

ACTS
OF THE
LEGISLATURE

OF
WEST VIRGINIA

AT ITS
TWENTY-SIXTH REGULAR SESSION

COMMENCING JANUARY 14, 1903.



CHARLESTON:
THE TRIBUNE PRINTING COMPANY,
1903.



ERRATA

Page 26, lines 21 and 22 from top, for "joint resolution number forty-three" read "joint resolution number forty-two."

Page 153, line 22 from top, for "wild fowl" read "wild fowls."

Page 156, line 19 from top, for "persons or persons" read "person or persons."

Page 159, lines 14 and 15 of section 2, for "dangerous" read "dangerously."

Page 266, line 1 of title of chapter 72, for "section" read "sections."

TABLE OF CONTENTS.

Acts and Resolves of 1903.

GENERAL LAWS.

| Chapter. | Page. |
|--|-------|
| 1 Appropriations to pay general charges..... | 1 |
| 2 Legislative appropriations, and for salaries of officers of the government.. | 46 |
| 3 Charters of incorporation, classification of, for taxation; what are foreign and what domestic; rate, assessment and collection of license-tax on charters; of the corporate name of a company; voluntary dissolution; principal office, and increase or decrease of stock.—code amended..... | 51 |
| 4 Suits against corporations delinquent for taxes, etc.—new law..... | 65 |
| 5 Relating to the record, publication and official copies of certificates of in- corporation—code amended..... | 67 |
| 6 Sale of works and property of a corporation other than a railroad corpora- tion—code amended..... | 69 |
| 7 Title and trust companies, incorporation and regulation of—code amended | 70 |
| 8 Surety, guaranty, bonding and insurance companies, incorporation and regulation of—new law..... | 74 |
| 9 Service of process and bringing of suits against corporations—code amended | 79 |
| 10 Rules and pleading, relating to—code amended..... | 80 |
| 11 Service of process, relating to—code amended..... | 81 |
| 12 Fiduciaries, clerk of court to keep a record of—code amended..... | 82 |
| 13 Personal representatives, relating to the qualification of.—code amended.. | 83 |
| 14 Fiduciary's report and order of court, relating to—code amended..... | 84 |
| 15 Decree or order for sale of property, relating to—code amended..... | 85 |
| 16 Administrations by sheriffs, relating to—code amended..... | 86 |
| 17 Embezzlement by public collectors and officials—code amended..... | 88 |
| 18 Embezzlement by officers, clerks, agents, servants and personal representa- tives—code amended..... | 89 |
| 19 Judges of Supreme Court, number of increased—code amended..... | 91 |
| 20 Judicial circuits, re-arrangement of—code amended..... | 91 |
| 21 Election of state, county and district officers, judges, senators and delegates —code amended..... | 93 |
| 22 Terms of circuit court in each county, composing the several judicial cir- cuits of the state—to take effect January 1, 1905..... | 94 |
| 23 Salaries of Judges, state and other officers, fixed—code amended..... | 99 |
| 24 County officers, annual allowances to by county courts—code amended.... | 101 |
| 25 Teachers and teachers' institutes, etc.—code amended..... | 103 |
| 26 Compulsory school attendance—code amended..... | 106 |
| 27 Teachers, respecting the examination and employment of—code amended.. | 108 |
| 28 Free text books for pupils of free schools, authorized.—new law..... | 113 |
| 29 Special school-levy elections authorized—new law..... | 114 |
| 30 Cadets in the university, relating to the appointment and admission of— code amended..... | 115 |
| 31 Reform school—sections 14 and 15 relating to amended..... | 116 |

| GENERAL LAWS—Continued. | | |
|-------------------------|--|-----|
| Chapter. | Page. | |
| 32 | Asylum for incurables, name changed and other provisions relating to. | 118 |
| 33 | Taxes, time extended for distraint and sale for—new law. | 119 |
| 34 | Publication and posting of itemized account of receipts and expenditures by county courts—code amended | 120 |
| 35 | Publication of certain delinquent lists by county courts—code amended. | 121 |
| 36 | Toll roads and turnpikes, relating to—acts of 1901 amended. | 122 |
| 37 | Public roads, bridges and landings; proceedings for establishing or altering; also for establishing and opening roadways—code amended. | 124 |
| 38 | Surveyors of roads, relating to—code amended. | 127 |
| 39 | Alternate road law of 1872-3, concerning—code amended. | 128 |
| 40 | Shipment and sale of intoxicating liquors contrary to law ("C. O. D. law"—new) | 130 |
| 41 | Persons guilty of certain trespasses, how punished—new law. | 131 |
| 42 | Liens of mechanics and material men, concerning—code amended. | 132 |
| 43 | Briefs of contents of chapters of the acts, relating to the printing of—code amended | 136 |
| 44 | Skunk or polecat, relating to the protection of—acts of 1901 amended. | 137 |
| 45 | Penitentiary, chapter of the code relating to, amended. | 138 |
| 46 | Protection of certain animals and birds; also concerning licenses for non-resident hunters—code amended | 151 |
| 47 | Fish, for the preservation of—code amended. | 155 |
| 48 | Fruit trees, vines and shrubbery, regulating the sale of—new law. | 157 |
| 49 | San Jose Scale and other dangerous insects, etc., to prevent the introduction and spread of—acts of 1901 amended. | 158 |
| 50 | Geological and economic survey, relating to—acts of 1897, amended. | 162 |
| 51 | Miners' hospitals, relating to—acts of 1899 amended. | 163 |

LAWS REPEALED.

| Chapter. | Page. | |
|----------|--|-----|
| 52 | Abolishing preparatory department of the university. | 164 |
| | Also, section 18 of chapter 62 of the code. | 155 |

LOCAL OR SPECIAL LAWS.

| Chapter. | Page. | |
|----------|---|-----|
| 53 | Fish-cultural station at White Sulphur Springs, consent given to U. S. government to purchase or condemn land to enlarge such station. | 164 |
| 54 | County court of Ohio county, authorized to pay additional compensation to circuit judges of said county. | 165 |
| 55 | Criminal court of Cabell county, terms of, changed. | 166 |
| 56 | County seat of Webster county, name of, changed | 166 |
| 57 | Martinsburg, city of, authorized to improve and enlarge its water-system. | 167 |
| 58 | Ronceverte, town of, authorized to issue additional bonds; for what purposes | 168 |
| 59 | Kanawha county court, authorized to fund indebtedness of county. | 170 |
| 60 | Directors of Second hospital, authorized to allow town of Spencer to attach water mains to the forcing main of the hospital reservoir. | 172 |
| 61 | Governor authorized to allow G. A. R. encampments to use certain flags on certain occasions | 172 |
| 62 | Pocahontas county, authorized to alter and modify its present county court system | 173 |
| 63 | Charleston, city of, section 25 of charter amended; authorized to revalue and reassess real estate for taxation for municipal purposes. | 176 |

TABLE OF CONTENTS.

LOCAL OR SPECIAL LAWS—Continued.

| Chapter. | Page. |
|---|-------|
| 64 Grafton, city of, authorized to fund and increase bonded indebtedness.... | 170 |
| 65 Grafton, city of, sections 2, 3 and 4 of charter amended; charter of town of Fetterman abolished | 181 |
| 66 Parkersburg, city of, re-incorporated | 184 |
| 67 Moundsville, city of, re-incorporated | 230 |
| 68 Wellsburg, city of, section 1 of charter amended..... | 253 |
| 69 Wellsburg, city of, certain sections of charter amended, and an additional section added | 255 |
| 70 Clarksburg, city of, sections 8 and 11 of charter amended..... | 262 |
| 71 Huntington, city of, section 41 of charter amended..... | 263 |
| 72 Sistersville, city of, sections 31 and 34 of charter amended..... | 266 |
| 73 Richwood, independent school district of, act to establish..... | 268 |
| 74 Clarksburg, school district of, authorized to issue bonds..... | 277 |
| 75 Grafton, independent school district of, sections 1 and 11 of act establishing amended; school district of Fetterman abolished | 278 |
| 76 Grantsville, independent school district of, act to establish..... | 281 |
| 77 Webster Springs, independent school district of, act to establish..... | 283 |
| 78 Bluefield, independent school district of, act to establish..... | 287 |
| 79 Huntington, independent school district of, section 11 of act establishing amended | 289 |
| 80 Central City, independent school of, act to establish | 290 |

JOINT RESOLUTIONS.

| Number. | Page. |
|--|-------|
| 1 Providing a joint committee to wait upon the governor..... | 299 |
| 2 Authorizing the payment of members, officers, etc., of the House and Senate in advance of appropriations therefor..... | 299 |
| 3 Virginia debt question, relating to | 300 |
| 4 Ohio and Little Kanawha rivers, relating to the development and improvement of | 300 |
| 5 Law library of the university, secretary of state authorized to transmit reports of supreme court to | 302 |
| 6 Adopting joint rules for the government of the two houses..... | 303 |
| 7 Raising a select joint committee to visit the two hospitals for the insane.. | 303 |
| 8 State flower, designated and adopted | 303 |
| 9 Relating to pension laws for the home guards..... | 304 |
| 10 Providing for redistricting of the judicial circuits..... | 305 |
| 11 Adding the Speaker of House and the President of the Senate to the joint committee appointed under H. J. R. No. 1 | 305 |
| 12 Authorizing the governor to cause to be prosecuted persons guilty of mob violence or lynching | 305 |
| 13 Fixing <i>per diem</i> of assistant janitors during the session of the legislature.. | 306 |
| 14 For the relief of the estate and sureties of Eugene Baker, late sheriff of Jefferson county | 307 |
| 15 Providing for the payment out of "the school fund" to the credit of "the general school fund" the excess over and above one million dollars.... | 308 |
| 16 Relating to the proper observance of the anniversary of the birth of Abraham Lincoln | 308 |
| 17 Authorizing the appointment of an agent or agents to collect the moneys due the State from the U. S. government..... | 309 |
| 18 Authorizing the payment of mileage to the special joint committee appointed to visit Washington, D. C. | 310 |
| 19 Recommending the enlargement and betterment of the U. S. navy..... | 310 |

| JOINT RESOLUTIONS—Continued. | |
|------------------------------|--|
| Number. | Page. |
| 20 | Requesting the governor to appoint Miss Katharine Vaughan White to christen the armored cruiser "West Virginia"..... 311 |
| 21 | Authorizing the secretary of state to furnish judges of criminal courts with supreme court reports 311 |
| 22 | Providing for a survey of Marion, Monongalia and Wetzel counties..... 311 |
| 23 | Authorizing the appointment of a special joint committee to investigate the State's ownership of certain property at Capon Springs, Hampshire county 313 |
| 24 | Relating to the bills suggested by the state tax commission..... 313 |
| 25 | Authorizing the board of regents of the State normal school to sell the normal school property at Fairmont, and purchase other property, etc.... 314 |

COMMISSIONERS.

| | |
|--|-----|
| List of names and postoffice addresses of Commissioners appointed by the Governor to take acknowledgments of deeds and other writings in other states..... | 316 |
|--|-----|

APPENDIX A.—*Contains.*

| | |
|--|----------|
| Names of members and officers of the house of delegates..... | 319, 320 |
| List of standing committees of the house..... | 321-323 |
| Names of members and officers of the Senate..... | 324 |
| List of standing committees of the Senate..... | 325, 326 |
| Names of State officials | 327 |
| Names of U. S. Senators and Representatives in Congress..... | 327 |
| United States circuit and district courts, commencement of terms of: where held, and the names of the judges and officers..... | 329 |
| Supreme court of appeals (State), commencement of terms of: where held, and the names of the judges and officers..... | 329 |
| Circuit courts (State), commencement of terms of, in each county composing the several circuits; also, the name of the judge of each circuit | 329-332 |
| Criminal and intermediate courts, commencement of the term of each court, and the name of the judge of each court..... | 333, 334 |
| List of sheriffs and prosecuting attorneys and their postoffice addresses.. | 335 |
| List of clerks of the circuit courts, and postoffice addresses..... | 336 |
| List of clerks of the county courts, and postoffice addresses..... | 337 |

INDEX TO ACTS

Comes last in order after "Appendix A."

ERRATA.

Immediately after title page.

Note by the Clerk: The following enactments received legislative sanction, but failed to receive the approval of the executive, viz:

(House Bill No. 160). *An Act to amend and re-enact sections 1, 3, 4, 6 and 10 of chapter 60 of the acts of the legislature of West Virginia, for the year 1899, entitled "an act to provide for the better protection of life and health by diminishing the danger from infectious and contagious diseases through the creation of a State board of embalmers in the State of West Virginia, with systematic examinations, registrations and license for all entering the business of embalming, and providing penalties for the violation thereof.

(Senate Bill No. 84). *An Act to amend and re-enact section 8 of chapter 119 of the Code, concerning attorneys at law.

(Senate Bill No. 159). **An Act to amend chapter 32, section 75, of the code, relating to license to practice the business of money broker or private banker.

(House Bill No. 315). **An Act to amend chapter 54 by adding sections 83, 84, 85 and 86 to the code of West Virginia, concerning the formation of corporations for the purpose of generating power by means of water, and the transmission of the same by means of electricity or other devices, and granting to such corporations the power to condemn or damage lands and to life and claim locations.

(Senate Bill No. 125). **An Act to amend and re-enact section 9 of chapter 4 of the code of 1899, relating to the filling of vacancies in the office of county court commissioner.

(Senate Bill No. 25). **An Act to amend and re-enact section 23 of chapter 41 of the code of West Virginia.

* Vetoed before the adjournment of the legislature, and the house in which the bill originated sustained the governor's veto.

** Vetoed by the governor after the adjournment of the legislature.

ACTS OF 1903.

(House Bill No. 343.)

CHAPTER 1.

- | | | | |
|------|--|--|---|
| Sec. | 1. Appropriations to pay general charges upon the Treasury for the two fiscal years beginning Oct. 1, 1902, and ending Sept. 30, 1904. | Sec. | 7. Arrears for taxes, etc.: what entries auditor authorized to make. |
| 2. } | How money for public institutions drawn. | 8. Auditing and examining of accounts, books, etc., by auditor, of public institutions, boards, etc. | 9. } Duties required of superintendents, directors or regents of public institutions. |
| 3. } | Compensation of regents and directors. | 10. } | 11. Duties of clerks of Senate and House. |
| 4. } | Printing, etc., for certain departments, boards and institutions; reports to be made to governor. | | |
| 5. } | No money paid beyond appropriations, unless, etc.: what payments may be made after expiration of fiscal year ending Sept. 30, 1904. | | |
| 6. } | | | |

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

[Passed February 27, 1903. In effect from passage. Approved March 4, 1903.]

Be it enacted by the Legislature of West Virginia:

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

Penitentiary.

For extending the north cell wing of the penitentiary and for erecting therein and in vacant space in the south cell wing two hundred and thirty-two cells, and for suitable female quarters, there is hereby appropriated payable out of the revenues of the fiscal year, one thousand nine hundred and three, the sum of ten thousand dollars; and there is also appropriated payable out of the revenues for the fiscal year one thousand nine hundred and four, the sum of fifty thousand dollars.

And the board of directors of the penitentiary are hereby author-

ized to use and expend the surplus earnings thereof, to the extent of forty thousand dollars, toward paying the additional costs of said buildings and improvements.

Criminal Charges.

For criminal charges, one hundred and fifty thousand dollars.

For extradition of criminals, two thousand dollars.

Lunatics in Jail.

For support of lunatics in jail, four thousand dollars.

Historical Society.

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

Normal Schools.

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

For additional expenses for the support of the State normal school and its branches, fifteen thousand dollars.

For traveling expenses of the board of regents, one thousand six hundred dollars.

For salary of secretary, two hundred dollars.

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

Marshall College.

For library and apparatus, five hundred dollars.

For furniture, two hundred dollars.

For contingent expenses, seven hundred dollars.

For building and repairs, two hundred dollars.

For fuel, water and lights, one thousand two hundred dollars.

For improving grounds, two hundred dollars.
For janitors, eight hundred dollars.
For furniture for library, one hundred and fifty dollars.
For boys' closet, one hundred and fifty dollars.
For sewer from eaves, one hundred dollars.
For concrete flooring, two hundred dollars.

West Liberty Normal School.

For library and apparatus, three hundred dollars.
For furniture, piano and book cases, eight hundred dollars.
For contingent expenses, five hundred dollars.
For fuel and light, five hundred dollars.
For janitor, four hundred dollars.
For wall and fence, four hundred dollars.
For repairs to buildings, five hundred dollars.
For pavement, two hundred and fifty dollars.
For supplies for gymnasium, two hundred and fifty dollars.

Concord Normal School.

For library and apparatus, five hundred dollars.
For building and repairs, two hundred and fifty dollars.
For contingent expenses, six hundred dollars.
For fuel and lights, one thousand dollars.
For furniture, three hundred dollars.
For janitor, four hundred dollars.
For papering, carpeting, painting dormitory, two hundred and fifty dollars.

Shepherd College Normal School.

For repairs to old buildings, two hundred and fifty dollars.
For library and apparatus, seven hundred dollars.
For contingent expenses, five hundred dollars.
For fuel and lights, seven hundred and fifty dollars.
For janitor, four hundred dollars.
For gymnasium, two hundred and fifty dollars.
For furniture for eight class rooms, five hundred dollars.
For furniture for study hall, three hundred dollars.
For furniture for principal's office, fifty dollars.
For furniture for reception room, fifty dollars.
For unpaid warrants for new building, seven thousand one hundred and thirty-nine dollars and seventy-three cents.

For balance of contract, five thousand five hundred and sixty dollars and twenty-seven cents.

For extra stone and excavation, two thousand and three dollars.

For interior changes, ninety-seven dollars.

For power house, nine hundred dollars.

For excess for steel ceiling, one thousand one hundred and twenty-five dollars.

For interest on warrants, drawn and not paid, five hundred dollars.

Fairmont Normal School.

For furniture, two hundred and fifty dollars.

For library and apparatus, five hundred dollars.

For repairs to buildings and heating apparatus, five hundred dollars.

For contingent expenses, five hundred dollars.

For closets, one hundred and fifty dollars.

For gymnasium, three hundred dollars.

For janitors, six hundred dollars.

For fuel, water and lights, eight hundred dollars.

For re-wiring for electric light, one hundred and fifty dollars.

For cases for apparatus, one hundred dollars.

For furniture for office, parlor and chapel, one hundred and fifty dollars.

For outside painting, two hundred dollars.

For inside painting and papering, one hundred and fifty dollars.

For fire extinguishers, stand pipe and hose, one hundred and seventy-five dollars.

For water heater, one hundred dollars.

For paving, stone wall and deficiency in grading, five hundred dollars.

Glenville Normal School.

For furniture, two hundred dollars.

For contingent expenses, five hundred dollars.

For repairs, two hundred dollars.

For library, three hundred dollars.

For janitor, four hundred dollars.

For fuel and light, four hundred dollars.

For water, three hundred and fifty dollars.

For gymnasium, one hundred dollars.

For painting and papering, one hundred and fifty dollars.

For re-building tower to school building, there is hereby appropriated, payable out of the revenues for the fiscal year, one thousand nine hundred and three, the sum of one thousand dollars; and, also, there is appropriated payable out of the revenues for the fiscal year, one thousand nine hundred and four, the further sum of two thousand five hundred dollars.

West Virginia School for the Deaf and the Blind.

For current expenses, forty-four thousand dollars.

For traveling expenses, two thousand five hundred dollars.

For contingent expenses, six hundred dollars.

For fund for colored pupils, one thousand two hundred dollars.

For addition and shop equipments, one thousand dollars.

For completion of school building, one thousand two hundred and fifty dollars.

For lighting plant, one thousand five hundred dollars.

The University.

For salaries of teachers, fifty thousand dollars.

For current and contingent expenses, four thousand dollars.

For cadet books, two thousand dollars.

For regents' expenses, one thousand five hundred dollars.

For cadet uniforms, three thousand five hundred dollars.

For repairs to buildings, two thousand dollars.

For stone wall, two thousand dollars.

For advertising, one thousand dollars.

For one-half purchase price of land, three thousand five hundred dollars.

For stationery and printing, two thousand five hundred dollars.

For station printing, two thousand dollars.

For grading drill grounds, five hundred dollars.

For school of music, two thousand five hundred dollars.

For gymnasium, five hundred dollars.

For art department, two thousand five hundred dollars.

For college of agriculture, five thousand dollars.

For furniture for library building, five thousand dollars.

For fire protection, two hundred and fifty dollars.

- For salary of gardener, six hundred dollars.
For night watchman, one thousand dollars.
For black board, desks, *etcetera*, one thousand dollars.
For janitors, two thousand dollars.
For library, two thousand five hundred dollars.
For fence, two hundred dollars.
For road and street, two thousand dollars.
For apparatus, two thousand dollars.
For lighting grounds, one thousand five hundred dollars.
For repairing "Martin Hall," one thousand five hundred dollars.
For overdrafts:
For armory building, three thousand nine hundred and eighty-two dollars and seventy-two cents;
For library building, ten thousand nine hundred and four dollars and seventy cents;
For mechanical hall, two thousand three hundred and forty dollars and sixty-three cents;
For summer quarters of 1898-1900, six thousand seven hundred and ninety-nine dollars and ninety-six cents;
Salary fund, six thousand two hundred and fifty dollars.
For the construction of a central heating plant, ten thousand dollars.

Preparatory Branch of the West Virginia University at Montgomery.

- For repairs to buildings, three hundred dollars.
For furniture and fixtures, one hundred and fifty dollars.
For fuel and lights, six hundred dollars.
For contingent expenses, two hundred and fifty dollars.
For teachers' salaries, four thousand dollars.
For janitor, four hundred and fifty dollars.
For library and apparatus, three hundred dollars.
For regents' expenses, two hundred and fifty dollars.
For the construction of a wing to the school building of the preparatory school of the West Virginia University at Montgomery, there is hereby appropriated, payable out of the revenues of the fiscal year one thousand nine hundred and four, the sum of seven thousand dollars in addition to the three thousand dollars appropriated for the year one thousand nine hundred and two, which sum of three thousand dollars is hereby re-appropriated if not drawn from the treasury.

Preparatory Branch of the West Virginia University at Keyser.

For salary of secretary and treasurer, and per diem and expenses of board of regents, seven hundred and fifty dollars.

For gymnasium and athletic field, five hundred dollars.

For library and library fixtures, one thousand five hundred dollars.

For apparatus for physical and chemical laboratory, seven hundred dollars.

For furniture for offices, three hundred dollars.

For furniture for reception room, one hundred and fifty dollars.

For desks for study hall, one hundred and fifty in room, five hundred dollars.

For equipment of music department, six hundred dollars.

For seating auditorium, seven hundred and fifty or eight hundred chairs, one thousand five hundred dollars.

For furniture for five recitation rooms, five hundred dollars.

For janitor, four hundred and eighty dollars.

For fuel and light, six hundred dollars.

For contingent expenses, five hundred dollars.

For salaries of teachers, five thousand dollars.

For amount, claimed by architect, one thousand seven hundred and fifty dollars.

For amount due on electric wiring and fixtures, eight hundred dollars.

For amount due on ventilating system, six hundred and seventy-eight dollars.

For electric clock system, three hundred dollars.

For amount due on boiler house, smoke stack and interest to contractors, one thousand nine hundred dollars.

For amount due on heating, plumbing, gas fitting and interest to contractors and for completing heating plant, seven thousand one hundred dollars.

For balance due on building, including extra work and interest to contractors, seventeen thousand dollars.

West Virginia Reform School.

For current expenses, twenty-five thousand dollars.

For officers' salaries, fifteen thousand dollars.

For expense of board of directors, eight hundred dollars.

For transportation of inmates, eight hundred dollars.

-
- For repairs to electric light plant, three hundred dollars.
 - For laundry machinery and repairs, three hundred dollars.
 - For painting, building and repairs, five hundred dollars.
 - For contingent expenses, two hundred dollars.
 - For library, two hundred and fifty dollars.
 - For sewers and closets, five hundred dollars.
 - For shop equipments, five hundred dollars.
 - For additional water system, five hundred dollars.
 - For equipment brickyard, five hundred dollars.
 - For additional furniture, five hundred dollars.
 - For ministerial services and lectures, two hundred dollars.
 - For deficiency, viz:
 - For electric light plant, five thousand five hundred dollars;
 - For building for same, three hundred dollars;
 - For reservoirs, capacity two hundred thousand gallons, one thousand nine hundred dollars;
 - For six inch water system with fire plugs, two thousand six hundred dollars;
 - For plumbing and heating for administration building, twelve thousand dollars;
 - For electric fixtures for administration building, one thousand five hundred dollars;
 - For electric cable to administration building, one thousand five hundred dollars;
 - For furniture for administration building, four thousand five hundred dollars;
 - For extras in administration building, five thousand two hundred dollars;
 - Outstanding bills, two thousand nine hundred and eighty-six dollars and sixty-seven cents.

West Virginia Colored Institute.

- For current expenses, one thousand six hundred dollars.
- For expenses of board of regents, seven hundred dollars.
- For salary of janitor, four hundred dollars.
- For fuel, one thousand two hundred dollars.
- For school and dormitory furniture, two hundred and fifty dollars.
- For teachers' salaries, ten thousand dollars.
- For grading grounds and building walks, five hundred dollars.

-
- For salary of engineer, six hundred dollars.
 - For repairs to building and furniture, five hundred dollars.
 - For kitchen and dining room equipments, one hundred and fifty dollars.
 - For cadet uniforms, nine hundred dollars.
 - For night watchman, four hundred dollars.
 - For agricultural department, five hundred dollars.
 - For domestic science, five hundred dollars.
 - For cadet books and stationery, five hundred dollars.
 - For printing department, two hundred and fifty dollars.
 - For library and reading room, one hundred and fifty dollars.
 - For carpets, rugs, *etcetera*, for rooms and hall, two hundred and fifty dollars.
 - For completing Trades Building, two thousand dollars.
 - For band instructor, two hundred and fifty dollars.
 - For fencing, two hundred and fifty dollars.
 - For completing barn, seventy-five dollars.
 - For sewer connection to new building, seventy-five dollars.
 - For repairs to tank and pump, fifty dollars.
 - For boiler and engine, seven hundred dollars.
 - For student labor, three hundred dollars.
 - For large iron safe, seventy-five dollars.

West Virginia Colored Orphans' Home and Industrial School.

