lumber or timber to the best advantage, if no owner appear to claim the same, and at any time within one year from said sale the owner shall be entitled to receive the proceeds thereof, after deducting the taxes, expenses and necessary charges, but if not claimed within one year the proceeds shall inure to and be vested in said corporation for their own use.

How proceeds disposed of.

Penalty for injuring company's works or defacing marks on logs.

7. That if any person or persons shall wilfully or maliciously injure or destroy any of said booms, or piers, or other works connected therewith, or shall remove, alter or deface any mark or marks on any logs or other timber intended for said boom, he shall pay treble damages, to be recovered by an action of trespass, brought in the name of said corporation before a justice of the peace, or any of the courts of the county in which he or they shall reside, and said person or persons so offending may also be subject to an indictment in the circuit court for the county wherein the offense was committed, and, upon conviction thereof, may be punished by fine and imprisonment, at the discretion of the court.

Punishment for injury to company's works.

Measurement of timber.

8. That all timber in said boom shall be counted and measured, and the quantity ascertained by some competent person or persons, to be appointed by the company and confirmed by the circuit court of Wayne county.

Penalty for converting timber carried away by winds or current.

9. That should any boards, logs or other timber belonging to said corporation, or in their custody, be carried by the winds, by the force of the current, or otherwise, into any bays, creeks, caves, or upon the shore, or any bar or flat lands, it shall be a penal offense for any person, or persons, except the owners thereof, to take possession of, sell, or convey to his or their own use, said logs or timber, punishable as provided in the seventh section of this act. The corporation shall not be liable for any loss or damage that may be caused by fire or flood, or by the unlawful acts of any person or persons not in their employ.

Owners of mill property not prevented from recovering damages.

10. That nothing in this act shall be so construed as to deprive the owners of mill property on the said river, or branches thereof, from receiving damages for injury to their property by the said corporation, their agents or employes.

Meaning of words "logs" and "timber."

11. Wherever the words logs or timber occur in this act they shall be taken to mean logs and timber of every kind and description, manufactured or unmanufactured. Nothing herein contained shall give the right to the cor-

poration to erect their booms on any lands without the consent of the owners thereof.

12. The right is reserved to the legislature to alter or amend this act. But such alteration or amendment shall not affect the right of creditors, or impair the vested rights of the corporation. Act amend-able.

CHAPTER 190.—AN ACT to amend and re-enact section six of an act entitled “An act to amend and re-enact the charter of the city of Charleston, in the county of Kanawha,” passed February 17th, 1871.

Passed February 28, 1871.

Be it enacted by the Legislature of West Virginia :

That section six of the act passed February seventeenth, eighteen hundred and seventy-one, entitled “An act to amend and re-enact the charter of the city of Charleston, in the county of Kanawha,” be and the same is hereby amended and re-enacted so as to read as follows : Section amended.

Section 6. The mayor and recorder shall be elected by the citizens of said corporation who may be entitled under this act to vote, but these officers shall not reside in the same ward during their term of office. Three councilmen shall be elected by the qualified voters of each ward. Mayor, recorder and councilmen, how elected.

CHAPTER 191.—AN ACT to incorporate the Charleston and Trans-Elk Street Railway Company.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia :

1. J. Brisben Walker, Philip W. Morgan, J. G. Huling, A. J. Vosburg and T. B. Swann, and their associates successors and assigns, and all who shall become stockholders, when one hundred shares of the capital stock shall be subscribed as hereinafter provided, are hereby made a body politic and corporate by the name and style and title of “The Charleston and Trans-Elk Railway Company.” Corporators. Incorporation

2. That said company is hereby authorized to construct street railways in all the streets of Charleston and across Elk river as low down as Two-mile creek of Kanawha river, two miles below Charleston, subject to all the rights and privileges of this act, and provide everything necessary for convenient transportation on the same. Route of road. Rights and privileges of company.

3. The capital stock of said company shall be twenty thousand dollars, divided into shares of twenty-five dollars (\$25) each, and books may be opened by the corporators or any three of them to receive subscriptions to said capi- Capital stock. Subscription books.

tal stock within two years after the passage of this act, at such place or places as said corporators or any three of them may designate, and when two hundred shares of stock shall be subscribed in said company, and ten per cent. thereof shall have been actually paid in according to law, said company may organize in the manner provided by the code of West Virginia in the matter of internal improvement companies.

When company may organize.

How books are to be opened.

Powers and liabilities of company.

4. The said books shall be opened and the subscriptions received in the manner prescribed by the code of West Virginia, prescribing general regulations for the incorporation of railroad companies. The said company shall be subject to all the provisions and liabilities, and entitled to all the benefits of said code in matters pertaining thereto and all other general laws now in force relating to street railway companies, except so far as the provisions of this act may vary or be inconsistent therewith.

Authority to increase capital stock.

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 by the addition of as many shares as may be deemed necessary, the said company shall have power to borrow money at a rate not exceeding eight per cent. in gold, payable semi-annually, and to mortgage their property therefor, to accept and receive lands in payment of stock subscribed, and sell and convey the same.

Two mile of road to be constructed, when.

6. The said company is required to build two miles of their road within two years from the passage of this act.

President and directors to issue bonds.

7. The president and directors of said company are authorized to make bonds for indebtedness under the seal of said company for such sums, and payable at such times, and sell and dispose of the same on such terms as to them may seem proper.

Who may subscribe to capital stock, and how.

8. The town of Charleston, or the county of Kanawha, or any township thereof may subscribe to the capital stock of said company. Whenever a majority of the voters of said town or county or townships or either of them shall so determine, said subscriptions shall be made by the council of said town, or the board of supervisors of said county, or the supervisor and clerk of any township, and proper levies shall be assessed to pay the same.

Notice of election.

Notice of said elections shall be given at least twenty days before the same are held.

Act amendable.

The Legislature reserves the right to alter or repeal this act, but the same shall not affect vested rights.

This charter shall continue for one hundred years.

CHAPTER 192.—AN ACT granting a commission to the Sheriff of Marshall county, on taxes paid into the state treasury by the Baltimore and Ohio Railroad Company.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia:

1. The sheriff of Marshall county shall be allowed the usual commission on all taxes paid into the treasury by the Baltimore and Ohio Railroad Company, by reason of such assessment for said county.

Commission on taxes allowed sheriff of Marshall county.

2. The auditor is hereby directed to credit the said sheriff with the amount of commission herein allowed, according to the amount of taxes paid by such railroad company for said county. And the auditor shall issue his warrant on the treasurer in favor of such sheriff for the amount so appearing due him by reason of the commission herein granted.

Auditor to credit said sheriff with said commission.

CHAPTER 193.—AN ACT to amend and re-enact sections one, two, three and eleven of an act entitled "An act relating to the school district of Wheeling," passed February 23, 1867.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia.

Sections one, two, three and eleven of chapter fifty-seven of the acts of eighteen hundred and sixty-seven, are hereby amended and re-enacted so as to read as follows:

Sections amended.

"1. The townships of Madison, Clay, Union, Centre and Webster, in the county of Ohio, and such portions of the townships of Washington and Ritchie as are included within the corporate limits of the city of Wheeling, in the said county, shall constitute but one school district, to be known as "The School District of Wheeling."

How district constituted.

"2. At every annual election for township officers, there shall be elected in each township, or part of township, of the school district of Wheeling, one competent person to serve as school commissioner for a term of three years from the first Monday in July succeeding his election, and until his successor is elected and qualified; and the person so elected throughout the district, together with the commissioners already elected for three years, and whose term of office will not expire at the close of the present school year, shall constitute a board of education for the district to be denominated "Board of Education of the School District of Wheeling." The terms of office of the members of the present board of education shall cease with the expiration of the time for which they were respectively elected. And wherever thereafter in other sections of said act the word "townships" occurs, the words "or part of township" shall be inserted."

Commissioners, their election.

Board of education.

Commission-
ers of Ritchie
township,
their election.

Their term of
office.

Apportion-
ment of rep-
resentation in
said district.

"3. At the first annual election for township officers after the passage of this act, the voters of that portion of the township of Ritchie, embraced within the corporate limits of the said city of Wheeling, shall elect three competent persons to serve as school commissioners; the person receiving the highest number of votes to serve for three years, the person receiving the next highest number of votes to serve for two years, and the person receiving the next lower number of votes to serve for one year; and annually thereafter the election of commissioner shall be held in accordance with the provisions of the second section of said act relating to the school district of Wheeling. And it shall be lawful for the board of education of the said city of Wheeling to provide by appointment for the representation of the sub-district of Ritchie in the said board, until said school commissioners of that sub-district shall be elected and qualified in pursuance of the provisions of this act, and the said act relating to the school district of Wheeling."

Assessment for
school purposes.

Proviso.

Building fund

Collection of
taxes.

"11. It shall be the duty of the board of education annually, in the month of July, to determine as nearly as practicable the amount of money necessary, in addition to all other available funds, to continue the schools of the district for a period of not less than nine months, and for all other purposes relating to the schools of the district, such as the repairing and improvement of school premises, the purchase of sites and the building of school houses, and the payment of debts previously contracted which may fall due within the year. And said board shall cause the amount to be assessed on all the taxable property of the district; provided that no more than four mills on the dollar valuation of said taxable property shall be assessed in any one year for the purpose of continuing the schools for said period of not less than nine months, and for ordinary repairs and incidental expenses; and not more than three mills on the dollar valuation for the purchase of sites, the building of houses and permanent improvements. The amount collected under the assessment last named shall be known as the "Building Fund." The assessment made under the provisions of this section shall be collected by the same officer by whom the city levies are collected. The amounts thus collected shall severally be certified by the collecting officer to the clerk of the board of education, and shall be paid out only upon drafts signed by the clerk, and issued by order of the board; but the board of education shall not, during any one year, incur any expenses that shall exceed the amount of available funds received for school purposes during that year."

CHAPTER 194.—AN ACT to amend the law relative to real estate hereafter sold for taxes.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia:

When any real estate has been, since the formation of this state, or shall be hereafter sold for the non-payment of taxes thereon, and purchased for and vested in the state, and become irredeemable, or forfeited to and vested in the state, and the same, or any part thereof, shall be hereafter sold, in the name of any person who has been charged on the assessors' books with taxes on such real estate, for the non-payment of taxes thereon, and purchased by any person, and not redeemed within one year from such sale thereof, and he or his heirs or assigns shall obtain a deed therefor and cause it to be admitted to record, so that, but for such sale and purchase for the state, or forfeiture to the state, he or they would have title to such real estate, or any part thereof, any title of the state, acquired as aforesaid, which it may then have to such real estate, or any part thereof, shall be and stand vested in him or them.

Title of the state to real estate hereafter sold for the non-payment of taxes vested in the purchaser after obtaining a deed and causing same to be recorded

CHAPTER 195.—An act authorizing the sale of certain church property in the city of Wheeling.

Passed March 1, 1871.

Whereas, Frederick Huber, in the year 1843, became the fiduciary purchaser of lot No. 103, situate in that part of the city of Wheeling known as East Wheeling, for the use and benefit of the German Lutheran congregation; and whereas, thereafter the United German Evangelical Church congregation acquired an interest in said lot No. 103, and whereas, the two congregations have united as one in the name of the "Independent German Evangelical Protestant Church," and have purchased another site for a house of worship, and are desirous of selling said lot No. 103, therefore,

Preamble.

Be it enacted by the Legislature of West Virginia:

That G. W. Franzhiem and John Pfarr, trustees of said "Independent German Evangelical Protestant Church," their successors, are hereby authorized and empowered to sell and convey said lot No. 103, and make, execute, and deliver proper deed or deeds of conveyance to the purchaser.

Authority for trustees to sell certain church property.

CHAPTER 196.—AN ACT authorizing the sale and conveyance, to the United States, of the Soldiers' Cemetery at Grafton, in this state.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia :

Authority to
sell soldiers
cemetery at
Grafton.

1. That the governor be and he is hereby authorized to sell and convey to the United States, for such consideration as he may deem just, all the right, title and interest of the state in and to the soldiers' cemetery, at Grafton, in this state.

Consent of
legislature
granted for
the United
States to hold
such property

2. And the consent of the legislature is hereby granted to the United States to hold, occupy and use the ground, buildings, &c., of said soldiers' cemetery as a place of burial for the dead, but not otherwise.

CHAPTER 197.—AN ACT to authorize the construction of a railroad across the Ohio river at Wheeling Island.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia :

Right of way
across the
Ohio river at
Wheeling.
Island
granted.

1. That any railroad company that may be incorporated by the laws of the state of Ohio, for the construction of a railroad from the city of Wheeling, or from the western bank of the Ohio river, opposite to said city, north-westwardly through the state of Ohio, in the direction of New Philadelphia and Toledo, or other point on or near Lake Erie, shall have power to extend its road across the Ohio river at Wheeling Island, and to bridge either or both branches of the Ohio river to such point within the city of Wheeling as it may deem advisable. Provided, however, that the bridge herein authorized to be built or constructed shall not be less than ninety feet high from low water mark; and the middle or channel span shall not be less than four hundred feet wide; except that the provisions herein contained shall not apply to the branch of the Ohio river on the west side of Wheeling Island.

Proviso.

Powers and
privileges.

2. That such railroad company shall have the same powers, privileges and franchises in this state for the purpose of constructing, maintaining and operating so much of this road as lies in this state, and erecting and maintaining a bridge or bridges over one or both branches of the Ohio river, as are conferred upon said company by the laws of Ohio. And said corporation shall, so far as their road in this state is concerned, be deemed and taken to be a West Virginia corporation. Provided, however, that nothing herein contained shall be construed to confer upon said corporation any powers, privileges and franchises inconsistent with the constitution and laws of the United States or of this state; and that in the exercise of its pow-

Proviso.

ers, privileges and franchises it shall be governed by the general railroad laws of this state as far as said law is applicable.

CHAPTER 198.—AN ACT to authorize Portland school district, in Preston county, to levy a tax to continue its school for a longer period.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia :

1. The trustees of Portland school district, in Preston county, are hereby authorized to call a meeting annually of the qualified voters of said district, by posting written notices in three conspicuous places in the district, at least one week before the time appointed for said meeting, and if a majority of the voters of said district are present, shall proceed to take the sense of the meeting in respect to levying an extra tax on the district for the purpose of continuing its school for a longer time than that of the other districts of the township ; and if a majority of the voters present are found to be in favor of such tax, said tax, including the township tax for school purposes, not to exceed eighty cents on the hundred dollars, then the trustees shall certify the same to the township board of education, who, in the next annual levy for the township, shall levy said extra tax on said district in the same manner as the township levy is made, and it shall be collected in the same manner and by the same collector as the township levy; but the amount collected on said extra tax, shall be used exclusively for the benefit of the aforesaid Portland school district.

Authority for the school district to levy an extra tax to continue its schools for a longer period.

Tax not to exceed 80 cents on the \$100.

How said tax is to be levied.

2. If such extra tax is voted and levied, the said Portland school district shall be entitled to receive from the township and state funds the full amount it would otherwise have received from them, and its school shall be continued as much longer than the other districts of the township as the proceeds of its extra tax will pay for.

Said tax not to diminish the amount to be received from the township and state funds.

CHAPTER 199.—AN ACT to amend certain portions of chapter thirty-three of the code of West Virginia.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia :

So much of chapter thirty-three of the code of West Virginia as relates to the tax on billiard tables and bowling alleys, is hereby amended so as to provide that the owner or keeper of a billiard table or bowling alley may take out license on the same for any fractional part of a year, not less than one month, at the proportionate part of the present rate of tax, which the time for said license taken bears

Chapter 33 of the code amended. Keepers of billiard tables or bowling alleys may take out licenses for any fractional part of a year.

Acts repealed. to a whole year. And all acts and parts of acts inconsistent with this act are hereby repealed.

CHAPTER 200.—AN ACT amending and re-enacting section five, of chapter thirty-three of the code of West Virginia.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia:

State tax on
licenses for
theatrical
performances.

That section five of chapter thirty-three of the code of West Virginia be so amended as to read, "The state tax on every license for theatrical performances shall be twenty dollars for each week, or four dollars per day for any fractional part of a week."

CHAPTER 201.—AN ACT to incorporate the Buckhannon Mineral Railroad Company.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia:

Corporators.

1. That D. D. T. Farnsworth, George R. Latham, A. M. Poundstone, J. S. Fisher, G. Auston Newlon, W. C. Carper, A. B. Clark, Thomas J. Farnsworth, J. H. Rohrbough, Thomas G. Farnsworth, Levi Leonard, Andrew Poundstone, S. B. Phillips, P. F. Pinnell, Miffin Lorentz, J. W. Heaven, G. E. Jarvis, A. D. Casteel, B. F. Martin, Samuel Woods, Lewis Wilson, Job Glasscock, Spencer Dayton, Thomas Kenedy, A. H. Thayer, J. H. Taylor, T. S. Spates, George Bastable, Ira Hart, Adam Bumgardner, Wellington Martin, W. W. Daniels, all of West Virginia, and A. B. Clark, of Ohio, 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 by the name of "The Buckhannon Mineral Railroad Company," and by that name shall have succession and have power to sue and be sued in any court whatever, and may have and use a common seal with the right to alter or renew the same at pleasure; and shall have all the powers, rights and franchises necessary and proper to locate, construct and maintain a railroad to be known as "The Buckhannon Mineral Railroad Company,"

Incorporation

Corporate powers.

Route of road.

to begin at some point on the "Northwestern Virginia Railroad," at or near Clarksburg, in the county of Harrison, or at some point on "The Baltimore and Ohio Railroad," at or near Grafton, in the county of Taylor, or at any intermediate point between the said Clarksburg and Grafton, and to run thence by the most practicable route to the town of Buckhannon, in the county of Upshur. And the said company shall be and is hereby invested with all and singular the rights, powers, immunities, franchises

and privileges for surveying, constructing and equipping said railroad, and working, repairing, preserving and controlling the same, and the necessary vehicles and appurtenances thereto belonging, for the safe and convenient transportation of freight and passengers thereon, and with the power and authority to charge and collect tolls on passengers and freight on the same, and every part thereof which the Baltimore and Ohio Railroad Company enjoys under the act incorporating said company, and the acts amendatory and supplementary thereto, and subject to any of the laws of this state, as if the same were hereby expressly enacted as part hereof.

2. The capital stock of said company shall not exceed the sum of one million of dollars, to be divided into shares of twenty-five dollars each, and shall be considered as personal property, and shall be transferable in such manner as may be provided by the by-laws of said company, and each share thereof shall entitle the holder to one vote in all the meetings of the stockholders of said company, to be given either in person or by proxy; and for the purpose of obtaining subscriptions to the said capital stock, may be opened under the direction of the persons named in the first section of this act, or any three or more of them, at such times and at such place or places as the persons who may act in that behalf shall deem expedient, and payment may be made for the whole or any part of such subscriptions either in lands or other property or money, and if in lands or other property, then at such price and valuation as may be agreed upon by those securing such subscription; and the said company may also accept and receive from any person or persons voluntary donations of any lands or other property or money given in aid of the location, construction and equipment of the said road, and may hold and enjoy the same as part of the capital stock of the said company. Any real estate may be conveyed to the said company for the purposes aforesaid, by proper deeds of conveyance, and the same may be disposed of for the lawful purposes of the company by proper deeds of conveyance, executed by the president thereof, upon the order of a majority of the directors of the said company at a meeting thereof; and in case the said company shall organize and proceed to act as a corporate body before the whole amount of the said capital stock shall have been subscribed, the president and directors of the said company shall have power at any time thereafter and as often as they may deem it necessary, and without opening anew books of subscription, to receive further subscriptions to said capital stock and to augment the same to such extent as may be authorized and fixed at any general meeting of the stockholders of said company, not to exceed, however, the said sum of one million of dollars; and it may be law-

Company invested with the rights and privileges enjoyed by the Baltimore and Ohio railroad.