- For payment of teachers' salaries, fifteen hundred dollars.
- The above item to be paid out on requisition of the state superintendent of schools.

Bluefield Colored Institute.

- For salary of teachers, four thousand dollars.
- For janitor, five hundred dollars.
- For fuel and lights, eight hundred and seventy-five dollars.
- For library and apparatus, six hundred dollars.
- For expenses of board of regents, six hundred dollars.
- For contingent expenses, eight hundred dollars.
- For water rent, one hundred and fifty dollars.
- For repairs to buildings, three hundred dollars.
- For engineer, three hundred dollars.
- For grading grounds, three hundred dollars.

- For girls' industrial work, five hundred dollars.
- For fruit culture and gardening, two hundred dollars.
- For addition to girls' dormitory, three thousand dollars.

Storer College.

For tuition, room rent and the use of books, for fifty or more pupils from this State, in the normal department of said college, one thousand dollars.

For instruction for fifty or more pupils from this State, in the industrial department of said college, one thousand five hundred dollars.

Both of the above items to be paid out upon requisition of the state superintendent of free schools.

West Virginia Industrial Home for Girls.

- For contingent expenses, three hundred dollars.
- For salary of employes, three thousand dollars.
- For current expenses, four thousand dollars.
- For expenses of board of directors, six hundred dollars.
- For transportation of inmates, four hundred dollars.
- For improvements on present building, five hundred dollars.
- For improvements of ground and farm, four hundred dollars.
- For cottage for assistant farmer, five hundred dollars.
- For completion of school house and chapel, four thousand dollars.
- For furnishing for same, two hundred and fifty dollars.
- For building for colored girls, two thousand dollars.
- For furnishing for same, three hundred dollars.
- For ministerial services, one hundred dollars.
- For borrowed money, three thousand five hundred dollars.

West Virginia Asylum for Incurables.

- For current expenses, forty-two thousand five hundred dollars.
- For repairs to roads and walks, two thousand dollars.
- For window guards for building *No. Three*, four hundred and fifty dollars.
- For architect's commission, two thousand dollars.
- For window guards for building, *No. One*, four hundred and fifty dollars.

For kitchen, ice plant and machinery, five thousand dollars.

The electric generator, five hundred dollars.

For tunnel and steam pipe, one thousand dollars.

For furniture for buildings *Nos. One and Three*, two thousand dollars.

For bakery, two hundred and fifty dollars.

For boiler for heating new buildings, five hundred dollars.

For wells and water supply, five hundred dollars.

For fence fund, five hundred dollars.

For painting and repairs, four hundred dollars.

For balance due on buildings, *Nos. One and Three*, heretofore authorized by the legislature, seventy thousand dollars.

Weston Hospital for the Insane.

Current expenses, one hundred and forty-eight thousand dollars.

Drugs, one thousand five hundred dollars.

For transportation of patients, two thousand five hundred dollars.

For painting and repairs, eight thousand dollars.

For water supply, one thousand eight hundred dollars.

For dough mixer and engine, one thousand two hundred dollars.

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

For new carpet, furniture, etc., five hundred dollars.

Second Hospital for the Insane.

For current expense fund, sixty thousand dollars.

For transportation of patients, two thousand five hundred dollars.

For painting and repairs, two thousand five hundred dollars.

For drugs, one thousand dollars.

For drilling wells and completing water supply, one thousand dollars.

For deficiency on last year's appropriation for water supply, two thousand seven hundred and eighty-three dollars.

For farm, five hundred dollars.

For the construction of a new dining hall building and for providing new laundry, ice plant, cold storage, with fixtures and appliances, there is hereby appropriated, payable out of the revenues

of the fiscal year one thousand nine hundred and four, the sum of forty thousand dollars.

Bureau of Labor.

For salary of commissioner of labor, twelve hundred dollars.

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

For contingent expenses, one thousand two hundred dollars.

For expenses of free employment bureau, eight hundred dollars.

Miners' Hospital No. One.

For maintenance fund, twelve thousand five hundred dollars.

For filling and improvement of grounds, stone wall, iron fence, laying out of grounds, engine and boiler house, foot bridge, repairs to road, furniture and instruments, three thousand dollars.

Miners' Hospital Number Two.

For maintenance fund, twelve thousand five hundred dollars.

Miners' Hospital Number Three.

For maintenance and contingent fund, fifteen thousand dollars.

For ambulance, horses and stable, one thousand dollars.

For laundry, instruments and improvements, five hundred dollars.

For amounts due and unpaid, four thousand three hundred dollars.

State Board of Agriculture.

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

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

San Jose Scale.

For carrying out the provisions of chapter thirty-three of the acts of the legislature, nineteen hundred and one, as amended by chapter of the acts of nineteen hundred and three, five thousand dollars.

The last mentioned appropriation to be paid out on accounts approved by the auditor.

Commissioner of Banking.

For salary of commissioner, fifteen hundred dollars.

For traveling expenses, six hundred dollars.

For contingent expenses, three hundred dollars.

Inspector of Mines.

For salaries of inspectors, seven thousand eight hundred dollars.

For traveling expenses, two thousand seven hundred dollars.

For contingent expenses, five hundred dollars.

For clerk hire, six hundred dollars.

For printing and distributing reports, fifteen hundred dollars.

For testing and examination of oil, one hundred dollars.

State Board of Health.

For expenses of State board of health, two thousand dollars.

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

Commissioners of Pharmacy.

For commissioners and secretary and other expenses, to be paid by the auditor upon the order of the said commissioners, one thousand dollars.

Vaccine Agents.

For salary of the vaccine agents, to be paid on the order of the governor, one hundred and fifty dollars.

For purchase of vaccine matter, one hundred and fifty dollars.

Each agent shall annually report to the governor the amount expended for the purchase of vaccine matter.

Institute Instructors.

For compensation of institute instructors, provided for in section thirty, of chapter forty-five of the acts of one thousand eight

hundred and ninety-five, one thousand dollars out of the general school fund.

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

State Library.

For purchasing and binding books for the State library at Charleston, twelve hundred dollars, and at Charles Town, two hundred and fifty dollars, to be drawn on the order of the supreme court of appeals, and expended under the direction of the said court; and all books furnished or purchased by this appropriation shall be the property of the State.

Insurance.

For premiums on insurance of public buildings, to be drawn and paid out on the order of the board of public works, ten thousand dollars.

Every board in control of any of the public buildings of the State shall cause the buildings under their control, respectively, to be insured and kept insured and the premiums to be paid out of said fund.

Before any insurance is taken the board in control of the building shall report the amount of insurance proposed to be taken, and the rate of insurance, and the same shall be approved by the board of public works before the insurance is written. Each board shall report biennially to the governor insurance carried and the name of each company in which insurance is carried, and the time the same will expire. The insurance on the penitentiary shall be paid out of the money under the control of the board of directors thereof.

For Pay of State Agents.

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

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

Erroneous Payments into the Treasury.

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

For the Distribution of General School Fund.

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

For the pay of county superintendents of schools, to be paid out of the general school fund, according to the provisions of section fifty-three of chapter forty-five of the code, seventeen thousand seven hundred and fifty dollars.

For Refunding County, District and Municipal Taxes.

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

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

Overpaid Taxes.

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

Erroneous Assessments.

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

Delinquent Taxes.

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

Game and Fish Warden.

For the salary of game and fish warden, the sum of one thousand dollars.

For contingent expenses, the sum of six hundred dollars.

Advisory Board of Pardons.

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

West Virginia Humane Society.

For current expenses, the sum of six thousand dollars.

State Geological and Economic Survey.

For geological survey in co-operation with the United States geological survey, fifteen thousand dollars.

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

For assistants and other expenditures, two thousand dollars.

Civil Contingent Fund.

For civil contingent fund for the governor, twelve thousand nine hundred dollars.

Contingent Fund, Executive Department.

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

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

For contingent expenses of the attorney general's office, seven hundred and fifty dollars.

For contingent expenses state superintendent of free schools'

office, to be paid out of the general school fund, fifteen hundred dollars.

For purchase of books for the office of the state superintendent of free schools, to be paid out of the general school fund, two hundred and fifty dollars.

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

For contingent expenses of secretary of state's office, one thousand dollars.

For contingent expenses adjutant general's office, six hundred and fifty dollars,

For distribution of the acts and journals to the members of the legislature, three hundred dollars, to be paid upon the order of the secretary of state.

For contingent expenses of the state librarian's office, three hundred dollars.

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

Contingent Legislative Expenses.

For the contingent expenses of the senate, six thousand five hundred dollars.

For the contingent expenses of the house of delegates, eight thousand dollars.

Salaries of Clerks..

For salary of governor's private secretary, two thousand five hundred dollars.

For other clerk hire, three hundred dollars.

For salary of chief clerk of secretary of state, one thousand five hundred dollars.

For other clerks, four thousand three hundred dollars.

For salary of stenographer of secretary of state's office, nine hundred dollars.

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

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

For other clerk hire in the treasurer's office, two hundred dollars.

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

For salaries of other clerks in the auditor's office, ten thousand five hundred dollars.

For salary of stenographer for auditor, nine hundred dollars.

For salary of assistant in attorney general's office, fifteen hundred dollars.

For salary of stenographer for attorney general, six hundred dollars.

For other clerk hire and proof reading in the attorney general's office, five hundred dollars.

For salary of chief clerk in office of state superintendent of free schools, to be paid out of the general school fund, one thousand two hundred dollars.

For salaries of other clerks in the office of state superintendent of free schools, to be paid out of the general school fund, two thousand eight hundred dollars.

For salaries of assistant clerks of the supreme court of appeals, two thousand two hundred dollars.

Judicial Department.

For contingent expenses of supreme court of appeals, to be expended upon the order of the court, one thousand dollars.

For stenographers and typewriters of judges of the supreme court of appeals, three thousand dollars, to be paid to said stenographers on the order of the respective judges of said court.

For printing and binding supreme court reports, five thousand dollars.

To pay crier, messenger and janitors of supreme court, one thousand two hundred dollars.

For stenographer and typewriter for the clerk of the supreme court of appeals, eight hundred dollars.

For furnishing office in capitol for the fifth judge, two hundred and fifty dollars.

The Militia.

To carry into effect the provisions of chapter sixty-one, of the acts of one thousand eight hundred and ninety-seven, relating to the militia, thirty-five thousand dollars; which amount shall cover all expenditures for the militia for the fiscal year: *provided*, that the sum shall be disbursed under the direction of the governor, adjutant general and paymaster general upon requisition made upon the auditor.

For salary of keeper of armory, nine hundred dollars.

Capitol Buildings and Grounds.

For water, one thousand dollars.

For lighting and heating, three thousand dollars.

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

For cleaning, renovating and painting the interior of the capitol building, two thousand dollars, to be paid out upon the order of the governor.

For heating and lighting deficiency, eleven thousand and sixty two dollars.

For fuel deficiency, one thousand five hundred dollars.

For new street paving about State's property, Charleston, deficiency, one thousand five hundred dollars.

Governor's Mansion and Grounds.

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

For the purchase of additional lot to governor's mansion, as per proposition in writing of P. Fontaine, thirty-five by three hundred and ten feet, six thousand dollars.

The money appropriated for the purchase of said lot to be paid upon the order of the governor, when a good title is made for the same.

Printing, Binding and Stationery.

For public printing, binding and furnishing stationery, including the office of the state superintendent of free schools, thirty thousand dollars.

Capitol Annex.

To pay balance due on the completion of the capitol annex, in-

cluding architect's compensation, extras on plumbing, electrical conduits, additional vault, hard plasters, *etcetera*, to be paid out of the revenues of the fiscal year, one thousand nine hundred and three, the sum of forty thousand dollars.

For heating, decorating walls, metallic furnishing, vaults and other fixtures and furnishings to complete the capitol annex for occupancy by the auditor, treasurer, supreme court and other officers, to be paid out of the revenues of the fiscal year, one thousand nine hundred and four, the sum of fifty thousand dollars.

The above appropriations for completing, heating, and furnishing the capitol annex to be expended and paid out on order of the board of public works. The board shall render to the next legislature a complete itemized statement of all the expenditures made hereunder, showing the contracts awarded and prices paid.

The board shall so far as practicable let contracts for the furnishings on competitive bids after due notice to contractors and bidders.

To Repay Moneys Borrowed by the Governor.

For amount borrowed and used for the national guard, the sum of twelve thousand ninety seven dollars and twenty-three cents and interest.

For publishing proclamations as to writs of election, ninety-one dollars and four cents.

For publishing constitutional amendments and proclamation of ratification, six thousand five hundred and twenty-two dollars and twenty-six cents.

To repay amount borrowed for insuring insane hospital at Weston, five thousand and forty dollars.

The above to be paid out to the persons entitled thereto upon the order of the governor.

Reprinting Supreme Court Reports.

To pay for balance due for re-printing volume seventeen of supreme court reports, and to pay for the re-printing of volumes nineteen to thirty-three inclusive, the sum of twenty-one thousand, seven hundred and fifty-nine dollars and fifty-three cents.

To pay for the printing of volumes fifty and fifty-one of the supreme court reports, including a balance of one thousand and twelve dollars and ninety-three cents due on volume forty-nine,

the sum of four thousand three hundred and forty-six dollars and twenty-nine cents.

Louisiana Purchase Exposition.

For making a proper exhibit of the natural and material resources of this State at the exposition to be held in the city of St. Louis, in the year one thousand nine hundred and four, to commemorate the acquisition of the Louisiana territory, including the construction of an appropriate building and defraying the expenses of such exhibit, there is hereby appropriated to be paid out of the revenues for the fiscal year, one thousand nine hundred and three, the sum of ten thousand dollars; and out of the revenues of the fiscal year, one thousand nine hundred and four, the further sum of forty thousand dollars.

The governor having appointed a commission of seven persons, residents of this State, they shall have entire control of the making of said exhibit and the expenditure of the money hereby appropriated, and they shall constitute and be known as "The Louisiana Purchase Exhibition Board."

The money hereby appropriated shall be drawn from the treasury upon the order of said board, in installments as actually needed in effecting the objects of this appropriation. The said board when duly organized shall elect a treasurer who shall give bond payable to the State in the penalty of at least ten thousand dollars, with conditions as provided by law for official bonds. A detailed statement showing how and for what purposes the money was expended shall be made to the governor, to be presented at the next regular session of the legislature.

Miscellaneous Appropriations.

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

To pay Harry Shaw, for services rendered house of delegates, session of one thousand nine hundred and one, two hundred and fifty-two dollars and fifty-six cents.

To pay J. B. Peyton, for services rendered as assistant clerk, session of one thousand nine hundred and one, one hundred and sixty-eight dollars.

To pay J. F. Maynard, assignee of E. E. Hood for services ren-

dered house of delegates, session of one thousand nine hundred and one, ninety dollars.

To pay Jno. L. Laughlin, for services rendered the board of pardons, two hundred and fifty dollars.

To pay F. B. Burk, for services as clerk of finance committee of house of delegates, session of one thousand nine hundred and one, sixty-seven dollars and twenty cents.

To pay Intelligencer Publishing Company for printing advertisement under General Rucker, nine dollars and seventy-five cents.

To pay Brown, Jackson and Knight, for legal services in defending the suit of the Blue Jacket Consolidated Copper Company against A. C. Scherr, auditor, in the circuit court of Kanawha county, W. Va., and in the supreme court of appeals, one thousand dollars.

To pay Joseph S. Wilson, for work with team on Parkersburg and Staunton turnpike under superintendency of F. Howes, said claimant to satisfy auditor of justness thereof and that the same remains unpaid, the sum of one hundred and thirty-six dollars.

To Bar-Lock Typewriter Agency for typewriter for the use of clerk of the house of delegates and one for the use of the finance committee, twenty dollars.

To steamer Kanawha, for one set of furniture from Parkersburg and wharfage and drayage, twenty dollars.

To pay Alvin B. Cummins, for services rendered as page, session of one thousand nine hundred and one, fourteen dollars.

For amount due for services of the tax commissioners and their personal expenses, and also for services of the secretary and the general expenses of the commission:

W. P. Hubbard, fifty days attendance and expenses, seven hundred and ninety-eight dollars and eight cents.

H. G. Davis, forty-two days attendance and expenses, six hundred and seventy dollars.

L. J. Williams, fifty-two days attendance and expenses, eight hundred and sixty-five dollars and seventy four cents.

Jno. H. Holt, nineteen days attendance and expenses, two hundred and ninety-five dollars.

Jno. K. Thompson, twenty-two days attendance and expenses, three hundred and thirty-one dollars and three cents.

Alfred Philips, secretary, for services and expenses, seven hundred and ninety-five dollars and seventy-five cents.

Stenographer's hotel bills, expenses and supplies, for the use of Alfred Philips, three hundred and twenty-eight dollars and twenty cents.

Incidental expenses, postage stamps, rooms, attendants and express for use of Alfred Phillips, one hundred and twenty-two dollars and sixty-five cents.

To pay State service commission the sum of four thousand five hundred and forty-nine dollars and ten cents, and to pay claims allowed, including twenty per cent additional, seven hundred and eighty-two dollars and seven cents, to be paid out to the parties entitled thereto upon the order of the board of public works.

For reward offered and claimed for arrest in the Randolph county lynching case, two hundred dollars.

To pay W. N. Miller and H. H. Moss, for legal services rendered in the Ellis Glenn case before the supreme court of the United States, one thousand five hundred and twenty-five dollars and sixteen cents, to be paid on the order of the governor.

To pay Julius K. Monroe, for balance due for surveying on boundary line of Maryland and West Virginia, five hundred and fifty-seven dollars and twenty-three cents.

To pay Jno. T. Harris, clerk of the senate, the sum of two hundred and thirty-five dollars and fifty-five cents for services rendered during the session of one thousand nine hundred and one.

To pay W. B. Barr, for repairing typewriter for use of finance committee, six dollars and fifty cents.

To pay L. C. Gates for two locks, thirty cents.

To pay Bentley and Gerwig Furniture Company, for additional desks and twenty-two chairs, eleven hundred and forty four dollars.

To pay Bentley and Gerwig, for furniture, two hundred dollars.

To pay Rudesill and Mead, for wash basins, spittoons, soap slabs, jugs, *etcetera*, sixty-eight dollars and seventeen cents.

To pay Loewenstein and Sons, for locks and tack hammer, eighty cents.

To pay Dawley Furniture Company, for re-upholstering and repairs on sixty-eight office chairs and for forty-nine chairs and desk, two hundred and sixty-six dollars and fifty cents.

To pay Goldbarth and Strauss, for twenty rugs, sweepers and oil cloth, ninety-eight dollars and seventy-seven cents.

To pay Lewis, Hubbard and Company, for pearline, dusters, brooms, seventeen dollars.

To pay F. J. Daniels, for oil cloth, eighty-seven cents.

To pay John and J. S. Morgan, for tables, mailing case, file case, pigeon hole cases, tables and file counter, ninety dollars and twenty three cents.

To pay N. S. Burlew, for two papers of gilt edge tacks, twenty cents.

To pay Grand Rapids Furniture Company, for one hat rack, mirror and table, thirty-three dollars and twenty-five cents.

To pay W. F. Shawver, for six coal hods, two dollars and forty cents.

To pay Meyers Brothers, for chimneys, mantles, galleries, globes and repairing trough, one hundred and twelve dollars and four cents.

To pay Charleston Natural Gas Supply Company, for tapers and paper holders, four dollars and forty cents.

To pay Wm. Hoferer, for making desk braces, wedges, plates, rail braces and brace stop, nine dollars and twenty cents.

To pay West Virginia Heating and Plumbing Company, for compression basin cocks, bowls, plugs and urinals, seventy-seven dollars and fifteen cents.

To pay O. H. Michaelson, for lamps, bulbs, *etcetera*, for electric lights, thirty dollars and forty cents.

To pay M. W. Grossman, for repairing windows, bronzing radiators, putting in cords, and general repairing, one hundred and ninety dollars and seventy-five cents.

To pay Charleston Electrical Supply Company, for drop light and fixtures for desk, six dollars and sixty-nine cents.

To pay S. Spencer Moore and Sons, for shade cloth, two dollars.

To pay P. A. Donovan, for mantles and globes, nine dollars and seventy-five cents.

To pay W. M. Prindle and Company, for office chairs, nine dollars.

To pay Eskew, Smith and Cannon, for water cooler, stand and expressage, twenty dollars.

To pay L. L. Lang for transporting Rose E. Ford from Industrial Home for Girls to Hinton, seventy-five dollars.

To pay E. P. Rucker, for legal services rendered in the case of S. D. Hatfield, et al., *versus* Henry C. King, one thousand dollars.

To pay in full J. Delaney for liquor license improperly paid into the State treasury, two hundred and seventy-five dollars.

To pay Ned Wilson, for services as mailing and banking page in the house of delegates, at the session of one thousand nine hundred and one, seventy-five dollars.

To pay C. Henry, for rent of two typewriters for use of senate, fifteen dollars.

To pay H. L. Boggs, for sundry articles, four hundred and fifty-eight dollars and fifty-eight cents.

To pay for advertising for bids on public binding, printing and stationery, seventy-eight dollars and ninety-eight cents, to be paid to the parties entitled thereto upon the order of the commissioners of printing.

To pay John P. Austin, as member of the board of trustees of the Point Pleasant Battle Monument, one hundred and sixty-three dollars and twenty-six cents.

To pay C. C. Bowyer, as member of the board of trustees of the Point Pleasant Battle Monument, two hundred and sixty-four dollars.

To pay Virgil A. Lewis, as member of the board of trustees of the Point Pleasant Battle Monument, two hundred and fifty dollars and fifty-seven cents.

To pay balance in full of claim of Prudence G. Robinson, assignee of W. H. Pilson for services as stenographer in the case of the State *versus* Eastman, tried in the circuit court of Tucker county in one thousand eight hundred and ninety-seven, three hundred dollars.

To pay in full the claim of L. W. Rarriek, for six fines of ten dollars each improperly collected in Kanawha county, in one thousand nine hundred and one, sixty dollars.

To pay in full claim of Ellen Scott, widow of Col. Alexander Scott, due for subsistence furnished company F., second West Virginia infantry in one thousand eight hundred and sixty-one, five hundred dollars.

To pay in full claim of Moses W. Donnally, for interest and dis-

counts paid on money borrowed for carrying out public printing, binding and stationery contract with the State, in one thousand eight hundred and ninety-five and one thousand eight hundred and ninety-six, one thousand dollars.

To pay in full claim of W. A. Brazie, for publishing notices and making commissioner's report in chancery cases, for the State of West Virginia, forty-four dollars.

To pay in full claim of M. W. Mullen, balance due for payment of cigarette license, five hundred and forty-four dollars and forty cents.

To pay John Hogan in full, claim for amount of license tax rebated, two hundred and ninety-one dollars, sixty-six and two-third cents.

The foregoing claims in favor of Prudence G. Robinson, L. W. Rarrick, Ellen Scott, Moses W. Donnally, M. W. Mullen, John Hogan and W. A. Brazie, or such part of each as may be justly due, to be paid only to the extent hereby appropriated, upon the approval of the auditor and the board of public works, after a thorough investigation of the merits of each claim, and the auditor and board being satisfied that the same are just and should be paid by the State.

To carry out the provisions of house joint resolution number forty-three, to be paid upon the order of the board of public works, the sum of five thousand dollars, payable out of the revenues of the fiscal year beginning October one, one thousand nine hundred and two, and the sum of ten thousand dollars payable out of the revenues of the fiscal year beginning October one, one thousand nine hundred and three. The board of public works is authorized to allow from time to time such amounts as may be necessary for reading proof on said volumes, and to incur such other reasonable expenses as in its judgment may be necessary to protect the interests of the State.

Be it further enacted by the legislature of West Virginia:

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

Criminal Charges.

For criminal charges, one hundred and thirty thousand dollars.

For extradition of criminals, two thousand dollars.

Lunatics in Jail.

For support of lunatics in jail, four thousand dollars.

Normal Schools.

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

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

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

For salary of secretary, two hundred dollars.

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

Marshall College.

For furniture, two hundred dollars.

For contingent expenses, seven hundred dollars.

For building and repairs, two hundred dollars.

For fuel, water and lights, one thousand two hundred dollars.

For janitors, eight hundred dollars.

For furniture for library, one hundred and fifty dollars.

West Liberty Normal School.

For contingent expenses, five hundred dollars.

For fuel and light, five hundred dollars.

For janitor, four hundred dollars.

For wall and fence, four hundred dollars.

For repairs to buildings, five hundred dollars.

For supplies for gymnasium, two hundred and fifty dollars.

Concord Normal School.

For building and repairs, two hundred and fifty dollars.

For contingent expenses, six hundred dollars.

For fuel and lights, one thousand dollars.

For furniture, three hundred dollars.

For janitor, four hundred dollars.

For papering, carpeting and painting dormitory, two hundred and fifty dollars.

Shepherd College Normal School.

- For contingent expenses, five hundred dollars.
- For fuel and lights, seven hundred and fifty dollars.
- For janitor, four hundred dollars.
- For furniture for eight class rooms, five hundred dollars.
- For furniture for principal's office, fifty dollars.
- For furniture for reception room, fifty dollars.
- For power house, nine hundred dollars.
- For heating plant, six thousand five hundred dollars.
- For plumbing and closets, one thousand six hundred and fifty dollars.
- For electric wiring, one thousand dollars.
- For plastering gymnasium, three hundred and seventy-five dollars.
- For stone walks, three hundred and fifty dollars.
- For water tanks and piping, one hundred and eighty dollars.
- For drain pipes, one hundred dollars.

Fairmont Normal School.

- For repairs to buildings and heating apparatus, five hundred dollars.
- For contingent expenses, five hundred dollars.
- For closets, one hundred and fifty dollars.
- For janitor, six hundred dollars.
- For fuel, water and lights, eight hundred dollars.
- For re-wiring for electric lights, one hundred and fifty dollars.
- For cases for apparatus, one hundred dollars.
- For furniture for office, parlor and chapel, one hundred and fifty dollars.
- For outside painting, two hundred dollars.
- For inside painting and papering, one hundred and fifty dollars.
- For fire extinguishers, stand pipe and hose, one hundred and seventy-five dollars.
- For water heater, one hundred dollars.
- For paving, stone wall and deficiency in grading, five hundred dollars.

Glenville Normal School.

- For furniture, two hundred dollars.
- For contingent expenses, five hundred dollars.
- For repairs, two hundred dollars.
- For janitor, four hundred dollars.
- For fuel and light, four hundred dollars.
- For water, three hundred and fifty dollars.
- For gymnasium, one hundred dollars.
- For painting and papering, one hundred and fifty dollars.