Capital stock. Shares.

Subscription books.

Voluntary donations.

Authority to hold real estate.

Subscriptions after organization.

ful for all persons and bodies corporate and politic, whatsoever, to become subscribers for and owners of the capital stock of said company, or any part thereof.

Authority for bodies corporate and politic to take stock.

Also for certain counties to take stock.

Voters to decide.

\$200,000 of stock maximum for a county.

Supervisors of said counties; their duties.

3. It shall be lawful for all persons and bodies, corporate and politic whatsoever, to become subscribers for and owners of the capital stock of said company, or any part thereof, and power and authority is hereby given to the counties of Upshur, Harrison, Taylor and Barbour to become subscribers for and owners of the said capital stock of said company, or any part thereof, whenever a majority of the legal voters of either of said counties shall at any election ordered therefor, vote in favor thereof; but neither of the said counties shall have power to subscribe for and become the owners of more than two hundred thousand dollars of the capital stock of said company; and immediately after the organization of said company the board of supervisors of said counties may order an election to be held in said counties to test the sense of the people thereof as to whether or not said counties desire to become subscribers for and owners of the capital stock of said company or any part thereof, and the board of supervisors of each of said counties shall have power to fix the amount of subscription to be voted for, and said amount shall be printed on the ticket, to be headed, "For subscribing \$—— to the capital stock of the Buckhannon Mineral Railroad Company," and as soon as it is ascertained as herein provided that any of said counties desire to become subscribers for and owners of the capital stock of said company or any part thereof, the board of supervisors of such county or counties shall proceed to raise the the amount so subscribed by issuing bonds of such county or counties, payable at such time and in such manner as they may deem best, and with said amount so subscribed, purchase of the capital stock of said company, in the name of such county or counties so subscribing, or transfer to said company said bonds in payment of the subscriptions of said county or counties to said capital stock, whichever they may deem best for the interest of said county or counties.

Directors.

4. The affairs of said company shall be managed by the persons named in the first section of this act, who are hereby constituted directors of said company, until directors shall be elected as hereinafter provided, and in case of the decease of one or more of said persons, or their refusal to act as directors, the remaining person or persons shall have power to select other persons as directors for the time being in their stead, and whenever an amount of the capital stock of said company shall be subscribed, sufficient, in the judgment of the said directors, to justify it in proceeding to the prosecution of its business, a general meeting of the subscribers to the stock of said company shall be hold

General meeting of stockholders.

at such time and place as the directors for the time being may appoint, for the purpose of electing a president and directors of said company, to serve for one year thereafter, until the next election shall be held; and subsequent elections for president and directors of said company shall be held annually thereafter, at such times and places as the by-laws of said company may prescribe; and the said directors of said company shall have all the powers and authority given them by this act, and such other powers and authority not inconsistent with the provisions of this act, nor with the laws of this state or of the United States, as may be conferred on them by the resolutions and by-laws of said company.

Election of president.

Powers of directors.

5. The directors of said company shall consist of such number, not less than five nor more than ten, as the by-laws of said company may prescribe, all of whom shall be stockholders of said company. And the president and directors of said company shall have the power to appoint and remove all officers, servants, agents and employes of the company, to manage and conduct all its business of every kind, to borrow money at any time, and from time to time, for the use of said company, and execute, if deemed necessary and expedient, any deed or deeds of mortgage or trust on its property for the payment and fulfilment of any or all its debts, contracts or liabilities. The said company shall be required to commence the work of constructing said road in good faith within two years, and complete at least one-half of said road in three years from the passage of this act.

Number and qualifications of directors.

President; his powers and duties.

Commencement of operations.

6. All meetings of the stockholders of said company may be held at such place or places, and at such times as the directors from time to time may appoint, and all meetings of the president and directors of said company may also be held at any place, or places, and times, which the president of said company may from time to time appoint. And at all meetings of said president and directors, a majority of the said president and directors shall constitute a quorum for the transaction of business.

Place of meeting of stockholders and directors.

Quorum.

7. The said company may, and shall have full power and authority to locate, construct, equip and maintain any branch railroad or railroads, not exceeding fifteen miles in length, from any point on their said road to any coal or timber lands, saw mills, iron works, or other manufacturing establishments, owned, used, operated or worked by the said company, for their benefit and the purposes of said road; and all the rights that are granted to the Chesapeake and Ohio Railroad on the question of taxation, shall also be granted to any company contracting and constructing under the provisions of this charter.

Branch roads

Company invested with rights granted the C and O. railroad.

Authority to enter upon lands.

Adjustment of damages.

How company may enter upon and take possession of lands.

Owners of lands to file claims for the value thereof.

Viewers to be appointed.

Oath to be taken by viewers.

Report of viewers.

Judgment upon said report.

8. For the purpose of laying out and locating their said railroad and its branches, the president and directors of said company, with their engineers and agents, shall have full authority to enter upon and pass through and over any lands on the contemplated route, and to occupy the same so long as may be necessary for locating said road. But the company, in locating their said railroad, branches, depots and stations, shall not throw open any fences, or enclosures on any land, or injure the property of the owner or occupier without consent, or invade the dwelling house of any person, or any space within sixty feet thereof without his consent. And when the line of said road is located, if the owners of said lands, or their agents, and the officers and agents of said company cannot agree upon the value of such lands as said company may deem necessary to use and occupy for their railroad, depots, warehouses and stations, the said company may have and hold the said lands for their use in the manner following, to-wit: The said company shall make out a particular description of said lands in writing, and file it in the office of the clerk of the circuit court of the county in which such lands are located, stating therein the sum they proposed to pay therefor, and also file therewith a bond with sureties to the satisfaction of the judge of said court, conditioned to pay all that may be recovered against them as hereinafter provided, and thereupon they may enter upon and take possession of said lands, and proceed at once to operate and use the same for the purposes designated in the said description, but in no case shall the amount of land for the track of said road exceed sixty feet in width, except in case of cuts and fills, when the width may be one hundred and twenty feet; and the party owning said land, or his agent, may file with the clerk of said court, his or her claim thereof, in which shall be stated the sum he or she may demand for said land, and the said court shall thereupon appoint five disinterested persons for the purpose of ascertaining a just compensation therefor, any three of whom may act; and the sheriff, after said appointment is made, having first given at least ten days' notice to the parties interested. And the said sheriff shall administer an oath to the said viewers, which he is hereby empowered to do, that they and each of them will fairly, impartially and honestly assess, fix and determine the amount the said railroad company shall pay for the use of the said land, and return the report in writing, under their hands and seals, setting forth, the amount, if any, to be paid by the said railroad company; which report shall be certified by the said sheriff to the said court, and on the first day of the next term of said court, the judge thereof shall direct judgment to be entered upon said report, if no exceptions be taken and filed; the court shall decide according to the evidence before it; and after judgment is entered upon said report, the said company shall

hold said land by a good, indefeasible title, subject only to the payment of the said judgment. The judge shall have power to determine and order which party shall pay the costs of such proceeding.

9. Nothing herein contained shall be construed to give to said company banking privileges. Banking privileges not granted.

10. The legislature reserves the right to alter or amend this act, but such alteration or amendment shall not affect 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 providing for the debts and liabilities of the company distributed among themselves, according to their respective interests. Act amendable.

11. The office or principal place of business of said company shall be at Buckhannon, in the county of Upshur, until some other place be adopted by the company. Principal office.

12. It is expressly provided that when any railroad company now, or which may hereafter be chartered and organized, shall construct a railroad from the Pennsylvania line, or from the Baltimore and Ohio or Northwestern Virginia Railroad, through the county of Upshur to Charleston, or any point on the Great Kanawha or Ohio Rivers, and shall desire to purchase the track and property of the company hereby incorporated, the said Buckhannon and Mineral Railroad Company shall sell its track and property to such company at a fair reasonable value, to be agreed upon by the two companies, if they can agree, and, if they cannot agree, it shall be the duty of the circuit court of Kanawha county, on the motion of the company desiring to purchase, to appoint three commissioners not residents of Upshur county, to fix upon a fair and reasonable valuation of the track and property of said Buckhannon and Mineral Railroad Company, and, upon the payment or tender of the sum so fixed by said commissioners to said Buckhannon and Mineral Railroad Company, all the rights, privileges and franchises of said Buckhannon and Mineral Railroad Company shall cease, and be as null as if this act had never been passed. Company to surrender its rights and transfer its property at a fair valuation to any through competing line.

13. This act shall not take effect until the first day of October, eighteen hundred and seventy-one. When act takes effect.

CHAPTER 202.—AN ACT allowing George H. Morrison, late acting sheriff of Braxton county to collect certain taxes, levies and officers' fees.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia:

Further time allowed to collect certain taxes, levies, and officers' fees.

Time in which such taxes, etc., must be placed in the hands of the present sheriff

That George H. Morrison, late acting sheriff of Braxton county, may sue for and collect within two years from the passage of this act, any state taxes for which he has paid or is liable, or county levies for the years 1865, 1866 and 1867, and any officers' fees due to himself or such as may have been placed in his hands in those years for collection. And said Morrison may, within the period aforesaid place such taxes, county levies, and officers' fees in the hands of the present sheriff of Braxton county, or his deputies, who shall receive and distrain for and collect the same in the mode prescribed by law.

CHAPTER 203.—AN ACT for the relief of Harriet Smith, of Taylor county.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia:

\$3 per week allowed Harriet Smith for the care of her lunatic son.

Auditor to issue his warrant to Harriet Smith for the amount due her.

1. That from and after the first day of October, 1870, Harriet Smith, of Taylor county, shall be allowed at the rate of three dollars per week for the care and support of her lunatic son, James Smith.

2. That whenever the said Harriet Smith shall present her affidavit to the state auditor that her son, James Smith, is still living, and unable to care for himself, the auditor shall issue his warrant upon the treasury for any amount that may be due the said Harriet Smith, at the aforesaid rate of three dollars per week: Provided the said payments shall not be for a shorter period than three months.

CHAPTER 204.—AN ACT to amend an act incorporating the "Elk River Navigation Company," passed March 2, 1870.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia:

Section amended.

That the fifth section of "An act to incorporate the Elk River Navigation Company," passed March 2, 1870, is so amended as to read as follows:

Order of prosecuting improvement.

"5. That said improvement shall commence at or near the mouth of said river, and be prosecuted towards the head, so far as may be deemed practicable or the resources will permit; and as soon as the said river shall be im-

proved to Jarrett's Ford, the said company shall have power to charge and collect tolls on steamboats, barges and other floats, and all commodities, only according to the distance which the same may be transported on such parts of said river, as follows:

"On both staves and headings, per cord per mile, two cents.

"On wood and tan-bark, per cord per mile, one cent.

"On coal and coke, per thousand pounds per mile, one cent.

"On salt, lime, hydraulic cement, grain, wool, furs, poultry, skins, furniture, groceries, provisions, merchandise, agricultural products, per one hundred pounds, per mile, two mills.

"On all steamboats, barges and other floats, for each and every lock to be passed through, one dollar and fifty cents.

"On crude and refined oil, whether transported or in bulk, barrels or other packages, per barrel of forty gallons per mile, five mills.

"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.

"On flour, per barrel per mile, seven mills.

"On timber and logs, per one hundred cubic feet per mile, two cents.

"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 on boats or barges, per mile, one and one-half cents.

"On clap-boards, shingles and laths, per thousand per mile, one cent.

"On hoop-poles per thousand per mile, two cents; and all other articles not herein enumerated, per hundred pounds per mile, two mills. Provided that in all cases legal tolls shall be paid on the cargoes of all such boats, barges or other floats, exclusive of such tolls for lockage, and that no tolls shall be collected for the lockage of any raft when tolls shall have been paid on the materials composing such raft, to an amount which shall equal or exceed one and one-half dollars for each lock to be passed through."

Collection of tolls.

Rates of tolls.

Toll on cargoes.

No lockage to be collected on rafts when toll has been paid on its materials.

CHAPTER 205.—AN ACT to incorporate the Brown's Mills and Wilsonburg Turnpike Company.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia:

1. That for the purpose of constructing a turnpike road upon the shortest and most eligible route, from Brown's

Route of road.

Subscription
books.

Mills, Harrison county, West Virginia, by the way of Sardis, to the Northwestern turnpike at, or near, Wilsonburg, it shall be lawful to open books for receiving subscriptions for a sum not exceeding ten thousand dollars, in shares of twenty-five dollars each, for which purpose books of subscription may be opened under the superintendence of R. S. Ogden, A. L. Husted, J. W. Swiger, or any two of them, at such times and places as they may deem advisable.

Incorporation

Width and
grade of road.

2. That when eighty shares of the aforesaid amount shall have been subscribed, the subscribers, their executors, administrators and assigns, shall be, and they are hereby incorporated into a company by the name and style of the "Brown's Mills and Wilsonburg Turnpike Company," subject to the provisions of general laws, regulating the incorporation of turnpike companies; provided that said road shall be cleared thirty feet, and improved sixteen feet wide, and shall be of a grade nowhere exceeding five degrees, and that the same tolls be charged as are now allowed by law upon other roads chartered by the legislature."

When act take
effect.

3. This act shall be in force from its passage.

CHAPTER 206.—AN ACT to amend and re-enact section eight, chapter thirty-one of the code of West Virginia.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia:

That section eight of chapter thirty-one of the code be, and is hereby amended and re-enacted so as to read as follows:

Sale of real
estate suffi-
cient to satisfy
certain taxes.

Proceeds of
sale for county
and township
taxes, how
disposed of.

"8. The sale shall be of such tract of land, or town lot, or of such separate quantities or parts of such tract or undivided interest in such lot as shall be sufficient to satisfy the state, taxes for state and school purposes, the county taxes, and the township taxes for previous years, remaining unpaid and due, and with such interest, damages and commissions as aforesaid on each class of taxes. The proceeds of such sales for county and township taxes shall be paid into the county treasury, and credited to the county and to the township to which they properly belong."

CHAPTER 207.—AN ACT requiring the board of education in Triadelphia township, Ohio county, to employ a German teacher.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia:

That the board of education of the township of Triadelphia, in the county of Ohio, be required to have the Ger-

man language regularly taught in the free school of Triadelphia, in said township, and for which purpose the trustees of said school shall employ an assistant teacher capable of giving instruction in all the branches required to be taught in the free schools of this state, in both the English and German language. Authority to employ a German teacher. Provided, however, that no such assistant teacher shall be employed, unless twenty German scholars shall attend said school; and provided further, that the salary of said teacher shall be provided for by taxation on the taxable property within the school district of the town of Triadelphia. Proviso. All acts or parts of acts inconsistent with this act are hereby repealed. Acts repealed.

CHAPTER 208.—AN ACT to authorize the board of education of Parkersburg township, Wood county, to increase the salary of their secretary.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia :

The board of education of Parkersburg township, Wood county, are authorized to allow their secretary a compensation not exceeding one hundred dollars per annum. Authority to pay a secretary.

CHAPTER 209.—AN ACT declaring a certain part of Long Drain Fork of Fish Creek, in Wetzel county, a public highway.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia :

So much of Long Drain Fork of Fish Creek, in Wetzel county, as lies between the mouth thereof and Eamshier's mill, is hereby declared a public highway. Long Drain Fork of Fish Creek declared a public highway.

CHAPTER 210.—AN ACT to prevent hogs from running at large in certain portions of Barbour county.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia :

1. That it shall be unlawful for the owner of hogs to permit the same to run at large on the public highways in that portion of Barbour county lying within the lines of the Buckhannon and Tygarts Valley rivers, the Fairmont and Beverly turnpike road, and the county lines of Taylor, Harrison and Upshur counties, adjoining the said portion of Barbour county. Hogs not to run at large within certain limits in Barbour county.

2. Any hog so found running at large may be regarded and dealt with as an stray, according to the provisions of chapter sixty-one of the code of West Virginia. How hogs so running at large may be dealt with.

CHAPTER 211.—AN ACT fixing the terms of the courts of the Fourth Judicial Circuit.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia:

Terms of court in

That the courts of the fourth judicial circuit be hereafter held as follows:

Harrison,

For the county of Harrison, on the fourth Tuesday in February and May and first Tuesday in October; for the

Marion,

county of Marion, on the third Tuesday in March and June,

Barbour,

and first day of December; for the county of Barbour, on the second Tuesday in April, first day of August and fifteenth day of October; for the county of Randolph, on the

Randolph.

fourth Tuesday in April, fifteenth day of August, and fifth day of November, instead of the times now prescribed by law.

CHAPTER 212.—AN ACT granting the consent of the state for the United States to purchase lands for the erection of public buildings in the city of Charleston.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia:

Consent of this state for the United States to purchase certain real estate in the city of Charleston, for the erection of public buildings, granted.

1. That the consent of the state of West Virginia is hereby given to the purchase by the United States of one or more pieces of land situated in the city of Charleston, not exceeding one acre, on which to erect a building for the accommodation of the custom house, postoffice, United States courts and internal revenue offices, and the said United States shall have, hold, use, occupy and own the said land or lands when purchased, and exercise jurisdiction and control over the land and every part thereof subject to the provisions hereafter mentioned.

Jurisdiction of the state to said real estate ceded to the United States.

2. The jurisdiction of the state of West Virginia in and over the said land or lands as named in the foregoing section, when purchased by the United States, shall be and the same is hereby ceded to the United States; provided, however, that the jurisdiction hereby ceded shall continue no longer than the United States shall own the said land or lands.

Proviso.

Condition on which said consent is granted and jurisdiction ceded.

3. The said consent is given and the said jurisdiction ceded upon the express condition that the state of West Virginia shall retain concurrent jurisdiction with the United States in and over the said land or lands so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the state of West Virginia against any person or persons charged with crimes or misdemeanors committed within said state, may be executed therein in the same way and

manner as if such consent had not been given or jurisdiction ceded, except so far as such process may effect the real or personal property of the United States. Exception.

4. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said land or lands by purchase or grant, and so long as the land or lands shall remain the property of the United States. When said jurisdiction vests.
 When acquired as aforesaid and no longer, the same shall be and continue exonerated from all taxes, assessments or other charges which may be levied or imposed under the authority of this state. Exemption from taxation.

5. It is further enacted that any malicious, willful, reckless or voluntary injury to or mutilation of the grounds, building or appurtenances, the jurisdiction to which is hereby ceded, shall subject the offender or offenders to a fine of not less than twenty dollars, to which may be added for an aggravated offense imprisonment not exceeding six months in the county jail or work house, to be prosecuted before any court of competent jurisdiction. Penalty and punishment for injury to any of said property of the United States.