West Virginia Schools for the Deaf and the Blind.

- For current expenses, forty-four thousand dollars.
- For traveling expenses, two thousand five hundred dollars.
- For contingent expenses, six hundred dollars.
- For fund for colored pupils, one thousand two hundred dollars.
- For addition and shop equipment, two thousand dollars.
- For lighting plant, one thousand five hundred dollars.

The University.

- For salaries of teachers, fifty thousand dollars.
- For current expenses, four thousand dollars.
- For cadet books, two thousand dollars.
- For regents' expenses, one thousand five hundred dollars.
- For repairs to buildings, two thousand dollars.
- For cadet uniforms, three thousand five hundred dollars.
- For stone wall, two thousand dollars.
- For one-half purchase price of land, three thousand five hundred dollars.
- For stationery and printing, two thousand five hundred dollars.
- For station printing, two thousand dollars.
- For school of music, two thousand five hundred dollars.
- For gymnasium, five hundred dollars.
- For art department, two thousand five hundred dollars.
- For college of agriculture, five thousand dollars.
- For fire protection, two hundred and fifty dollars.
- For salary of gardener, six hundred dollars
- For night watchman, one thousand dollars.
- For janitors, two thousand dollars.
- For library, two thousand five hundred dollars.

- For fence, two hundred dollars.
- For road and street, two thousand dollars.
- For lighting grounds, one thousand five hundred dollars.
- For repairing "Martin Hall," one thousand five hundred dollars.
- For overdrafts:
 - For armory building, three thousand nine hundred and eighty-two dollars and seventy-two cents.
 - For library building, ten thousand nine hundred and four dollars and seventy cents.
 - For mechanical hall, two thousand three hundred and forty dollars and sixty-three cents.
 - For summer quarters of 1898-1900, six thousand seven hundred and ninety-nine dollars and ninety-six cents.
 - Salary fund, six thousand two hundred and fifty dollars.

Preparatory Branch of the West Virginia University at Montgomery.

- For repairs to building, three hundred dollars.
- For furniture, fixtures and grading grounds, five hundred dollars.
- For fuel and lights, six hundred dollars.
- For contingent expenses, two hundred and fifty dollars.
- For teachers' salaries, four thousand dollars.
- For janitor, four hundred and fifty dollars.
- For regents' expenses, two hundred and fifty dollars.

Preparatory Branch of the West Virginia University at Keyser.

- For grading of grounds and walks, one thousand dollars.
- For salary of secretary and treasurer, and per diem and expenses of regents, seven hundred and fifty dollars.
- For furniture for offices, one hundred dollars.
- For furniture for reception room, fifty dollars.
- For desks for study hall, (150 in room), five hundred dollars.
- For janitor, four hundred and eighty dollars.
- For fuel and light, six hundred dollars.
- For contingent expenses, five hundred dollars.
- For salaries of teachers, five thousand dollars.

West Virginia Reform School.

- For current expenses, twenty-seven thousand five hundred dollars.
- For officers' salaries, fifteen thousand dollars.
- For expenses of board of directors, eight hundred dollars.

-
- For transportation of inmates, eight hundred dollars.
 - For laundry machinery and repairs, three hundred dollars.
 - For painting building and repairs, five hundred dollars.
 - For contingent expenses, two hundred dollars.
 - For sewers and closets, five hundred dollars.
 - For additional land, five thousand dollars.
 - For central dining hall, cold storage and bakery, eight thousand dollars.
 - For shop equipments, one thousand five hundred dollars.
 - For additional water system, five hundred dollars.
 - For equipment brick yard, five hundred dollars.
 - For additional furniture, five hundred dollars.
 - For ministerial services and lectures, two hundred dollars.

West Virginia Colored Institute.

- For current expenses, one thousand six hundred dollars.
- For expenses of board of regents, seven hundred dollars.
- For salary of janitor, four hundred dollars.
- For fuel, one thousand two hundred dollars.
- For school and dormitory furniture, two hundred and fifty dollars.
- For teachers salaries, ten thousand dollars.
- For salary of engineer, six hundred dollars.
- For kitchen and dining room equipment, one hundred and fifty dollars.
- For cadet uniforms, nine hundred dollars.
- For night watchman, four hundred dollars.
- For agricultural department, five hundred dollars.
- For domestic science, five hundred dollars.
- For catlet books and stationery, five hundred dollars.
- For printing department, two hundred and fifty dollars.
- For library and reading room, one hundred and fifty dollars.
- For carpets and rugs for furnishing rooms and hall, two hundred and fifty dollars.
- For completing "Trades Building," eight thousand dollars.
- For band instructor, two hundred and fifty dollars.
- For fencing, two hundred and fifty dollars.
- For completing barn, seventy-five dollars.
- For sewer connection to main building, one hundred dollars.
- For repairs to tank and pump, fifty dollars.

- For boiler and engine, seven hundred dollars.
- For student labor, three hundred dollars.
- For large iron safe, seventy-five dollars.

West Virginia Colored Orphans' Home & Industrial School.

- For payment of teachers' salaries, fifteen hundred dollars.
- The above item to be paid out on requisition of the state superintendent of schools.

Bluefield Colored Institute.

- For salary of teachers, four thousand dollars.
- For janitor, five hundred dollars.
- For fuel and lights, eight hundred and seventy-five dollars.
- For expenses of board of regents, six hundred dollars.
- For contingent expenses, eight hundred dollars.
- For water rent, one hundred and fifty dollars.
- For repairs to building, three hundred dollars.
- For engineer, three hundred dollars.
- For girls' industrial work, five hundred dollars.
- For fruit culture and gardening, two hundred dollars.
- For addition to girls' dormitory, three thousand dollars.
- For heating girls' dormitory, one thousand dollars.
- For furniture for girls' dormitory, one thousand dollars.
- For addition to Mahood Hall, eight thousand dollars.

Storer College.

For tuition, room rent and use of books, for fifty or more pupils, from this State, in the normal department of said college, one thousand dollars.

For instruction for fifty or more pupils from this State in the industrial department of said college, one thousand five hundred dollars.

Both of the above items to be paid out upon requisition of the state superintendent of free schools.

West Virginia Industrial Home for Girls.

- For contingent expenses, three hundred dollars.
- For salary of employes, three thousand dollars.
- For current expenses, four thousand five hundred dollars.
- For expenses of board of directors, six hundred dollars.

- For transportation of inmates, five hundred dollars.
- For improvements of present building, five hundred dollars.
- For cottage for assistant farmer, seven hundred dollars.
- For completion of school house and chapel, six thousand dollars.
- For furnishing for same, two hundred and fifty dollars.
- For building for colored girls, eight thousand dollars.
- For furnishing for same, seven hundred dollars.
- For ministerial services, one hundred dollars.

West Virginia Asylum for Incurables.

- For current expenses, forty-five thousand dollars.
- For window guards to building Number Three, four hundred and fifty dollars.
- For architect's commission, two thousand dollars.
- For window guards for building Number One, four hundred dollars.
- For electric generator, seven hundred dollars.
- For tunnel and steam pipe, two thousand five hundred dollars.
- For furniture for buildings Numbers One and Three, three thousand dollars.
- For bakery, two hundred and fifty dollars.
- For boiler for heating new building, seven hundred dollars.
- For wells and water supply, five hundred dollars.
- For painting and repairs, four hundred dollars.
- For kitchen, ice plant and machinery, five thousand dollars.

Bureau of Labor.

- For salary of commissioner of labor, twelve hundred dollars.
- For salary of assistant commissioner of labor, eight hundred dollars.
- For contingent expenses, one thousand two hundred dollars.
- For expenses of free employment bureau, eight hundred dollars.

Hospital for the Insane at Weston.

- For current expenses including salaries, one hundred and forty-eight thousand dollars.
- For transportation of patients, two thousand five hundred dollars.
- For painting and repairs, eight thousand dollars.
- For water supply, one thousand eight hundred dollars.

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

For drugs, one thousand five hundred dollars.

For fencing and farming, eight hundred dollars.

For new steam pump, one thousand dollars.

For new carpet, furniture, etc., five hundred dollars.

For new switchboard, two hundred dollars.

For utilizing condensed steam, four thousand dollars.

Second Hospital for the Insane.

For current expenses including salaries, sixty thousand dollars.

For transportation of patients, two thousand five hundred dollars.

For painting and repairs, two thousand five hundred dollars.

For drugs, one thousand dollars.

For farm fund, five hundred dollars.

For drilling wells and completing reservoir, two thousand dollars.

Miners' Hospital Number One.

For maintenance fund, twelve thousand five hundred dollars.

For filling, improvement of grounds, stone wall, iron fence, laying out grounds, engine and boiler house, foot bridge, repairs to road, furniture and instruments, five thousand dollars.

Miners' Hospital Number Two.

For maintenance fund, twelve thousand five hundred dollars.

Miners' Hospital Number Three.

For maintenance and contingent fund, twelve thousand five hundred dollars.

For ambulance, horses and stable, two thousand dollars.

For laundry, instruments and improvements, one thousand five hundred dollars.

State Board of Agriculture.

For total expense, including salaries of officers, fifteen thousand dollars.

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

San Jose Scale.

To carry out the provisions of chapter thirty-three of the acts of the legislature of nineteen hundred and one, as amended by chapter — of the acts of nineteen hundred and three, five thousand dollars. The last mentioned appropriation to be paid out on accounts approved by the auditor.

Commissioner of Banking.

For salary of commissioner, fifteen hundred dollars.
For traveling expenses, six hundred dollars.
For contingent expenses, three hundred dollars.
For assistance, five hundred dollars.

Inspector of Mines.

For salaries of inspectors, seven thousand eight hundred dollars.
For traveling expenses, two thousand seven hundred dollars.
For contingent expenses, five hundred dollars.
For clerk hire, six hundred dollars.
For printing and distributing reports, fifteen hundred dollars.
For testing and examination of oil, one hundred dollars.

State Board of Health.

For expense of state board of health, two thousand dollars.
For contingent expenses, one hundred dollars, and so much as shall be paid into treasury by said board as fees for examinations, to be paid by the auditor upon the order of the board under provisions of section seventeen, chapter seven, of the acts of one thousand eight hundred and ninety-five.

Commissioners of Pharmacy.

For commissioners and secretary, and other expenses, to be paid by the auditor upon the order of the said commissioners, one thousand dollars.

Vaccine Agents.

For salary of the vaccine agents, to be paid on the order of the governor, one hundred and fifty dollars.

For purchase of vaccine matter, one hundred and fifty dollars.

Each agent shall annually report to the governor the amount expended for the purchase of vaccine matter.

Institute Instructors.

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

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

State Library.

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

Insurance.

For premiums on insurance of public buildings, to be drawn and paid out on the order of the board of public works, ten thousand dollars. Every board of control of any of the public buildings of the State, shall cause the buildings under their control respectively to be insured and kept insured, and the premiums to be paid out of said fund.

Before any insurance is taken the board in control of the building, shall report the amount of insurance proposed to be taken and the rate of insurance, and the same shall be approved by the board of public works before the insurance is written.

Each board shall report biennially to the governor the insurance carried and the name of each company in which insurance is carried and the time the same will expire. The insurance on the penitentiary shall be paid out of the money under the control of the board of directors thereof.

For Pay of State Agents.

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

For payment of the expenses of State agents for special services

under authority and directions by the auditor in and about the collection of claims due the State, one thousand dollars.

Erroneous Payments into the Treasury.

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

For Distribution of General School Fund.

For the distribution of the general school fund, such sum is hereby appropriated as may be duly apportioned by the state superintendent of free schools, to each county, payable out of the general school fund.

For the pay of county superintendents of schools, to be paid out of the general fund, according to the provisions of section fifty-three, of chapter forty-five of the code, twenty-four thousand five hundred and twenty-five dollars.

For Refunding County, District and Municipal Taxes.

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

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

Overpaid Taxes.

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

Erroneous Assessments.

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

Delinquent Taxes.

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

Game and Fish Warden.

For the salary of game and fish warden, the sum of one thousand dollars.

For contingent expenses, the sum of six hundred dollars.

Advisory Board of Pardons.

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

West Virginia Humane Society.

For current expenses, the sum of six thousand dollars.

State Geological and Economic Survey.

For geological survey, in co-operation with the United States geological survey, fifteen thousand dollars.

For the preparation and publication of reports, the sum of four thousand seven hundred and fifty dollars.

For assistance and other expenditures, two thousand dollars.

Civil Contingent Fund.

For civil contingent fund for the governor, three thousand dollars.

State House Labor Fund.

For salary of engineer, one thousand dollars.

For salary of electrician, nine hundred dollars.

For night watchman, nine hundred dollars.

For night fireman, seven hundred and eighty dollars.

For day fireman, seven hundred and twenty dollars.

For six sweepers, seven hundred and twenty dollars each.

For one messenger boy, three hundred dollars.

Salaries of Annex Employes.

For salary of assistant janitor for annex, nine hundred dollars.

For salaries of three sweepers, seven hundred and twenty dollars each.

For salary of night watchman, nine hundred dollars.

All of the above to be paid upon the order of the governor.

Contingent Fund, Executive Department.

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

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

For contingent expenses of attorney general's office, seven hundred and fifty dollars.

For contingent expenses of state superintendent of free schools' office, to be paid out of the general school fund, fifteen hundred dollars.

For purchase of books for the office of the state superintendent of free schools, to be paid out of the general school fund, two hundred and fifty dollars.

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

For contingent expenses of secretary of state's office, one thousand dollars.

For contingent expenses adjutant general's office, six hundred and fifty dollars.

For contingent expenses of the state librarian's office, three hundred dollars.

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

Salaries of Clerks.

For salary of governor's private secretary, two thousand five hundred dollars.

For other clerk hire, twelve hundred dollars.

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

For other clerk hire, four thousand three hundred dollars.

For salary of stenographer of secretary of state's office, nine hundred dollars.

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

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

For other clerk hire, in treasurer's office, two hundred dollars.

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

For salaries of other clerks, ten thousand five hundred dollars.

For salary of stenographer for auditor, nine hundred dollars.

For salary of assistant in attorney general's office, fifteen hundred dollars.

For salary of stenographer for attorney general, six hundred dollars.

For other clerk hire and proof reading in the attorney general's office, five hundred dollars.

For salary of chief clerk of the office of state superintendent of free schools, to be paid out of the general school fund, one thousand two hundred dollars.

For the salaries of other clerks in the office of state superintendent of free schools, to be paid out of the general school fund, two thousand eight hundred dollars.

For salaries of assistant clerks of the supreme court of appeals, two thousand two hundred dollars.

Judicial Department.

For contingent expenses of the supreme court of appeals, to be expended upon the order of the court, one thousand dollars.

For stenographers and typewriters of judges of the supreme court of appeals, three thousand dollars, to be paid to said stenographers on the order of the respective judges of said court.

For printing and binding supreme court reports, five thousand dollars.

For stenographer and typewriter for the clerk of the supreme court of appeals, eight hundred dollars.

Militia.

To carry into effect the provisions of chapter sixty-one of the acts

of one thousand eight hundred and ninety-seven, relating to the militia, thirty-five thousand dollars; which amount shall cover all expenditures, for the militia for the fiscal year: *provided*, that this sum shall be disbursed under the direction of the governor, adjutant general and paymaster general upon requisitions made upon the auditor.

For salary of keeper of armory, nine hundred dollars.

Capitol Building and Grounds.

For water, one thousand two hundred and fifty dollars.

For lighting and heating, three thousand five hundred dollars.

For repairs and contingent expenses, three thousand dollars.

Governor's Mansion and Grounds.

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

To pay balance for the purchase of additional lot, six thousand five hundred and seventy dollars.

Printing, Binding and Stationery.

For public printing, binding and supplying printing paper and stationery, including the office of the state superintendent of free schools, twenty thousand dollars.

There is hereby appropriated out of the revenues of the year beginning October one, nineteen hundred and four, to pay assistant to superintendent of public printing, in editing, preparing and reading proof on the biennial reports and other matter required to be printed for the legislature, and to assist during the session of the legislature of nineteen hundred and five, such assistant to begin work October one, nineteen hundred and four, and to continue not longer than March one, nineteen hundred and five, to be paid on orders of the superintendent of public printing, the sum of four hundred and fifty dollars.

Be it further enacted by the Legislature of West Virginia:

3. The appropriations herein made to the State penitentiary, the normal school and its branches, the West Virginia schools for the deaf and the blind, the West Virginia university, the preparatory branch of the university at Montgomery, the preparatory branch of

the university at Keyser, the hospital for the insane at Weston, the second hospital for the insane at Spencer, the West Virginia reform school, the West Virginia colored institute, the Bluefield colored institute, the West Virginia colored orphans home, the West Virginia industrial home for girls, the West Virginia asylum for incurables, shall be drawn from the treasury upon the requisitions of the boards of directors and boards of regents of such institutions, made upon the auditor, at such times and in such amounts as may be necessary for the purposes of such institutions: *provided*, that all requisitions for new buildings, and substantial betterments, shall be accompanied by the architect's estimate that the amounts named in said requisition are needed for immediate use; and *provided, further*, that large appropriations for current expenses, or so much thereof as may be necessary, shall be disbursed by the auditor in equal monthly installments.

4. The regents and directors of the following institutions, viz.: the penitentiary, the State normal schools, West Virginia schools for the deaf and the blind, the university, the preparatory branch of the university at Montgomery, hospital for the insane at Weston, second hospital for the insane at Spencer, West Virginia reform school, West Virginia colored institute, Bluefield colored institute, West Virginia home for girls, West Virginia asylum for incurables, shall only be allowed the necessary expenses incurred by them in discharging their duties as such, and four dollars per diem, for each day they may be employed as such, and an itemized account showing the number of days attendance and the amounts paid for traveling and hotel expenses, shall be made a part of their report to the governor; and no mileage shall be allowed or paid. No part of the money appropriated by this act shall be paid to any person for services or expenses in appearing before the legislature to advocate or secure appropriations.

5. All printing, binding and printing paper and stationery for the adjutant general, and for the militia, shall be paid for out of the appropriation for the militia; and all such for the state superintendent of free schools shall be paid for out of the general school fund. No printing, binding or printing paper or stationery for the following named boards, officers or institutions, shall be paid for out of the appropriation for public printing, public binding, or for supplying printing paper or stationery, but shall be paid out of the ap-

appropriations therefor herein made, or out of the expense fund or contingent expense fund thereof, namely:

Board of dental examiners, commissioners of pharmacy, State board of examiners, State board of health, State board of agriculture, State board of embalmers, advisory board of pardons, inspectors of mines, bureau of labor, miners' hospitals, West Virginia humane society, penitentiary, normal schools, schools for the deaf and the blind, the university and all its departments and branches, the hospitals for the insane, the reform school, the colored institutes, the industrial home for girls, and the asylum for incurables: *provided*, that the annual or biennial reports required by law to be made to the governor by such boards, officers and institutions, may be printed and paid for out of the appropriation for public printing, public binding and for supplying printing paper and stationery, but all such reports shall be type-written, or prepared in such a manner that the same shall be plainly legible and suitable for printers' copy; and only so much of any of such reports shall be printed as may be ordered by the governor and the superintendent of public printing; and no such reports shall be printed by the public printer, except on the requisition therefor, signed by the governor, and state superintendent of public printing, which requisition shall state the number to be printed and how the same are to be bound. Such officers, boards and institutions, as are required by law to make reports to the governor, shall place the same in his hands within thirty days after the close of the period which they are to cover.

6. No sum of money shall be paid out of the treasury, during the fiscal year ending September thirtieth, one thousand nine hundred and three, and one thousand nine hundred and four, beyond the amount hereby appropriated, unless the same be provided for by the constitution or some general law; but, in addition to the sums hereby appropriated for each of said fiscal years, the auditor may, after the expiration of the fiscal year ending the thirtieth day of September, one thousand nine hundred and four, and during the first six months of the fiscal year beginning the first day of October, one thousand nine hundred and four, make payment to the following institutions, officers and persons, upon proper vouchers, of sums of money, not exceeding in the aggregate one-half of the amount appropriated for the same purpose for the fiscal year ending September thirtieth, one thousand nine hundred and four, for charges,

salaries of officers, and running expenses, other than items for buildings and betterments, that is to say: for criminal charges; for the support of lunatics in jails; for the pay of teachers, officers and employes of the university and its branches; for the pay of teachers at the normal school and its branches; for the current expenses of the schools for the deaf and the blind; for the militia; for the current expenses of the hospitals for the insane; for the current expenses and pay of teachers of the reform school; for the contingent expenses of the several executive offices; for the contingent expenses of the judges and clerks of the supreme court and of the librarian and adjutant general's office; for the current expenses and pay of teachers of the West Virginia colored institute; for the current expenses and pay of instructors of the West Virginia industrial home for girls; for the current expenses and pay of teachers of the Bluefield colored institute; for the current expenses for the West Virginia asylum for incurables, for the miners' hospitals; for the salaries and current expenses of mine inspectors; for the salary and expenses of the commissioner of banking; for the bureau of labor; for the State board of agriculture; for the State board of health; for the commissioners of pharmacy; for the office of librarian; for the office of adjutant general; for clerks in the executive offices; for printing and binding supreme court reports; for refunding overpaid taxes and erroneous assessments; for public printing, binding and stationery; for refunding to counties and districts, taxes for county and district purposes, upon lands redeemed at the auditor's office; and also taxes assessed against railroads, for county and district purposes; and there are hereby appropriated out of the fiscal year beginning the first day of October, one thousand nine hundred and four, sums sufficient to make the payments authorized by this section.

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

8. The auditor shall cause the accounts, including receipts and disbursements and all books, vouchers, checks, accounts and papers

of all the boards, in control of any or all the public institutions and objects for which appropriations are made in this act, to be audited and examined at least once every year, or oftener if deemed necessary, by himself or by some one or more of the clerical force in his office, having experience as a book-keeper and accountant, for the purpose of ascertaining whether all the money paid out or disbursed, under the authority of any of such boards of control, has been paid out and disbursed for legitimate and proper purposes and for what it is appropriated. And it shall be the duty of every treasurer, secretary, superintendent, clerk, book-keeper or other officer having control of any of the books, receipts, vouchers, checks, accounts and papers relating to the receipts and disbursements of any of said moneys, to exhibit and furnish the same to the auditor or any clerk authorized by him upon proper demand for such auditing, checking and examination, and the auditor shall include in his biennial report to the governor and legislature such facts that are found to exist in relation to such examination and auditing of said books and accounts, as may be proper to be known by the governor or the legislature, and the sum of two hundred dollars for each of the years nineteen hundred and three and nineteen hundred and four to pay the traveling expenses of the auditor and clerks in making such examinations, is hereby appropriated.

9. The superintendents of the several public institutions of the State shall furnish to the board of directors or regents, of the respective institutions, itemized accounts of all moneys paid out on account of appropriations for contingent expenses and repairs, and when audited and allowed, the directors or regents, respectively, shall include such itemized accounts in their reports as are directed by law to be made. Every warrant or requisition upon the auditor, for any part of the moneys herein or hereby appropriated for the penitentiary, the university, the hospitals for the insane, the schools for the deaf and blind, and the reform school, and other institutions shall be accompanied by a statement of the treasurer or other financial officer of such institution, showing how much money is in their hands to the credit of such institution on the day such draft or requisition is forwarded for payment; and the disbursing officers of the various contingent funds are hereby required to furnish to the succeeding legislature an itemized account of the distribution of said funds.

10. All boards of regents, boards of directors, or other boards or

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

11. Upon the adjournment of the legislature, the clerk of the house and clerk of the senate shall jointly make up and furnish the auditor without delay, a certified copy of this and of all other acts carrying appropriations.

(House Bill No. 344.)

CHAPTER 2.

| | |
|---|---|
| <p>SEC.</p> <p>1. } Appropriations to pay members, officers, etc., of the legislature; also to pay officers of the government for the fiscal years ending, respectively, September 30, 1903 and 1904.</p> <p>2. }</p> | <p>SEC.</p> <p>3. Directions to auditor as to payments: he may pay salaries in advance of appropriations therefor, when and to what extent.</p> |
|---|---|

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

[Passed Feb. 27, 1903. In effect from passage. Approved Mch. 2, 1903].

Be it enacted by the Legislature of West Virginia:

1. There shall be and are hereby appropriated for the fiscal year ending September thirtieth, one thousand nine hundred and three, the following sums of money for the pay of the members and officers of the legislature, and for the salaries of the officers of the government.

Legislative Department—Senate.

To pay mileage of thirty members of the senate, one thousand two hundred and thirty-nine dollars and fifty cents.

To pay *per diem* compensation, for thirty members of the senate, five thousand four hundred and ninety dollars.

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

To pay the clerk of the senate, five hundred and fifty dollars.

To pay fifteen assistant clerks, four thousand and fifty dollars.

To pay sixteen committee clerks, two thousand eight hundred and eighty dollars.

To pay two stenographers, five hundred and forty dollars.

To pay sixteen pages, one thousand four hundred and forty dollars.

To pay the sergeant-at-arms, two hundred and twenty-five dollars.

To pay the assistant sergeant-at-arms, two hundred and twenty-five dollars.

To pay two doorkeepers, three hundred and sixty dollars.

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

To pay two watchmen, three hundred and sixty dollars.

To pay the librarian of the senate, one hundred and eighty dollars.

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

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

To pay the private secretary of the president of the senate, two hundred and seventy dollars.

To pay D. G. Thompson, for swearing in members and officers of the senate, nine dollars.

House of Delegates.

To pay mileage of eighty-six members of the house of delegates, three thousand five hundred and nineteen dollars and ten cents.

To pay *per diem* compensation of eighty-six members of the house of delegates, fifteen thousand five hundred and seventy dollars.

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

To pay the clerk of the house of delegates, five hundred and fifty dollars.

To pay twenty-one assistant clerks, five thousand six hundred and seventy dollars.

To pay fourteen committee clerks, two thousand five hundred and twenty dollars.

To pay twenty-three pages, two thousand and seventy dollars.

To pay the sergeant-at-arms, two hundred and twenty-five dollars.

To pay the assistant sergeant-at-arms, two hundred and twenty-five dollars.

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

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

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

To pay three cloak room keepers, five hundred and forty dollars.

Executive Department.

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

To pay salary of the auditor, two thousand dollars.