CHAPTER 213.—AN ACT to protect persons who aided in the late war between the government of the United States and a part of the people thereof.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia:

That no person who aided in the late war between the government of the United States and a part of the people thereof, on either side, shall be civilly or criminally held liable, found guilty, convicted, have his property taken, sold or damaged, imprisoned or hurt, because of any act done according to the usage of civilized warfare, in the prosecution of said war by either of said belligerents, unless the constitution shall, or further than it shall, require such action, as to which no opinion is intended to be here indicated. Persons engaged in the late war not to be disturbed in person or property. Exception.

CHAPTER 214.—AN ACT amending and re-enacting section one of chapter one hundred and nine of the acts of 1870.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia:

That section one of chapter one hundred and nine of the acts of 1870 be amended and re-enacted so as to read as follows:

“1. Section twenty-six of chapter one hundred and six of the act entitled “An act establishing a code of

laws for this state," known as the "Code of West Virginia," is hereby amended and re-enacted so as to read as follows:

Defendant,
against whom
judgment on
publication,
may petition
for re-hearing

"26. If a defendant against whom, on publication, a judgment or decree has been, or shall hereafter, be rendered in an action or suit in which an attachment has been or may be sued out and levied, as provided in this chapter, or his personal representative, shall return to or appear openly in this state, he may, within one year after a copy of such judgment or decree has been or shall be served upon him, at the instance of the plaintiff, or within five years from the date of such judgment or decree, if he be not so served, petition the circuit court of the county in which such judgment or decree was rendered, to have the action or suit, and proceedings therein re-heard. And if any such defendant, or his personal representative, has heretofore appeared, as aforesaid, and filed or tendered his petition for such re-hearing as aforesaid, in any such action or suit, within the time required by law, and such application or petition be pending and undetermined in the circuit court or supreme court of appeals of this state, at the time of the passage of this act, a re-hearing in such action or suit shall and may be had, as provided in section thirty of this chapter."

Re-hearing
may be had
on petition
heretofore
filed.

CHAPTER 215.—AN ACT for the relief of E. C. Fox.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia:

Auditor to
draw his war-
rant for \$31,
\$0 in favor of
E. C. Fox.

1. The auditor is hereby authorized to issue his warrant on the treasury for the sum of thirty-one dollars and eighty cents in favor of E. C. Fox, for services rendered the state as provost marshal of the second brigade first division West Virginia militia, while in active service in the month of August, 1864.

CHAPTER 216.—AN ACT to amend and re-enact chapter 95, of the acts of 1870.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia:

1. That the act passed March 3, 1870, entitled, "An act to legalize a certain power of attorney and deed," be amended and re-enacted so as to read as follows:

Power of at-
torney
legalized.

That a power of attorney from Lamar Moore to P. M. Adams, dated thirteenth of May, eighteen hundred and forty-one, and deed from said Moore to said Adams, dated the fourteenth day of December, eighteen hundred and forty-four, which was executed in the republic of Texas,

and acknowledged before and certified by a notary public of said republic under his official seal, and the same admitted to record in the clerk's office of Harrison county, West Virginia, are hereby legalized, and shall be of the same force and effect as if they had been acknowledged before and certified to by the American minister charge d'affairs of the United States in said republic under his official seal at that time.

Proviso, "But this act shall not affect any action, suit or proceeding pending in any court at the time of the passage thereof." Proviso.

CHAPTER 217.—AN ACT changing the name of the Virginia coal and Iron Company, and giving it further time to organize.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia :

1. The Virginia Coal and Iron Company, incorporated by an act of the General Assembly of Virginia, passed the twenty-ninth day of January, 1858, be and the same is hereby allowed one year from the passage of this act, within which to organize and commence operations under said act. Further time allowed company within which to organize.

2. The name of said company is hereby changed to that of the "Alleghany Coal and Iron Company;" and Robert W. Gilkerson, James N. C. Armstrong, John T. Vance and John J. Inskeep are hereby added to the individuals named in said act as corporators. Name of company changed Additional corporators.

CHAPTER 218.—AN ACT to establish the boundary lines of Willey School District in Portland township, Preston county.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia :

That the school house and boundary lines of Willey, of the present school district No. 7, as now laid off and established by the board of education in Portland township, Preston county, is hereby established and shall be governed by the board of education, with the same privileges and rights to education as other school districts in Portland township. But the board of education shall not have the right or the power to change the boundary lines of said district for three years from the passage of this act. Boundary lines. Board of education not to change said lines within three years.

CHAPTER 219.—AN ACT to incorporate the West Fork Land, Lumber and Boom Company.

Passed March 1, 1871.

Be it enacted by the Legislature of West Virginia:

Corporators.

1. That A. B. Fleming, D. H. Leonard, C. F. Caldwell, Okey Johnson, and B. Wilson, and their successors and associates are hereby constituted a body corporate by the name of the "West Fork Land, Lumber and Boom Company," subject to chapters 52 and 53, of the code of West Virginia, and to such additional powers and privileges as may be granted by this act.

Incorporation

Capital stock.

Shares.

2. The capital stock of said company shall not be less than ten thousand dollars, to be divided into shares of \$100 each, and may at any time hereafter be increased by the vote of the stockholders to an amount of not exceeding six hundred thousand dollars, and for the purpose of obtaining subscription to the capital stock or so much thereof as may be necessary for the lawful purposes of said corporation, books shall be opened under the direction of the persons named in the first section of this act, at such times and places as the persons who act in that capacity may deem expedient. The said corporation shall have the exclusive privilege of constructing and maintaining a substantial boom or booms with or without piers across the West Fork of the Little Kanawha river, for the purpose of stopping and securing boats, rafts, saw logs, staves and other lumber of value, and may erect shear booms on such streams and may dredge and clear the channel of each of said streams and the main branches thereof, and remove obstructions therefrom, and may build saw mills and manufacture and sell lumber and construct such tram railways as may be necessary for the purposes of said corporation, subject to the provisions of the code.

Subscription books.

Privilege of constructing booms on West Fork of Kanawha river.

Authority to construct tram railways

Authority to deal in real estate.

3. The said corporation may and they are hereby empowered to purchase, hold, sell and convey so much real estate as may be necessary for their purposes in constructing booms, abutments, piers, wharves, landings, locations for saw mills, and right of way for tram roads.

Commissioners to ascertain rates of toll and boomage.

Report of commissioners.

4. The circuit court for Wirt or Calhoun counties shall on motion of said corporation after their organization, appoint three discreet freeholders whose duty it shall be to ascertain and report to said court what will be a fair and reasonable rate of tolls and boomage that said corporation may charge for boats, rafts, saw logs or other timber that may be floated, rafted, drifted or run into said boom and secured thereby. If the said court shall approve the report of said commissioners, the same shall be affirmed, and thereafter the said corporation may by reason of their compliance with this act, charge and collect such toll and

boomage as may be so ascertained by said commissioners and authorized by said court. But the said commissioners before entering upon their duty to be sworn by some officer authorized to administer an oath, that they will well and truly execute their said office of commissioners under this act. And if they require it the said corporation shall pay to each of said commissioners three dollars per day for each day they shall be necessarily employed. And the said company shall in like manner pay to the clerk of the said court his fees for recording said report and the order of confirmation.

Oath of commissioners.

Recordation of report.

5. The said corporation shall have a lien on all boats, rafts, or other timber mentioned in the preceding section boomed by them for the payment of toll or boomage and other expenses until the same is paid.

Lien for toll or boomage.

6. That if any timber or boats mentioned in the fourth section of this act shall have been securely boomed as aforesaid, and no person shall appear to claim the same and pay the tolls thereon within five days, it shall be lawful for the corporation, after advertising the same for two weeks in some newspaper published in Wirt county, or by posting the same for two weeks in three public places in said county, with the marks thereon to sell said timber to the best advantage if no owner appear to claim the same; and at any time within six months from said sale the owner shall be entitled to receive the proceeds thereof, after deducting the taxes, expenses, tolls and necessary charges, but if not claimed within said six months, the proceeds shall pass to and be vested in said corporation for their own use.

Unclaimed timber in booms may be sold after notice.

How proceeds disposed of.

7. That if any person or persons shall wilfully and maliciously injure or destroy any of said booms, piers or other works connected therewith, or shall remove, alter or deface any mark or marks on any logs or other timber intended for said boom or booms, he shall pay treble damages, to be recovered by an action of trespass, brought in the name of the said corporation before a justice, or any of the courts of the county in which he or they shall reside, or in the county in which the offense was committed, and, upon conviction thereof, may be punished by fine and imprisonment in the discretion of the court.

Penalty for injuring company's works or defacing marks on logs.

Punishment for injury to works of company.

8. That all timber in said boom shall be counted and measured, and its quantity ascertained by some competent person or persons, to be appointed by the company and confirmed by the circuit court of Wirt county.

Measurement of timber.

9. The said West Fork of the Little Kanawha River is hereby declared a public highway.

Said river declared a public highway.

Penalty for converting timber carried away by the winds or current,

10. That should any boards, logs or other timber belonging to said corporation be carried by the wind, force of the current, or otherwise, into any bays, creeks, caves, or upon the shore or any flat lands, it shall be a penal offense for any person or persons, except the owners thereof, to take possession of, sell or convert to his or their own use such logs or timber, punishable as provided in the seventh section of this act. The corporation shall not be liable for any loss or damages that may be caused by fire or flood, or by the lawful acts of any person or persons not in their employ.

Meaning of the words "logs" and "timber."

11. Where the word "logs" or "timber" occur in this act, they shall be taken to mean logs and timber of every kind and description, manufactured or unmanufactured.

Time in which to organize.

12. That said corporation shall have and be allowed three years in which to perfect their organization.

Act amendable.

13. The right is reserved to the legislature to alter or amend this act, but such alteration or amendment shall not affect the rights of creditors or impair the vested rights of the corporation.

Act repealed.

14. The act passed February 10, 1871, entitled "An act to incorporate the Wirt County Boom and Lumber Company," is hereby repealed.

JOINT RESOLUTIONS.

[No. 1.]

Joint Resolution appointing a committee to wait upon the Governor.

Resolved by the Legislature of West Virginia, That a joint committee of three on the part of the house, and two on the part of the senate, be appointed to wait on the governor, and inform him that the two houses are organized and ready to receive any communication he may have to make.

ADOPTED, January 17, 1871.

[No. 2.]

Joint Resolution fixing a time for the election of janitor and guard.

Resolved by the Legislature of West Virginia, That the two branches will proceed on the twenty-third day of January, 1871, at twelve o'clock, M., to elect a janitor and guard.

ADOPTED January 18, 1871.

[No. 3.]

Joint Resolution requesting our representatives in congress to vote for the removal of all disabilities imposed by the third section of the fourteenth amendment to the constitution of the United States.

Resolved by the Legislature of West Virginia :

1. That the senators in the congress of the United States from this state be instructed, and the representatives thereof requested, to introduce, advocate and vote for a bill to remove all disabilities imposed by the third section of the fourteenth amendment of the constitution of the United States.

2. That a copy of these resolutions be transmitted by his excellency, the governor of the state, to each of our senators and representatives, with a request that they be laid before the senate and house of representatives.

ADOPTED January 18, 1871.

[No. 4.]

Joint Resolution directing the secretary of state to furnish each member of the legislature with a copy of the code and index.

Resolved by the Legislature of West Virginia, That the secretary of state is hereby directed to furnish to each member of the legislature one bound copy of the code of West Virginia, having the index as prepared by Hon. J. H. Ferguson.

ADOPTED, January 21, 1871.

[No. 5.]

Joint Resolution providing for the appointment of a joint special committee to re-apportion representation in the senate and house of delegates and in congress.

Resolved by the Legislature of West Virginia, That a joint special committee, consisting of five from the house and four on the part of the senate, be appointed to re-apportion representation in the senate and house of delegates, and in congress, at the present session, in pursuance of article four of the constitution of this state.

ADOPTED, January 23, 1871.

[No. 6.]

Joint Resolution providing for counting the votes cast at the late election for state officers.

Resolved by the Legislature of West Virginia, That the two houses of the legislature will, in joint session, in the hall of the house of delegates, proceed, on Wednesday next, at eleven o'clock, A. M., to count the votes cast at the last general election for state officers, and to declare the result of the said election.

ADOPTED, January 23, 1871.

[No. 7.]

Joint Resolution providing for the election of a Public Printer.

Resolved by the Legislature of West Virginia, That the two branches of the legislature will proceed, on Wednesday, the first day of February next, at eleven o'clock, A. M., to the election of a public printer.

ADOPTED, January 25, 1871.

[No. 8.]

Joint Resolution instructing our Representatives in Congress to procure compensation to this state for losses sustained by the destruction of bridges during the late war.

Resolved by the Legislature of West Virginia :

1. That our senators in the congress of the United States be instructed, and our representatives requested to introduce, advocate and vote for a bill to compensate this state by the United States for losses sustained by the destruction of bridges within the said state by the troops of the United States during the late war.

2. That a copy of these resolutions be forwarded by the governor of this state to each of said senators and representatives, with a request that they be laid before the said senate and house of representatives.

ADOPTED, January 25, 1871.

[No 9.]

Joint Resolution " Agreeing to the proposed amendment to the constitution."

Whereas, The legislature of this state, at its last session, on the twenty-eighth day of February, 1870, in conformity to the constitution, agreed to the following proposed amendment to the constitution of this state, to be substituted for section one of article three thereof, and to become part of the constitution when ratified according to the provisions thereof, namely :

"The male citizens of the state shall be entitled to vote at all elections held within the election districts in which they respectively reside ; but no person who is a minor, or of unsound mind, or a pauper,

Joint Resolutions.

or who is under conviction of treason, felony, or bribery in an election, or who has not been a resident of the state for one year, and of the county in which he offers to vote for thirty days next preceding such offer, shall be permitted to vote while such disability continues."

Resolved by the Legislature of West Virginia, That the said proposed amendment is hereby agreed to.

ADOPTED, January 27, 1871.

[No. 10.]

Joint Resolution providing for the election of a United States senator.

Resolved by the Legislature of West Virginia, That the two branches will proceed on this day, at eleven o'clock A. M., to elect a United States senator, to fill the vacancy which will occur on the third day of March next, by expiration of the term of Hon. Waitman T. Willey.

ADOPTED, January 31, 1871.

[No. 11.]

Joint Resolution authorizing the auditor to pay Joseph S. Wheat certain monies.

Resolved by the Legislature of West Virginia, That the auditor be and is hereby authorized to pay unto Joseph S. Wheat, member of the committee on local freights and passage on the Baltimore and Ohio Railroad, his mileage and dues for services rendered since the first day of January, 1871.

ADOPTED, January 31, 1871.

[No. 12.]

Joint Resolution allowing James R. Marsh the privilege of putting a news stand in the corridor of the capitol.

Resolved by the Legislature of West Virginia, The Capital Company consenting to the same, that Master James R. Marsh, be allowed, during the session of the legislature, to keep a news and fruit stand in the corridor of this building, the said stand, however, not to interfere with the approach to either hall.

ADOPTED, February 3d, 1871.

[No. 13.]

Joint Resolution requesting the Governor to furnish a certain statement.

Resolved by the Legislature of West Virginia, That his excellency, the governor, be respectfully requested to procure and furnish to the legislature, at as early a day as practicable, a detailed statement of all the white and colored inhabitants of each county in this state.

ADOPTED, February 8, 1871.

[No. 14.]

Joint Resolution requesting our Congressmen to procure pensions for soldiers of 1812.

Resolved by the Legislature of West Virginia :

1. That our senators and representatives in congress be requested to make an effort for the enactment of a law giving to the surviving soldiers of 1812 pensions.

2. That the governor be requested to have forward to our members of congress copies of this resolution.

ADOPTED, February 8, 1871.

[No. 15.]

Joint Resolution requesting the joint committee on finance and claims to report on certain matters.

Resolved by the Legislature of West Virginia, That the joint committee on finance and claims of the house and senate, report the condition of the state treasury on the first day of October and January last; the amount of revenue last year from all sources, and the expenditures; the probable revenue and expenditures for the present year, together with any information they may deem proper concerning the debt between the states of Virginia and West Virginia; and any other information they may have connected with the finances of this state.

ADOPTED, February 8, 1871.

[No. 16.]

Joint Resolution requesting Congress to prohibit the construction of any bridges which may obstruct the navigation of the Ohio river, or imperil the transit of boats and barges, and their cargoes on said river.

Whereas, The Ohio river is the great highway to market for a large portion of the good citizens of this state;

And whereas, the completion of the Newport and Cincinnati bridge, on the plan now proposed to be constructed, will seriously endanger the navigation of the Ohio river, and impede the transit of boats and barges with their cargoes along said river; therefore,

Resolved by the Legislature of West Virginia :

1. That the congress of the United States be respectfully requested to prohibit the construction of the Newport and Cincinnati bridge on the plan now proposed.

2. That the congress of the United States be respectfully requested to prohibit the construction of any bridge across the Ohio river with a span of less than four hundred feet, or of a height less than forty feet above high water mark, and that our senators in Congress be instructed and our representatives requested to favor such action on the part of congress.

3. That the governor be requested to forward a copy of these resolutions to each of our senators and representatives in congress.

ADOPTED, February 8, 1871.

[No. 17.]

Joint Resolution providing for the publication of the annual reports.

Whereas, The fiscal year of this state was changed from January 1 to October 1, so as to allow ample time for state officers and institutions to have their annual reports printed and ready for delivery by the first day of each session of the legislature; and, whereas, the present session is more than half gone and a portion of the reports not yet received; therefore,

Resolved by the Legislature of West Virginia :

1. That the secretary of state, on the first day of July of each year, shall notify all persons whose duty it is to make annual reports to the legislature, that they must, by or before the first day of December of

each year, have their reports ready and delivered, and the public printer must have said reports printed and ready for delivery at the commencement of each session of the legislature.

2. It shall be the duty of the board of public works to see this resolution complied with.

ADOPTED, February 10, 1871.

[No. 18.]

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 the twenty-second instant, at eleven o'clock, A. M., and that Washington's farewell address be read.

ADOPTED, February 15, 1871.

[No. 19.]

Joint Resolution authorizing the Governor to give notice of the passage of the proposed amendment to the constitution of the state, and to provide for the publication of the law submitting the same.

Resolved by the Legislature of West Virginia :

1. That the governor of this state be authorized and empowered to cause notice to be inserted in such of the newspapers of the state as in his opinion will give the greatest information to the voters thereof, of the proposed amendment to the constitution of the state, and of the time fixed by law for its submission to the voters for ratification or rejection.

2. That the governor be authorized and empowered to cause a sufficient number of the law, passed at the present session of the legislature, which provides for submitting to the people the proposed amendment of the constitution of this state, to be printed, as will give information of its provisions to the people, and that the same be forwarded to the recorders of each county for the use of the officers conducting said election, and for general circulation.

ADOPTED, February 15, 1871.

[No. 20.]

Joint Resolution authorizing the payment to William N. Henderson compensation as a witness before the House Special Committee to investigate the Wyoming election, and in favor of William T. Sarver, for producing certain documents before said committee.

Resolved by the Legislature of West Virginia: That the sergeant at arms of the house of delegates draw his warrant on the auditor in favor of William N. Henderson, for \$25, for his attendance as a witness before the special committee appointed by the house of delegates to investigate the late election in Wyoming county, and also in favor of William T. Sarver, for \$25, for his services in going from the capital to Wyoming county and returning, under a precept issued by the clerk of the house of delegates, and producing before said committee the poll books and documents concerning the election held in Wyoming county in October last.