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

To pay salary of the attorney general, one thousand three hundred dollars.

To pay salary of the state superintendent of free schools, to be paid out of the general school fund, one thousand five hundred dollars.

To pay salary of the secretary of state, one thousand dollars.

To pay salary of the adjutant general, and *ex-officio* superintendent of weights and measures, one thousand two hundred dollars.

To pay salary of the state librarian, one thousand dollars.

To pay salary of janitor, one thousand dollars.

Judicial Department.

To pay salaries of the judges of the supreme court of appeals, fifteen thousand dollars, or so much thereof as may be necessary.

To pay salaries of judges of the circuit courts, thirty-three thousand dollars, or so much thereof as may be necessary.

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

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

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

To pay mileage of judges of supreme court of appeals, two thousand four hundred dollars.

To pay mileage of judges of circuit courts, three thousand five hundred dollars.

To pay salary of clerk of supreme court of appeals, twelve hundred dollars.

Keeper of the Rolls.

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

Be it enacted by the Legislature of West Virginia:

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

Executive Department.

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

To pay salary of the auditor, two thousand dollars.

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

To pay salary of the attorney general, one thousand three hundred dollars.

To pay salary of the state superintendent of free schools, to be paid out of the general school fund, one thousand five hundred dollars.

To pay salary of the secretary of state, one thousand dollars.

To pay salary of the adjutant general, and *ex officio* superintendent of weights and measures, one thousand two hundred dollars.

To pay salary of state librarian, one thousand dollars.

To pay salary of janitor, one thousand dollars.

Judicial Department.

To pay salaries of the judges of the supreme court of appeals, twenty-two thousand five hundred dollars, or so much thereof as may be necessary.

To pay salaries of the judges of the circuit courts, forty-six thousand two hundred dollars, or so much thereof as may be necessary.

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

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

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

To pay mileage of judges of supreme court of appeals, two thousand four hundred dollars.

To pay mileage of judges of circuit courts, three thousand five hundred dollars.

To pay salary of the clerk of the supreme court of appeals, twelve hundred dollars.

Keeper of the Rolls.

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

3. The auditor is hereby authorized and directed, when properly demanded, to issue his warrant upon the treasury in the same manner he would be required to if each item of the expenditure were directed to be paid to a creditor by name, and no money shall be drawn from the treasury for the purposes herein named during the fiscal year ending one thousand nine hundred and three, and one thousand nine hundred and four, respectively, beyond the amount hereby appropriated, unless the same is authorized by the constitution, or some general law.

But the auditor may draw his warrant upon the treasury in favor of the several officers, whose salaries and compensations are provided for by this act for services actually rendered by them during the first six months of the fiscal year beginning on the first day of October, one thousand nine hundred and four, for an amount not exceeding in the aggregate one-half of the sum appropriated for the salary or compensation of such officers, respectively, for the year ending September thirtieth, one thousand nine hundred and four.

(House Bill No. 191.)

CHAPTER 3.

AN ACT to amend the laws of this state concerning the rate, assessment and collection of license-tax on the charters of corporations; that is to say, to amend chapter thirty-two of the code by inserting therein a new section to be numbered eighty-five *a*, and to amend and re-enact sections eighty-six, eighty-seven, eighty-eight, eighty-nine, ninety and ninety-one of said chapter thirty-two of the code; and to amend and re-enact sections eleven and fifty-six of chapter fifty-three of the code, and to amend and re-enact section twenty-one of chapter fifty-four of the code.

[Passed February 13, 1903. In effect from passage. Approved February 18, 1903.]

Sec.
85*a*. (Code, ch. 32—new section.) Classification in assessing license tax on charters of incorporation; what are foreign and what domestic corporations; how a corporation aggrieved by assessment may obtain redress; appointment of state agent to collect license tax, when and how; duties of such agent.

86. (Code, ch. 32.) Annual license tax on charters of resident corporations; who to assess and collect, etc.; affidavit required.

87. (Code, ch. 32.) Annual license tax on charters of non-resident corporations; who to assess and collect.

88. (Code, ch. 32.) Report to be made by foreign corporations for purposes of taxation; duties of auditor, board of public works and secretary of state; how a foreign corporation not desiring longer to transact business, etc. In this state may be released from payment of charter tax.

89. (Code, ch. 32.) Auditor to notify

Sec. corporations, when and of what; mistake in amount of tax, what then; statement by domestic corporations; payment of taxes.

90. (Code, ch. 32.) Publication of list of corporations falling to pay license tax; auditor to certify such list to governor and secretary of state; proclamation by governor; proceedings to collect delinquent license tax, penalties and fines from corporations so delinquent; penalty for exercising charter privileges after issuance of proclamation; duties of secretary of state and clerk of court.

91. (Code, ch. 32.) What corporations exempt from paying license tax.

11. (Code, ch. 53.) Of the corporate name of a joint stock company.

56. (Code, ch. 53.) Of the voluntary dissolution of a corporation.

21. (Code, ch. 54.) Of the change of place of principal office, etc.; increase or reduction of capital stock, etc.

Be it enacted by the Legislature of West Virginia:

1. That a new section be added to chapter thirty-two of the code of West Virginia to be numbered 85*a*, which new section shall read as follows:

Sec. 85*a*. For convenience in classification in prescribing and assessing license tax on the charters or certificates of incorporation of corporations, the same are divided into two classes, domestic and foreign. A domestic corporation is one incorporated by or under the laws of this State, or under the laws of the State of Virginia before the twentieth day of June, eighteen hundred and sixty-three, and

which has its principal place of business and chief works (if it have chief works) in this state. Every other corporation is a foreign corporation. Domestic corporations are sub-divided into two classes, resident and non-resident. A resident corporation is a domestic corporation whose principal place of business and chief works (if it have chief works) are located within this State, and a non-resident corporation is a domestic corporation whose principal place of business or chief works is located without this State. The words "chief works" as used in this chapter include shops, factories, mines, manufacturing plants, or any building or other place where mechanics, artisans or laborers are employed. Nothing in sections eighty-six, eighty-seven or eighty-eight of this chapter shall be construed as applying to corporations on which a tax is imposed by chapter thirty-four of this code.

Any corporation feeling aggrieved at the assessment of its license tax by the auditor, under the provisions of this chapter, may apply to the board of public works for relief; and the board shall have authority to consider such case, and also cases of the insolvency or financial distress of any corporation, or any other case involving said license tax. In any such case the board may fix the amount to be paid by such corporation in full discharge of the license tax and penalties due the State for the period named in the order made therein. Every such order shall be entered in the record of the board, and a certified copy thereof shall be delivered to the auditor by the secretary of the board.

The auditor may detail one of his force, or appoint other qualified person, as state agent for the investigation of all violations of the laws imposing license taxes on corporations, and for such other purposes as the auditor may deem expedient. Such agent shall be charged, under the direction of the auditor, with the collection of taxes from all foreign corporations transacting business within this State and which have not paid the license tax therefor, and of license taxes and penalties due from delinquent resident, non-resident and foreign corporations from and after the first day of September of each year until such time as the attorney general may institute proceedings as provided in section ninety of this chapter: *provided*, that after the publication of the list of delinquent corporations by the auditor, he shall mail to the last known postoffice address of each of such corporations a supplemental notice, together with a state-

ment of the total amount of the taxes and penalties due therefrom, at least thirty days before September first.

2. That sections 86, 87, 88, 89, 90 and 91 of chapter 32 of the code of West Virginia, as amended and re-enacted by chapter 35 of the acts of 1901, be amended and re-enacted, so as to read as follows:

Sec. 86. Every resident corporation shall pay an annual license tax on its charter as follows:

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

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

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

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

If the authorized capital stock be more than one hundred thousand dollars and not more than one million dollars, twenty-five dollars, and an additional five cents on each and every one thousand dollars, or fraction thereof, in excess of one hundred thousand dollars.

If the authorized capital stock be more than one million dollars, seventy dollars, and an additional ten dollars on each and every million dollars, or fraction thereof, in excess of the first million dollars.

When any such corporation shall apply to the secretary of state for a certificate of incorporation, it shall be his duty to make the assessment and receive the license tax for the first year before issuing such certificate, which tax he shall pay into the treasury as hereinafter provided. But if such certificate be issued after the first day of August he shall assess one-tenth of the amount of the annual tax for each month, or fractional part of a month, to ensue before the first day of the next May; but in no case shall the amount assessed and collected be less than five dollars. Thereafter, on or before the first day of May next following the date of the certificate of incorporation, and on or before each succeeding first day of May,

the auditor shall collect such tax for a full year as herein provided; except that if the certificate of incorporation be issued on or after the first day of March, and before the first day of the ensuing May, the secretary of state shall assess and collect the tax for the full year beginning on said first day of May, in addition to the initial tax.

When application is made to the secretary of state for a certificate of incorporation, and it is proposed by such corporation to pay the rate of license tax prescribed in this section, it shall be the duty of the secretary of state to require an affidavit to be made by at least two of the incorporators in the following form or to the following effect:

“State of —, County of —, to-wit:

“I, —, a —, in and for the county and state aforesaid, do hereby certify that — and —, two of the persons who have executed the agreement, as corporators thereof, for the incorporation of the — company, which agreement is dated the — day of —, this day personally appeared before me in my said county and made oath that the statement made in said agreement as to the location of the principal place of business and chief works of said corporation is true, and that said principal place of business and chief works have been so located in good faith and not for the purpose of evading any law of the State of West Virginia, and especially not for the purpose of avoiding payment of the difference between the amount of the annual license tax on the charters of corporations having their principal place of business and chief works within the State of West Virginia and those corporations having their principal place of business or chief works without the said State; and that said corporation named in said agreement proposes in good faith to carry on its business, and to have its principal place of business and its chief works, within the State of West Virginia. Given under my hand and official seal, this — day of —.”

Any person who shall falsely make such affidavit shall be guilty of perjury, and upon proof thereof the corporation named in such affidavit shall forfeit all its privileges, rights and franchises. And it shall be the duty of the auditor and the secretary of state to file with the attorney general information of such false affidavit, and the duty of the attorney general to institute proceedings to have said charter declared forfeited.

Sec. 87. Every non-resident corporation shall pay an annual license tax on its charter as follows:

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

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

If the authorized capital stock be more than one hundred thousand dollars and not more than one million dollars, fifty dollars, and an additional forty cents on each and every one thousand dollars, or fraction thereof, in excess of one hundred thousand dollars.

If the authorized capital stock be more than one million dollars and not more than two million dollars, four hundred and ten dollars, and an additional thirty cents on each and every one thousand dollars, or fraction thereof, in excess of one million dollars.

If the authorized capital stock be more than two million dollars and not more than three million dollars, seven hundred and ten dollars, and an additional twenty cents on each and every one thousand dollars, or fraction thereof, in excess of two million dollars.

If the authorized capital stock be more than three million dollars and not more than four million dollars, nine hundred and ten dollars, and an additional ten cents on each and every one thousand dollars, or fraction thereof, in excess of three million dollars.

If the authorized capital stock be more than four million dollars, one thousand and ten dollars, and an additional fifty dollars on each and every one million dollars, or fraction thereof, in excess of four million dollars.

When any such corporation shall apply to the secretary of state for a certificate of incorporation, it shall be his duty to make the assessment and receive the tax before issuing such certificate of incorporation, and such tax shall be by the officers herein mentioned turned into the state treasury. But if such certificate be issued after the first day of August, he shall assess one-tenth of the amount of the annual license tax for each month, or fractional part of a month, to ensue before the first day of the next May, but in no case shall the amount assessed and collected be less than ten dollars. Thereafter, on or before the first day of May next following the date of the certificate of incorporation, and on or before every suc-

ceeding first day of May, the auditor shall collect such tax for a full year as herein provided; except that if the certificate of incorporation be issued on or after the first day of March, and before the first day of the ensuing May, the secretary of state shall assess and collect the tax for the full year beginning on said first day of May, in addition to the initial tax.

Sec. 88. Every foreign corporation holding property, or doing business in this state, shall make report to the auditor annually in the month of February, in which report shall be set out:

I. The name of such corporation, the name of the state or country by which incorporated, the date of incorporation, the date of the certificate of the secretary of state authorizing it to do business in this State, the place of its principal office, the names and postoffice addresses of its president, secretary and of its officer (if any) charged with the duty of making returns of its property for taxation; and the name and postoffice address of its attorney of record in this State.

II. The number of shares of its authorized capital stock, and the par value of each share.

III. The value of the property owned and used by such corporation within this State, where situate, of what it consists, and the number of acres of land it holds in this State; and the value of its property owned and used without this State; and,

IV. The proportion of its capital stock which is represented by property owned and used in the State of West Virginia; which report shall be verified by the affidavit of the president, secretary or other executive officer of such corporation. It shall be the duty of the auditor to lay such report before the board of public works, and the duty of the board to assess and fix its license tax according to the proportion of its capital stock which is represented by its property owned and used in this state, according to the rates prescribed in section eighty-six of this chapter, if the assessed value of its property located in this State amounts to five thousand dollars; but if the assessed value of such property be less than five thousand dollars, the assessment shall be according to the rates prescribed in section eighty-seven of this chapter; *provided*, that no such corporation shall pay an annual license tax of less than one hundred dollars. If such corporation holds more than ten thousand acres of land in this State, and has not paid the tax thereon

as fixed by section six of chapter fifty-four of the code, it shall pay such tax, or the remainder of such tax, in the manner hereinafter prescribed. If such corporation thereafter desire to increase such number of acres it shall proceed as prescribed in section twenty-one of chapter fifty-four of the code. The board of public works may in any case require such additional information as it may deem necessary to enable it to assess and fix the just amount of license tax of such corporation. It shall be the duty of the secretary of state to certify to the auditor the amount of license tax so assessed and fixed by the board on any such corporation, and the duty of the auditor to notify every such corporation of such amount; and it shall be the duty of the corporation to pay the same into the treasury of the state within thirty days thereafter, and if it fail to do so it shall be liable to the penalties prescribed in section ninety of this chapter. Any foreign corporation desiring no longer to hold property and transact business in this State may file, in the office of the secretary of state, a statement, signed by its president and sealed with its corporate seal, stating that such corporation no longer desires to hold property and transact business in the State of West Virginia, and hereby surrenders to said State the right and authority heretofore granted it to hold property and transact business therein. To such statement there shall be appended the affidavit of the president or of the treasurer, or of some other executive officer of such corporation having charge of its books of account and financial records, that said corporation owes no debt to any citizen of West Virginia, and that it owes no debt or other financial obligation to the State (or that it owes only so much, stating the amount, and hereby tenders payment of the same). Such statement and certificate shall be laid by the secretary of state before the board of public works; and, when approved by the board, he shall file the same in his office and make proper note thereof in the indexes of corporations kept in his office, and report to the auditor in his monthly report, required by section ninety-two of chapter thirty-two of the code, the fact of the filing of such statement and certificate in his office. Nothing herein shall be construed as to relieve any such corporation from any debt, liability or other obligation, due from it to the State or to any citizen thereof; but, after the approval of such statement and certificate and the filing thereof as aforesaid, such corporation, if the statements therein

made be true and such corporation has complied with the laws of the State, and shall thereafter comply with same, shall not be liable for the payment to the State of license tax on its charter.

Sec. 89. It shall be the duty of the auditor, between the fifteenth day of February and the fifteenth day of March in each year, to notify every corporation liable to the tax imposed by this chapter of the time of payment of such tax and the amount thereof. Such notices may be sent through the mails, addressed to the corporation at its last known postoffice address, as shown by the records in the office of the secretary of state, or be so sent or be delivered to the attorney of the corporation appointed pursuant to section twenty-four of chapter fifty-four of the code. If the auditor shall make a mistake in the amount of such tax, the said corporation may file a sworn certificate of the president, vice-president or secretary of the corporation, showing such mistake, or showing the actual amount of tax due; and, in that event, it shall be the duty of the auditor to accept the amount due as shown by said certificate, unless contrary to the provision of this chapter. At the time of making payment to the auditor every domestic corporation shall deliver to him a statement which shall show the name of the corporation, the date of its charter, the name and postoffice address of its attorney of record in this State, the names and postoffice addresses of its president, secretary and treasurer, the amount of its authorized capital stock, the number of acres of land it holds in this State if the number exceeds ten thousand acres, and such other facts as the auditor may require. Such statement shall be signed by the president, secretary, or treasurer of the corporation. The amount of such tax shall be deemed a debt due the State, and shall be a lien on all the property and assets of the corporation prior to all other liens except the lien of the taxes levied on its property for State, county and district purposes. Such tax shall be a preferred debt in cases of insolvency.

If such corporation holds more than ten thousand acres of land in this State and has not paid taxes thereon as fixed by section six of chapter fifty-four of the code, as amended by section twenty-three of chapter thirty-five of the acts of the legislature of one thousand nine hundred and one, it shall pay such tax or the remainder of such tax within thirty days thereafter. Any such tax due shall be considered annual license tax on the charter of the corporation,

and its payment enforced in the same manner and with the same penalties.

Sec. 90. The auditor shall, between the first and the fifteenth day of June in every year, publish in some newspaper of general circulation, printed at the capital of the State, a list of all corporations failing to pay the license tax, or any part thereof, due therefrom on or before the first day of the preceding month of May. Such list shall contain the names of such delinquent corporations, arranged in three classes, resident, non-resident and foreign. The cost of such publication shall be paid by the auditor, when allowed by the board of public works, out of any moneys in the treasury not otherwise appropriated, and such sums as may be necessary to pay such costs are hereby appropriated. Any such delinquent corporation may, on or before the first day of September following, or at any time before judgment or decree is entered as hereinafter provided, pay the amount of such tax and a penalty of one per cent per month for each month, or fractional part thereof, that such failure continued, but the amount of such penalty shall not be less than five dollars.

Within thirty days after said first day of September the auditor shall certify to the governor and the secretary of state a list of all such delinquent corporations, resident, non-resident and foreign. The secretary of state shall preserve the list in his office, and a certificate from him that the name of any corporation mentioned in such certificate is delinquent in the payment of the license tax imposed by this chapter shall be *prima facie* evidence thereof. Within thirty days after receiving such list from the auditor the governor shall issue his proclamation, in which he shall declare the delinquency of every such corporation. A copy of such proclamation shall be filed and recorded in the office of the secretary of state, and be published in such newspapers as the governor may designate, not exceeding one in each congressional district. Within sixty days after the date of the publication of such proclamation it shall be the duty of the attorney general to institute on the chancery side of the circuit court, in the county in which the seat of government is, a suit or proceeding, or suits or proceedings, in the name of the State, in which suit or suits all such delinquent corporations shall be made defendants. In the bill or petition so filed in such suit or suits it shall only be necessary to allege that the corporations there-

in made defendants have failed to pay such license tax, and that each of them justly owes to the state the amount of license tax, penalty and fines stated therein in connection with the name of the corporation, which amount shall be computed up to the first day of the month succeeding that in which such bill or petition is filed. No such corporation shall interpose as a plea or defence in such suit the fact that the auditor failed to notify it as prescribed in section eighty-nine, or that it failed to receive such notice, or that its name was not included in the list or proclamation hereinbefore mentioned. Upon the hearing of such suit, if it shall appear to the court that any such corporation has failed to pay any such license tax and the penalties and fines assessed against it, the court shall enter a decree or judgment against such corporation for the amount due, including the costs of the proceeding, or such portion of such costs as the court shall apportion to be paid by such corporation, and if the same be not then and there paid, the court shall enter a decree, if it be a domestic corporation, forfeiting its charter, rights and franchises; and if it be a foreign corporation, revoking its right and privilege to hold property and transact business in this State. The amount of the judgment or decree, including costs, entered against any corporation, and interest thereon until paid, may be collected by the attorney general, or be collected by the auditor in the same manner that other claims due the State are collected. In any such suit or proceeding the court may make such orders and decrees as he shall deem necessary and proper for a court of equity; and may appoint a receiver for any such corporation and order its assets marshalled and distributed among its creditors; and may, on motion of the attorney general, grant injunction against such corporation, restraining it from the exercise of any franchise, or the transaction of any business within this State, until such tax and the costs be paid. Any person or persons who shall exercise or attempt to exercise any powers under the charter of any such corporation after the issuing of the governor's proclamation shall be guilty of a misdemeanor, and shall be punished by imprisonment not exceeding one year, or a fine not exceeding one thousand dollars, or both, in the discretion of the court. The words "license tax" used in this section shall include, in addition to the amount of the license tax proper, all penalties and fines accruing for failure to pay such tax, and the cost of any suit or proceeding to enforce the collection

of the same, and there shall be included in such costs and taxes against every such corporation in any such suit or proceeding, instituted before the fourth day of March, nineteen hundred and five, a fee of twenty-five dollars, payable to the attorney general when recovered from such corporation. When two or more corporations are included in one suit, or proceeding, the court shall apportion the cost thereof among them as he may deem just.

In any such suit or proceeding notice may be served on the defendants by service of the summons on the president or any other officer, or any agent or director or stockholder of the corporation found in this State, or on the attorney of record thereof appointed pursuant to section twenty-four of chapter fifty-four of this code; or, if the corporation have no such attorney, or personal service cannot be had on him, by mailing a copy of such summons to the last known postoffice address of such corporation as shown by the reports of such corporation filed in the office of the secretary of state pursuant to section forty-six of chapter fifty-three of this code; or service may be had on all such corporations by order of publication published once in each week for four successive weeks in some newspaper of general circulation published at the capital of the State. The court in which the suit is brought or is pending may order such other service on any defendant corporation as he may designate, before final decree. The order of publication may be in form or substance as follows: "State of West Virginia, plaintiff, vs. — (here name the corporations), defendants. The object of this suit is to enforce the collection of the license tax, penalty and fines due from said defendants to the State of West Virginia, to declare forfeited the charters, rights, franchises and privileges of said defendants, and to restrain them from exercising any such rights, franchises or privileges. The said defendants are hereby notified to appear before the circuit court of — county within thirty days after the date of the first publication hereof and do what is necessary to protect their interests herein. Teste: — Clerk." The attorney general may cause a copy of such order of publication to be mailed to each of said corporations at its last known postoffice address as aforesaid. It shall be the duty of the clerk of every court of this State in which any proceedings are had which result in the forfeiture of the charter of any corporation issued under the laws of this State, or result in the dissolution or extinction of any such

corporation, or in the revocation of the rights and privileges of any foreign corporation to do business in this State, to notify the secretary of state of any such forfeiture, dissolution, extinction or revocation, in which report he shall state the name of the court, the name of the corporation, the nature of the proceedings and the date of the order, decree or judgment, and such other pertinent matter as may be required by the secretary of state; and the secretary of state shall file and record such report in his office, and aptly note the same in the indexes of corporations kept in his office. If any clerk fail to make such report, he shall be liable to a fine of not exceeding twenty-five dollars.

Sec. 91. Nothing in this chapter shall be construed as imposing a license tax on corporations chartered strictly for educational, literary, agricultural, scientific, religious or charitable purposes, or upon charters incorporating cemeteries, or masonic lodges, odd fellows, or other charitable, fraternal or patriotic societies not incorporated for profit to the stockholders; but the secretary of state shall require reasonable proof as to the character of any such corporation claiming such exemption from the payment of license tax. Every such corporation, however, shall, in the month of February in each year, deliver to the auditor the statement required in section eighty-nine of this chapter.

3. That section 11 of chapter 53 of the code be amended and re-enacted so as to read as follows:

Sec. 11. No joint stock company shall adopt the same name that is being used at the time by another corporation of this State, nor so nearly similar thereto in the opinion of the secretary of state as to lead to confusion or uncertainty; but if any corporation has been published as delinquent for the non-payment of license tax on its charter, and continues in default for two years after such publication, it shall forfeit the right to use its name, and such name may be assumed by another corporation. In the event such delinquent corporation is reinstated and its charter rehabilitated, after the adoption of its name by another corporation, it shall certify to the secretary of state, in the manner prescribed by law, a new name before such reinstatement shall take effect.

4. That section 56 of chapter 53 of the code be amended and re-enacted so as to read as follows:

Sec. 56. The stockholders may at any time in general meeting resolve to discontinue the business of the corporation, the majority of the capital stock being represented and voting in favor of such discontinuance; and may divide the property and assets that may remain after paying all debts and liabilities of the corporation. Notice of such resolution shall be immediately given by advertisement in some newspaper of general circulation, published near the principal office or place of business of the corporation, once in each week for four successive weeks at least, before any dividend of the capital shall be made; and the said resolution, together with the certificate of the publisher of the newspaper in which the notice was published, shall be certified by the president, under his hand and the common seal of the corporation, to the secretary of state. The secretary shall file the same in his office, and shall issue a certificate, under his hand and the great seal of the State, reciting such resolution and certifying that the said notice was duly published. But the secretary of state shall not issue such certificate until it shall be certified to him by the auditor that such corporation is not delinquent in the payment of the license tax on its charter. The secretary shall certify to the clerk of the house of delegates the name of every such dissolved corporation, stating the date of the dissolution thereof, to be printed and bound with the acts of the legislature. As soon as practicable after such resolution is passed, the stockholders shall cause ample funds and assets to be set apart, either in the hands of trustees or otherwise, to secure the payment of all debts and liabilities of the corporation; and any creditor who supposes his claim not to be sufficiently secured thereby, whether such claim be then due or thereafter to become due, may, on bill in chancery, if sufficient cause therefor be shown, obtain an injunction to prevent the distribution of the capital and a decree against any stockholder for the amount of the capital received by him; and, if necessary or proper in the case, the court may appoint a receiver to take charge of and administer the property and assets of the corporation.

Any corporation desiring to dissolve under the provisions of this section, or of section six of this chapter, shall, before such dissolution becomes effective, pay into the state treasury the amount it may owe to the State for license tax on its charter, including the penalties prescribed in section ninety of chapter thirty-two of the code. If the period of such indebtedness includes a fractional part of a

year, it shall pay one-twelfth the yearly rate for each month or fractional part of a month of such fractional part of a year.