ADOPTED, February 15, 1871.

[No. 21.]

Joint Resolution authorizing the appointment of commissioners to treat with the state of Virginia on the subject of the state debt.

Resolved by the Legislature of West Virginia:

1. That the governor, on or after the fifteenth day of March, 1871, appoint three disinterested citizens of this state to treat with the authorities of the state of Virginia on the the subject of a proposed adjustment of the public debt of that state prior to the first day of January, 1861, and make report thereof to the governor, to be printed and communicated by him to the legislature, at the commencement of its next session, for approval or disapproval.

2. The commissioners so to be appointed are further directed to ascertain and report the amount of said debt then held by persons other than the state of Virginia, and what said debt was incurred for, and what amount of this state debt was then held by the commissioners of the sinking fund and by the board of the library fund; that they ascertain and report the amount of all investments then held by the state, their respective amounts and character, and what portions thereof were then productive, and the dividends therefrom, and whether any

of such investments then so held by said state have since been donated, changed, converted or disposed of by the authorities of said state, and if so, the amount and how disposed of; that they ascertain and report the revenue derived for the fiscal year ending on the thirtieth of September, 1860, from all sources, by the state of Virginia, within the present territory of Virginia, and the amount derived from all sources from the territory now composing the state of West Virginia; and that they report any other relevant matter deemed proper by them.

3. The commissioners so to be appointed shall proceed without delay in the execution of their duties, and as a compensation for their services shall each receive six dollars per day for the time they or any one or more of them may be actually employed therein, and the same mileage as that allowed to the members of the legislature, and may employ such accountant or clerk, at a reasonable compensation, as they may deem necessary; and the governor shall have the power to remove any one or more of the commissioners, and to fill any vacancy that may occur from removal, death or failure to act.

4. Nothing herein contained shall be construed as waiving or impairing in any way the rights of this state to jurisdiction over the counties of Berkeley and Jefferson.

5. That the foregoing resolutions be communicated by the governor to the governor of Virginia.

ADOPTED, February 15, 1871.

[No. 22.]

Joint Resolution raising a joint special committee to consider the communication from the Governor of Virginia concerning the proposed arbitration of the debt between Virginia and West Virginia.

Resolved by the Legislature of West Virginia: That a joint special committee of three on the part of the house of delegates and two on the part of the senate be appointed to consider and report on the communication from the governor of Virginia, concerning the proposed arbitration of the public debt between Virginia and West Virginia.

ADOPTED, February 17, 1871.

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[No. 23.]

Joint Resolution authorizing the auditor to pay the members of the joint special committee to investigate alleged illegal charges for freight and passengers, imposed by the Baltimore and Ohio Railroad company.

Resolved by the Legislature of West Virginia, That the auditor be authorized to pay to such of the members as have not been heretofore paid, of the joint special committee, raised by joint resolutions numbers sixteen and thirty-one, adopted February 15 and 28, 1870, respectively, to investigate alleged illegal charges for freight and passengers imposed by the Baltimore and Ohio Railroad company, the same per diem and mileage for their services, while discharging the duties imposed by said resolutions, as members of the legislature are entitled to receive, payable out of the legislative appropriation of 1871.

ADOPTED, February 17, 1871.

 [No. 24.]

Joint Resolution requesting Mr. J. B. Peyton to read Washington's farewell address on the twenty-second instant.

Resolved by the Legislature of West Virginia, That Mr. J. B. Peyton, one of the clerks of house of delegates be and he is hereby requested to read Washington's farewell address to the joint assembly of the members of the senate and house of delegates, in the hall of the latter, on Wednesday, the twenty-second instant.

ADOPTED, February 20, 1871.

 [No. 25.]

Joint Resolution requiring certain duties of the auditor and board of public works.

Resolved by the Legislature of West Virginia :

1. That the auditor be and he is hereby directed to communicate with the auditor of the state of Virginia, and respectfully request from him a statement of the stock held by the state of Virginia in any of the banks of the state on the first day of January, 1861, then doing business within the boundaries of this state, showing the amount of stock, and in what banks.

2. That the auditor be and he is hereby authorized to demand from any of the banks of this state, who were doing business within its boundaries on the first day of January, 1861, a full and detailed statement of the interest of the state of Virginia in each of said banks at that time, and what was the amount thereof; whether the same has been altered or changed in any wise, and whether any dividends have been paid on the same, and when, and how much.

3. That the auditor do forthwith institute an inquiry into the matter of the winding up of the affairs of the Northwestern Bank of Virginia, as provided for by the act of the twenty-fifth February, 1867, what was done under the same by the commissioners appointed by virtue thereof, and whether any report was ever made by said commissioner; if so, when, and to whom?

4. In case of the refusal of any of said banks to make any disclosures required of them touching the interest of this state therein, or to furnish the information herein desired, the board of public works are hereby directed to take all necessary legal steps in the premises.

ADOPTED, February 20, 1871.

[No. 26.]

Joint Resolution providing for the settlement of the debt between Virginia and West Virginia.

Whereas, The legislature of West Virginia, in discharge of the duty imposed by the constitution of the state to "ascertain as soon as may be practicable" the equitable proportion of the public debt of the commonwealth of Virginia, to be assumed and liquidated by this state, has authorized and directed, by joint resolution passed on the fifteenth day of February, 1871, the appointment by the governor of "three disinterested citizens of this state to treat with the authorities of the state of Virginia on the subject of a proper adjustment of the public debt of that state prior to the first day of January, 1861," and

Whereas, The governor of the commonwealth of Virginia, by authority conferred by a joint resolution of the general assembly of said commonwealth, passed February 11th, 1871, has tendered on behalf of said commonwealth to the state of West Virginia "an arbitration of all matters touching a full and fair apportionment between said states of the said public debt by arbitrators, not citizens of either of said states,

and not subject to the ratification of the legislative departments of said states, and

Whereas, Any adjustment of the said debt should be subject to such ratification, and

Whereas, Citizen commissioners would of necessity be more familiar with the circumstances attending the creation of said debt, and the many intricate questions connected therewith, and upon the proper comprehension of which must depend the equitable apportionment and adjustment of the same between said states, therefore

Resolved by the Legislature of West Virginia :

1. That the tender of an arbitration made by the governor of the commonwealth of Virginia to this state for the adjustment of the public debt of said commonwealth, having been anticipated by the action of the legislature of this state, authorizing the appointment of commissioners to treat upon said subject, the said tender is respectfully declined, and the commonwealth of Virginia is invited to appoint three disinterested citizens as commissioners, with authority to treat with like commissioners heretofore authorized on the part of this state. And said commissioners on behalf of this state, in addition to the powers heretofore conferred, are hereby further empowered to proceed as soon as practicable, to adjust, award and determine upon fair, just and equitable principles what proportion of said public debt of Virginia should, in their opinion, be paid by West Virginia, and what part thereof should be paid by Virginia, subject, however, to the approval and ratification of the legislature of West Virginia and the general assembly of Virginia.

2. The governor of this state is hereby directed to communicate to the governor of the commonwealth of Virginia, without delay, certified copies of this preamble and joint resolutions.

ADOPTED, February 24, 1871.

[No. 27.]

Joint Resolution in relation to the Baltimore and Ohio Railroad Company, and directing the attorney general to institute judicial proceedings against said company under certain contingencies.

Whereas, It appears from the report of the joint committee, appointed under the resolution adopted on the fifteenth day of February, 1870, to "investigate alleged illegal charges for freight and passengers

imposed by the Baltimore and Ohio Railroad," that said company admits and is "entirely willing that it should be made a matter of record, that the Baltimore and Ohio company does collect more money for freights upon similar articles to points upon its line proper, that is the direct route to Wheeling, per hundred pounds, than it does to Wheeling direct, but denies absolutely that such action is illegal or discriminative;" and whereas, the said company in presence of said committee disclaimed and denied that the act entitled "An act to authorize the Baltimore and Ohio Railroad company to construct the extension of their railroad through the territory of Virginia," passed by the general assembly of that state on the sixth day of March, 1847, had at any time been accepted or acted under by said company, and denied the right of the state of West Virginia to subject the said company to any of the provisions of the said act or of the act entitled "An act prescribing certain general regulations for the incorporation of railroad companies," passed by the general assembly of Virginia on the eleventh day of March, 1837, but, on the other hand, openly declared and insisted in the presence of said committee, that said "road was completed in conformity with its charter of 1827, as modified by the act of March, 1839;" and whereas, to pass over in silence these unfounded assumptions of said company, thus officially communicated by said committee to this legislature, might imply an acquiescence therein on behalf of the legislative department of the state, and involve an admission, tacit if not expressed, on the part of this legislature, that the capital stock of said company and its "property of every description" should be and is "exempt from the imposition of any tax or burthen," state, county and township; and that said company after obtaining the right of way for its road and appropriating the private property of the citizen to its own use, under the pretext of subserving public purposes, might unjustly and ruinously discriminate in its tariff of charges against the very persons whose private property was thus taken for supposed public purposes, making its road a curse, rather than a benefit to them, as well as to the citizens of the state at large. And

Whereas, The said pretensions of the said Baltimore and Ohio Railroad company, as set forth and communicated to this legislature, in both the majority and minority reports of said committee, are in direct conflict with the repeated decisions of the supreme court of appeals of the state of Virginia, and of this state, not only manifesting an unfriendly spirit toward, and a disregard of the rights of the people of this state, but also evincing on the part of that company a careless disregard and positive disrespect for the oft-repeated decisions of the judicial department of this state. And

Whereas, The magnitude and character of the issues involved, require and demand a speedy and definitive solution; therefore,

Be it resolved by the Legislature of West Virginia :

That unless the said Baltimore and Ohio Railroad Company shall, on or before the first day of July, 1871, communicate to the attorney general of this state its unreserved recognition of the fact that the said act of the general assembly of Virginia, passed on the sixth day of March, 1847, is binding upon said company, and that the said company is subject to, and will thereafter be governed by its provisions, and shall in the meantime so modify its tariff of charges for freight and passengers, in pursuance of the proviso contained in the sixth section of said act, as not to discriminate thereafter illegally and unjustly and oppressively against the trade and travel of the citizens of this state, it shall then be the duty of the said attorney general, and he is hereby required to institute proceedings against said Baltimore and Ohio Railroad company in the proper judicial tribunal of this state, by information, in the nature of a quo warranto, or by such other judicial proceedings as the said attorney general may think most effective to enforce a compliance on the part of said company with the several provisions of its charter, or to abrogate the same.

Resolved, That should the said company make such communication as is mentioned in the foregoing resolution, the attorney general is hereby requested to deliver the same to the secretary of state, by whom it shall be filed in his office.

Resolved, That a copy of these resolutions be by the clerk of this house communicated to the president of the said Baltimore and Ohio Railroad Company.

ADOPTED, February 28, 1871.

[No. 28.]

Joint Resolution providing for the appointment of a joint committee to join in welcoming the Governor elect to the capital.

Whereas, The citizens of Charleston have appointed a committee to meet and receive the Hon. John J. Jacob, governor elect, on his arrival in the city. And, whereas, it is fitting that the legislature should take action in the premises; therefore

Resolved by the Legislature of West Virginia, That a committee of reception be appointed on behalf of the legislature, to be composed of

four members of the senate and five members of the house of delegates, for the purpose of joining the citizens of Charleston in welcoming the governor elect to the capital.

ADOPTED, February 28, 1871.

[No. 29.]

Joint Resolution fixing the time for the adjournment of the Legislature.

Resolved by the Legislature of West Virginia: That the legislature will adjourn sine die on Thursday, the second day of March next, at 8 o'clock, A. M.

ADOPTED, March 1, 1871.

[No. 30.]

Joint Resolution instructing the Secretary of State to forward to each member of the Legislature a copy of the code.

Resolved by the Legislature of West Virginia, That the secretary of state be and he is hereby authorized and instructed to forward to each member of the legislature the copy of the code of West Virginia, allowed by a former resolution of this session.

ADOPTED, March 1, 1871.

[No. 31.]

Joint Resolution providing for the relief of John Alford, late sheriff of Cabell county.

Whereas, The board of supervisors of Cabell county, by sundry orders entered of record, released several persons in whole and in part from the payment of taxes assessed against them, and in the hands of John Alford, late sheriff of Cabell county, for collection, whereby the said John Alford was prevented from collecting said taxes, and whereas, the said Alford is still charged on the books of the auditor with the taxes so released without having received a credit for such release, therefore,

Resolved by the Legislature of West Virginia: That the auditor be and is hereby authorized and required to credit John Alford, latesheriff of Cabell county, with any and all releases granted by the board of supervisors of Cabell county, to persons assessed with taxes from the payment of the whole or any part thereof, which taxes were in the hands of said Alford for collection, so far as the same has not already been done.

ADOPTED, March 1, 1871.

CORPORATIONS.

THE GERMAN BANK OF WHEELING.

I, James M. Pipes, 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 words and figures following:

The undersigned agree to become a corporation by the name of "The German Bank of Wheeling," for the purpose of carrying on the business of banking in all its various branches, buying and selling gold and silver, United States bonds, bills of exchange, commercial paper, and other evidences of debt, loaning money on real or personal security, receiving money upon transient or special deposits, to issue certificates of loans and deposits for money deposited, and to pay interest on the same, and generally to carry on such business as is usually carried on by a bank of discount and deposit; which corporation shall have its principal office or place of business at Wheeling, Ohio county, and is to expire on the twentieth day of January, 1890. And, for the purpose of forming the said corporation, we have subscribed the sum of fifty thousand dollars to the capital thereof, and have paid in on the said subscriptions the sum of five 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

A. Reymann, ten shares;
John Osterling, ten shares;
Henry Stamm, five shares;
Augustus Pollack, ten shares;
August Rolf, ten shares;
John P. Truschel, five shares;

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 January, 1870.

[Signed,]

A. REYMANN,
JOHN OSTERLING,
HENRY STAMM,
AUGUSTUS POLLACK,
AUGUST ROLF,
JOHN P. TRUSCHEL.

Wherefore, The corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twentieth day of January, eighteen hundred and ninety, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-second day of January, eighteen hundred and seventy.

SEAL

JAMES M. PIPES,
Secretary of the State.

PEIDMONT WORKINGMEN'S STOCK COMPANY.

I, James M. Pipes, 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 words and figures following:

The undersigned agree to become a corporation by the name of the "Piedmont Workingmen's Stock Company," for the purpose of carrying on a general produce and dry goods store and mercantile business by retail, at Piedmont, in Mineral county. The stock to consist of dry goods, groceries, hardware, provisions, queensware, and such other articles as are kept for sale in a retail store, and as the wants of its customers may require. Which corporation shall keep its principal office or place of business at Piedmont, in the county of Mineral, and state of West Virginia, and is to expire on the 1st day of January, 1890; and for the purpose of forming said corporation we have subscribed the sum of fourteen hundred and fifty dollars to the capital thereof, and have paid in on said subscription the sum of one hundred and forty-five dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to twenty-five thousand (\$25,000) dollars in all. The capital so subscribed is to be divided into shares of fifty dollars each, which are held by the undersigned respectively as follows: That is to say, by

Andrew J. Cromwell, of Piedmont, Mineral county, West Virginia, (four) 4 shares.

John Gardner, of Piedmont, Mineral county, West Virginia, (four) 4 shares.

Edward T. Cunningham, of Piedmont, Mineral county, West Virginia, (four) 4 shares.

Joseph V. Bell, of Piedmont, Mineral county, West Virginia, (four) 4 shares.

Thomas J. Barrett, of Piedmont, Mineral county, West Virginia, (four) 4 shares.

John Harman, of Piedmont, Mineral county, West Virginia, (four) 4 shares.

Fredrick Grim, of Westernport, Alleghany county, Maryland, (two) 2 shares.

Sylvesters A. Sylvers, of Piedmont, Mineral county, West Virginia, (two) 2 shares.

Thomas Powell, of Piedmont, Mineral county, West Virginia, (one) 1 share.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this 25th day of January, 1870.

[Signed]

SYLVESTER A. SILVERS,
 FREDRICK GRIM,
 E. T. CUNNINGHAM,
 T. J. BARRETT,
 his
 JOHN X HARMON,
 mark,
 THOMAS POWELL,
 ANDREW J. CROMWELL,
 JOHN GARDNER,
 JOSEPH V. BELL.

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 ninety, 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-eighth day of January, eighteen hundred and seventy.

SEAL

JAMES M. PIPES,
 Secretary of the State.

THE OHIO RIVER FIRE BRICK MAKERS' ASSOCIATION.

I, James M. Pipes, 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 Ohio River Fire Brick Makers' Association, for the purpose of manufacturing, mining and dealing in fire clay and its products, which cor-

poration shall keep its principal office or place of business at New Cumberland, in the county of Hancock, and is to expire on the first day of January, eighteen hundred and eighty, and for the purpose of forming the said corporation, we have subscribed the sum of 8,100 dollars to the capital thereof, and have paid in on said subscription the sum of 810 dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to 50,000 dollars in all. The capital so subscribed is divided into shares of 100 dollars each, which are held by the undersigned respectively as follows, that is to say, by

Porter and Anderson & Co., New Cumberland, W. Va., 6 shares;
 T. Anderson & Co., Freeman's Landing, W. Va., 6 shares;
 John Porter & Co., New Cumberland, W. Va., 8 shares;
 Smith, Porter & Co., New Cumberland, W. Va., 8 shares;
 W. B. Freeman, Jefferson county, Ohio, 6 shares;
 J. L. Freeman & Co., Freeman's Landing, W. Va., 6 shares;
 Porter & Smith, New Cumberland, W. Va., 8 shares;
 Hooper, Shane & Co., New Cumberland, W. Va., 4 shares;
 J. & A. Manypenny, New Cumberland, W. Va., 8 shares;
 N. W. Walker & Co., Wellsville, Ohio, 6 shares;
 Beddon & Morrison, Liverpool, Ohio, 2 shares;
 David Troup, New Cumberland, W. Va., 2 shares;
 Thos. Manypenny & Sons, New Cumberland, W. Va., 4 shares;
 M. Cullen & Bro., New Cumberland, W. Va., 4 shares;
 John Moren & Co., New Cumberland, W. Va., 3 shares.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-eighth day of January, 1870.

[Signed.]

*PORTER, ANDERSON & CO.,
 T. ANDERSON & CO.,
 JOHN PORTER & CO.,
 SMITH, PORTER & CO.,
 W. B. FREEMAN,
 J. L. FREEMAN,
 PORTER & SMITH,
 HOOPER, SHANE & CO.,
 J. & A. MANYPENNY,
 N. W. WALKER & CO.,
 BEDDON & MORRISON,
 DAVID TROUP,
 THOMAS MANYPENNY & SONS,
 M. CULLEN & BROS.,
 JOHN MOREN & CO.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date, unti

the first day of January, eighteen hundred and eighty, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this second day of February, eighteen hundred and seventy.

SEAL.

JAMES M. PIPES,
Secretary of the State.

THE TAYLOR COUNTY AGRICULTURAL AND MECHANICAL SOCIETY.