5. That section 21 of chapter 54 of the code be amended and re-enacted so as to read as follows:

Sec. 21. Any corporation formed, or which may hereafter be formed, or which has accepted or may accept the provisions of this chapter, may, by resolution at any general or special meeting of the stockholders thereof, change the place of its principal office or its chief works, or make such reduction or increase in the number of shares of its capital stock, or the par value of each share, as may be decided upon by said stockholders, a majority of the stock of such company being represented by the holders thereof at such meeting in person, or by proxy, and voting therefor: *provided*, that notice be given by advertisement published at least two weeks before such action in some newspaper of general circulation printed in the county wherein the principal office of such corporation is located, if such office be within this State; and if such office be not within this State, then in some newspaper printed at the capital of this State, of the intention to offer such resolution; and *provided, further*, that said resolution may be adopted without such notice being published, if the meeting at which it be adopted be assented to in writing by all the stockholders of the company at the time or before the meeting is held. Before he shall issue a certificate authorizing an increase of authorized capital stock the secretary of state shall collect from the corporation license tax on the amount of such increase according to the rates prescribed by section eighty-six or eighty-seven of chapter thirty-two of the code, and pay the same into the state treasury as provided in section ninety-two of said chapter; but on such increase a resident corporation shall not pay less than five dollars, and a non-resident corporation shall not pay less than ten dollars.

(House Bill No. 266.)

CHAPTER 4.

AN ACT authorizing suit or suits to be brought by the attorney general to forfeit the charters or privileges of certain corporations delinquent in the matter of payment of license tax or in failing to comply with any other provision of the laws of this State.

[Passed February 27, 1903. In effect 90 days from passage. Approved February 28, 1903.]

SEC.
1. Proceedings for forfeiture of charter authorized against corporations delinquent in the matter of payment of license tax, etc.; duties of auditor and secretary of state.
2. Duty of the attorney general.
3. Service of process.

SEC.
4. Form of order of publication.
5. Defendant corporation may be reinstated; how.
6. Appropriations for costs; how paid.
7. Duty of clerk of court in which such suit is instituted.

Be it enacted by the Legislature of West Virginia:

Sec. 1. It shall be the duty of the auditor, on or before the first day of November, nineteen hundred and three, to make up a list of all corporations, domestic and foreign, which have heretofore failed to pay the license tax, penalties, fines and dues owing to the State, whether said corporations have been advertised as delinquent or not, as shown by the records of his office. In such list resident, non-resident and foreign corporations shall be separated, and said list shall be certified to the secretary of state by the auditor. On receipt of such list, it shall be the duty of the secretary of state to carefully inspect such list and to omit therefrom the names of all corporations that have been dissolved or expired, or otherwise become defunct in any manner prescribed by law, as well as the names of all foreign corporations mentioned in such list that have formally withdrawn from the State. The secretary of state shall then make up a list of all domestic and foreign corporations, which list shall show the name of every such corporation reported by the auditor and not omitted as hereinafter provided, and the names of all other corporations that have failed to make report as required by law or that have failed to comply with any other provision of the laws of this State. The auditor and secretary of state shall furnish to the attorney general such other information as may be necessary to enable him to carry out the provisions of this act.

Sec. 2. The list so made up by the secretary of state shall be by

him certified to the attorney general, whose duty it shall be to institute suit or suits in chancery in the name of the State, in the circuit court of Kanawha county, against the corporations set forth in the list so made by the secretary of state, either separately or jointly, as he may determine, and it shall be sufficient in said suit to allege and prove any one or more legal causes for a forfeiture of the charter or privileges of any such corporation. The said list certified by the secretary of state shall be prima facie evidence of the facts therein set forth.

Sec. 3. Service of process in any such suit may be had by order of publication published once in each week, for four successive weeks, in some newspaper of general circulation published at the capital of the State; or by service of process on the attorney of record of any such corporation appointed pursuant to section twenty-four of chapter fifty-four of the code of West Virginia, or by the sheriff or other proper officer mailing a copy of the summons issued in any such suit to the corporation, or any officer thereof, at its last known postoffice address, at least thirty days before the return day of such summons; or, where any such corporation has failed to appoint such attorney of record, and where personal service cannot be had on the defendant corporation, or upon such attorney of record, such summons may be served upon the secretary of state, and it shall be the duty of the secretary of state in any such case to mail a copy of such summons, which shall be furnished to him by the officer or person serving the same upon him, to the last known postoffice address of such corporation, as shown by the records of his office.

Sec. 4. The order of publication herein provided for may be in the form following:

“State of West Virginia vs. ——. Each of the defendant corporations above named will take notice that the purpose of this suit is to forfeit, declare null and void, the charter and privileges heretofore granted to said defendant by the State of West Virginia, and it is ordered that each of said defendant corporations do appear before the circuit court of Kanawha county, West Virginia, within thirty days from the first publication of this notice and do what is necessary to protect its interest therein, and upon its failure so to do, judgment of forfeiture will be entered against said defendant corporation.

Teste: _____, Clerk.”

Sec. 5. If any of the corporations which are made defendants in the suits herein provided for shall pay to the attorney general the full amount of any license tax, penalty, fees or fines due the State, and its proportion of the costs of the suit to be fixed by the court, or such amount thereof as the board of public works shall prescribe and fix, before final judgment of forfeiture is entered therein by the court, such corporation shall be re-instated in all its corporate powers and privileges.

Sec. 6. For the purpose of defraying the cost of the suit or suits herein authorized the sum of one thousand dollars is hereby appropriated, payable out of any money in the treasury not otherwise appropriated, to be expended under the direction of the attorney general and paid by requisition drawn by him on the auditor from time to time, as may be required. To enable them to furnish the information herein required of them, and to pay for the extra clerical services hereby required, the auditor and secretary of state are each hereby authorized to expend not exceeding the sum of five hundred dollars, which amounts are hereby appropriated for the purpose, to be paid on the requisitions of the auditor and secretary of state.

Sec. 7. The clerk of the court, in which any such suit as is hereinbefore provided for shall be instituted, shall furnish to the auditor and secretary of state a copy of every decree, order or judgment reinstating any such corporation or forfeiting its charter or privileges.

(HOUSE BILL NO. 329.)

CHAPTER 5.

AN ACT to amend and re-enact sections seventeen and nineteen of chapter fifty-four of the code, relating to the record, publication and official copies of certificates of incorporation.

[Passed February 27, 1903. In effect from passage. Approved February 28, 1903.]

SEC.

17. Record and publication of certificates of incorporation.

SEC.

19. Official copies of such certificates.

Be it enacted by the Legislature of West Virginia:

1. That sections seventeen and nineteen of chapter fifty-four of the code be amended and re-enacted so as to read as follows:

Sec. 17. The secretary of state shall carefully preserve, in his office, the agreements, resolutions and statements mentioned in the sixth and twelfth sections, and cause to be accurately recorded, in a well bound book, to be kept in his office, all certificates of incorporation, certificates of increase or reduction of capital stock, certificates of change of principal office, certificates of change of name, which he shall issue under this or the preceding chapter of this code. If he omits to record any such certificates, or if any error be discovered in the record thereof, he shall forfeit for every such neglect or default not less than ten nor more than fifty dollars. At the end of every regular session of the legislature, it shall be the duty of said secretary to cause to be printed and bound an accurate abstract of every certificate of incorporation not before reported, which abstract shall show the name of the corporation, the purpose for which the corporation is formed, and the kind of business carried on, its principal office or place of business, when issued and when to expire, the name and residence of each corporator, the amount of capital stock authorized, the amount subscribed and the amount paid in, and the par value of each share. If the said secretary fail therein, he shall forfeit not less than one nor more than fifty dollars. Said secretary shall make free distribution of as many copies of said abstracts of incorporation, as he is now authorized to make of the acts of the legislature.

Sec. 19. The secretary may at any time issue a copy of such certificate, and such copy, certified under his hand, and also the copy printed as provided in section seventeen of this chapter, shall, as evidence, be equivalent to the original.

(House Bill No. 347.)

CHAPTER 6.

AN ACT to amend and re-enact section eighty-two of chapter fifty-four of the code of West Virginia in reference to the sale of works and property of a corporation other than a railroad corporation.

[Passed February 27, 1903. In effect from passage. Approved February 28, 1903.]

| | | |
|--|--|--|
| SEC. 82. Sale of property and works of corporations other than railroad | | SEC. companies; what to be filed in office of secretary of state. |
|--|--|--|

Be it enacted by the Legislature of West Virginia:

1. That section eighty-two of chapter fifty-four of the Code of West Virginia be amended and re-enacted as follows:

Sec. 82. Whenever there has been, since the first day of February, eighteen hundred and seventy-seven, or shall hereafter be, a sale of the works, assets, property and franchises of any corporation, other than a railroad corporation, under a decree, mortgage, deed of trust, or under authority of section eighty-three of chapter fifty-four of the code of West Virginia of one thousand eight hundred and ninety-nine, and there be a conveyance to the purchaser of the same, said purchaser or purchasers shall become a corporation, or if purchased by a corporation already existing, said purchaser or purchasers of said corporation shall be entitled to the franchises of the old corporation in the same manner as is provided for railroad corporations in such cases in section seventy-two of this chapter, and the old corporation shall be *ipso facto* dissolved. The purchaser at such sale made under a decree, mortgage or deed of trust, or under the sale pursuant to section eighty-three of chapter fifty-four of the code, shall acquire such property and rights as shall be provided in such decree, mortgage, deed of trust, or contract of sale. The purchaser of the franchises of a corporation as aforesaid shall immediately file in the office of the secretary of state proper evidence of said sale, and thereupon the secretary of state shall enter the name of the corporation making such transfer as dissolved and extinct.

(House Bill No. 30.)

CHAPTER 7.

AN ACT to amend and re-enact chapter twenty-eight of the acts of eighteen hundred and ninety-one, as amended by chapter eighty-five of the acts of nineteen hundred and one, relating to the incorporation and regulation of title and trust companies.

[Passed February 9, 1903. In effect 90 days from passage. Approved February 25, 1903.]

SEC.

1. Powers and rights of companies incorporated to insure owners, etc., of real estate against loss by reason of defective titles, liens, etc., or as a trust company.
2. Court may have the affairs, etc., of any such company investigated before taking it as surety or imposing upon it any trust.
3. When any such company is appointed to execute any trust, what oath is required, and of whom.
4. Trust funds and investments; how to be kept and how held.
5. The capital of any such company

SEC.

- alone liable when acting in a fiduciary capacity; but additional security may be required, when.
6. What certificate company must file with the secretary of state before transacting business; penalty and publication by auditor, for failure.
 7. Certain banking institutions shall not be accepted as surety in certain cases, except as provided in section one of this act.
 8. Companies operating under this act subject to examination by commissioner of banking.
 9. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

1. That chapter twenty-eight of the acts of eighteen hundred and ninety-one, as amended by chapter eighty-five of the acts of nineteen hundred and one, be amended and re-enacted so as to read as follows:

Sec. 1. Every company which may have been heretofore, or which may hereafter be, incorporated under the laws of this State, for the purpose of insuring owners of, and other persons interested in, real estate, against loss by reason of defective titles, liens and incumbrances, or as a trust company, shall have the power and right:

First. To buy, hold, sell and guarantee bonds, stocks, loans and evidences of indebtedness, whether of persons, or corporations, and make, execute and perfect such and so many contracts, agreements, and other instruments as may be required therefor.

Second. To engage in a general banking business, and exercise, under the laws of this State, all such incidental powers as shall be necessary to carry on the business of banking, by discounting promissory notes, negotiating drafts, bills of exchange and other evidences of indebtedness, receiving deposits and allowing interest on same under such regulations as may be prescribed by the board of

directors and not inconsistent with the provisions of this act, buying and selling exchange, bank notes, bullion or coin, and by loaning money on personal or other security. Such company and its stockholders shall, as to such business of banking, be subject to all the provisions of chapter fifty-four of the code, and all the laws which may have heretofore been, and which may hereafter be, enacted relating to banks of issue and circulation and of discount and deposit as far as the same are applicable, and not inconsistent with the powers hereby granted to such company. But nothing in said chapter shall limit the maximum amount of paid up capital which a trust company, doing a banking business, may desire.

Third. To receive upon deposit, for safe keeping, jewelry, plate, stocks, bonds, and valuable property of every description, upon terms as may be agreed upon.

Fourth. To act as trustee, assignee, receiver, (general or special), guardian, executor, administrator, special commissioner, committee or curator, and to take, accept and execute, trusts of every description not inconsistent with the constitution of this State or of the United States, and to receive deposits of money and other personal property, and issue its obligations therefor, to invest its funds in and to purchase real and personal securities and to loan money on real and personal securities.

Fifth. To act as agent for the purpose of issuing, registering or countersigning, purchasing or selling, the certificates of stock, bonds or other obligations of any corporation, association, county, school district, magisterial district or municipality, state or public authority, and to receive or manage any sinking fund thereof, on such terms as may be agreed upon.

Sixth. To purchase and sell or take charge of, and receive the rents, issues and profits of, any real estate for other persons, firms or corporations.

Seventh. For the purpose of indemnifying and saving harmless any company for making any loans, or accommodations, such company is authorized to receive and hold on deposit and in trust, as security, estates, real and personal, including the notes, bonds and obligations of States, counties or municipal corporations, individuals, firms or corporations, and the same to purchase, collect and adjust, settle and dispose of, in case of default upon any note or obligation for which such property has been received as indemnity,

or as collateral security, without proceedings at law or in equity, and for such price and upon such terms as may be obtained, or as may be agreed upon between such company and those persons making such deposit or creating such trust.

Sec. 2. That whenever any court shall appoint any such company trustee, receiver, executor, administrator, guardian, special commissioner, curator or committee, or to execute any trust authorized by this act, the said court may, in its discretion, upon the application of any person interested, investigate the affairs and management of the company so appointed.

Sec. 3. That whenever any court or clerk thereof shall appoint any such company trustee or receiver, assignee, guardian, executor, administrator, special commissioner, curator or committee, or to execute any trust, the president, vice-president, secretary or treasurer of such company shall, either in person before such court or clerk, or before any officer authorized to administer an oath or affirmation, take the oath or make the affirmation required by law to be made by any such fiduciary.

Sec. 4. Every such company shall keep all trust funds and investments separate and apart from the assets of the company, and all investments made by the said company as fiduciary shall be so designated that the trust to which such investments shall belong shall be clearly shown; and such funds shall be held for the uses designated and shall not be liable for any other obligations of said company.

Sec. 5. That whenever any such company, having complied with the requirements of section six hereof, shall become trustee, assignee, receiver, guardian, executor, administrator, special commissioner, curator or committee, or shall be directed by the order or decree of any court to execute any trust whatever, the capital of such company shall be taken and considered as the sole security required by law for the faithful performance of its duties aforesaid, and shall be absolutely liable in case of any default whatever: *provided*, that where the liability under such appointment as trustee, assignee, receiver, guardian, executor, administrator, special commissioner, curator or committee, or under the execution of any trust by order or decree of any court, shall be equal to or exceed the capital and surplus of any such company, the court making such appointment, or order or decree, shall require additional security.

Sec. 6. No company shall be entitled to any of the provisions of this act, until there has been filed with the secretary of state a duly authenticated certificate showing the capital of such company to be at least one hundred thousand dollars, paid up and unimpaired, and such duly authenticated certificate shall be filed with the secretary of state in the month of January of every year thereafter. If any company shall exercise or attempt to exercise any such power or right as is mentioned in section one hereof, or shall endeavor to take the benefit of section five hereof, without in any such case having complied with the requirements of this section as to the filing of a certificate, it shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred dollars, and in any such case, whether or not there be a prosecution for such misdemeanor, the auditor, upon being satisfied of the facts, shall publish by at least two insertions in a paper of general circulation, in the county in which there was such attempt, an advertisement of the fact that such company is not entitled to exercise the powers and rights mentioned in section one, or entitled to the benefit of the provisions of section five, as the case may be.

Sec. 7. That no company which may be engaged in the banking business, by receiving money on deposit subject to check, or which may act as trustee or fiduciary, shall be accepted as surety on any bond or undertaking required in any of the courts of this State, or shall become surety or guarantor for any individual, firm or corporation, for the faithful discharge of duty in any position, or for the performance of any contract, except as provided in section one of this act.

Sec. 8. All companies operating under this act shall be subject to an examination by the commissioner of banking, as provided for by the laws of the State of West Virginia.

Sec. 9. All acts or parts of acts inconsistent with this act are hereby repealed.

(House Bill No. 29.)

CHAPTER 8.

AN ACT to incorporate and regulate surety, guaranty, bonding, and insurance companies.

[Passed February 24, 1903. In effect 90 days from passage. Approved February 26, 1903.]

Sec.

1. Powers and rights of surety, guaranty, bonding and insurance companies.
2. Court may have the affairs, etc. of any such company investigated before accepting it as surety or imposing upon it any trust; expenses in such case.
3. Oath or affirmation when any such company is offered as surety to any court, etc.
4. What certificate company required to file with secretary of state, what deposit to make with the auditor, and what statement to file with clerk of county court, before transacting business; penalty for making false statement.

Sec.

5. What any such company prohibited from doing.
6. Penalty for exercising, etc., any of the rights and powers mentioned in this act without having fully complied with the provisions of sections 4 and 5.
7. Examination of companies engaged in the insurance business authorized by this act, by the auditor.
8. Must appoint some person residing in State to accept service of process and notice; provisions as to service upon such person.
9. What approval of security this act not to dispense with.
10. Repealing section.

Be it enacted by the Legislature of West Virginia:

Sec. 1. Every company which may have been heretofore, or which may hereafter be, incorporated under the laws of this State, for the purpose of insuring owners of, and other persons interested in, real estate, against loss by reason of defective titles, liens and incumbrances, or as a trust company, or for the purpose of guaranteeing the fidelity of any person holding a position of public or private trust, or for guaranteeing the performance of any contract, or for insurance of any kind, other than upon the life of any person, or against loss by fire, shall have the power and right:

First. To make insurance of every kind pertaining to, or connected with, titles to real estate, and notwithstanding the provisions of section three of chapter fifty-two of the code of this State, as amended by section one of chapter thirty-five of the acts of nineteen hundred and one, or any other provisions of such code, to buy, sell and guarantee bonds, stocks, loans, and evidences of indebtedness, whether of persons or corporations, and make, execute and perfect such and so many contracts, agreements, and other instruments as may be required therefor.

Second. To make insurance for the fidelity of persons holding positions of responsibility and trust.

Third. To become sole surety in any case where by law one or more sureties may be required for the faithful performance of any trust, office, duty, action or engagement.

Fourth. To take by purchase or otherwise, and receive and hold any and all such pieces of real property as may have been, or may hereafter be, the subject of any insurance made by such company under the powers conferred by its certificate of incorporation, and the same to grant, bargain, sell and convey, and dispose of in any such manner as it may deem proper.

Fifth. To act as surety for the faithful performance of any contract entered into with any person, firm or municipality, or other corporation, or with any state or government or public authority, by any person or persons, corporation or corporations.

Sixth. To become sole surety for the faithful performance of the duties of any national, state, county or municipal officer, or employe, and to execute such bonds or recognizances as may be required by law in such cases.

Seventh. To become surety upon any writ of error, *supersedcas* or appeal, or in any proceedings instituted in any court of this State or of the United States held within this State, in which security may be required.

Eighth. To become surety for the faithful performance of the duties of any clerk, officer or employe of any corporation, firm or individual.

Ninth. To issue policies of insurance against loss from any cause, other than by the death of any person or by fire.

Tenth. For the purpose of indemnifying and saving harmless any company executing any bond or policy under the provisions of this act, such company is authorized to receive and hold on deposit and in trust as security, estates, real and personal, including the notes, bonds and obligations of states, counties or municipal corporations, individuals, firms, or corporations, and the same to purchase, collect and adjust, settle and dispose of, in case of default upon, or loss under, such bond or policy for which such property has been received as indemnity, or as collateral security, without proceedings at law or in equity, and for such price and upon such terms as may be agreed upon between such company and those persons making such deposits or creating such trusts.

Eleventh. To become surety for the payment of all damages that

may be assessed and directed to be paid for lands or property taken in the building of any railway, or for the purpose of any railway, or for the opening of streets or roads, or for any purpose whatever where land or other property is authorized by law to be taken.

Twelfth. To stipulate, provide for and take indemnity from persons, firms or corporations for whom such company shall so become surety, and enforce any bond, contract, agreement, pledge, or other security, made or given for that purpose.

Sec. 2. That whenever any company, wherever incorporated, is offered as surety to any court, or the clerk thereof, the said court may, at its discretion, upon the application of any person interested, appoint a suitable person to investigate the affairs and management of the company so appointed, or offered, who shall report to such court the manner in which its investments are made and the security offered to those by or for whom its engagements are held; and the expenses of such investigation shall be defrayed by the applicant, unless the investigation shall show the last quarterly statement of the company, as provided for in section four of this act, to be false and misleading, in which case the expenses of such investigation shall be borne by the company.

Sec. 3. That whenever any company is offered as surety to any court or clerk thereof, the president, vice-president, secretary or treasurer of such company shall, either in person before such court or clerk, or before any officer authorized to administer an oath or affirmation, take the oath or make the affirmation required by law to be made by any such surety.

Sec. 4. That no company incorporated under this act shall exercise any such power or right as is mentioned in the first, second, third, fourth, fifth, sixth, seventh, eighth, tenth, eleventh and twelfth clauses of section one hereof until there has been filed, with the secretary of state, a duly authenticated certificate showing the capital of such company to be at least two hundred and fifty thousand dollars, fully paid and unimpaired, and unless there be on deposit with the auditor of the State, to secure the faithful performance of its obligations, at least twenty *per centum* of its paid up capital in cash, or bonds of the United States, or bonds of some county, magisterial district, school district, independent school district or municipal corporation in the State of West Virginia, or the bonds of some railroad corporation organized under the laws of

the State of West Virginia and operated in said State, to be approved by the board of public works; the interest accruing on such bonds or securities so deposited to be received by the company making such deposit. But such deposit shall not be less than fifty thousand dollars and need not exceed seventy-five thousand dollars in any case. And such duly authenticated certificate shall be filed with the secretary of state in the month of January of every year thereafter. The said board of public works shall from time to time, as often as deemed necessary, investigate all such deposits and if, in the opinion of the board, any such deposit does not comply with the requirements of this act, the company making the same shall not exercise any such power or right as mentioned in section one until it shall have deposited such other or additional security of the nature above required, as in the opinion of the board will make the value of the deposit equal to the deposit required. The face value of the security to be so kept on deposit shall not be less than the deposit required by this act. Every company exercising rights or powers such as are mentioned in the first, second, third, fourth, fifth, sixth, seventh, eighth, tenth, eleventh and twelfth clauses of section one hereof shall, before commencing business, and thereafter within the first ten days of each of the months of January and July of each year, file with the clerk of the county court, of each county in this state, a statement certified by the secretary, treasurer or other officer of such corporation, under oath or affirmation, showing the financial condition of the company on the first day of the month in which such statement is filed; which statement shall show all the resources and liabilities of the company and the nature of its investments, and such statement shall be made a part of the public records of each county, and be recorded in a well bound book to be kept for such purpose, and to be called "Surety Company Statements;" for which filing and recording the clerk of the county court shall be allowed a fee of fifty cents to be paid by the company making such statement. Any officer or employe of any such company who shall knowingly make any fraudulent, false or misleading statement, under the provisions of this act, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not less than five hundred dollars and not more than twenty-five hundred dollars.

Sec. 5. That no company which may be hereafter engaged in

this State in the business of title insurance, fidelity insurance, or suretyship for the faithful performance of any office, shall accept money on deposit, or act in any fiduciary or other capacity not specifically permitted by the provisions of this act.

Sec. 6. That any company exercising or attempting to exercise any of the rights or powers mentioned in the first, second, third, fourth, fifth, sixth, seventh, eighth, tenth, eleventh and twelfth clauses of section one hereof, without having fully complied with the provisions of section four hereof, by filing the certificate required with the secretary of state or by making the deposit required with the auditor, or by making and filing the statements required to be made and filed with the clerks of the county courts, or any company violating the provisions of section five hereof, by accepting money on deposit, or acting in a fiduciary capacity, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five hundred dollars; and in such cases, whether or not there be a prosecution for the misdemeanor, the auditor, upon being satisfied of the facts, shall publish by at least two insertions, at the expense of such company, in a paper of general circulation in each of the cities of Wheeling, Parkersburg, Huntington, Charleston, Bluefield, Sistersville and Martinsburg, West Virginia, an advertisement of the fact that such company is not entitled to exercise the powers and rights mentioned in section one, or is transacting, or attempting to transact, a banking or other business in violation of the provisions of section five, as the case may be.

Sec. 7. That all companies which may be hereafter engaged in this State in any of the classes of insurance permitted in clause nine of section one in this act shall be subject to the same examination and supervision, by the auditor, as now provided for insurance companies incorporated under the laws of the State of West Virginia:

Sec. 8. That every such company, exercising the powers and rights mentioned in section one, shall, by a power of attorney duly acknowledged and authenticated, and filed by it in the office of the secretary of state, appoint some person residing in the State to accept service of process and notice, for the said company; and by the same instrument shall declare its consent that service of any process or notice in this State on said attorney, or his acceptance of service endorsed thereon, shall have the same effect as if served

on him in the county where the surety is given or where the suit is instituted, and shall, in all respects, have the same effect as service thereof upon the company. And thereafter such acceptance by the said attorney, or service upon him, anywhere in this State, shall be equivalent to service in the county where the suit was brought. And, notwithstanding the provision of section two of chapter one hundred and twenty-four of the code, any suit may be instituted and process directed against any such company in the county in which the cause of action arises. And the process may be directed to the sheriff of the county where such company has its principal office, or where its attorney in fact resides.

Sec. 9. In any case where the approval of any security by any corporation, court, officer, or body, is now required by law, nothing in this act shall be so construed as to dispense with such approval.

Sec. 10. All acts or parts of acts inconsistent with this act are hereby repealed.

(Senate Bill No. 117.)

CHAPTER 9.

AN ACT to amend and re-enact section thirty-four of chapter fifty of the code, in relation to the service of process and the bringing of suits against corporations.

[Passed February 27, 1903. In effect 90 days after passage. Approved February 28, 1903.]

SEC. 34. Service of process and notice on corporations.

Be it enacted by the Legislature of West Virginia:

1, That section thirty-four of chapter fifty of the code of West Virginia be amended and re-enacted so as to read as follows:

Sec. 34. Unless otherwise specially provided such process or order, and any notice against a corporation, may be served upon the president, cashier, treasurer or chief officer thereof, or if there be no such officer, or if he be absent, on any officer, director, trustee or agent of the corporation, at its principal office or place of business, or in any county in which a director or other officer, or any agent, of said corporation may reside, or any officer or agent of said cor-

poration in the county in which the property, land or other thing in controversy may be, or in any county where the cause of action arises. But service at any time may be made upon any corporation in the manner prescribed for similar proceedings in the circuit court.