I, James M. Pipes, 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 words and figures following:

The undersigned agree to become a corporation by the name of "The Taylor County Agricultural and Mechanical Society," for the purpose of promoting the agricultural and mechanical interests of the said county, 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 Grafton, in Taylor county, and is to expire on the twenty-fifth day of January, A. D. 1890. 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 on said subscriptions 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 (25,000) dollars in all. The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned respectively as follows, to-wit:

George Brinkman, Grafton, W. Va., five shares;
 George W. Brown, Grafton, W. Va., five shares;
 Alphcus D. Casteel, Grafton, W. Va., five shares;
 Henry A. O'Leary, Grafton, W. Va., five shares;
 Thomas Kennedy, Grafton, W. Va., five shares;
 Henry Compton, Grafton, W. Va., five shares;
 Charles F. W. Kunst, Grafton, W. Va., five shares;
 Abel H. Thayer, Grafton, W. Va., five shares;
 John K. Knotts, Grafton, W. Va., five shares;
 John Evans, Grafton, W. Va., five shares;

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 January, A. D. 1870.

[Signed,]

GEORGE BRINKMAN,
 GEORGE W. BROWN,
 ALPHEUS D. CASTEEL,
 HENRY A. O'LEARY,
 THOMAS KENNEDY,
 HENRY COMPTON,
 C. F. W. KUNST,
 ABEL H. THAYER,
 JOHN K. KNOTTS,
 JOHN EVANS.

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 January, eighteen hundred and ninety, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this third day of February, eighteen hundred and seventy.

SEAL

JAMES M. PIPES,
 Secretary of the State.

THE WETZEL WOOLEN MANUFACTURING COMPANY.

I. James M. Pipes, 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 Wetzel Woolen Manufacturing Company," for the purpose of carding, spinning, weaving or manufacturing cotton or woolen cloth, or both, in all its various branches, which corporation shall keep its principal office or place of business at New Martinsville, in the county of Wetzel, state of West Virginia, and is to expire on the first day of January, 1890. And for the purpose of forming said corporation, we have subscribed the sum of (\$5,400) five thousand four hundred dollars, to the capital stock thereof, and have paid in on said subscriptions the sum of five hundred and forty 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 one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say, by

Levi Shuman, a resident of New Martinsville, Wetzel county, West Virginia, fifteen shares;

Josephus Clark, a resident of New Martinsville, Wetzel county, West Virginia, five shares;

John B. Priest, a resident of New Martinsville, Wetzel county, West Virginia, five shares;

Samuel R. Martin, a resident of Magnolia township, Wetzel county, West Virginia, one share;

Gabriel Leep, a resident of New Martinsville, Wetzel county, West Virginia, four shares;

John Huff, a resident of New Martinsville, Wetzel county, West Virginia, four shares;

Benjamin Welsh, a resident of New Martinsville, Wetzel county, West Virginia, one share;

Francis Doran, a resident of Proctor township, Wetzel county, West Virginia, ten shares;

James Newman, Proctor township, Wetzel county, West Virginia, three shares;

Wilford Moore, a resident of Proctor township, Wetzel county, West Virginia, three shares;

John McCaskey, a resident of New Martinsville, Wetzel county, West Virginia, three shares;

And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this fourth day of February, 1870.

[Signed.]

LEVI SHUMAN,
JOSEPHUS CLARK,
J. B. PRIEST,
S. R. MARTIN,
GABRIEL LEEP,

his

JOHN \times HUFF,
mark.

BENJ. M. WELSH,
FRANCIS DORAN,
JAMES NEWMAN,
WILFORD MOORE,
JOHN McCASKEY.

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 ninety, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this tenth day of February, eighteen hundred and seventy.

SEAL.

JAMES M. PIPES,
Secretary of the State.

“THE HARPER’S FERRY BUILDING ASSOCIATION.”

I, James M. Pipes, 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 Harper’s Ferry Building Association,” for the purpose of raising money to be loaned among its members for use in buying lots and houses, or in building or repairing houses, which corporation shall keep its principal office or place of business at Harper’s Ferry, in the county of Jefferson, state of West Virginia, and is to expire on the first day of January, eighteen hundred and eighty. 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 subscription 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: that is to say by

Charles E. Beller, one share;
 F. Gannon, one share;
 E. H. Chambers, one share;
 J. M. Decaulve, one share; and
 S. V. Yantis, 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 16th day of February, 1870.

[Signed,]

CHARLES E. BELLER,
 E. H. CHAMBERS,
 J. M. DECAULVE,
 F. GANNON,
 S. V. YANTIS.

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, 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 seventeenth day of February, eighteen hundred and seventy.

SEAL

J. M. PIPES,
 Secretary of the State.

THE HARPER'S FERRY WATER POWER AND MANUFACTURING COMPANY.

I, James M. Pipes, 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 Harper's Ferry Water Power and Manufacturing Company" of West Virginia, for the purpose of manufacturing and furnishing water power for manufacturing, which corporation shall keep its principal office or place of business at Washington city, in the District of Columbia, and is to expire on the first day of January, A. D. one thousand eight hundred and ninety. And, for the purpose of forming said corporation, we have subscribed the sum of five hundred thousand dollars to the capital stock thereof, and have paid in on said subscriptions the sum of one hundred and seventy-six thousand dollars. 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

T. C. Adams, of Washington, D. C., five hundred shares ;
 William B. Webb, of Washington, D. C., five hundred shares ;
 Clinton Lloyd, of Washington, D. C., five hundred shares ;
 Austin P. Brown, of the District of Columbia, five hundred shares ;
 Francis A. Macartney, of Washington, D. C., five hundred shares :
 Nathaniel Wilson, of Washington, D. C., five hundred shares ;
 Thomas B. Connery, of Washington, D. C., five hundred shares ;
 S. P. Brown, of the District of Columbia, one thousand shares ;
 George H. Plant, of Washington, D. C., five hundred shares.

Given under our hands and seals this eighteenth day of February, A. D. one thousand eight hundred and seventy.

Witness:	[Signed,]	F. C. ADAMS.	[SEAL.]
EDWARD F. BROWN.		W. B. WEBB.	[SEAL.]
		CLINTON LLOYD.	[SEAL.]
		GEORGE H. PLANT.	[SEAL.]
		S. P. BROWN.	[SEAL.]
		A. P. BROWN.	[SEAL.]
		NATHANIEL WILSON.	[SEAL.]
		THOMAS B. CONNERY.	[SEAL.]
		F. A. MACARTNEY.	[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 January, eighteen hundred and ninety, a corporation by the name and for the purpose 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 February, eighteen hundred and seventy.

SEAL

JAMES M. PIPES,
Secretary of the State.

GRATITUDE LODGE INDEPENDENT ORDER OF ODD FELLOWS.

I, James M. Pipes, 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 "Gratitude Lodge Independent Order of Odd Fellows," for the purpose of purchasing, leasing, holding or selling personal or real estate, &c. And, as such, may sue and be sued in its corporate name; and shall have its principal place of business and location in the town of Hedgesville, county of Berkeley, and state of West Virginia, and is to expire on the first day of January, 1889. And, for the purpose of forming the said corporation, we, the undersigned, have subscribed the sum of two thousand (2,000) dollars to the capital thereof, and have paid in on said subscriptions the sum of twenty-five per cent., or \$500, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to three thousand (3,000) dollars in all. The capital so subscribed is divided into shares of \$20 each, which are held by the undersigned as follows, that is to say by

Jacob Hull, residence Hedgesville, W. Va., 20 shares of \$20, \$400.

Richard Bodine, residence Hedgesville, W. Va., 20 shares of \$20, \$400.

Conrad K. Robins, residence Hedgesville, W. Va., 20 shares of \$20, \$400.

Moses C. Nadenbousch, residence Hedgesville, W. Va., 20 shares of \$20, \$400.

Jeremiah Guinn, residence Hedgesville, W. Va., 20 shares of \$20, \$400.

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 February, 1870.

[Signed,]

RICHARD BODINE,
C. K. ROBINS,
M. C. NADENBOUSCH,
JEREMIAH QUINN,
JACOB HULL.

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-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this eleventh day of March, eighteen hundred and seventy.

{
SEAL
}

JAMES M. PIPES,
Secretary of the State.

ASHTON LODGE BUILDING ASSOCIATION.

I, James M. Pipes, 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 "Ashton Lodge Building Association," for the purpose of erecting and completing a building in the town of Ravenswood, the upper story of which shall be for the exclusive use, occupation and control of Ashton Lodge, No. 12, Ancient, Free and Accepted Masons; the lower rooms for such purposes as the association may order, and such other buildings as the association may deem expedient; which corporation shall keep its principal office or place of business at Ravenswood, in the county of Jackson, and is to expire on the first day of January, A. D. 1880; and for the purpose of forming the said corporation we have subscribed the sum of three hundred and twenty-five dollars to the capital thereof, and have paid in on said subscriptions the sum of thirty-two 50-100 dollars, and desire the privilege of increasing the said capital, by sales of additional shares, from time to time, to three thousand dollars in all. The capital so subscribed is divided into shares

Corporations.

of twenty-five (\$25.00) dollars each, which are held by the undersigned, respectively, as follows, that is to say, by

Robert Park, residence Ravenswood, four shares;
 Nathan Parr, residence Warh's Bottom, four shares;
 Samuel Henderson, Ravenswood, two shares;
 Tapley Beckwith, Ravenswood, one share;
 D. J. Keeney, Ravenswood, one share;
 B. H. Hoyt, Ravenswood, one share.

And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this twenty-second day of February, A. D. 1870.

{Signed.}

ROBT. PARK,
 NATHAN PARR,
 S. HENDERSON,
 B. H. HOYT,
 TAPLEY BECKWITH,
 D. J. KEENEY.

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, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this sixteenth day of March, eighteen hundred and seventy.

{
 SEAL.
 }

JAMES M. PIPES,
 Secretary of the State.

THE PIEDMONT BUILDING ASSOCIATION.

I, James M. Pipes, 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 Piedmont Building Association," for the purpose of raising money to be used among the members of said corporation in buying lots or houses, or in building or repairing houses; which corporation shall keep its principal office or place of business at Piedmont, in the county of Mineral, and is to expire on the first day of March, eighteen hundred and eighty. And, for the purpose of forming said corporation, we have subscribed the sum of seven hundred and fifty dol-

lars to the capital thereof, and have paid in on said subscription the sum of seventy-five dollars, and desire the privilege of increasing the capital by sales of additional shares, from time to time, to six hundred shares, ninety thousand dollars in all. The capital so subscribed is divided into shares of one hundred and fifty dollars as follows, that is to say :

By John Gardner, of Piedmont, Mineral county, West Virginia, one share ;

By A. J. Cromwell, of Piedmont, Mineral county, West Virginia, one share ;

By H. H. Mausbach, of Piedmont, Mineral county, West Virginia, one share ;

By A. Baush, of Piedmont, Mineral county, West Virginia, one share ;

By J. V. Bell, of Piedmont, Mineral county, West Virginia, one share ;

And the capital hereafter sold is to be divided into shares of the like amount.

Given under our hand this fourteenth day of March, 1870.

[Signed,]

JOHN GARDNER,
A. J. CROMWELL,
H. H. MAUSBACH,
A. BAUSCH,
J. V. BELL.

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 March, eighteen hundred and eighty, 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 sixteenth day of March, eighteen hundred and seventy.

SEAL

JAMES M. PIPES,
Secretary of the State.

KNIGHTS OF THE UNKNOWN RING.

I, James M. Pipes, 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 Knights of the Unknown Ring, of Wheeling, for the purpose of pur-

chasing, leasing and holding or selling real or personal property, and as such may issue charters as a grand lodge to subordinate lodges, sue and be sued in its corporate name, and shall have its principal place of business and location in the city of Wheeling, county of Ohio, state of West Virginia, and is to expire on the eighteenth day of March, 1890 ; and for the purpose of forming the said corporation we have subscribed the sum of ninety-six dollars, and have paid in on said subscription the sum of ten dollars, and desire the privilege of increasing said capital by sales of additional shares, from time to time, to one million dollars. The capital so subscribed is divided into shares of three dollars each, which are held by the undersigned as follows, that is to say,

By Chas. H. Wilson, four shares ;
 By James M. Brodie, five shares ;
 By James Wheeler, one share ;
 By James Hollingsworth, one share ;
 By Louis Harttong, one share ;
 By Henry Foster, one share ;
 By E. F. Moore, five shares ;
 By Wm. J. Turner, one share ;
 By John Grey, five shares ;
 By Geo. H. Williams, one share ;
 By D. E. Donel, five shares ;
 By J. V. L. Rodgers, one share ;
 By S. M. Darrah, one share.

All of the city of Wheeling, county of Ohio, and state aforesaid.
 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 March, A. D. 1870.

[Signed.]

J. V. L. RODGERS,
 W. J. TURNER,
 GEO. H. WILLIAMS,
 LOUIS HARTTONG,
 HENRY FOSTER,
 JAMES HOLLINGSWORTH,
 CHAS. H. WILSON,
 E. F. MOORE,
 J. M. BRODIE,
 JOHN GREY,
 D. E. DONEL,
 JAS. WHEELER,
 S. M. DARRAH.

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 March, eighteen hundred and ninety, a corporation by the name and for the purpose 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 March, eighteen hundred and seventy.

SEAL.

JAMES M. PIPES,
Secretary of the State.

THE WHEELING STEAMBOAT WORKS AND MANUFACTURING COMPANY.

I, James M. Pipes, 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 words and figures following:

The undersigned agree to become a corporation by the name of "The Wheeling Steamboat Works and Manufacturing Company," for the purpose of manufacturing and building steamboats, hulls, cabins, joiner work, barges, ploughs, nail kegs, barrels, wagons, carriages, buggies, carts, drays, wheel-barrow, trucks, together with passenger cars, freight cars, gondolas, coal carts for railroads, agricultural implements of all kinds and descriptions, marine and land engines, blast cylinders, stamp mills and mining machinery, rolling mill, saw and grist mill castings, house fronts, stoves, grates, mantles, hollow ware of all kinds, boiler makers, tank and salt pan makers, forge work, and wrought and cast iron work for bridges, copper smiths, brass founders, plumbers, gas and steam fitter's material, and stock and articles composed in whole or in part of wood, iron, steel, brass or copper, made for sale and to order, and general machinist and job workers in iron or wood; which corporation shall keep its principal office or place of business at the city of Wheeling, in the county of Ohio, and state of West Virginia, and is to expire on the first day of April, A. D. 1890. And, for the purpose of forming the said corporation, we have subscribed the sum of eighteen thousand six hundred dollars to the capital thereof, and have paid in on the said subscription the sum of eighteen thousand six hundred 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:

Hans W. Phillips, Wheeling, W. V., 100 shares;

Wm. P. Wilson, Wheeling, W. Va., 50 shares;

W. H. Dunlevy, Wheeling, W. Va., 30 shares;

J. T. Carpenter, Wheeling, W. Va., 5 shares.

Chas. H. Wilson, Wheeling, W. Va., 1 share.

And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this nineteenth day of March, A. D. 1870.

[Signed,]

HANS W. PHILLIPS,
W. P. WILSON,
W. H. DUNLEVY,
J. T. CARPENTER,
CHARLES H. WILSON.

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 ninety, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-first day of March, eighteen hundred and seventy.

SEAL

JAMES M. PIPES,
Secretary of the State.

THE GRAFTON MUTUAL STORE.

I, James M. Pipes, 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 Grafton Mutual Store," for the purpose of carrying on a general merchandise business in the town of Grafton, and for the purpose of acquiring real estate, sufficient for houses and store-rooms for such business, which corporation shall keep its principal office or place of business at Grafton, in the county of Taylor, and is to expire on the nineteenth day of March, 1890; and for the purpose of forming said corporation, we have subscribed the sum of one hundred and twenty-five (125) dollars to the capital thereof, and have paid in on said subscription the sum of twenty-five dollars, and desire the privilege of increasing the said capital, by sale of additional shares, from time to time, to twenty thousand dollars in all. The capital so subscribed is divided into shares of \$25.00 each, which are held by the undersigned, respectively, as follows, that is to say, by

James D. Holmes, Grafton, one share;
Virgil T. Handley, Grafton, one share;
George W. Williams, Grafton, one share;
Aaron T. Cline, Grafton, one share;
Patrick Barrett, Grafton, one share.

And the capital to be hereafter sold, is to be divided into shares of like amount.

Given under our hands this nineteenth day of March, 1870.

{Signed.}

JAMES D. HOLMES,
VIRGIL T. HANDLEY,
GEORGE W. WILLIAMS,
AARON T. CLINE,
PATRICK BARRETT.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the nineteenth day of March, eighteen hundred and ninety, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-first day of March, eighteen hundred and seventy.

{
SEAL.
}

JAMES M. PIPES,
Secretary of the State.

HEATERS' BENEFICIAL ASSOCIATION OF WHEELING.

I, James M. Pipes, 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 "Heaters' Beneficial Association of Wheeling," and as such desire authority to make such by-laws for the government of said association as shall be adopted by a majority of the members thereof, to sue and be sued in their corporate name, and desire the privilege of purchasing, leasing and holding personal and real property; said corporation to have its principal office in the city of Wheeling, and to expire on the first day of January, 1890. And, for the purpose of forming the said corporation, we have subscribed the sum of thirty dollars, and have paid in on said subscription the sum of three dollars, and desire the privilege of increasing said capital by sales of additional shares to fifty thousand dollars. The capital so subscribed is divided into shares of five dollars each, which is held by the undersigned as follows:

William Lewis, one share;
David Reese, one share;
N. C. Carten, one share;
Jacob H. Freese, one share;
Lewis Serig, one share;
Matthew Farrell, one share;

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 twenty-first day of March, 1870.

[Signed,]

WILLIAM LEWIS,
DAVID REESE,
N. C. CARTEN,
JACOB H. FREESE,
LOUIS SERIG,
MATTHEW FARRELL.

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 ninety, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-second day of March, eighteen hundred and seventy.

SEAL

JAMES M. PIPES,
Secretary of the State.

THE BOILERS' BENEVOLENT ASSOCIATION No. 2, OF BENWOOD.

I, James M. Pipes, 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 Boilers' Benevolent Association, No. 2, of Benwood," for the purpose of benevolence and charity, and as such desire authority to lease, sell, purchase and hold real and personal property, and to make such by-laws for the government of said association as may be adopted by a majority of its members; to sue and be sued in its corporate name; the principal office or place of business to be in Benwood, Marshall county, and is to expire on the first day of January, 1890; and for the purpose of forming said corporation we have subscribed the sum of thirty dollars, and have paid in on said subscription the sum of three dollars, and desire the privilege of increasing 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 five

dollars each, which are held by the undersigned as follows, that is to say:

- By H. W. Thompson, Benwood, one share ;
- By David Reese, Benwood, one share ;
- By John Dolan, Benwood, one share ;
- By Christian Loch, Benwood, one share ;
- By J. S. Edwards, Benwood, one share ;
- By Thomas Murrin, Benwood, 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-fourth day of March, 1870.

[Signed.]

H. W. THOMPSON,
DAVID REESE,
JOHN DOLAN,
CHRISTIAN LOCH,
J. S. EDWARDS.
THOMAS MURRIN,

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 ninety, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-fourth day of March, eighteen hundred and seventy.

SEAL.

JAMES M. PIPES,
Secretary of the State.