(Senate Bill No. 75.)

CHAPTER 10.

AN ACT to amend and re-enact section sixteen of chapter one hundred and twenty-five of the code of West Virginia, relating to rules and pleading.

[Passed February 16, 1903. In effect 90 days from passage. Became a law without the approval of the Governor.]

SEC. 16. Plea in abatement in the matter of jurisdiction; when such plea not allowed; verification of such plea.

Be it enacted by the Legislature of West Virginia:

1. That section sixteen of chapter one hundred and twenty-five of the code of West Virginia, be, and the same it hereby, amended and re-enacted so as to read as follows:

Sec. 16. Where the declaration or bill shows on its face proper matter for the jurisdiction of the court, no exception for want of such jurisdiction shall be allowed, unless it be taken by plea in abatement; and the plea shall not be received after the defendant has pleaded in bar, or answered to the declaration or bill, or later than the next succeeding rules after the rules at which a rule to plead or a conditional judgment or decree *nisi* is entered. And in all cases, including where the defendant is a corporation, the plea in abatement may be verified by the attorney or agent of the defendant.

(Senate Bill No. 87.)

CHAPTER 11.

AN ACT to amend and re-enact section two of chapter one hundred and twenty-four, of the code, relating to service of process.

[Passed February 17, 1903. In effect 90 days from passage. Approved February 26, 1903.]

Sec. 2. Process to whom directed; service of; return of, etc.

Be it enacted by the Legislature of West Virginia:

1. 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:

Sec. 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 to answer in any action, brought under the second section of chapter one hundred and twenty-three of this code, shall not be directed to an officer of any other county than that wherein the action is brought, unless such defendant be a railroad, canal, turnpike, telegraph, insurance company, or any other corporation, notwithstanding the second division of section one, of chapter one hundred and twenty-three of the code. Any process may be executed on or before the return day thereof. If it appears 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*, *quo warranto*, *certiorari*, prohibition and the *alias* or other process, where 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 the 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.

(Senate Bill No. 39.)

CHAPTER 12.

AN ACT to amend and re-enact section one, chapter eighty-seven, of the code of West Virginia, relating to fiduciaries.

[Passed February 13, 1903. In effect 90 days from passage. Approved February 21, 1903.]

| | | | | |
|------|--|--|------|--|
| SEC. | 1. Fiduciaries, clerk to keep list of; what the record of such list to show; | | SEC. | penalty on clerk for failure to make proper entries. |
|------|--|--|------|--|

Be it enacted by the Legislature of West Virginia:

1. That section one of chapter eighty-seven of the code of West Virginia, be amended and re-enacted so as to read as follows:

Sec. 1. The clerk of every circuit court shall, in a book provided for the purpose, keep a record of any personal representative, guardian, curator, or committee, heretofore authorized to act as such under orders of his court; and the clerk of the county court of each county shall keep a like record as to those heretofore or hereafter authorized to act by such court or clerk, and as to those heretofore authorized to act by any recorder of such county. Such record shall show in separate columns: *First*, the name of every such fiduciary; *second*, the name of the decedent for whose estate he is representative; *third*, the names of the distributees of said estate, showing their relation to the decedent; *fourth*, the name of the living person for whom he is guardian, curator or committee; *fifth*, the penalty of his bond; *sixth*, the names of his sureties; *seventh*, the date of the order conferring his authority. If, afterwards, such authority be revoked, the clerk or recorder, as the case may be, shall enter in another column the date of the order of revocation. Any clerk failing to make such entry, as to any fiduciary, within ten days after the order conferring or revoking the authority, as the case may be, or to index the same within the like time, in the name of the decedent or person represented by such fiduciary, shall, for every such failure, forfeit twenty dollars. The clerk at the time of making such entry, as to any fiduciary, shall examine whether he has given such bond as the law requires, and if it appears that he has given no bond, or that his bond is insufficient, shall make report thereof to his next court.

(House Bill No. 38.)

CHAPTER 13.

AN ACT to amend and re-enact sections four and five, of chapter eighty-five of the code, relating to the qualification of personal representatives.

[Passed February 27, 1903. In effect 90 days from passage. Approved February 28, 1903.]

SEC
4. What court has jurisdiction to appoint administrator of intestate; who has preference in such appointment; provisions as to non-residents.

SEC.
5. Bond and oath of administrator; affidavit to be filed; when grant of administration ceases.

Be it enacted by the Legislature of West Virginia:

1. That sections four and five of chapter eighty-five of the code of West Virginia be amended and re-enacted so as to read as follows:

Sec. 4. In case of a person dying intestate, the jurisdiction to hear and determine the right of administration of his estate shall be in the court which would have jurisdiction as to the probate of of his will, if there was one. Administration shall be granted to the distributees who apply therefor, preferring first the husband or wife, and then such of the others entitled to distribution as the court shall see fit. If no distributee apply for administration within thirty days from the death of the intestate, the court may grant administration to one or more of his creditors, or to any other person: *provided*, that no person not a resident of this State shall be appointed or act as such personal representative, unless the decedent be a non-resident of the State at the time of his death, and names in his will a non-resident as his executor.

Sec. 5. Before any grant of administration, as of the estate of any intestate, the person to whom it is granted shall, before the court granting it, give bond and take an oath that the deceased has left no will as far as he knows, and that he will faithfully perform the duties of his office to the best of his skill and judgment; and file his own affidavit, or the affidavit of some credible person, at the time of his qualification, or within ninety days thereafter, showing the names of the distributees of said estate, and their relation to the decedent; which affidavit shall be recorded by the clerk in the fiduciary record, and shall be *prima facie* evidence of

what is contained therein: *provided*, that said affidavit may not be required where the decedent has been dead more than five years prior to the time of said qualification; and no other oath or affidavit shall be required of him. If a will of the deceased be afterwards admitted to record, or if after administration is granted to a creditor, or other person than a distributee, any distributee, who shall not have before refused, shall apply for administration, there may be a grant of probate or administration in like manner as if the former grant had not been made, and the said former grant shall thereupon cease.

(Senate Bill No. 10.)

CHAPTER 14.

AN ACT to amend and re-enact section twenty-five of chapter eighty-seven of the code of West Virginia:

[Passed February 27, 1903. In effect 90 days from passage. Approved February 28, 1903.]

| | | |
|--|--|--|
| <p>SEC. 25. What order court may make on reports of a fiduciary, after confir-</p> | | <p>SEC. mation in whole or in part; fiduciary's final report; penalty.</p> |
|--|--|--|

Be it enacted by the Legislature of West Virginia:

1. That section twenty-five of chapter eighty-seven of the code of West Virginia be amended and re-enacted, so as to read as follows:

Sec. 25. When a court shall have confirmed, either in whole or in a qualified manner, a report of the accounts of any guardian, curator, committee, personal representative or trustee, as aforesaid, such court may order payment of what shall appear due on such accounts to such persons as would be entitled to recover the same by a suit in equity. And when such guardian, curator, committee, personal representative or trustee, shall have fully paid out all the funds in his hands as such, he shall within ninety days thereafter, or at the first term of said court thereafter, make a final, full and detailed report to the said court of such payments, and file therewith the vouchers for such disbursements; and when the court upon examination of such report and vouchers, ascertains the same to be correct,

it shall approve and confirm such report and order the same to be recorded. And the clerk of said court shall record every such report which may be so confirmed, and at the foot of it the order of confirmation; and any such guardian, curator, committee, personal representative or trustee who shall refuse or fail to make such final report as aforesaid shall be guilty of a misdemeanor, and fined not less than twenty-five dollars and not more than one hundred dollars.

(Senate Bill No. 112.)

CHAPTER 15.

AN ACT to amend and re-enact section one of chapter one hundred and thirty-two of the code of West Virginia.

[Passed February 27, 1903. In effect 90 days from passage. Approved February 28, 1903.]

| | | |
|---|------|---|
| <p>SEC. 1. Court may in any suit decree sale of property; upon what terms; special commissioner to make sale; what required of such commissioner; in-</p> | SEC. | <p>sufficient security; what then; final report of special commissioner; penalty.</p> |
|---|------|---|

Be it enacted by the Legislature of West Virginia:

1. That section one of chapter one hundred and thirty-two of the code of West Virginia be amended and re-enacted, so as to read as follows:

Sec. 1. A court in a suit, pending properly therein, may make a decree or order for the sale of property in any part of the State, and may direct the sale to be for cash, or on such credit and terms as it may deem best; and it may appoint a special commissioner to make such sale. Every special commissioner appointed under this section shall be a resident of the State of West Virginia, and he shall receive no money under a decree or order until he give a bond with good security before the said court or its clerk; and any special commissioner violating the conditions and provisions of this section, by receiving money before executing bond as aforesaid, shall be deemed guilty of contempt of court, and shall be punished by fine and imprisonment, or either, at the discretion of the court. If the clerk take bond with insufficient security, he and his securities upon

his official bond shall be responsible for any loss or damage sustained by any person injured thereby. And no sale shall be made by any commissioner until such bond and security has been given and approved by the clerk; and every notice of such sale shall have appended to it the certificate of such clerk that bond and security has been given by the commissioner as required by law. And the said special commissioner shall, after the last payment required by said decree of sale or decree confirming said sale is made, make report to the court in writing, at the next term of the court thereafter, showing how the proceeds of said sale have been applied by him; which report shall be approved and entered of record in the chancery order book and filed with the papers in the cause. If from any cause said report cannot be made showing a final settlement, within the time aforesaid, the court may enter an order extending the time for a final report to be made. If said commissioner fail to make said report, as aforesaid, he shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars nor more than five hundred dollars.

(House Bill No. 38.)

CHAPTER 16.

AN ACT to amend and re-enact section ten of chapter eighty-five of the code of West Virginia, relating to administrations by sheriffs.

[Passed February 10, 1903. In effect 90 days from passage. Approved February 17, 1903.]

SEC.
10. Estate of the deceased may be committed to sheriff, etc., when; no further oath or bond required; report and final settlement to be

SEC.
made to court; order may be revoked, etc.; penalty for failure to make report and final settlement.

Be it enacted by the Legislature of West Virginia:

1. That section ten of chapter eighty-five of the code of West Virginia be and the same is hereby amended and re-enacted, so as to read as follows:

Sec. 10. If at any time three months elapse without there being an executor or administrator of the estate of the deceased (except

during a contest about the decedent's will, or during the infancy or absence of the executor), the court before whom the will was admitted to probate, or having jurisdiction to grant administration, shall on motion of any person order the sheriff or other officer of the county to take into his possession the estate of such decedent and administer the same; whereupon such sheriff or other officer, without taking any other oath of office, or giving any other bond or security than he may have before taken or given, shall be the administrator or administrator *de bonis non* of the decedent with his will annexed, if there be a will, and shall be thenceforward entitled to all the rights and bound to perform all the duties of such administrator. Every such sheriff or other officer shall, in the month of January in each year, make a written report to the county court of his county, and if the court is not in session, then he shall file such report with the clerk of said court, of the receipts and disbursements of each estate so committed to him, and at the end of his term of office make a complete report and settlement of each estate so committed to him, and shall turn over to his successor in office all moneys or property in his hands remaining unadministered. The court may, however, at any time afterward revoke such order and allow any other person to qualify as such executor or administrator; and the court, or the clerk thereof, shall, at the expiration of the term of office of any such sheriff, commit to his successor in office any and all estates which may appear, by the final report above required to be made by the sheriff at the end of his term, not to have been fully administered. Every sheriff or other officer to whom any estate shall have been committed, as aforesaid, who shall fail to render any report as required herein, or who shall fail to make such settlement within two months after the end of his term of office, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than five hundred dollars.

(House Bill No. 32.)

CHAPTER 17.

AN ACT to amend and re-enact section fifty-four of chapter forty-one of the code of West Virginia, relating to embezzlement by public collectors and officials.

[Passed February 27, 1903. In effect 90 days from passage. Approved February 28, 1903]

SEC. 54. Embezzlement by public collectors and officials; failure to keep the account required; penalty.

Be it enacted by the Legislature of West Virginia:

1. That section fifty-four of chapter forty-one of the code of West Virginia, be and the same is hereby amended and re-enacted, so as to read as follows:

Sec. 54. If any sheriff or other officer charged with the collection of State, county, district or municipal taxes, levies or other public moneys, or the deputy of any such officer, or any officer or person charged with the custody or disbursement of any such taxes or moneys belonging to the State, or to any county or district thereof, or to any municipality, shall in any way misappropriate any part of such taxes or other moneys, which may come to his hands by virtue of his office or employment, he shall be guilty of the larceny thereof; and every officer shall keep an accurate account of all such moneys received by him, and of all disbursements thereof made by him. Any officer appropriating any money coming to his hands by virtue of his office, or who loans any such money with or without interest, except upon the order of the court having jurisdiction of the matter, shall be deemed guilty of the misappropriation thereof, and shall be punished therefor as provided in this section. And any officer who shall fail or neglect to keep the account required in this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars, nor more than one hundred dollars, for each offence.

(Senate Bill No. 14.)

CHAPTER 18.

AN ACT to amend and re-enact sections nineteen and twenty-two of chapter one hundred and forty-five of the code of West Virginia, as amended and re-enacted by chapter twenty-two of the acts of one thousand eight hundred and eighty-one, relating to embezzlement.

[Passed February 12, 1903. In effect 90 days from passage. Approved February 21, 1903.]

SEC.
19. Embezzlement by officers, clerks, agents, etc.; what acts presumptive of guilt; form of indictment; appropriation or use of money by State, county, district and municipal officers, agents, etc.; what acts *prima facie* evidence of guilt.

SEC.
22. Destroying or concealing a will, etc.; failure by guardian, personal representative, etc., to return inventory of property or produce same for appraisal; embezzlement by personal representative, etc.; what acts of a fiduciary *prima facie* evidence of guilt.

Be it enacted by the Legislature of West Virginia:

1. That sections nineteen and twenty-two of chapter one hundred and forty-five of the code of West Virginia, as amended and re-enacted by chapter twenty-two of the acts of one thousand eight hundred and eighty one, be amended and re-enacted so as to read as follows:

Sec. 19. If any officer, agent, clerk or servant of this State, or of any county, district, school district or municipal corporation, or of any incorporated bank, or other corporation, or any officer of public trust in this State, or any agent, clerk or servant of any firm or person, or company or association of persons not incorporated, embezzle or fraudulently convert to his own use, bullion, money, bank-notes, security for money, or any effects or property of any other person, which shall have come into his possession, or been placed under his care or management, by virtue of his office, place or employment, he shall be guilty of larceny thereof. In the prosecution of any such officer, agent, clerk or servant, charged with such embezzlement, fraudulent conversion or larceny, if it appear that the possession of such bullion, money, bank-notes, security for money or other property is unlawfully withheld by such officer, agent, clerk or servant, from the person or persons entitled thereto, and that such officer, agent, clerk or servant has failed or refused to restore or account for such bullion, money, bank notes, security

for money or other property, within thirty days after proper demand has been made therefor, such accused officer, agent, clerk or servant shall be presumed to be guilty of such offence; but the accused may rebut such presumption by disproving any such facts, or by other competent testimony germane to the issue, upon the trial. An indictment for any such offence shall be sufficient if it be in form or effect as follows:

“State of West Virginia,

County of ———, to-wit:

The grand jurors of the State of West Virginia, in and for the body of the county of ———, upon their oaths present that A. B., on the —— day of ———, 19.., in the county aforesaid, did, feloniously embezzle, convert to his use and steal certain bullion, money, bank notes, securities for money and other effects and property of and belonging to ———, to-wit: (here describe the property,) of the value of ——— dollars, he, the said A. B., having then and there in his possession such bullion, money, bank notes, securities for money and such other effects and property, by virtue of a certain office, place and employment, to-wit: (here state office, place or employment); against the peace and dignity of the State.”

And whenever any officer, agent, clerk or servant of this State, or of any county, district, school district, or municipal corporation, shall appropriate or use for his own benefit, or for the benefit of any other person, any bullion, money, bank notes, security for money, or funds belonging to this State or to any such county, district, school district or municipal corporation, he shall be held to have embezzled the same, and be guilty of the larceny thereof, and the failure of any such officer, clerk or servant to account for or pay over, as required by law, any such bullion, money, bank notes, security for money or funds shall be *prima facie* evidence that he has so appropriated or used the same for his own benefit or for the benefit of such other person.

Sec. 22. If a person fraudulently destroy or conceal any will or codicil, with intent to prevent the probate thereof, he shall be confined in the penitentiary not less than two nor more than five years. If any guardian, personal representative, or other fiduciary, shall wilfully and knowingly fail to make and return an inventory of any personal property (of which an inventory is required by law to be made) which may come to his hands as such, or shall wilfully and

knowingly fail or refuse to produce any such property for appraisal in the manner required by law, or shall wilfully and knowingly conceal or embezzle any such property, he shall be guilty of the larceny thereof; and the failure of any such guardian, personal representative or other fiduciary, to account for or to pay over or deliver when directed by the court, as required by law, any money, bullion, bank notes or other property, determined by the proper officer or court to be due or payable, shall be *prima facie* evidence that such guardian, personal representative or other fiduciary has embezzled the same.

(House Bill No. 830.)

CHAPTER 19.

AN ACT to amend and re-enact section one of chapter one hundred and thirteen of the code, increasing the number of judges of the supreme court of appeals, from four to five.

[Passed February 27, 1903. In effect 90 days from passage. Approved 28, 1903.]

SEC. 1. Supreme court to consist of five judges; quorum.

Be it enacted by the Legislature of West Virginia:

1. That section one of chapter one hundred and thirteen of the code be amended and re-enacted, so as to read as follows:

Sec. 1. The supreme court of appeals shall consist of five judges, elected and qualified according to the constitution and laws; any three of whom shall be a quorum.

(Senate Bill No. 177.)

CHAPTER 20.

AN ACT to amend and re-enact sections one and three of chapter one hundred and twelve of the code, relating to circuit courts.

[Passed February 19, 1903. In effect 90 days from passage. Became a law without the approval of the Governor.]

| | |
|---|---|
| <p>SEC. 1. Judicial circuits, rearrangement thereof; proviso as to judges of circuit courts now in office, etc.</p> | <p>SEC. 2. Regular terms of circuit courts; judge of one circuit may hold court in another.</p> |
|---|---|

Be it enacted by the Legislature of West Virginia:

1. That sections one and three of chapter one hundred and

twelve of the code of West Virginia be amended and re-enacted, so as to read as follows:

Sec. 1. The State shall be divided into the following judicial circuits: The counties of Hancock, Brooke, Ohio and Marshall shall constitute the first circuit; the counties of Tyler, Wetzel and Doddridge shall constitute the second circuit; the counties of Pleasants, Ritchie and Gilmer shall constitute the third circuit; the counties of Wood and Wirt shall constitute the fourth circuit; the counties of Mason, Jackson, Roane and Calhoun shall constitute the fifth circuit; the counties of Cabell, Lincoln and Putnam shall constitute the sixth circuit; the counties of Wayne, Mingo, Logan and Boone shall constitute the seventh circuit; the counties of McDowell, Mercer and Monroe shall constitute the eighth circuit; the counties of Wyoming, Raleigh and Summers shall constitute the ninth circuit; the counties of Kanawha and Clay shall constitute the tenth circuit; the counties of Fayette, Pocahontas and Greenbrier shall constitute the eleventh circuit; the counties of Braxton, Webster, Upshur and Nicholas shall constitute the twelfth circuit; the counties of Lewis and Harrison shall constitute the thirteenth circuit; the counties of Marion and Monongalia shall constitute the fourteenth circuit; the counties of Preston, Taylor, Barbour and Randolph shall constitute the fifteenth circuit; the counties of Grant, Tucker and Mineral shall constitute the sixteenth circuit; the counties of Hampshire, Hardy and Pendleton shall constitute the seventeenth circuit; the counties of Berkeley, Jefferson and Morgan shall constitute the eighteenth circuit: *provided, however,* that the judges of the circuit courts in office at the time this act goes into effect, or any judge elected or appointed by law to fill a vacancy in any such office, shall hold office until January first, one thousand nine hundred and five; and for this purpose only the judicial circuits of the State shall remain as heretofore constituted until said first day of January, one thousand nine hundred and five.

Sec. 3. There shall be at least four terms of the circuit court in the circuits herein provided for held every year in each county, commencing at such times as may be prescribed by law. A judge of one circuit may, by arrangement with the judge of any other circuit, as when the office of judge in any other circuit is vacant, hold the courts in any such circuit.

(House Bill No. 247.)

CHAPTER 21.

AN ACT to amend and re-enact section two of chapter three of the code, edition of eighteen hundred and ninety-nine, touching times of election of public officers.

[Passed February 27, 1903. In effect 90 days from passage. Approved February 28, 1903.]

SEC. 2. Officers—State, county and district—Judges, senators and delegates, to be elected, and when; repealing section.

Be it enacted by the Legislature of West Virginia:

1. That section two of chapter three of the code of West Virginia, edition of eighteen hundred and ninety-nine, be amended and re-enacted, so as to read as follows:

Sec. 2. At the said election in the year one thousand nine hundred and four, and every second year thereafter, there shall be elected delegates to the legislature, a senator for each senatorial district, and a commissioner of the county court. And in the year one thousand and nine hundred and four, and in every fourth year thereafter, a governor, secretary of state, state superintendent of free schools, treasurer, auditor and attorney general for the State; a prosecuting attorney, surveyor of lands, sheriff, the number of assessors prescribed by law for each county, and the number of justices and constables in each magisterial district in the county to which such district is entitled by law, to be from time to time ascertained and entered of record by the county court. And in the year one thousand nine hundred and eight, and in every sixth year thereafter, a clerk of the circuit court and a clerk of the county court. And in the year one thousand nine hundred and four, and every eighth year thereafter, one judge of every judicial circuit, except the first, and for the first circuit two judges. And in the year one thousand nine hundred and four, and in every twelfth year thereafter, two judges of the supreme court of appeals; and in the year one thousand nine hundred and eight and in every twelfth year thereafter, one judge of the supreme court of appeals; and in the year one thousand nine hundred and twelve, and in every twelfth year thereafter, two judges of the supreme court of appeals.

2. All acts and parts of acts within the purview of this act and inconsistent herewith are hereby repealed.

(Senate Bill No. 194.)

CHAPTER 22.

AN ACT fixing the time for holding the circuit courts in each county of the several judicial circuits of the State.

[Passed February 26, 1903. In effect January 1, 1905. Became a law without the approval of the Governor.]

| | | | | |
|------|---|--|------|-----------------------|
| SEC. | 1. } Beginning of terms of circuit court to 19. } in each county composing the several judicial circuits of the State, fixed. | | SEC. | 20. Repealing clause. |
|------|---|--|------|-----------------------|

Be it enacted by the Legislature of West Virginia:

Sec. 1. The circuit courts for the several counties of the State shall, on and after the first day of January, nineteen hundred and five, commence and be held as follows:

First Circuit.

Sec. 2. For the county of Hancock, on the fourth Monday in January, second Monday in May, Second Monday in July, and the second Monday in November.

For the county of Brooke, on the fourth Monday in February, fourth Monday in April, fourth Monday in August, and the fourth Monday in October.

For the county of Marshall, on the fourth Tuesday in February, fourth Tuesday in April, fourth Tuesday in August, and the fourth Tuesday in October.

For the county of Ohio, on the second Monday in March, second Monday in June, second Monday in September, and the Second Monday in December.

Second Circuit.

Sec. 3. For the county of Wetzel, on the first Tuesday in January, third Tuesday in March, first Tuesday in June, and the first Tuesday in October.

For the county of Tyler, on the first Tuesday in February, third Tuesday in April, First Tuesday in July, and the first Tuesday in November.

For the county of Doddridge, on the Fourth Tuesday in February, second Tuesday in May, first Tuesday in September, and the fourth Tuesday in November.

Third Circuit.

Sec. 4. For the county of Ritchie, on the second Tuesday in January, second Tuesday in April, second Tuesday in June, and the first Tuesday in October.

For the county of Pleasants, on the second Tuesday in February, second Tuesday in May, second Tuesday in July, and the second Tuesday in November.

For the county of Gilmer, on the second Tuesday in March, fourth Tuesday in May, second Tuesday in September, and the first Tuesday in December.

Fourth Circuit.

Sec. 5. For the county of Wirt, on the first Monday in February, first Monday in May, first Monday in August, and the first Monday in November.

For the county of Wood, on the first Monday in March, first Monday in June, third Monday in September, and the first Monday in December.

Fifth Circuit.

Sec. 6. For the county of Roane, on the first Tuesday in January, first Tuesday in April, first Tuesday in July, and the first Tuesday in October.

For the county of Calhoun, on the third Tuesday in January, third Tuesday in April, third Tuesday in July, and the third Tuesday in October.

For the county of Jackson, on the first Tuesday in February, first Tuesday in May, first Tuesday in August, and the first Tuesday in November.

For the county of Mason, on the first Tuesday in March, first Tuesday in June, first Tuesday in September, and the first Tuesday in December.

Sixth Circuit.

Sec. 7. For the county of Cabell, on the first Monday in January, first Monday in April, first Monday in July, and the first Monday in October.

For the county of Lincoln, on the first Monday in March, first Monday in June, first Monday in September, and the first Monday in December.

For the county of Putnam, on the second Monday in February,

second Monday in May, second Monday in August, and the second Monday in November.

Seventh Circuit.

Sec. 8. For the county of Wayne, on the second Monday in February, second Monday in May, second Monday in August, and the second Monday in November.

For the county of Mingo, on the first Monday in January, first Monday in April, first Monday in July, and the first Monday in October.

For the county of Logan, on the fourth Monday in January, fourth Monday in April, fourth Monday in July, and the fourth Monday in October.

For the county of Boone, on the second Monday in March, second Monday in June, second Monday in September, and the second Monday in December.

Eighth Circuit.

Sec. 9. For the county of Monroe, on the first Monday in January, first Monday in April, first Monday in July, and the first Monday in October.

For the county of Mercer, on the first Monday in February, first Monday in May, first Monday in August, and the first Monday in November.

For the county of McDowell, on the first Monday in March, first Monday in June, first Monday in September, and the first Monday in December.

Ninth Circuit.