MARSHALL IRON WORKS.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day duly delivered to me : which agreement is in the words and figures following :

The undersigned agree to become a corporation by the name of "Marshall Iron Works," 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. Which corporation shall keep its principal office or place of business at Moundsville, Marshall county, West Virginia, and is to expire on the first day of April, 1890. And for the purpose of forming the said corporation we have subscribed the sum

of nine thousand two hundred and fifty dollars to the capital thereof, and have paid in on said subscription the sum of nine hundred and twenty-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 subscribed is divided into shares of fifty dollars each, which are held by the undersigned respectively as follows, that is to say, by

John Ferguson, thirty shares ;
 George W. Bier, twenty shares ;
 Robert McConnell, twenty shares ;
 J. W. Gallaher, twenty shares ;
 John M. Bell, twenty shares ;
 Dr. E. C. Thomas, twenty shares ;
 Elisha Lindsey, twenty shares ;
 Dr. George W. Bruce, six shares ;
 Jonathan Purdy, five shares ;
 Hanson Crisswell, twenty shares ;
 Jesse Neff, ten shares ; and
 J. L. Parkinson, four shares.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this 6th day of April, 1870.

[Signed,]

GEORGE W. BIER,
 J. W. GALLAHER,
 JOHN M. BELL,
 DR. E. C. THOMAS,
 JOHN FERGUSON,
 GEORGE W. BRUCE,
 JONATHAN PURDY,
 JESSE NEFF,
 HANSON CRISSWELL,
 ELISHA LINDSEY,
 ROBERT M. McCONNELL,
 J. L. PARKINSON.

Wherefore the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of April, eighteen hundred and ninety, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Charleston, this second day of April, eighteen hundred and seventy.

—
 SEAL
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JAMES M. PIPES,
 Secretary of the State.

TUSCARORA BUILDING ASSOCIATION.

I, James M. Pipes, 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 Building Association," for the purpose of accumulating, by the savings of the stockholders, a cash capital to be loaned to them severally, to be used in purchasing real estate, building and repairing houses, and for such other purposes as may be necessary or proper. Which corporation shall keep its principal office or place of business at Martinsburg, in the county of Berkeley, and state of West Virginia, and is to expire on the first day of April, A. D. 1885. And for the purpose of forming the said corporation, we have subscribed the sum of fifteen 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 James W. Day, two shares;
 By E. S. Troxell, two shares;
 By George W. Tabler, two shares;
 By Joshua W. Smith, two shares;
 By J. S. Halderman, two shares;

All residents of the county of Berkeley and state of 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 March, A. D. 1870.

[Signed.]

J. W. DAY,
 E. S. TROXELL,
 G. W. TABLER,
 J. W. SMITH,
 J. S. HALDERMAN,

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of April, eighteen hundred and eighty-five, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Charleston, this eighth day of April, eighteen hundred and seventy.

SEAL.

JAMES M. PIPES,
Secretary of the State.

CITIZENS' SAVINGS BANK OF GRAFTON, W. VA.

I, James M. Pipes, 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 Citizens' Savings Bank of Grafton, W. Va., for the purpose of carrying on the business of banking in all its various branches, buying and selling gold and silver, bonds, bills of exchange, commercial paper, and other evidences of debt, loaning money upon real or personal security, receiving money upon transient or special deposits, to issue certificates of loans and deposits for money deposited, and to pay interest on the same, and generally to carry on such business as is usually carried on by a bank of discount and deposit; which corporation shall keep its principal office or place of business at Grafton, in the county of Taylor, and is to expire on the fifth day of April, eighteen hundred and ninety. And, for the purpose of forming the said corporation, we have subscribed the sum of six hundred dollars to the capital thereof, and have paid in on said subscriptions the sum of sixty dollars, and desire the privilege of increasing the said capital by 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

George A. Jackson, of Weston, W. Va., one share;
John Doonan, of Grafton, W. Va., one share;
Geo. W. Brown, of Grafton, W. Va., one share;
John W. Mason, of Grafton, W. Va., one share;
George Brinkman, of Grafton, W. V., one share;
John S. S. Herr, Pruntytown, W. Va., one share;

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this fifth day of April, eighteen hundred and seventy.

[Signed,]

GEORGE A. JACKSON,
JOHN DOONAN,
GEO. W. BROWN,
JOHN W. MASON,
GEORGE BRINKMAN,
JOHN S. S. HERR.

Wherefore, the incorporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the fifth day of April, eighteen hundred and ninety, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Charleston, this eleventh day of April, eighteen hundred and seventy.

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SEAL
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JAMES M. PIPES,
Secretary of the State.

KANAWHA CHEMICAL AND GLASS COMPANY.

I, James M. Pipes, 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 Kanawha Chemical and Glass Company, for the purpose of manufacturing muriatic acid, and other chemicals, and also glass, which corporation shall keep its principal office or place of business at Charleston, in the county of Kanawha, and is to expire on the first day of April (1890) eighteen hundred and ninety. 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 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 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:

By Jacob Goshorn, of Charleston, in the county of Kanawha, ninety shares;

By John Q. Dickinson, of the county of Kanawha, forty-nine shares;

By James B. Honaker, of Charleston, Kanawha county, nine shares;

By Leon Bemelmans, of Kanawha county, one share;

By Charles D. Reynolds, of said county of Kanawha, one share;

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this nineteenth day of April, 1870.

[Signed.]

JACOB GOSHORN,
JOHN Q. DICKINSON,
JAMES B. HONAKER,
LEON BEMELMANS,
C. D. REYNOLDS.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of April, eighteen hundred and ninety, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Charleston, this twentieth day of April, eighteen hundred and seventy.

SEAL.

JAMES M. PIPES,
Secretary of the State.

MAGNOLIA MINING AND MANUFACTURING COMPANY.

I, James M. Pipes, 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 "Magnolia Mining and Manufacturing Company," for the purpose of mining for coals, iron, clay, ore, lead, copper, for boaring for oil, salt, manufacturing of fire-bricks, lumber, wooden ware; which corporation shall keep its principal office or place of business at Magnolia, in the county of Wetzel, state of West Virginia, and is to expire the first day of January, one thousand eighteen hundred and ninety. And, for the purpose of forming the said corporation, we have subscribed the sum of four thousand dollars to the capital thereof, and have paid in on said subscription the sum of four 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 five hundred dollars each, which are held by the undersigned respectively as follows, that is to say by

Mr. John P. Vierheller, of Temperanceville, of Pennsylvania, two (2) shares ;

F. Beasseller, of Temperanceville, of Pennsylvania, two (2) shares ;

E. Schneckendick, of Pittsburgh, of Pennsylvania, two (2) shares ;

David Hearing, of Temperanceville, of Pennsylvania, one (1) share ;

Edward Sprung, of Temperanceville, of Pennsylvania, one (1) 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 April, one thousand eight hundred and seventy.

]Signed,]

JOHN P. VIERHELLER.

F. BEASSELLER,

E. SCHNEKENDICK,

DAVID HEARING,

EDWARD SPRUNG.

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 ninety, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Charleston this twenty-fifth (25) day of April eighteen hundred and seventy.

SEAL.

JAMES M. PIPES,
Secretary of the State.

THE VIRGINIA COAL AND IRON COMPANY OF HAMPSHIRE COUNTY, WEST VIRGINIA, WITH PRIVILEGE TO INCREASE STOCK.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that a resolution duly signed by the president, and under the common seal of "The Virginia Coal and Iron Company of Hampshire county, West Virginia," has been this day delivered to me, which resolution, bearing date January 15, 1870, is in the words and figures following :

"Resolved, That we, the stockholders of The Virginia Coal and Iron Company of Hampshire county, West Virginia, in general meeting assembled, do hereby accept the provisions of chapters fifty-three and fifty-four of the code of West Virginia, and direct a statement to be made out as provided in the twelfth section of chapter fifty-four of

said code, reserving the privilege of increasing the capital of said company to the sum of one million of dollars, said company to be hereafter known by the name it now is."

The corporation aforesaid, whose stockholders adopted the foregoing resolution has heretofore been known by the name of the Virginia Coal and Iron Company of Hampshire county, West Virginia, and it is desired and intended that it shall be hereafter known by the same name; the business to be carried on by said corporation is the mining of coal and other minerals in the county of Mineral, West Virginia, and the selling and shipping the same. The principal office of said company is to be kept at the city of Baltimore, state of Maryland, and the said corporation is to expire on the first day of January, 1890. The amount of the whole capital of said company is six hundred and twenty-five thousand dollars, and the whole of said capital (six hundred and twenty-five thousand dollars) has been paid, and the privilege is hereby reserved to increase the capital of said corporation to the sum of one million of dollars; the par value of each share of said capital to be five dollars.

STATE OF MARYLAND, }
 City of Baltimore, } sct.

I, Samuel Maccubbin, president of the Virginia Coal and Iron Company of Hampshire county, West Virginia, incorporated on the twenty-third day of August, 1865, under the laws of West Virginia, do hereby certify that the foregoing resolution is a copy of one adopted by the stockholders of said company, in general meeting assembled, on the fifteenth day of January, 1870, and the foregoing statement accompanying said resolution has been made out under the direction of said company, and is a true and correct statement.

Given under my hand and the common seal of said company the nineteenth day of May, 1870.

[Signed.]

SAMUEL MACCUBBIN,
 President Va. C. and I. Co.

[SEAL.]

Wherefore, the corporators and stockholders of the Virginia Coal and Iron Company of Hampshire county, West Virginia, and their successors and assigns, are hereby declared to be, from this date until the first day of January, eighteen hundred and ninety, a corporation by the name and for the purposes set forth in said resolution.

Given under my hand and the great seal of the said state, at the city of Charleston, this twenty-sixth day of May, eighteen hundred and seventy.

{
 SEAL
 }

J. M. PIPES,
 Secretary of the State.

THE UNION OPERATING OIL COMPANY.

I, James M. Pipes, 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 words and figures following:

The undersigned agree to become a corporation by the name of "The Union Operating Oil Company," for the purpose of searching, boring for and obtaining petroleum or other mineral oils, preparing the same for market; refining, transporting and disposing thereof; buying and selling petroleum and other oils; leasing and purchasing lands for the purpose of developing the same for oil purposes; and to do such other things as may be necessary to fully carry out the purposes for which this corporation is organized. Which corporation shall keep its principal office or place of business at Petroleum, in the county of Ritchie, in the state of West Virginia, and is to expire on the first day of January, 1890; and for the purpose of forming said corporation, we have subscribed the sum of forty dollars to the capital thereof, and have paid in on said subscription the sum of forty 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 five dollars each, which are held by the undersigned, respectively, as follows, that is to say, by

D. C. Boyce, of Petroleum, West Va., one share;
 Julius C. Gilman, of Laurel Junction, West Va., one share;
 William Wells, of Laurel Junction, West Va., one share;
 Joseph Davis, of Laurel Junction, West Va., one share;
 James R. Frazier, of Laurel Junction, West Va., one share,
 S. R. Shakely, of Laurel Junction, West Va., one share;
 David M. Shakely, of Laurel Junction, West Va., one share;
 John O'Brien, of Laurel Junction, West Va., one share;

And the capital to be hereafter sold is to be divided into shares of like amount. And it is further agreed that the stock in said corporation shall be held equally, share and share alike, by all the stockholders of said company, so that at no time no stockholder may hold more stock than another.

Given under our hands this 8th day of July, 1870.

[Signed.]

D. C. BOYCE.	[SEAL.]
JULIUS C. GILMAN.	[SEAL.]
WILLIAM WELLS.	[SEAL.]
JOSEPH DAVIS.	[SEAL.]
J. R. FRAZIER.	[SEAL.]
S. R. SHAKELY.	[SEAL.]
D. M. SHAKELY.	[SEAL.]
JOHN O'BRIEN,	[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 January, eighteen hundred and ninety, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Charleston, this twenty-second day of July, eighteen hundred and seventy.

SEAL.

JAMES M. PIPES,
Secretary of the State.

THE GREENBRIER LUMBER COMPANY.

I, James M. Pipes, 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 Greenbrier Lumber Company," for the purpose of buying and leasing timber land, erecting saw mills, manufacturing and selling lumber, and doing such other things as may be necessary to develop the lands of the company; which corporation shall have its principal office or place of business at its saw mill on Greenbrier river, near Lewisburg, Greenbrier county, West Virginia, and a branch office in Philadelphia, Pennsylvania; and is to expire on the eleventh day of July, 1890, twenty years from the date of its certificate of incorporation; and for the purpose of forming the said corporation, we have subscribed the sum of forty thousand dollars to the capital thereof, and have paid in on said subscriptions, in cash and timber lands, machinery and buildings, at an agreed valuation, the sum of forty 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 fifty dollars each, which are held by the undersigned, respectively, as follows, that is to say:

Grayson M. Prevost, of the city of Philadelphia, three hundred and ninety-nine shares;

Charles M. Prevost, of Philadelphia, one share;

Joseph A. Clay of Philadelphia, one share;

Cecil Clay, of Greenbrier county, West Virginia, three hundred and fifty-nine shares; and

R. Livingston Kester, forty shares;

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twelfth day of July, eighteen hundred and seventy.

[Signed.]

G. M. PREVOST,
CHARLES M. PREVOST,
JOSEPH A. CLAY,
CECIL CLAY,
ROBT. L. KESTER.

Wherefore, The corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the eleventh day of July, eighteen hundred and ninety, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Charleston, this twenty-ninth day of July, eighteen hundred and seventy.

SEAL

JAMES M. PIPES,
Secretary of the State.

WELLSBURG MANUFACTURING COMPANY.

I, James M. Pipes, 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 "Wellsburg Manufacturing Company," for the purpose of manufacturing mowers, mowers and reapers combined, corn shellers, agricultural implements, and other general manufacturing purposes; which corporation shall keep its principal office or place of business at Wellsburg, in the county of Brooke, and is to expire on the twenty-fifth day of July, 1890. And for the purpose of forming the said corporation, we have subscribed the sum of twelve thousand five hundred dollars to the capital thereof, and have paid on said subscriptions the sum of three thousand 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 one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say:

By Samuel Jacobs, of the county of Brooke, state of West Virginia, twenty shares;

By Lewis Applegate, of the state and county aforesaid, twenty shares;

By Adam Kuhn, of the state and county aforesaid, twenty shares;

By Joseph Applegate, of the county and state aforesaid, ten shares;

By Eli H. Moor, of the county and state aforesaid, ten shares;

By William H. Tarr, of the county and state aforesaid, ten shares;

By William C. Barclay, of the same county and state aforesaid, ten shares;

By Leander Browning, of the same county and state aforesaid, ten shares;

By Joseph C. Gist, of the same county and state aforesaid, five shares;

By Joseph H. Pendleton, of the county and state aforesaid, five shares;

By John M. Cooper, of the same county and state aforesaid, three shares; and

By Thomas Buchanan, of the same county and state aforesaid, two shares;

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-sixth day of July, A. D. 1870.

[Signed.]

S. JACOB,
LEWIS APPELEGATE,
ADAM KUHN,
JOS. APPELEGATE,
E. H. MOOR,
WM. H. TARR,
W. C. BARCLAY,
LEANDER BROWNING,
J. C. GIST,
J. H. PENDLETON,
JNO. M. COOPER,
THOS. BUCHANAN.

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 ninety, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Charleston, this twenty-ninth day of July, eighteen hundred and seventy.

SEAL

JAMES M. PIPES,
Secretary of the State.

KANAWHA RIVER AND PARKERSBURG PACKET COMPANY.

I, James M. Pipes, 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 words and figures following:

The undersigned agree to become a corporation by the name of "Kanawha River and Parkersburg Packet Company," for the purpose of navigating and running one or more steamboats (of which the steamboat Clara Scott is one) to carry freight and passengers from any and all points on the Kanawha and Ohio rivers, in the state of West Virginia, to the town of Parkersburg, or any other point on the Ohio river, and to tow boats and barges between the same points, which corporation shall keep its principal office or place of business in Charleston, Kanawha county, in said state of West Virginia, and is to expire on the first day of June, eighteen hundred and eighty-nine, (1889,) and for the purpose of forming said corporation, we have subscribed the sum of twelve thousand (\$12,000) dollars to the capital stock thereof, and have paid in on said subscription the whole of said sum of twelve thousand (\$12,000) dollars, and desire the privilege of increasing said capital by the sale of additional shares, to the sum of one hundred thousand dollars. The capital so subscribed is divided into shares of one hundred (\$100) dollars each, which are held by the undersigned, respectively, as follows:

O. A. Thayer, residing in Kanawha Salines, West Virginia, holds fifty shares;

H. W. Reynolds, residing in Charleston, West Virginia, thirty shares;

W. E. Truslow, residing in same place, thirty shares;

J. T. Doyle, residing in Kanawha Salines, West Virginia, nine shares;

A. M. Doyle, residing in Charleston, West Virginia, one share;

And the capital to be hereafter sold is to be divided into shares of like amounts.

Given under our hands this fifteenth day of August, eighteen hundred and seventy (1870.)

[Signed.]

O. A. THAYER,
W. E. TRUSLOW,
J. T. DOYLE,
A. M. DOYLE,
H. W. REYNOLDS,

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 June, eighteen hundred and eighty-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 said state, at the city of Charleston, this fifteenth day of August, eighteen hundred and seventy.

SEAL

JAMES M. PIPES,
Secretary of the State.

CHARLESTON GAS COMPANY.

I, James M. Pipes, 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 "Charleston Gas Company," for the purpose of building, constructing and establishing gas works in the town of Charleston, West Virginia, also, to manufacture, supply and sell gas for the purpose of illuminating and lighting all the streets, squares, houses, grounds, alleys, public and private, in said town, and for the further purpose of manufacturing and vending coke, and for all such other business that a gas company may lawfully do and perform; which corporation shall keep its principal office or place of business at Charleston, in the county of Kanawha, and is to expire on the twenty-eighth day of May, 1890; 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 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 one hundred thousand dollars in all. The capital so subscribed is divided into shares of fifty dollars each, which are held by the undersigned, respectively, as follows, that is to say:

- John Claypool, Charleston, West Va., five shares;
- Isaac N. Smith, Charleston, West Va., five shares;
- E. B. Knight, Charleston, West Va., five shares;
- Richard Q. Laidley, Charleston, West Va., five shares;
- Moses Frankenberger, Philip Frankenberger, jointly, Charleston, West Va., five shares;
- A. M. Doyle, Charleston, West Va., five shares;

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this first day of October, 1870.

[Signed.]

E. B. KNIGHT,
ISAAC N. SMITH,
JNO. CLAYPOOL,
A. M. DOYLE,
MOSES FRANKENBERGER, } Jointly.
PHILIP FRANKENBERGER, }
RICHARD Q. LAIDLEY.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the twenty-eighth day of May, eighteen hundred and ninety, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of said state, at the city of Charleston, this third day of October, eighteen hundred and seventy.

SEAL.

JAMES M. PIPES,
Secretary of the State.

WEST VIRGINIA SAVINGS INSTITUTION.

I, James M. Pipes, 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 words and figures following:

The undersigned agree to become a corporation by the name of "West Virginia Savings Institution," for the purpose of doing a banking business exclusively of discount and deposit, 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 tenth day of November, A. D. eighteen hundred and ninety; and for the purpose of forming the said corporation we have subscribed the sum of five thousand dollars to the capital thereof, and have paid in on said subscriptions 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 five hundred thousand dollars in all. The capital so sub-

scribed is divided into shares of ten dollars each, which are held by the undersigned, respectively, as follows, that is to say :

Nicholas Fitzhugh, of Charleston, who holds one hundred shares ;

George Davis, of Charleston, holds fifty shares ;

Davis H. Estill, of Charleston, holds twenty shares ;

J. W. Oakes, of Charleston, holds one hundred shares ;

R. N. Pool, of Charleston, holds one hundred and seventy shares ;

P. W. Morgan, of Charleston, holds fifty shares ; and

J. T. Cotton, of Charleston, holds ten shares :

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this eleventh day of November, 1870.

[Signed.]

N. FITZHUGH,
GEO. DAVIS,
DAVIS H. ESTILL,
J. W. OAKES,
R. N. POOL,
P. W. MORGAN,
J. T. COTTON.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the tenth day of November, eighteen hundred and ninety, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Charleston, this twelfth day of November, eighteen hundred and seventy.

SEAL.

JAMES M. PIPES,
Secretary of the State.

THE FARMERS AND MECHANICS' STORE OF DODDRIDGE COUNTY.

I, James M. Pipes, 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 "Farmers and Mechanics' Mutual Store of Doddridge County," for the purpose of carrying on the business of a retail dealer in dry goods,

groceries, &c.; which corporation shall keep its principal office or place of business at West Union, in the county of Doddridge, West Virginia, and is to expire, on the first day of January, 1886; and for the purpose of forming the said corporation we have subscribed the sum of one hundred dollars to the capital stock 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 eight 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:

Josiah H. Bee, two shares;
 Amaziah Ashburn, two shares;
 John Smith, two shares;
 Jacob Smith two shares; and
 Amos Bee, two shares;

All of Doddridge county, West Virginia. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands, at West Union, West Virginia, October twenty-ninth, 1870.

[Signed.]

J. H. BEE,
 AMAZIAH ASHBURN,
 JOHN SMITH,
 JACOB SMITH,
 AMOS BEE.

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-six, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Charleston, this fourteenth day of November, eighteen hundred and seventy.

SEAL.

JAMES M. PIPES,
 Secretary of the State.

CHARLESTON AND PEYTONA PACKET COMPANY.

I, James M. Pipes, 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 "Charleston and Peytona Packet Company," for the purpose of transporting freight and passengers from and between Charleston, in Kanawha county, West Virginia, and Peytona, in Boone county, West Virginia, and to and from other ports and places on the waters of the Kanawha and Ohio and Coal rivers, by the steamer "Bettie Gilbert," and by such other steam vessels as said corporation may from time to time own; which corporation shall keep its principal office or place of business at Peytona, in the county of Boone, and state of West Virginia, and is to expire on the first day of January, in the year one thousand eight hundred and seventy-five. And for the purpose of forming the said corporation we have subscribed the sum of four thousand dollars to the capital thereof, and have paid in on said subscription the sum of fifteen hundred dollars, and desire the privilege of increasing 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 one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

J. Milton Gouldin, of Peytona, Boone county, West Virginia, eight shares;

Geo. L. Welch, of Peytona, Boone county, West Virginia, eight shares;

Jno. W. Gentry, of Peytona, Boone county, West Virginia, six shares;

Henry M. Goodwin, of Peytona, Boone county, West Virginia, two shares;

Samuel P. Deem, of Peytona, Boone county, West Virginia, three shares;

S. C. Wheeler, of Coalsmouth, Kanawha county, West Virginia, two shares;

Michael O'Meara, of Peytona, Boone county, West Virginia, three shares;

Samuel L. Smith, of Peytona, Boone county, West Virginia, three shares;

Sarah Myers, of Peytona, Boone county, West Virginia, two shares;

Geo. W. Barcus, of Peytona, Boone county, West Virginia, one share;

Charles Price, of Peytona, Boone county, West Virginia, one share;

Wm. A. Griffith, of Peytona, Boone county, West Virginia, one share;

And the capital hereafter sold is to be divided into shares of the like amount.

Given under our hands this nineteenth day of November, 1870.

[Signed.]

J. M. GOULDIN,
G. L. WELCH,
G. W. BARCUS,
S. L. SMITH,
SARAH MYERS,
W. A. GRIFFITH,
JNO. W. GENTRY,
H. W. GOOLWIN,
M. O'MEARA,
S. P. DEEM,
CHARLES PRICE,
S. C. WHEELER,

By W. A. Griffith, his attorney 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 January, eighteen hundred and seventy-five, 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 Charleston, this twenty-first day of November, eighteen hundred and seventy.

SEAL

JAMES M. PIPES,
Secretary of the State.

THE ACME MOWER COMPANY OF WHEELING.

I, James M. Pipes, 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 Acme Mower Company of Wheeling," for the purpose of manufacturing mowing machines and agricultural implements of all kinds; which corporation shall keep its principal office or place of business in Wheeling, in the county of Ohio and state of West Virginia, and is to expire on the first day of November, 1880. And, for the purpose of forming the said corporation, we have subscribed the sum of eight thousand and one hundred dollars to the capital thereof, and have paid in on said subscriptions the sum of six thousand six hundred and sixty 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 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

Edmund Hobbs, fifty shares ;

A. J. Cecil, five shares ;

Henry C. Taylor, fifteen shares ;

Jacob R. Greer, one share ;

Thomas Everett, ten shares ;

All of whom reside in the city of Wheeling aforesaid, except Thomas Everett, who resides in Wellsburg, Brogke 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 seventh day of November, 1870.

[Signed,]

EDMUND HOBBS, Sr.,

A. CECIL,

HENRY C. TAYLOR,

JACOB R. GREER,

THOS. EVERETT,

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, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Charleston this tenth day of December, eighteen hundred and seventy.

SEAL.

JAMES M. PIPES,
Secretary of the State.

BISMARCK COAL AND IRON COMPANY.

I, James M. Pipes, 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 :

We the undersigned agree to become a corporation by the name of " Bismark Coal and Iron Company," for the purpose of mining and selling coal, and mining and manufacturing iron, cutting and manufacturing all kinds of lumber, tanning, concentration of bark, and shipping and selling all products of mines and forests ; which corporation shall keep its principal office or place of business at Charleston, in the county of Kanawha, state of West Virginia, and is to expire on the thirteenth day of December, in the year eighteen hundred and ninety.

And, for the purpose of forming the said corporation, we have subscribed the sum of fifty-four thousand four hundred (54,400) dollars, and have paid in on said subscription the sum of eight thousand seven hundred and twenty dollars and fifty cents, 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

Delos W. Emmons, of New York, two hundred and four shares ;

H. Chester Parsons, of Winfield, West Virginia, one hundred and thirty-six shares ;

Gilbreath S. McFadden, of Moundsville, West Virginia, sixty-eight shares ;

James M. Pipes, of Cameron, West Virginia, sixty eight shares ; and

Henry C. McWhorter, of Charleston, West Virginia, sixty-eight shares ;

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this fifteenth day of December, eighteen hundred and seventy.

[Signed,]

DELOS W. EMMONS,
H. CHESTER PARSONS,
GILBREATH S. McFADDEN,
by J. M. Pipes, his attorney in fact.
J. M. PIPES,
HENRY C. McWHORTER.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the thirteenth day of December, eighteen hundred and ninety, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Charleston, this fifteenth day of December, eighteen hundred and seventy.

SEAL.

JAMES M. PIPES,
Secretary of the State.

SPLINT COAL COMPANY.

I, James M. Pipes, 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 "Splint Coal Company," for the purpose of mining and shipping coal, manufacturing and shipping iron and salt, and manufacturing and dealing in any or all articles made in part or altogether of salt, wood or iron; which corporation shall keep its principal office or place of business at Charleston, in the county of Kanawha, and is to expire on the twentieth day of December, in the year one thousand eight hundred and ninety (1890.)

And, for the purpose of forming the said corporation, we have subscribed the sum of five thousand dollars to the capital thereof, and have paid in on the 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 million 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 John P. Hale, of Charleston, who holds one share;

By Henry C. Dickinson, of Charleston, who holds one share;

By William A. Quarrier, of Charleston, who holds one share;

By William B. Clarkson, of Charleston, who holds one share;

And by Charles D. Reynolds, of Charleston, who holds one share;

And the capital to be hereafter sold, is to be divided into shares of the like amount.

Given under our hands this the twenty-first day of December in the year one thousand and eight hundred and seventy.

[Signed,]

J. P. HALE,
H. C. DICKINSON,
WM. A. QUARRIER,
W. B. CLARKSON,
C. D. REYNOLDS.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twentieth (20) day of December, eighteen hundred and ninety (90,) a corporation by the name and for the purpose set forth in said agreement.

Given under my band and the great seal of the said state, at the city of Charleston, this twenty-first (21) day of December, eighteen hundred and seventy.

SEAL

JAMES M. PIPES,
Secretary of the State.

CRESCENT IRON COMPANY.

I, James M. Pipes, 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 Crescent Iron Company, for the purpose of manufacturing railroad iron, fish bars, spikes, sheet and bar iron, and steel; which corporation shall keep its principal office or place of business at the city of Wheeling, in the county of Ohio, and is to expire on the first day of January, eighteen hundred and ninety-one. And for the purpose of forming the said corporation, we have subscribed the sum of one hundred and fifty thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of fifteen thousand dollars, and desire the privilege of increasing the said capital by sales of addition shares, from time to time, to one million 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 Sturges, of the city of [Chicago, state of Illinois, one thousand and eighty shares;

By Nelson E. Whitaker, of Wheeling, West Virginia, three hundred shares;

By Arthur C. McKee, of Wheeling, West Virginia, one hundred shares;

By Robert Crangle, of Wheeling, West Virginia, ten shares;

And by Sobieski Brady, of Wheeling, 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 seventh day of January, eighteen hundred and seventy-one.

[Signed,]

R. CRANGLE,
S. BRADY,
WILLIAM STURGES,
NELSON E. WHITAKER,
ARTHUR C. McKEE.

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 ninety-one, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Charleston, this fourteenth day of January, eighteen hundred and seventy-one.

SEAL

JAMES M. PIPES,
Secretary of the State.

THE LEWIS COUNTY AGRICULTURAL AND MECHANICAL SOCIETY.

I, James M. Pipes, 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 Lewis County Agricultural and Mechanical Society," for the purpose of encouraging and promoting agricultural and industrial pursuits and the mechanical arts; which corporation shall keep its principal office or place of business at Weston, in the county of Lewis, and is to expire on the first day of January, 1891. 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 sum of one 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: by

Abram Smith, Jr., Lewis county, West Va., ten shares;
 J. M. Bennett, Lewis county, West Va., ten shares;
 E. Ralston, Lewis county, West Va., ten shares;
 F. M. Chalfant, Lewis county, West Va., ten shares;
 T. A. Edwards, Lewis county, West Va., ten shares;
 J. C. Jackson, Lewis county, West Va., ten shares;
 Jacob Smith, Jr., Lewis county, West Va., ten shares;
 E. G. Minnich, Lewis county, West Va., ten shares;
 W. H. Aspinall, Lewis county, West Va., ten shares;
 A. W. Woodford, Lewis county, West Va., ten shares;

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-first day of December, 1870.

[Signed.]

ABRAM SMITH, JR.,
 JOHN C. JACKSON,
 J. SMITH, JR.,
 E. RALSTON,
 E. G. MINNICH,
 W. H. ASPINALL,
 A. W. WOODFORD,
 J. M. BENNETT,
 THOS. A. EDWARDS,
 F. M. CHALFANT.

Wherefore, the corporators named in the said agreement, and who

have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of January, eighteen hundred and ninety-one, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Charleston, this twentieth day of January, eighteen hundred and seventy-one.

SEAL.

JAMES M. PIPES,
Secretary of the State.

MASONIC MUTUAL BENEFIT ASSOCIATION.

I, James M. Pipes, 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 "Masonic Mutual Benefit Association," for the purpose of providing a fund for the benefit of the widows and children, and other persons, relatives of deceased members, and for other charitable purposes; which corporation shall keep its principal office or place of business at Shepherdstown, in the county of Jefferson, and is to be perpetual. And, for the purpose of forming the said corporation, we have subscribed the sum of sixty-five dollars to the capital thereof, and have paid in on said subscriptions the sum of sixty-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 five dollars each, which are held by the undersigned as follows, that is to say

- James B. Avirett, of Winchester, Virginia, one share;
- J. P. A. Entler, of Shepherdstown, W. Va., one share;
- A. B. Wood, of Harper's Ferry, W. Va., one share;
- W. H. Alexander, of Duffield, W. Va., one share;
- E. J. C. A. Hull, of Winchester, Va., one share;
- B. F. Harrison, of Shepherdstown, W. Va., one share;
- C. W. Adams, of Sharpsburg, Md., one share;
- H. H. Blackburn, of Martinsburg, W. Va., one share;
- B. F. Timberlake, of Middleway, W. Va., one share;
- George M. Beltzhoover, Shepherdstown, W. Va., one share;
- John A. Scott, Duffield, W. Va., one share;
- Philip Showers, Martinsburg, W. Va., one share;
- John F. Wilshans, Shepherdstown, W. Va., one share;

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this fifth day of January, 1871.

[Signed,]

JAMES B. AVIRETT,
 J. P. A. ENTLER,
 A. B. WOOD,
 WM. H. ALEXANDER,
 E. J. C. A. HULL,
 B. F. HARRISON,
 C. W. ADAMS,
 H. H. BLACKBURN,
 BENJAMIN F. TIMBERLAKE,
 GEO. M. BELTZHOVER,
 JNO. A. SCOTT,
 PHILLIP SHOWERS,
 JNO. F. WILSHANS.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date a corporation by the name and for the purposes set forth in the agreement.

Given under my hand and the great seal of the said state, at the city of Charleston, this twentieth (20) day of January, eighteen hundred and seventy-one.

SEAL

JAMES M. PIPES,
 Secretary of the State.

THE OHIO AND WEST VIRGINIA PEBBLE ROCK OIL COMPANY.

I, James M. Pipes, 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 Ohio and West Virginia Pebble Rock Oil Company," for the purpose of deepening oil wells to what is known as the pebble rock; which corporation shall keep its principal office or place of business at Parkersburg, in the county of Wood, state of West Virginia, and is to expire on the eighteenth day of January, 1891. And for the purpose of forming said corporation, we have subscribed the sum of five hundred dollars, and have paid in on said subscriptions the sum of fifty 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 one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

Johnson N. Camden, one share;
 S. P. Wells, one share;
 M. C. C. Church, one share;
 E. L. Gale, one share;
 William P. Thompson, one share;

The undersigned all being residents of the city of Parkersburg aforesaid. 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 January, 1871.

[Signed.]

J. N. CAMDEN,
 W. P. THOMPSON,
 S. P. WELLS,
 M. C. C. CHURCH,
 E. L. GALE.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the eighteenth day of January, eighteen hundred and ninety-one, (1891,) a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Charleston, this twenty-first day of January, eighteen hundred and seventy-one.

SEAL.

JAMES M. PIPES,
 Secretary of the State.

THE BERKELEY COUNTY AGRICULTURAL AND MECHANICAL ASSOCIATION.

I, James M. Pipes, 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 County Agricultural and Mechanical Association," for the purpose of promoting agricultural and mechanical interests, encouraging the raising and improvement of live stock, and of acquiring real estate for fair grounds, buildings, &c.; which corporation

shall keep its principal office of business at Martinsburg, Berkeley county, West Virginia, and to expire January first, 1891. And for the purpose of forming said corporation we have subscribed the sum of two thousand and seven hundred dollars to the capital thereof, and have paid in on said subscriptions the sum of two hundred and seventy 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 ten dollars each, which are held by the undersigned, respectively, as follows, to-wit:

- H. H. Blackburn, Martinsburg, West Va., five shares ;
- E. S. Lacy, Martinsburg, West Va., five shares ;
- C. J. Faulkner, Martinsburg, West Va., one hundred shares ;
- B. F. Brady, Martinsburg, West Va., one share ;
- William T. Stewart, Martinsburg, West Va., five shares ;
- William T. Logan, Martinsburg, West Va. five shares ;
- A. J. Thomas, Martinsburg, West Va., five shares ;
- J. L. W. Baker, Martinsburg, West Virginia, two shares ;
- Henry Kratz, Martinsburg, West Va., two shares ;
- Charles P. Matthaci, Martinsburg, West Va., two shares ;
- M. C. Kyne, Martinsburg, West Va., ten shares ;
- George W. Ramer, Martinsburg, West Va., one share ;
- Albert Quinzel, Martinsburg, West Va., two shares ;
- John G. Wilson, M. D., Martinsburg, West Va., five shares ;
- Frank Patterson, Martinsburg, West Va., five shares ;
- S. W. M. Peters, Martinsburg, West Va., ten shares ;
- John Q. A. Nadenbousch, Martinsburg, West Va., ten shares ;
- B. Cushwa, Martinsburg, West Va., five shares ;
- Lewis Schew, Martinsburg, West Va., one share ;
- M. C. Nadenbousch, Martinsburg, West Va., one share ;
- P. Showers,, Martinsburg, West Va., ten shares ;
- W. H. Mong, Martinsburg, West Va., five shares ;
- J. B. A. Nadenbousch, Martinsburg, West Va., two shares ;
- John Ream, Falling Waters, West Va., two shares ;
- J. M. Homrich, Martinsburg, West Va., three shares ;
- Fritz Darber, Martinsburg, West Va., one share ;
- J. Nelson Wisner, Martinsburg, West Va., five shares ;
- D. Daniels, Martinsburg, West Va., five shares ;
- Jacob Miller, Martinsburg, West Va., twenty shares ;
- P. Strausner, Martinsburg, West Va., twenty shares ;
- Henry Wilen, Martinsburg, West Va., five shares ;
- J. H. McSherry, Martinsburg, West Va. five shares ;
- Jacob Ropp, Little Georgetown, West Va., five shares ;

And the capital to be hereafter sold, is to be divided into shares of like amount.

Given under our hands this seventh day of January, 1871.

<p>[Signed.] CHAS. J. FAULKNER, II. H. BLACKBURN, E. S. LACY, W. T. STEWART, B. F. BRADY, W. T. LOGAN, A. J. THOMAS, J. L. W. BAKER, HENRY KRATZ, CHAS. P. MATTHIAEL, M. C. KYNE, GEO. W. RAMER, ALBERT QUINZEL, JNO. G. WILSON, M. D., FRANK PATTERSON, S. W. M. PETERS, J. Q. A. NADENBOUSCH.</p>	<p>B. CUSHWA, LEWIS SCHEW, M. C. NADENBOUSCH, PHILIP SHOWERS, W. H. MONG, J. B. A. NADENBOUSCH, JOHN REAM, J. M. HOMERICH, FRITZ DARBER, J. NELSON WISNER, JACOB ROPP, D. DANIELS, P. STRAUSNER, JACOB MILLER, HENRY WILEN, JAMES H. McSHERRY.</p>
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Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of January, eighteen hundred and ninety-one, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Charleston, this twenty-first day of January, eighteen hundred and seventy-one.

SEAL.

JAMES M. PIPES,
 Secretary of the State.

UTICA OIL COMPANY.