Sec. 10. For the county of Wyoming, on the third Monday in April, fourth Monday in June, third Monday in September, and the fourth Monday in January.

For the county of Raleigh, on the first Monday in April, second Monday in July, first Monday in September, and the second Monday in December.

For the county of Summers, on the first Monday in January, second Monday in March, second Monday in June, and the first Monday in October.

Tenth Circuit.

Sec. 11. For the county of Clay, on the second Monday in Jan-

uary, third Monday in April, third Monday in June, and the third Monday in September.

For the county of Kanawha, on the second Monday in February, second Monday in May, first Monday in July, and the first Monday in October.

Eleventh Circuit.

Sec. 12. For the county of Pocahontas, on the second Monday in January, first Monday in April, third Monday in June, and the first Monday in October.

For the county of Greenbrier, on the first Monday in February, third Monday in April, first Monday in July, and the third Monday in October.

For the county of Fayette, on the first Monday in March, first Monday in May, first Monday in September, and the first Monday in December.

Twelfth Circuit.

Sec. 13. For the county of Webster, on the second Tuesday in January, first Tuesday in April, third Tuesday in July, and the first Tuesday in October.

For the county of Nicholas, on the fourth Tuesday in January, fourth Tuesday in April, second Tuesday in August, and the third Tuesday in October.

For the county of Upshur, on the second Monday in February, first Monday in May, fourth Monday in August, and the second Monday in November.

For the county of Braxton, on the fourth Monday in February, third Monday in May, second Monday in September, and the fourth Monday in November.

Thirteenth Circuit.

Sec. 14. For the county of Lewis, on the second Monday in February, second Monday in May, second Monday in August, and the second Monday in November.

For the county of Harrison, on the second Tuesday in March, second Tuesday in June, second Tuesday in September, and the second Tuesday in December.

Fourteenth Circuit.

Sec. 15. For the county of Monongalia, on the second Tuesday

in February, second Tuesday in May, second Tuesday in August, and the second Tuesday in November.

For the county of Marion, on the third Tuesday in March, third Tuesday in June, third Tuesday in September, and the third Tuesday in December.

Fifteenth Circuit.

Sec. 16. For the county of Taylor, on the second day of January, twenty-second day of March, twelfth day of June, and the second day of November.

For the county of Randolph, on the twenty-second day of January, twelfth day of April, first day of September, and the sixteenth day of November.

For the county of Barbour, on the twelfth day of February, second day of May, twenty-second day of September, and the first day of December.

For the county of Preston, on the second day of March, twenty-second day of May, twelfth day of October, and the fifteenth day of December.

Sixteenth Circuit.

Sec. 17. For the county of Grant, on the first Tuesday in February, first Tuesday in May, first Tuesday in August, and the first Tuesday in November.

For the county of Mineral, on the second Tuesday in January, second Tuesday in April, second Tuesday in July, and the second Tuesday in October.

For the county of Tucker, on the first Tuesday in March, first Tuesday in June, third Tuesday in September, and the first Tuesday in December.

Seventeenth Circuit.

Sec. 18. For the county of Hampshire, on the first Tuesday in January, first Tuesday in April, first Tuesday in July, and the first Tuesday in October.

For the county of Hardy, on the third Tuesday in January, third Tuesday in April, third Tuesday in July, and the third Tuesday in October.

For the county of Pendleton, on the Wednesday after third Tuesday in February, Wednesday after third Tuesday in May, Wednesday after third Tuesday in August, and the Wednesday after third Tuesday in November.

Eighteenth Circuit.

Sec. 19. For the county of Morgan, on the first Tuesday in January, first Tuesday in April, third Tuesday in July, and the first Tuesday in October.

For the county of Berkeley, on the third Tuesday in January, third Tuesday in April, third Tuesday in August, and the third Tuesday in November.

For the county of Jefferson, on the third Tuesday in February, third Tuesday in May, second Tuesday in September, and the second Tuesday in December.

Sec. 20. All acts or parts of acts inconsistent with this act are hereby repealed.

(House Bill No. 190.)

CHAPTER 23.

AN ACT to amend and re-enact sections one and seven of chapter eleven, of the code of West Virginia, of one thousand eight hundred and ninety-nine, relating to the salaries of State officers and supreme and circuit judges and other officers.

[Passed February 26, 1903. In effect 90 days from passage. Became a law without the approval of the Governor.]

| | | |
|--|--|---|
| <p>SEC. 1. Annual salaries to be paid to state officers, judges, etc.; provision as to salaries of state officers now in</p> | | <p>SEC. office; provision as to salaries of judges now in office.</p> |
|--|--|---|

Be it enacted by the Legislature of West Virginia:

1. That sections one and seven of chapter eleven of the code of West Virginia of one thousand, eight hundred and ninety-nine, be amended and re-enacted so as to read as follows:

Sec. 1. Each of the officers mentioned in this section shall receive from the State an annual salary as follows:

The governor, five thousand dollars.

The secretary of state, four thousand dollars.

The state superintendent of free schools, three thousand dollars.

The treasurer, two thousand five hundred dollars.

The auditor, four thousand five hundred dollars.

The attorney general, two thousand five hundred dollars.

The judges of the supreme court of appeals, each four thousand five hundred dollars.

The clerk of the supreme court of appeals, one thousand five hundred dollars.

The judges of the circuit courts, three thousand three hundred dollars each.

The adjutant general, one thousand five hundred dollars.

The vaccine agents, fifty dollars each.

The keeper of the rolls, three hundred dollars, besides his compensation as clerk of the house of delegates.

The janitor, twelve hundred dollars, and three dollars per day in addition during the session of the legislature, and each of his assistants, not exceeding ten in number, shall receive each three dollars per day during the session of the legislature: *provided*, that the salaries of the governor, auditor, attorney general, secretary of state, superintendent of free schools and treasurer now in office, or who may come into office before the fourth day of March, one thousand nine hundred and five, shall remain as fixed by law the day before this act takes effect. The salaries of the judges now in office shall be the same as heretofore received by them until the first day of June, one thousand nine hundred and three.

Sec. 7. The judges of the supreme court of appeals and circuit courts shall be entitled to mileage for traveling to and from their respective courts at the rate of ten cents for every mile, to be computed according to the nearest practicable route. No judge of the circuit court shall be entitled to be paid mileage for attending more than six terms of court in any county in any one year, including adjourned and special terms.

No judge of the supreme court of appeals, or of the circuit courts, shall accept or receive from any railway company, or any officer of such, any free pass or free transportation for himself or family.

(House Substitute for Senate Bill No. 50.)

CHAPTER 24.

AN ACT to amend and re-enact section forty-nine of chapter thirty-nine of the code of West Virginia, as amended and re-enacted by chapter thirty-six of the acts of one thousand nine hundred and one, concerning allowances to county officers.

[Passed February 24, 1903. In effect 90 days from passage. Became a law without the approval of the Governor.]

SEC.

49. Annual allowances to county officers: no extra compensation and no increase or decrease of salary;

SEC.

prosecuting attorneys to attend to certain suits, etc., without additional pay.

Be it enacted by the Legislature of West Virginia:

1. That section forty-nine of chapter thirty-nine of the code of West Virginia, as amended and re-enacted by chapter thirty-six of the acts of one thousand nine hundred and one, be amended and re-enacted so as to read as follows:

Sec. 49. The county court of every county shall allow annually to the county officers, hereinafter mentioned, for their public services, for which no other fee or reward is allowed by law, such sums to be paid out of the county treasury as are deemed reasonable by the court, within the limits ascertained by law, that is to say: To the sheriff not to exceed two hundred dollars, except that the sheriff of Doddridge, Jackson, Greenbrier, Lewis, Logan, Mason, Marshall, Monongalia, Monroe, Morgan, Putnam, Preston, Randolph, Ritchie, Raleigh, Summers, Tyler, Tucker and Upshur counties, shall be allowed a sum not to exceed three hundred dollars; Wyoming and Wetzel not less than three hundred nor more than six hundred dollars; and Mercer and Mingo not to exceed four hundred and fifty dollars; and to the sheriff of Harrison, Cabell, Kanawha, Lincoln, Marion, McDowell, Fayette, Wood, and Ohio counties, a sum not to exceed five hundred dollars.

To the clerk of the circuit court not to exceed two hundred dollars, except that the clerk of the circuit court of Ohio, Kanawha, McDowell, and Marion counties, shall be allowed annually not less than two thousand nor more than three thousand dollars; the clerk of the circuit court of Fayette, Wood, Wetzel, Mercer and Cabell counties, shall be allowed annually not less than one thousand nor

more than two thousand dollars; of Logan and Pleasants counties, shall be allowed a sum not to exceed four hundred dollars; Jefferson, Mineral, Monongalia, Preston, Clay, Pocahontas, Raleigh and Nicholas counties, not less than four hundred nor more than six hundred dollars; of the county of Roane not less than three hundred nor more than six hundred dollars; of Summers, Taylor, Calhoun, Gilmer and Wirt counties, not less than five hundred nor more than six hundred dollars; and of Berkeley, Greenbrier, Jackson, Lincoln, Lewis, Marshall, Mason, Putnam, Mingo, Randolph, Tucker, Ritchie, Tyler, Upshur and Wayne, a sum not to exceed eight hundred dollars, and not less than four hundred dollars each; and the counties of Barbour, Braxton and Harrison, not less than six hundred nor more than eight hundred dollars; and of Wyoming county not less than three hundred nor more than six hundred dollars.

To the clerk of the county court a sum not to exceed two hundred dollars, except that the clerks of the county courts of Barbour, Greenbrier, Logan, Lewis, Mercer, Mineral, Monroe, Pleasants, Putnam, Ritchie, Tyler, Upshur, Pocahontas, and Wayne counties, shall be allowed a sum not to exceed three hundred dollars; in the counties of Summers, Harrison, Taylor, Wirt, Calhoun, Gilmer and Wyoming, not less than three hundred nor more than six hundred dollars; and to the clerks of the county courts of Jefferson, Berkeley, Fayette and Ohio counties, a sum not to exceed five hundred dollars; and to the clerks of the county courts of Cabell, Marion, Marshall, Mason, McDowell, Mingo, Monongalia, Jackson, Roane, Kanawha, Preston, Wetzel and Wood counties, a sum not to exceed six hundred dollars each; and to the clerks of the county courts of Lincoln, Tucker, Clay, Nicholas, Raleigh, and Randolph, a sum not less than four hundred nor more than six hundred dollars.

To the prosecuting attorney not less than two hundred nor more than four hundred dollars, except as follows: In the counties of Brooke, Barbour, Calhoun, Greenbrier, Mineral, Nicholas, Lewis, Pocahontas, Putnam, Webster, Ritchie, Upshur and Wyoming, not less than three hundred dollars nor more than six hundred dollars; in the counties of Mercer, Harrison, Wetzel, Tyler and Jefferson, not less than six hundred nor more than twelve hundred dollars; in the counties of Lincoln and Hampshire, not less than four hundred nor more than eight hundred dollars; in the counties of Raleigh, Clay and Wayne, not less than six hundred nor more than

eight hundred dollars; in the counties of Berkeley, Jackson, Marshall, Mingo, Preston, Summers, Roane, Braxton, Monongalia, Tucker, Randolph, and Taylor, not less than five hundred nor more than one thousand dollars; in the county of Mason, not less than five hundred nor more than twelve hundred dollars; and in the counties of Cabell, Fayette, Kanawha, Marion, McDowell, Ohio and Wood, not less than two thousand nor more than three thousand dollars.

But no extra compensation shall be allowed to any public officer, agent, servant or contractor, after the service shall have been rendered, or the contract made; nor shall the salary of any public officer be increased or diminished during his term of office.

And it shall be the duty of the prosecuting attorney to attend to, bring or prosecute, or defend, as the case may be, all actions, suits and proceedings in which his county or any district board of education therein is interested, without additional compensation.

(Senate Bill No. 20.)

CHAPTER 25.

AN ACT to amend and re-enact section thirty of chapter forty-five of the code of West Virginia, relating to the time of holding teachers' institutes.

[Passed February 26, 1903. In effect 90 days from passage. Approved February 27 1903.]

SEC.
30. School register; what to be entered therein; where filed; monthly reports; payment of teachers; school month; teachers' institutes; pay for attending; pay of instructors; institute fee to be paid by

SEC.
teachers; list of teachers enrolled; examination to be held at close of institute; when teacher exempt from further institute attendance; teacher not so exempt, what then.
2. Repealing section.

Be it enacted by the Legislature of West Virginia:

1. That section thirty of chapter forty-five of the code be amended and re-enacted so as to read as follows:

Sec. 30. Every teacher shall keep a daily register, and make monthly reports to the secretary of the board of education of his district. He shall also keep a term register, in which shall be entered the date of the commencement and termination of every term of school, the name and age of every scholar who attended the school during said term, the daily attendance, distinguishing between males and females, the branches taught and the number of scholars engaged

each month in the study of each branch, and such other particulars as are necessary to enable the secretaries of the boards of education, or directors, to make the reports required of them; and such monthly report shall, in addition to other facts now required, show the number of days taught by a substitute, if any, and the grade of certificate held by such substitute. The state superintendent of free schools shall prescribe such forms and regulations respecting the register to be kept and the reports to be made by the teachers as shall seem to him necessary. At the close of each term, the register thereof shall be returned by the teacher to the office of the secretary of the board of education of the district, who shall file the same; and unless such register be properly kept and returned, the teacher shall not be entitled to demand payment for the balance due on his salary. Teachers shall be paid monthly, and by orders on the sheriff, or collectors, signed by the secretary and president of the board, which orders, when signed as aforesaid and delivered to the teacher, shall be deemed at once due and payable. When any teacher has taught, according to his contract, for one month, the trustees for the sub-district in which he has taught, shall certify the fact to the secretary of the district board, whereupon he shall receive from said secretary an order upon the sheriff or collector of the county, signed by the secretary and president of the board of education, for one month's salary; but in no case shall such order be given unless the monthly report containing the facts required in the preceding part of this section, to be shown in the term register, be first duly made out and returned to the secretary. The school month shall consist of twenty days, excluding Saturday, all of which shall be devoted to teaching the school contracted for. As a means of improving the teachers, and fitting them for more effective service in the free schools of the State, teachers' institutes shall be held annually throughout the State, one or more in each county; they shall be held at such places as the state superintendent shall, with the advice of the county superintendent, direct, and during the week preceding that school term in each county, which a majority of the school teachers of such county may designate by petition to the county superintendent, or by vote at the preceding teachers' institute, and shall continue each for one week of five days, and every person employed as a teacher in the free schools of the State, who has attended a county institute, shall receive pay for

the same at the rate of one dollar and fifty cents per day for a period not to exceed five days in any one year, the amount of such compensation to be paid, with the salary of the last month of the school term, out of the building fund of the district. The institutes shall be conducted by experienced and skillful institute instructors, but it shall be a part of the duty of the county superintendent, under the instructions of the state superintendent, to make all proper arrangements for the institutes, and to assist in conducting them. The instructors whom the state superintendent shall appoint, as herein provided, shall each receive for his services not more than twenty-five dollars and his expenses for each institute he may instruct, to be paid out of the general school fund on a proper order of the state superintendent, but in no case shall the amount so paid exceed one hundred dollars for any one institute.

Every teacher enrolling in a county institute shall pay an institute fee of one dollar, seventy-five cents of which shall be remitted to the auditor of State to be paid into the State treasury to the credit of the general school fund, and twenty-five cents to be paid for incidental expenses and for the betterment of the institute.

The county superintendent shall, at the close of the institute, forward to the state superintendent a certified list of all persons enrolled at the county institute, giving the exact time each was in attendance and the amount of money received; he shall also forward to the auditor seventy-five cents for every person so enrolled in his county.

Within the months of July, August and September, or other month after the institute, the county board of examiners shall hold one of the two examinations prescribed in section twenty-eight. It shall be the duty of the state superintendent to prescribe a graded course of institute work covering a period of two years, which shall embrace history of education, school management, methods of teaching, educational psychology, and such other subjects as may be prescribed for the West Virginia teachers' reading circle. Any teacher who has completed the graded course of institute work and the graded course of professional study and passed a satisfactory examination thereon, and also obtained a number one teacher's certificate, shall be exempt from further compulsory institute attendance; but any teacher so exempted may attend any such institute and draw pay for the same as above provided. Any teacher not

exempt from institute attendance who shall fail or refuse to attend at least one institute annually held under the provisions of this section, unless such teacher shall have an excuse therefor sufficient in the judgment of the board of examiners, shall not be entitled to continue or complete the school term wherein he may be teaching, or be employed to teach, in any free school, during the year within which such failure or refusal may have occurred, and it shall be the duty of the county superintendent to see that such teacher or teachers are compelled to stop teaching for the year in which such failure occurred. There is hereby appropriated for the support of said county institutes, from the general school fund, the sum of six thousand dollars for the year 1903, and six thousand dollars for the year 1904.

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

(House Bill No. 133.)

CHAPTER 26.

AN ACT to amend and re-enact section ten-a, chapter forty-five of the code, relating to the compulsory attendance of pupils upon the free schools of the State.

[Passed February 27, 1903. In effect 90 days from passage. Approved March 2, 1903.]

SEC.
10a. Compulsory attendance of pupils,
within what age; penalty; triant
officers, their duties and compensa-
tion; teachers and superintendents

SEC
to assist such officers; duties of
justices.
2. Repealing section.

Be it enacted by the Legislature of West Virginia:

1. That section 10a of chapter forty-five of the code be amended and re-enacted, so as to read as follows:

Sec. 10a. Every person having under his control a child or children between the ages of eight and fourteen years shall cause such child or children to attend some public school for a period of twenty weeks yearly, beginning with the beginning of the school term. For every neglect of such duty the person offending shall be guilty of a misdemeanor, and shall, upon conviction thereof before any justice, be fined two dollars for the first offence and five dollars for each subsequent offence; which fines shall be paid into the building fund of the district in which said offence occurs. An offence, as

understood in this act, shall consist in a failure to attend school for two days in any week, except in cases of sickness or death in the pupil's family, or the pupil be otherwise instructed for a like period of time, or except for other reasonable excuse: *provided*, there be a school in session within two miles of the pupil's home by the nearest traveled road.

The board of education of every district or independent district at its first annual meeting, or as soon thereafter as practicable, may appoint one or more truant officers, whose duty it shall be to enforce the provisions of this act. Each officer so appointed shall use due diligence to ascertain any violations of this law, and when, from personal knowledge or by report or complaint from any resident or teacher of the district under his supervision, he believes that any child subject to the provisions of this act is habitually absent from school, he shall immediately give written notice to the parent, guardian or custodian of such child that the attendance of such child at school is required, and if, within five days, such parent, guardian or custodian of such child does not comply with the provisions of this section, then such truant officer shall make complaint against such parent, guardian or custodian before the nearest justice of the peace: *provided*, that only one notice shall be required for any child in any one year. Teachers in ungraded schools, and principals and superintendents in graded and high schools, shall report to truant officers all cases of violation of this act, among the enumerated youth of their sub-districts or independent districts, and shall furnish any reports and information necessary to a proper hearing of any case before a justice of the peace; and all such teachers, principals or superintendents, shall assist truant officers in every reasonable way in carrying out the provisions of this act. Justices shall remit to the sheriff at once all fines collected under the provisions of this act, so that they may be credited to the building fund of the proper district: and every truant officer shall make to the sheriff an itemized statement, on the last day of the month, of all fines imposed under his jurisdiction.

Said truant officers shall be paid monthly, at the rate of two dollars per day for the time actually spent in the discharge of their duties as such officers, but in no case shall payment for any month's services be made until the truant officer has filed with the secretary of the board of education a copy of his statement to the sheriff for

that month, together with a sworn statement of the number of truancy cases investigated, and the time actually employed in such duties. When the truant officer has faithfully performed his duties and filed the statements required by this act, the board of education, if satisfied the same is correct, shall order a warrant to be drawn upon the sheriff for the amount of his month's salary, to be paid out of the building fund of the district.

2. All other acts or parts of acts coming within the purview of this act and inconsistent with it are hereby repealed.

(House Bill No. 134.)

CHAPTER 27.

AN ACT abolishing the present system of county examinations of teachers, providing for a system of uniform examination therefor under regulations prescribed by the state superintendent of free schools, and amending and re-enacting sections twenty-seven, twenty-eight and twenty-nine of chapter forty-five of the code of West Virginia.

[Passed February 27, 1903. In effect 90 days from passage. Became a law without the approval of the Governor.]

- SEC.
1. Examination of teachers; power over all matters relating to a system of uniform examination of applicants for teachers' certificates, and the issuance thereof, etc., vested in the state superintendent; proviso as to sec. 29a of ch. 45 of the code.
 2. Simultaneous examinations to be held in each county; when and where.
 3. Appropriation, and for what purposes.
 4. In what branches applicants examined; what required of the state superintendent respecting examination questions; what required of the county superintendent; duty of board of examiners and county superintendent at conclusion of examination; what will preclude applicant from being examined.
 5. Regulations concerning the grading and issuing of certificates; effect of failure to attend institute; revocation of certificate.
 6. } Signing and forwarding certificates; validity of such certificates; all
 7. } certificates awarded to be registered, by whom.

- SEC.
8. What acts of county superintendent respecting examination vacates his office; for what acts any other person may be punished; suspension of certificate issued, when and how; refusal to surrender certificate, what then.
 9. Right of appeal given applicant.
 10. No teacher to be employed without certificate in duplicate; who may teach without certificate; if trustee or member of board of education teach, his office shall be vacated.
 11. County board of examiners to examine teachers; of whom composed and how selected; vacancies, how filled; compensation and how paid; limit to *per diem* and expenses; excess of fees received, how disposed of; report the county superintendent required to make to the state superintendent.
 12. Repealing section.

Be it enacted by the Legislature of West Virginia:

Sec. 1. The general regulation, direction and control of all

matters relating to the examination of applicants for teachers' certificates and the issuance thereof, including the preparation of questions, the grading of manuscripts, the granting of certificates, the control and government of county boards of examiners, to be hereinafter provided for, and all other powers necessary for carrying into effect the provisions of this act, shall hereafter be vested in the state superintendent of free schools: *provided*, that nothing contained herein shall be construed to alter or amend section twenty-nine *a* of chapter forty-five of the code, relating to the powers and duties of the state board of examiners.

Sec. 2. Examinations for teachers, at such times as shall be designated by the state superintendent of free schools, shall be held simultaneously in each of the counties of this State, at such places as shall be designated by county superintendents: *provided*, that no more than five such examinations be held annually.

Sec. 3. For the preparation and printing of questions, the grading of manuscripts, the transmission of certificates and the additional clerical work demanded, by the requirements of this act, the state superintendent of free schools shall be allowed an amount not to exceed twenty-five hundred dollars annually, which sum is hereby appropriated and set apart from the general school fund of this State for this purpose, but such sum shall in no event exceed the amount received from the fees provided for in section eleven of this act.

Sec. 4. Applicants for teachers' certificates shall be required to pass an examination in all the branches required to be taught in the primary free schools of this State, and upon which they are now required to pass examination by law. And it shall be the duty of the state superintendent of free schools to prepare questions upon the same, and transmit such questions to the county superintendent of each county, properly sealed, to preclude examination, and such county superintendent shall open same and seal all manuscripts, in the presence of the county board of examiners and the assembled applicants, and conduct such examination in a manner to be fully prescribed by the state superintendent. At the conclusion of such examination, the county superintendent and board of examiners shall forward to the state superintendent, properly sealed, all manuscripts submitted to them, in accordance with full instructions to be furnished by the state superintendent, together with such infor-

mation, statements or affidavits as the state superintendent may require. But no applicant known by the board of examiners not to be of good moral character, or to be addicted to drunkenness, or not to have attained the age of seventeen years, shall be admitted to such examination.

Sec. 5. Within a reasonable time after the receipt of the foregoing manuscripts, from the board of examiners, it shall be the duty of the state superintendent and his assistants to examine and grade the same, and to issue certificates based thereon, observing the following regulations in regard to the same:

I. Such certificate shall state the applicant's grade or proficiency in each branch in which he is examined.

II. Three grades of certificates shall be issued, based upon the following scale: First grade certificates shall be issued to all applicants who attain a general average of ninety *per cent.* on a scale of one hundred *per cent.*, and not less than seventy-five *per cent.* on any one branch; second grade certificates shall be issued to all applicants who attain a general average of eighty *per cent.* and not lower than seventy *per cent.* on any one branch; third grade certificates shall be issued to all applicants who attain a general average of seventy *per cent.* and not lower than sixty *per cent.* on any one branch. Failure to attend teachers' institutes, as required by law, shall be deemed sufficient reason for withholding the certificate of any applicant.

The state superintendent may, upon proper evidence of the fact, or charges by the county board of examiners, revoke the certificate of any teacher for any cause which would have justified the withholding thereof when the same was granted, by giving ten days' notice to such teacher, of his intention to do so.

Sec. 6. All certificates so issued shall be signed by the state superintendent and forwarded by him to the proper county superintendent, who shall countersign same and deliver to the teachers entitled thereto. And such certificates shall supersede any and all other examinations required of the persons holding them, except those that may be especially authorized by law in independent school districts of this State, and shall be valid in any school district in the State, unless revoked as provided for in section five.

Sec. 7. First grade certificates shall be valid for a period of five years; second grade certificates for a period of three years;

and third grade certificates for a period of one year, and such third grade certificate shall not be issued to the same applicant more than twice. The state superintendent and county superintendent shall each keep a register of all certificates awarded stating the character and grade of each and date thereof.

Sec. 8. If any county superintendent intentionally changes the examination prescribed by the state superintendent, or commits any fraud, with intent to assist or hinder any person in securing a certificate, it shall be sufficient cause to declare the office of the said county superintendent vacant. If any other person tampers with the questions before examination, or with the manuscripts after the examination, or attempts to render aid in any examination, he shall be fined ten dollars and confined in jail ten days, upon complaint and conviction before any justice of the peace. All county certificates, now outstanding, shall be good for the county and for the time marked on the face thereof, but shall not be renewed. Any county superintendent who knows of any immorality on the part of any person holding a county certificate shall, if the person so offending live in his county, after giving due notice to such person, suspend the said certificate for twelve months; and if the person so offending be a resident of another county, he shall notify the superintendent of that county, after giving due notice to such person, who shall suspend the certificate for twelve months. In either case, the suspension shall be marked upon the back of the certificate. Any person who refuses to surrender his certificate when demanded, for the purpose of having said suspension marked on it, shall be disqualified for two years from teaching in this State.