I, James M. Pipes, 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 "Utica Oil Company," for the purpose of raising and selling petroleum or rock oil in the state of West Virginia; which corporation shall keep its principal office or place of business at Parkersburg, in the county of Wood and state of West Virginia, and is to expire on the twenty-first day of December, in the year eighteen hundred and ninety. And,

for the purpose of forming the said corporation, we have subscribed the sum of five thousand dollars to the capital thereof, and have paid in on said subscriptions 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 two hundred thousand dollars in all. The capital subscribed is divided into shares of one hundred dollars each, which are held by the undersigned as follows :

W. H. Mattingly, of Parkersburg, West Virginia, five shares ;

J. M. McClelland, Utica, Ohio, five shares ;

J. P. Moore, Macon City, Missouri, five shares ;

M. C. C. Church, Parkersburg, West Virginia, five shares ;

And George H. Moore, Parkersburg, West Virginia, thirty shares ;

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-first day of December, A. D. 1870.

[Signed,]

WM. H. MATTINGLY,

J. M. MCCLELLAND,

J. P. MOORE,

GEO. H. MOORE,

M. C. C. CHURCH.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the twenty-first day of December, eighteen hundred and ninety, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Charleston, this twenty-fifth day of January, eighteen hundred and seventy-one.

SEAL.

JAMES M. PIPES,
Secretary of the State.

FAIRMONT FURNITURE COMPANY.

I, James M. Pipes, 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 "Fairmont Furniture Company," for the purpose of manufacturing, building and selling all kinds of furniture and chairs ; which corporation shall keep its principal office at Fairmont, in the county of Marion and state of West Virginia, and is to expire on the first day of January, eighteen hundred and ninety-one. And for the purpose of

forming said corporation, we have subscribed the sum of six thousand five hundred dollars to the capital thereof, and have paid in on said subscription the sum of six thousand five hundred dollars, and desire the privilege of increasing the said capital, by sales of additional shares, from time to time, to forty 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 Nuzum, of Fairmont, thirteen shares;
 Elias J. Nuzum, of Marion county, thirteen shares;
 William F. Nuzum, of Marion county, thirteen shares;
 Jasper E. Hamilton, of Palatine, thirteen shares; and
 B. Fletcher Morrow, of Fairmont, thirteen shares;

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 January, eighteen hundred and seventy-one.

[Signed.]

JOSEPH NUZUM,
 ELIAS J. NUZUM,
 WM. F. NUZUM,
 JASPER E. HAMILTON,
 B. FLETCHER MORROW.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of January, eighteen hundred and ninety, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Charleston, this third (3d) day of February, eighteen hundred and seventy-one.

SEAL

JAMES M. PIPES,
 Secretary of the State.

SUPERIOR MACHINE COMPANY.

I, James M. Pipes, 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 Superior Machine Company, for the purpose of manufacturing and

selling farm machinery and farming implements, and other like machinery and implements, and of buying and selling patent rights in such articles; which corporation shall keep its principal office or place of business at Wheeling, in the county of Ohio, and is to expire on the thirty-first day of December, eighteen hundred and ninety. And, for the purpose of forming said corporation, we have subscribed the sum of fifty thousand (\$50,000) dollars to the capital thereof, and have paid in on said subscriptions the sum of five 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 one hundred dollars each, which are held by the undersigned respectfully as follows, that is to say

Thomas Sweeney, of Wheeling, Ohio county, W. Va., one hundred shares;

Andrew J. Sweeney, of Wheeling, Ohio county, W. Va., one hundred shares;

J. Campbell Sweeney, of Wheeling, Ohio county, West Virginia, one hundred shares;

Pryor Boyd, of Wheeling, Ohio county, W. Va., one hundred shares;

C. J. Pryor, of Wheeling, Ohio county, W. Va., one hundred shares;

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-eighth day of January, 1871.

[Signed,]

T. SWEENEY,
A. J. SWEENEY,
J. C. SWEENEY,
C. J. PRYOR,
PRYOR BOYD.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the thirty-first day of December, eighteen hundred and ninety, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Charleston, this thirtieth day of February, eighteen hundred and seventy-one.

SEAL

JAMES M. PIPES,
Secretary of the State.

LA BELLE GLASS COMPANY.

I, James M. Pipes, 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 "La Belle Glass Company," for the purpose of manufacturing and selling glassware, and making all moulds and tools for manufacturing glassware, packages for packing the same, and any article 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 it is to expire on the first day of April, eighteen hundred and ninety. And for the purpose of forming the said corporation, we have subscribed the sum of thirteen thousand nine hundred (\$13,900) dollars to the capital thereof, and have paid in on said subscription the sum of thirteen thousand six hundred dollars, and desire the privilege of increasing the said capital, by sales of additional shares, from time to time, to one hundred thousand (\$100,000) 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 Andrew H. Boggs, of Wheeling, W. Va., fifteen shares;
- By James B. Russell, of Wheeling, W. Va., fifteen shares;
- By Ohio Valley Glass Company, of Wheeling, W. Va., fifteen shares;
- By Theodore Schultz, of Wheeling, W. Va., ten shares;
- By Roy Combs, of Wheeling, W. Va., ten shares;
- By Jacob Zimmer, of Wheeling, W. Va., ten shares;
- By James Rogers, of Wheeling, W. Va., ten shares;
- By Benjamin Combs, of Wheeling, W. Va., five shares;
- By William Zimmer, of Wheeling, W. Va., five shares;
- By Richard Farley, of Wheeling, W. Va., five shares;
- By John W. Schultz, of Wheeling, W. Va., five shares;
- By Bernardo Moran, of Wheeling, W. Va., five shares;
- By William H. Brinton, of Wheeling, W. Va., five shares;
- By Franz Klari, of Wheeling, W. Va., three shares;
- By William Belike, of Wheeling, W. Va., five shares;
- By Louis Wagner, of Wheeling, W. Va., six shares;
- By John Doman of Wheeling, W. Va., five shares; and
- By George Gochmann, of Wheeling, W. Va., five shares;

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this eleventh day of February, 1871.

<p>[Signed.] ANDREW H. BOGGS, JAMES B. RUSSELL, H. I. LEASURE, Att'y in fact for the Ohio Valley Glass Co., THEODORE SCHULTZ, ROY COMBS, JACOB ZIMMER, JAMES ROGERS, BENJAMIN COMBS, WILLIAM ZIMMER,</p>	<p>RICHARD FARLEY, JOHN W. SCHULTZ, BERNARDO MORAN, WILLIAM H. BRINTON, FRANZ KLARI, WILLIAM BELIKE, LOUIS WAGNER, JOHN DOMAN, GEORGE GOCHMANN.</p>
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Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of April, eighteen hundred and ninety, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Charleston, this eighteenth day of February, eighteen hundred and seventy-one.

SEAL

JAMES M. PIPES,
 Secretary of the State.

THE BANK OF CHARLESTOWN.

I, James M. Pipes, 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 of the nature of a savings bank, by the name of "The Bank of Charlestown," for the purpose of the safe keeping and investment of such money as may proceed from the industry and economy of the people of the town and county, to receive transient deposits, and conduct such other financial operations by discounting notes, drafts and bills of exchange as may aid the prosperity of the community in which they reside; 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 March, 1891, unless sooner dissolved. And, for the purpose of forming the said corporation, we have subscribed

the sum of twelve hundred dollars, and have paid on said subscription the sum of one hundred and twenty 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 hundred dollars each, which are held by the undersigned respectively as follows, to-wit :

By John W. Grantham, two shares ;
 By John W. McCurdy, two shares ;
 By A. C. Timberlake, two shares ;
 By John J. Lock, two shares ;
 By George A. Paterfield, two shares ;
 And by Joseph Trapnell, two shares ;

All being residents of the county of Jefferson, West Virginia aforesaid, and the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this tenth day of February, eighteen hundred and seventy-one (1871.)

[Signed,]

JOHN W. GRANTHAM,
 JOHN W. McCURDY,
 A. C. TIMBERLAKE,
 JNO. J. LOCK,
 G. A. PATERFIELD,
 JOSEPH TRAPNELL.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of March, eighteen hundred and ninety-one, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Charleston, this twentieth day of February, eighteen hundred seventy-one.

SEAL.

JAMES M. PIPES,
 Secretary of the State.

GRAND LODGE OF THE KNIGHTS OF THE GOLDEN GIRDLE.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day duly delivered to me ; which agreement is in the words and figures following :

We, the undersigned, agree to become a corporation by the name of

the "Grand Lodge of the Knights of the Golden Girdle," for the purpose of perpetual succession, that they may sue and be sued, plead and be impleaded; which corporation shall keep its principal office or place of business at the town of Ravenswood, in the county of Jackson and state of West Virginia, and for the purpose of forming said corporation, we have subscribed the sum of fifty dollars to the capital thereof, and have paid in on said subscription the sum of twenty-five dollars, and desire the privilege of increasing said capital, by additional shares, from time to time, to one thousand dollars. The capital so subscribed is divided into shares of one dollar each, which are held by the undersigned, respectively, as follows:

T. R. Park, five shares;
 R. T. Wetzel, six shares;
 John S. Conner, four shares;
 A. N. Roberts, seven shares;
 David Somerville, five shares;
 H. C. Showalter, three shares;
 J. W. Rice, ten shares; and
 W. A. Golden, ten shares;

All of the county of Jackson and state of West Virginia. And the capital to be hereafter sold is to be divided into shares of like amount. And that the said incorporation may purchase, sell and hold, to them and their successors, for the charitable and benevolent purpose of said lodge, real and personal estate, and make such laws and regulations for the management of said property as a majority of said lodge may present, and for that purpose desire authority to purchase, hold, lease, sell, and convey real property to the amount of ten thousand dollars, and personal to the amount of fifteen thousand.

Given under our hands and seals this twenty-fourth day of February, 1871.

[Signed.]

T. R. PARK,	[SEAL.]
ROBT. T. WETZEL,	[SEAL.]
W. A. GOLDEN,	[SEAL.]
JOHN S. CONNER,	[SEAL.]
A. N. ROBERTS,	[SEAL.]
DAVID SOMERVILLE,	[SEAL.]
H. C. SHOWALTER,	[SEAL.]
JOHN W. RICE.	[SEAL.]

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until dissolved, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Charleston, this twenty-seventh day of February, eighteen hundred and seventy-one.

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SEAL.
}

JAMES M. PIPES,
Secretary of the State.

FRENCH CREEK INSTITUTE.

I, James M. Pipes, 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 French Creek Institute, for the purpose of establishing and conducting a male and female academy to train up teachers and promote education generally; which corporation shall keep its principal office or place of business at the building erected for the school on French Creek, in the county of Upshur, and is to expire on the first day of January, A. D. 1970. And, for the purpose of forming the said corporation, we have subscribed the sum of \$410, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to \$30,000 in all. The capital so subscribed is divided into shares of five dollars each, which are held by the undersigned respectively as follows, that is to say by

Benjamin Gould, residing in Meade township, Upshur county, holding twenty shares;

Ebenezer Leonard, of the same township and county, holding twenty shares;

Loyal Young, of the same township and county, holding five shares;

Ashley Gould, of the same township and county, holding ten shares;

Adolphus Brooks, of the same township and county, holding three shares.

Freedman F. Sexton, of the same township and county, holding five shares;

Morgan A. Darnall, of the township and county aforesaid, holding four shares;

Norborne M. Ferrelle, of the township and county aforesaid, holding ten shares;

James R. P. Coon, of the county and township aforesaid, holding five shares;

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 January, 1871.

(Signed,)

BENJAMIN GOULD,
EBENEZER LEONARD,
LOYAL YOUNG,
ASHLY GOULD,
ADOLPHUS BROOKS,
FREEMAN F. SEXTON,
MORGAN A. DARNALL,
NORBORNE M. FERRELLE,
JAMES K. P. COON.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be from this date until the first day of January nineteen hundred and seventy, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Charleston, this second day of March, eighteen hundred and seventy-one.

JAMES M. PIPES.

SEAL

CHANGE OF NAME OF THE "MASON COUNTY MINING AND MANUFACTURING COMPANY" TO THE "HARTFORD CITY COAL AND SALT COMPANY."

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that a resolution of the Mason County Mining and Manufacturing Company, duly signed by the President and secretary, and under the common seal of said company, has been this day delivered to me, which resolution is in the words and figures following:

At the annual meeting of the stockholders of the Mason County Mining and Manufacturing Company, held at the office of said company, at Hartford City, West Virginia, on Thursday, the twenty-sixth day of May, A. D. 1870, notice of said meeting having been given according to law, the following resolution was passed unanimously, viz:

Resolved, That the name of this company be changed from the "Mason County Mining and Manufacturing Company," to the "Hartford City Coal and Salt Company."

Attest:

E. W. PARSONS, Secretary.

This may certify that the foregoing resolution is a true copy of the resolution passed at the annual meeting of the Mason County Mining and Manufacturing Company, held as above stated, as recorded in the record book of said company.

MASON COUNTY MINING AND MANUFACTURING COMPANY,
 [SEAL.] By SAM'L COIT, President.

Wherefore, The corporation named in the said resolution, and who have, by their president and secretary, under the common seal of the company, certified the same, are hereby declared to be hereafter known by the name set forth in said resolution.

Given under my hand and the great seal of the state, at the city of Charleston, this twenty-fifth day of August, eighteen hundred and seventy.

—
 SEAL.
 —

JAMES M. PIPES,
 Secretary of the State.

TO HON. J. M. PIPES, SECRETARY OF STATE,
 Charleston, W. Va.

SIR: At a meeting of the stockholders of the Ohio Valley Glass Company, held at their office, in Wheeling, on the sixth day of August, 1870, the following resolution was unanimously adopted, viz.:

Resolved, That the business of this company be wound up, the assets converted into cash and distributed to the stockholders.

Yours respectfully,

[SEAL.] WM. A. ISBETT, President.

Wheeling, W. Va., October 18, 1871.

ENDORSED. Filed October 24, 1870.

TO THE HONORABLE SECRETARY OF THE STATE OF WEST VIRGINIA:

I, John S. S. Herr, President of the Citizens' Savings Bank of Grafton, W. Va., do hereby certify that the stockholders of said bank, in general meeting, held at the office thereof, on the eighteenth day of November, 1870, a majority of the capital stock being then and there represented and voted in favor of the same, discontinued the business of the said bank by adopting the following, to-wit:

"In pursuance of section fifty-six of chapter fifty-three of the code of West Virginia, it is

“Resolved, That the business of the Citizens’ Savings Bank of Grafton, West Virginia, is hereby discontinued.”

In witness whereof, I, John S. S. Herr, President of said bank, hereunto set my hand and affixed the common seal of said bank, this nineteenth day of November, A. D. 1870.

JNO. S. S. HERR. [SEAL.]

ENDORSED: Filed November 24, 1870.

“Resolved, By the stockholders of the Parkersburg Foundry and Machine Works, that the business of the said corporation, “The Parkersburg Foundry and Machine Works,” is hereby discontinued, and that the property and assets of the said corporation be applied, first, to the payment of the debts against the same, and the residue, after paying the debts and liabilities thereof, be divided among the stockholders of said corporation, according to their respective interests, and that this resolution be published and certified according to law.”

I, Charles S. Despard, president of the Parkersburg Foundry and Machine Works, hereby certify that the foregoing resolution was unanimously adopted at a general meeting of the stockholders of said corporation, held at their office in the city of Parkersburg, on the twenty-fourth day of September, 1870.

Given under my hand and the common seal of said corporation, this twenty-fourth day of September, 1870.

[SEAL.]

C. S. DESPARD, President,
Parkersburg F. and M. Works.

TO SECRETARY OF STATE,
Charleston, W. Va.

LIST OF COMMISSIONERS

In other States, appointed by the Executive of West Virginia, during the year 1870, and up to the meeting of the Legislature in 1871, with the date of appointment, residence, and date of the filing of their qualifications.

States.	Names of Commissioners.	Residence.	Date of Appointments.	When evidence of qualification filed.
New York.....	Sigismond Lasar.....	New York.....	January 20, 1870	January 25, 1870
Massachusetts....	Samuel Jemison.....	Boston.....	January 26, 1870	February 14, 1870
Ohio.....	Alexander H. McCuffey..	Cincinnati.....	January 29, 1870	February 1, 1870
Ohio.....	James Wade, Jr.....	Cleveland.....	January 29, 1870
New York.....	Arthur W. Knapp.....	New York.....	January 29, 1870	February 5, 1870
Pennsylvania....	Kinley J. Tener.....	Philadelphia.....	February 8, 1870	March 10, 1870
New York.....	Charles Nettleton.....	New York.....	February 14, 1870	February 19, 1870
California.....	N. Proctor Smith.....	San Francisco....	February 19, 1870	March 9, 1870
Illinois.....	Simeon W. King.....	Chicago.....	February 26, 1870	March 11, 1870
South Carolina...	Thomas Frost.....	Charleston.....	February 28, 1870	March 22, 1870
Pennsylvania....	Joshua Spering.....	Philadelphia.....	February 28, 1870	March 14, 1870
Pennsylvania....	John Russell.....	Philadelphia.....	March 9, 1870	March 18, 1870
District Columbia	R. H. Marsh.....	Washington.....	March 14, 1870	March 18, 1870
Maryland.....	Lloyd Lowndes.....	Cumberland.....	March 15, 1870	April 21, 1870
District Columbia	William Hurley.....	Washington.....	April 18, 1870	April 30, 1870
Pennsylvania....	John McClaren.....	Pittsburgh.....	April 24, 1870	May 8, 1870
New York.....	Chas. I. Bushnell.....	New York.....	April 30, 1870	May 21, 1870
New York.....	Marvin J. Merchant.....	New York.....	May 19, 1870	June 3, 1870
Pennsylvania....	Theodore D. Rand.....	Philadelphia.....	May 21, 1870	June 2, 1870
Pennsylvania....	Joseph Frankish.....	Philadelphia.....	May 24, 1870	June 10, 1870
Pennsylvania....	Samuel L. Taylor.....	Philadelphia.....	June 16, 1870	October 29, 1870
Virginia.....	F. T. Winston.....	Richmond.....	June 30, 1870	July 12, 1870
New York.....	Thomas Vance.....	New York.....	July 14, 1870	July 25, 1870
Louisiana....	P. C. Cavallier.....	New Orleans.....	July 16, 1870
New York.....	Phillip L. Wilson.....	New York.....	July 16, 1870	August 6, 1870
Maryland.....	Wm. W. Latimer.....	Baltimore.....	July 27, 1870	Sept'r 12, 1870
Missouri.....	C. D. Green, Jr.....	St. Louis.....	July 29, 1870	August 16, 1870

*List of Commissioners.*LIST OF COMMISSIONERS—*Continued.*

States.	Names of Commissioners.	Residence.	Date of Appointment.	When evidence of qualification filed.
New York.....	Thomas Saddler.....	New York City...	August 10, 1870	Sept'r 1, 1870
Mississippi.....	Lazarus Lindsey.....	Vicksburg.....	August 13, 1870	August 29, 1870
California.....	Geo. C. Waller.....	San Francisco....	August 18, 1870	Sept'r 13, 1870
Pennsylvania.....	Evan M. Blanchard.....	Bellefonte.....	Sept'r 14, 1870
New York.....	William A. Abbott.....	New York.....	Sept'r 15, 1870	Nov'r 16, 1870
Pennsylvania.....	J. H. Wheeler.....	Philadelphia.....	October 24, 1870	Nov'r 14, 1870

I certify that the above is a correct list of the commissioners appointed by the governor, not previously reported.

JAMES M. PIPES,
Secretary of the State.

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