Sec. 9. Any applicant feeling himself aggrieved by any action or ruling of the county superintendent or board of examiners, shall have the right of appeal to the state superintendent, whose decision shall be final.

Sec. 10. No person shall be employed to teach in a public school of this State until he shall have presented to the trustees or board, having charge thereof, a certificate in duplicate of his qualification, which duplicate shall be filed with the secretary of the board of education of the district wherein said school is situated, and so indorsed on the original by the secretary; and no salary shall be paid to any teacher unless such duplicate be so filed. Members of the board of examiners may be employed to teach without the cer-

tificates required of other teachers, but should any member of the board of education, or any school trustee, be employed as teacher, it shall vacate his office.

Sec. 11. There shall be in every county for the purpose of examining teachers a county board of examiners, to be composed of the county superintendent, who shall be *ex-officio* president, and two experienced teachers, each of whom shall have received a teacher's state certificate, or a number one county certificate, or be a graduate of some reputable school, to be nominated by the county superintendent and be appointed by the presidents of the district boards of education, as now prescribed by law, one member to be appointed annually for a term of two years; at which meeting a majority of said presidents, or any three thereof, shall constitute a quorum. It shall be the duty of the county superintendent to attend such meeting.

Vacancies in said board of examiners shall be filled by the presidents in the same manner as members of said board are appointed, and it shall be the duty of the county superintendent, upon ten days' notice, to call meetings of said presidents at the county seat for that purpose. The board of examiners shall each receive a compensation of three dollars per day for each day actually and necessarily employed in conducting the examinations. The county superintendent shall collect from every applicant a fee of two dollars, out of which fees he shall pay the *per diem* of the board of examiners, and the expenses of the notice and of conducting such examination, but such *per diem* and expenses shall not exceed one-half of the fees so collected; the remainder of such fees he shall pay to the auditor of the State to be placed to the credit of the general school fund of the State. He shall, at the close of all examinations, make and return to the state superintendent of free schools a detailed and certified account of the names of all applicants for examination; the amount of fees collected by him; the amount paid out as above provided, and the balance placed to the credit of the general school fund as aforesaid.

Sec. 12. All acts or parts of acts inconsistent with any of the provisions of this act are hereby repealed.

(Senate Bill No. 27.)

CHAPTER 28.

AN ACT to permit the purchase and the use of free text books for the pupils of the public free schools of this State.

[Passed February 27, 1903. In effect 90 days from passage. Approved February 28, 1903.]

SEC.

1. } Free text-books for pupils of public
to } free schools authorized; provisions
4. } respecting the purchase, distribu-
tion and use of; duties of boards,
secretaries and teachers.

SEC.

5. Compensation of secretaries for their services.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That the boards of education throughout the State may, out of the building funds of their districts, purchase the necessary prescribed text-books to be used by the pupils of the several schools therein under their control.

Sec. 2. In any district where the board of education determines to purchase and furnish to the pupils of their schools such free text-books, they shall enter an order upon their records to that effect, and shall cause said books to be kept in charge by the secretary of such board, and furnished to the school children of their district as hereinafter provided.

Sec. 3. At the commencement of every term of school, in such district, the secretary shall deliver to the teachers, of the several schools of the district, such books as may be necessary for the use of the several pupils therein for the ensuing term of school, and take from them a receipt showing the number and kind of books so received. It shall be the duty of such teachers to take charge of such books and to distribute the same among the several pupils of their schools, as they may from time to time need the same, and said teachers shall have and exercise general control of said books during such term, and at the close thereof shall collect and gather together all the books so used during the term, and deliver the same to the secretary of the board of education: *provided*, that if any of the books so delivered to any pupils of such district shall be unnecessarily injured, or destroyed, the same shall be replaced by the pupils who so injured or destroyed them.

Sec. 4. All such books shall be purchased by the board of educa-

tion directly from the publishers contracted with, as prescribed by law, and at the net contract price: *provided*, that such text-books as are now in the possession of pupils shall be used by them so long as they are suitable for such use.

Sec. 5. The secretary for his services in this matter shall receive as compensation, in addition to his salary as such secretary, a sum not exceeding fifty dollars per year.

(Senate Bill No. 22.)

CHAPTER 29.

AN ACT to empower boards of education to hold special elections, for the purpose of laying levies.

[Passed February 21, 1908. In effect 90 days from passage. Approved February 23, 1903.]

SEC. 1. Special election for laying school levies; when and how.

Be it enacted by the Legislature of West Virginia:

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

twenty or more of the voters of any district or independent district ask in writing for more than five months' school in any year, involving an additional levy.

(Senate Bill No. 31.)

CHAPTER 30.

AN ACT to amend and re-enact section eighty-two of chapter forty-five of the code relating to the appointment of cadets in the West Virginia University.

[Passed January 26, 1903. In effect 90 days from passage. Became a law without the approval of the Governor.]

SEC. 82. University; provisions relating to the appointment and admission of cadets.

Be it enacted by the Legislature of West Virginia:

1. That section eighty-two of chapter forty-five of the code be amended and re-enacted, so as to read as follows:

Sec. 82. Besides prescribing the general terms upon which students may be admitted, and the course of instruction, the regents are still further empowered to admit, as regular students of the university, not more than two hundred and twenty-five cadets in the military department. Each member of the senate shall be entitled to appoint one cadet from his district, on or before the first day of June in the second year of his term, and one cadet on or before the first day of June in the fourth year of his term. Each member of the house of delegates shall be entitled to appoint one cadet from his county on or before the first day of June next preceding the end of his term. In case a cadetship filled by appointment by any member of the legislature shall become vacant, the member making the appointment, or his successor, shall fill same by a new appointment within the limits of time aforesaid. But no senator or delegate shall appoint any cadet until he receives a certificate from the president of the university, or the commandant of cadets, giving him notice of his right to do so; and he shall not have the right to exercise such power of appointment as long as two cadets are accredited to himself and his predecessor, either by original

appointment or by re-enlistment. All other cadets necessary to make up the full complement of the corps shall be appointed by the regents, in proportion to their number, including vacancies, if any, caused by the failure of any member of the legislature to make his appointment. Cadets shall not be under sixteen years of age, and shall not be over twenty-one years of age. Their appointment shall be made upon undoubted evidence of good moral character and sound physical condition. Their term of enlistment of service shall be two years, but any cadet, at the expiration of his first term, shall be entitled to re-enlist for the further term of two years, upon giving notice of his intention to the commandant of cadets at least thirty days before the expiration of such term. But not more than fifteen cadets shall be appointed from any senatorial district, and not more than eight from any one county.

(House Bill No. 296.)

CHAPTER 31.

AN ACT to amend and re-enact sections fourteen and fifteen of chapter three of the acts of the legislature of one thousand eight hundred and eighty-nine, as amended by chapter six of the acts of one thousand eight hundred and ninety-three, and chapter twenty-six of the acts of one thousand eight hundred and ninety-seven, relating to "The West Virginia Reform School."

[Passed February 27, 1903. In effect 90 days from passage. Approved February 28, 1903.]

SEC.
14. Reform School; how long boys to remain; provision as to committing for an offence punishable by confinement in the penitentiary.

15. What specific acts committed by any

SEC.

person deemed misdemeanors, and punishable by fine and imprisonment; powers and duty of certain persons and officers to arrest and return any boy who has escaped.

Be it enacted by the Legislature of West Virginia:

1. That sections fourteen and fifteen of chapter three of the acts of the legislature of one thousand eight hundred and eighty-nine, as amended by chapter six of the acts of one thousand eight hundred and ninety-three, and chapter twenty-six of the acts of one thousand eight hundred and ninety-seven, be amended and re-enacted so as to read as follows:

Sec. 14. Every boy sent to the reform school shall remain until he is twenty-one years of age, unless sooner discharged or bound as an apprentice by the board of directors; but no boy shall be retained after he has been reported by the superintendent and found by the board or executive committee to be fully reformed: *provided*, that in any case where a boy is committed to the reform school for an offence punishable by confinement in the penitentiary, and it is found by the board of directors that the reform school is unable to benefit such boy, and that his presence is a detriment or menace to other boys in the institution, or to the general good of the school, he may be securely returned to the court which sent him, and said court shall thereupon pass such sentence upon him as to confinement in the penitentiary as may be proper in the premises, or as it should have done had it not sentenced him to the reform school. And the governor shall have power, when in the judgment of the warden of the penitentiary and the superintendent of the reform school it is advisable, to remit the penalty of any youthful offender under the age of sixteen years, confined in the penitentiary, to a sentence to the reform school.

Sec. 15. If any person shall entice or attempt to entice away from the reform school any boy legally committed to the same; or shall aid or abet any boy to escape from said reform school; or shall harbor, conceal, or aid or abet in harboring or concealing, any boy who shall have escaped therefrom; or shall, without the permission of the superintendent, give or sell, or aid or abet any other person to give or sell, to any boy in said reform school, whether on the premises of said institution or otherwise, any money, firearms, intoxicating drink, tobacco, cigarettes, or other article whatsoever; or shall in any way cause or influence, or attempt to cause or influence or aid or abet therein, any boy in said reform school to violate any rule of the institution or to rebel against the government of said school in any particular; or shall receive by the hands of any such boy anything of value, whether belonging to the State or otherwise; such person shall be deemed guilty of a misdemeanor, and, upon conviction therefor, shall be fined not less than ten nor more than one hundred dollars, or be confined not more than twelve months in the county jail, or both fined and imprisoned as aforesaid, as the court may deem proper.

And the superintendent, or any of his assistants or any one au-

thorized in writing by him, or any sheriff, constable, policeman, or other peace officer, shall have power, and it is hereby made his duty, to arrest any boy, when in his power to do so, who shall have escaped from said school, and return him thereto.

(House Bill No. 177.)

CHAPTER 32.

AN ACT to amend and re-enact sections one and six of chapter seven of the acts of one thousand eight hundred and ninety-seven, relating to "The West Virginia Asylum for Incurables."

[Passed February 25, 1903. In effect from passage. Approved February 27, 1903.]

| | |
|--|---|
| <p>SEC. 1. Name of "The West Virginia Asylum for Incurables" changed, etc. 6. Who to be admitted into asylum, and how admittance obtained;</p> | <p>SEC. transfer of patients; laws governing patients admitted. 2. Repealing section.</p> |
|--|---|

Be it enacted by the Legislature of West Virginia:

1. That sections one and six of chapter seven of the acts of one thousand eight hundred and ninety-seven be amended and re-enacted, to read as follows:

Sec. 1. That the institution known as "The West Virginia Asylum for Incurables," shall hereafter be known as "The West Virginia Asylum," and shall continue in the buildings now erected with such additions as the State may from time to time erect and equip; and said institution shall be under the control of the board of directors as hereinafter provided.

Sec. 6. The class of persons who shall be admitted as patients in said institution shall consist of epileptics (sane or insane), idiots and such other incurable defectives as the board of directors may deem eligible, but in no case to include consumptives, cancerous persons or those afflicted with leprosy.

All persons eligible to this institution under the rules of the board of directors, or as above defined, who are not charges upon the county or likely to become such, but who may desire to be admitted to said institution, may be so admitted upon payment of the actual cost of their maintenance and treatment: *provided, however, that*

such admittance is not to the exclusion of worthy, eligible charity patients whose applications are pending at the time such pay patients apply. Nothing in this act is to be construed as excluding from said institution those who are inmates thereof, at the time of the passage of this act.

The governor of West Virginia may, when in his judgment he deems it necessary, transfer patients from either the Spencer or Weston hospitals for insane to this institution, or from the West Virginia asylum to either of the hospitals for insane; but the board of directors must so regulate their rules for admission of patients that each county, having applications filed, shall have its *pro rata* according to population when patients are received other than by direction of the governor, as above set forth. The same laws governing other insane are hereby made applicable to the insane patients admitted or to be admitted to the West Virginia asylum.

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

(Senate Bill No. 13.)

CHAPTER 33.

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

[Passed February 27, 1903. In effect 90 days from passage. Approved February 28, 1903.]

Sec.

1. Distraint and sale for taxes, time extended.

Be it enacted by the Legislature of West Virginia:

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

person who shall remove from the county, wherein he or she has been assessed, before paying the tax on said assessment, the sheriff of said county may forward the tax receipt of said assessment to the sheriff of the county in which said person has removed, who is hereby empowered to make, levy and collect said tax the same as he is empowered to make, levy and collect tax on assessments made in his own county.

(Senate Bill No. 97.)

CHAPTER 34.

AN ACT to amend and re-enact section thirty-five of chapter thirty-nine of the code of West Virginia of eighteen hundred and ninety- nine.

[Passed February 27, 1903. In effect 90 days from passage. Approved February 28, 1903.]

| | | |
|--|--|---|
| <p>SEC. 35. Publication and posting of itemized account of receipts and expendi-</p> | | <p>SEC. tures by county court; penalty for failure.</p> |
|--|--|---|

Be it enacted by the Legislature of West Virginia:

1. That section thirty-five of chapter thirty-nine of the code of West Virginia be amended and re-enacted, so as to read as follows:

Sec. 35. The county court of every county, within four weeks after the first session held after the beginning of each fiscal year, shall cause to be published in at least two newspapers of opposite politics, if there be such, for one week, if any be published therein, or if none be published therein, or if no such paper will publish the same for the price fixed by law therefor, the same shall be posted at each place of voting in the county, an itemized account of the receipts and expenditures of the county during the previous fiscal year by separate items, giving name of person to whom order is issued, together with amount of such order, arranging same under distinct heads, and also a specific statement of the debts of the county, showing the purpose for which each debt was contracted, the time when it became due and up to what time the interest thereon has been paid. Such statement shall be prepared by the clerk, and for performing such service he shall be allowed a reasonable com-

pensation by such court. Any clerk of the county court who shall, within the time prescribed, fail or refuse to perform the duties required by the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars, nor more than five hundred dollars. And if a county court wilfully fail or refuse to perform the duties hereinbefore named, every member of such court, concurring in such failure or refusal, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars, nor more than one hundred dollars; and the prosecuting attorney of any such county shall, when such failure or refusal shall come to his knowledge, immediately present the evidence thereof to the grand jury if in session, and if not in session, he shall institute proper criminal proceedings before a justice against any such offender, and cause such failure or refusal to be investigated by the next succeeding grand jury. The above mentioned itemized account shall include a statement of all money paid for road purposes in each of the several districts of the county.

(House Bill No. 258.)

CHAPTER 35.

AN ACT to amend and re-enact section twenty of chapter thirty of the code of West Virginia, eighteen hundred and ninety-nine.

[Passed February 27, 1908. In effect 90 days from passage. Approved February 28, 1908.]

| | | |
|--|--|--|
| <p>Sec. 20. Posting of lists of property delinquent, etc., for non-payment of taxes; copy of lists of persons or</p> | | <p>Sec. personal property returned delinquent to be published.</p> |
|--|--|--|

Be it enacted by the Legislature of West Virginia:

1. That section twenty of chapter thirty of the code be amended and re-enacted, so as to read as follows:

Sec. 20. A copy of each of said lists shall be posted at the front door of the court house of the county, at least two weeks before the session of the county court, at which they are presented for examination, and a copy of the said lists of persons or personal property

returned delinquent shall at the same time be printed for one time in two newspapers of opposite politics, if such there be in the county: *provided*, such newspapers will publish same at a cost not exceeding the rate fixed by law for other legal publications, the cost thereof to be paid out of the county treasury. Thereafter the sheriff shall proceed to collect such delinquent taxes.

(House Bill No. 74.)

CHAPTER 36.

AN ACT to amend and re-enact section one of chapter ninety-two of the acts of the legislature of West Virginia, passed February eight and approved February eighteen, all in the year one thousand nine hundred and one, relating to toll roads and turnpikes; and to add two sections thereto.

[Passed February 27, 1903. In effect 90 days from passage. Became a law without the approval of the Governor.]

SEC.

1. Toll roads and turnpikes; how constructed to authorize collection of toll; exception as to certain roads; tolls in Ohio and Jefferson counties prohibited; proviso as to suits.
18. County courts authorized to macadamize and keep in good repair certain toll roads and pikes, when.

SEC.

14. County court may appoint commissioner of turnpikes, when; duties of such commissioner; term, compensation and bond; his removal; his report; how repairs to be made.

Be it enacted by the Legislature of West Virginia:

1. That section one of chapter ninety-two of the acts of the legislature of West Virginia, passed February eight, one thousand nine hundred and one, and approved February eighteen of said year, be and the same is hereby amended to read as follows:

*Sec. 1. The said tolls may be demanded and collected of every person passing the toll gate, whether he shall have traveled the whole or only a part of the section or fractional part: *provided*, that the said toll road or turnpike shall be made so as to conform to the following specifications: All roads or turnpikes, other than the Bethany and Wellsburg turnpikes of Brooke county, the Rocky Point turnpike in Monroe county, and that portion of Weston and

*[Note by the Clerk of the House: The legislature intended to amend and re-enact section 12 of chapter 56 of the code as amended and re-enacted by chapter 92 of the acts of 1901.]

Gauley Bridge turnpike road in Nicholas county, shall have a smooth road bed of not less than fifteen feet in width, exclusive of ditches, and shall be well side-ditched and drained. All cross drains shall be underdrained, or riprapped, when necessary. All running streams requiring bridges of fifty feet in length, or less, and such others as the county court of a county may direct, shall have a bridge or culvert across the same sufficiently strong and sufficiently wide to insure safe passage to all kinds of vehicles: *provided, further*, that no toll shall be collected unless said toll road or turnpike be constructed in accordance with this section; but no such tolls hereafter shall be imposed and collected in either Ohio county or in Jefferson county; and *provided, further*, that any citizen of this State may bring an action or suit to prevent the unlawful collection of such tolls.

Sec. 13. That whenever the collection of tolls for traveling over or upon any toll road or turnpike has been abandoned by any county, person, company or corporation, or is prevented by law or by final order of any court having competent jurisdiction; or whenever any of the main county roads is improved under the provisions of section twenty-six of chapter forty-three of the code of one thousand eight hundred and ninety-nine, it shall be the duty of the county court of the county wherein such road or turnpike, or any part thereof, is located, to keep the same macadamized and piked and in good repair, and shall pay for the work and all expenses incident thereto out of the county treasury.

Sec. 14. In any county where there are ten or more miles of said road or turnpike, or macadamized road, for traveling over which no toll is or may be charged, the county court shall appoint a commissioner of turnpikes, whose duty it shall be to keep all of said roads in good repair. He shall report to the county court, at such time as the court may direct, the amount of money that will be necessary to keep said roads and turnpikes in good repair, and he shall make such other reports as the said court may require of him. For his services said commissioner shall be allowed such compensation as in the opinion of the county court may be deemed proper. He shall serve for a period of three years, or until his successor is appointed and qualified; and he shall at all times be subject to the order of said court. He shall give such bond as the court may require. He may be removed by said court for any official miscon-

duct, or for failure to obey any order of said court. He shall report to the court annually, or oftener if required by said court to do so, the amount and character of the work done upon each of the several roads under his charge and the cost thereof. He shall cause said repairs to be made by contract or otherwise as the said court may direct, and under such rules and regulations as it may prescribe.

(House Bill No. 83.)

CHAPTER 37.

AN ACT to amend and re-enact sections thirty-five, thirty-six, thirty-eight, of chapter forty-three of the code of West Virginia, relating to the establishment or alteration of roads, bridges and landings, and conferring upon county courts, and boards of commissioners acting in lieu thereof, the power to establish and open roadways, for the convenience of persons living off the main public road.

[Passed February 27, 1908. In effect 90 days from passage. Became a law without approval of the Governor.]

| | | |
|--|--|--|
| SECS. 35, 36 and 38. The words "a public road" defined; proceedings for the establishment or alteration of a public road, bridge or landing; | | also for establishing and opening roadways for the convenience of persons living off the main public road. |
|--|--|--|

Be it enacted by the Legislature of West Virginia:

1. That sections thirty-five, thirty-six and thirty-eight of chapter forty-three of the code of West Virginia are hereby amended and re-enacted so as to read as follows:

Sec. 35. A public road, within the meaning of this chapter, includes any road or highway leading from another public road or highway over one or more person's land to another person's land, and which can be used by the public and which may be established for the convenience of one or more residents or land owners owning or occupying, or desiring to use or occupy, lands which can not be reached by any other convenient public road, and to which road

when established the public has the right of or is not denied the use.

When any person desires the establishment or alteration of a public road, bridge or landing in any county, or a public road leading from the main public road or roads, he shall petition the county court, or other tribunal acting in lieu thereof, of the county in which such road, bridge or landing is situated for that purpose, setting forth in his petition specifically the nature and location of the proposed work; and the county court shall thereupon (and they may do so without such petition, in any case in which they deem the interest of the people of the county requires it), appoint two or more viewers, or a committee of their own body, to view the ground and report the advantages and disadvantages, which in their opinion will result, as well to individuals as to the public, from the proposed work, and the grade of the proposed road, and the facts and circumstances that may be useful to enable the county court, or other tribunal acting in lieu thereof, to determine whether such work ought to be undertaken by the county, or, if the petition be for the establishment or alteration of a public road leading from the main public road or roads, whether such road should be established; stating specifically whether it would be necessary to take any garden, yard, orchard or any part thereof, or to injure or destroy any buildings; the probable cost of the work, the names of the land owners whose property would have to be taken or injured, which of them require compensation, and the probable amount to which each of them would be entitled. The viewers or committee may examine other routes or locations than that proposed or petitioned for, and report in favor of the one they prefer, with the reasons for their preference. They may employ a surveyor, if necessary, to assist them in the performance of their duties, who shall be allowed by the said court a reasonable compensation not exceeding three dollars per day, to be paid out of the county treasury. A map or diagram of the route or location shall be returned with the report. The report may be re-committed by the court, with or without special instructions, to the same or other viewers or committee.

Sec. 36. . And if the said court, upon such report to the court, be against the proposed establishment or alteration the petitioner shall pay all costs and the expenses of the proceedings, to be ascertained by the clerk of the court; but should said court decide to undertake the proposed work, they shall appoint a day for hearing

the parties interested, and cause notice thereof to be given to the proprietors and tenants of the property, which would have to be taken or injured, to show cause against the same. Such notice may be served on such of them as are found within the county, and on any agent therein of any proprietor not so found, or by posting a copy thereof on the front door of the court house for three weeks prior thereto, and by sending another copy by mail, postage paid, to the last known postoffice address of any party interested, who is not found in the county.

Sec. 38. Upon hearing the parties interested in an application for a public road, said county court shall decide for or against undertaking the proposed work on behalf of the county. If it decides in favor of the same, and the compensation to be paid to any proprietor or tenant be not fixed by agreement, it shall order proceedings to be instituted and presented in its corporate name in the circuit court of the county, pursuant to the forty-second chapter of this code, to ascertain what will be a just compensation to each proprietor or tenant for the land proposed to be taken, and the said court shall lay a sufficient levy for that purpose.

But, when such compensation shall be so ascertained, it shall be at the option of the county court to pay the same or to abandon the proposed undertaking; and if it decide to pay the same it shall lay a sufficient levy for the purpose as provided in chapter thirty-nine of this code. In any case where the petition is for the establishment or alteration of a public road leading from the main public road, or roads, the court may refuse to undertake the proposed work, or may abandon the same after having undertaken it, unless the petitioner, or some one for him, shall deposit with said county court a sum sufficient to pay all damages and costs sustained by reason of the establishment or alteration of such public road.

In any case where it may seem proper to do, the court may establish any such public road upon condition that the petitioner shall pay all costs and damages as aforesaid, and make and keep in repair such road, and erect and maintain in good repair one or more gates across such public road, where the road passes through a fence or fences, as is provided in section twenty-nine of this chapter; and the court may also impose upon such petitioner his heirs or assigns and upon the public such other conditions in reference to such road as the court may deem just.

In the event that any of the conditions, so imposed by the court, are not fully complied with, the court at any time, after giving at least sixty days' notice to the public and to the petitioner, his heirs or assigns, in such manner as the court may prescribe, may discontinue or abandon such road.

(House Bill No. 307.)

CHAPTER 38.

AN ACT to amend and re-enact section four of chapter forty-three of the code of West Virginia, relating to surveyors of roads.

[Passed February 27, 1903. In effect 90 days from passage. Approved March 2, 1903.]

SEC.

4. Road surveyor; his appointment; his age; his term of office; special pro-

SEC.

vision for Ohio county; vacancy in office of road surveyor; his bond.

Be it enacted by the Legislature of West Virginia:

1. That section four of chapter forty-three of the code of West Virginia be and the same is hereby amended and re-enacted, so as to read as follows:

Sec. 4. The county court of every county shall, in the year one thousand nine hundred and three, and in every second year thereafter, appoint a surveyor of roads for each precinct of their respective counties, who is a resident of the precinct (and who shall not be over seventy years of age), for which he may be appointed, and whose term of office shall be for two years from the first day of January succeeding his appointment: *provided, however,* that in Ohio county such appointments shall be made at the regular session of the board of commissioners of said county held in March of the year one thousand and nine hundred and three and in March of the every second year thereafter; and the terms of office of the surveyors of roads so appointed in Ohio county shall be for two years from the first day of April next succeeding their appointment, and the terms of office of the surveyors of roads now in office in Ohio county shall expire on the thirty-first day of March in the year one thousand nine hundred and three. Vacancies in the office of

surveyor of roads shall be filled by the county court from time to time, as they may occur, and shall be for the unexpired term. The county court of any county may, in its discretion, require a bond from any surveyor of a road precinct, with good security, conditioned for the faithful discharge of his duties as such surveyor, in a penalty to be fixed by the court.

(House Bill No. 96.)

CHAPTER 39.

AN ACT to amend and re-enact paragraphs thirteen, sixteen and seventeen of section 56a, chapter forty-three of the code of eighteen hundred and ninety-nine, as amended and re-enacted by chapter forty-two of the acts of one thousand nine hundred and one, concerning the alternate road law of eighteen hundred and seventy-two-three.

[Passed February 17, 1908. In effect 90 days from passage. Became a law without the approval of the Governor.]

PARAGRAPH.

XIII. Of section 56a, chapter 43 of the code—the alternate road law enacted in 1872-3; what report the road surveyor to make to county court, and when; duty of court as to such report; if court disapproves contract, what to be done; road levy; limit to; sheriff to collect.

PARAGRAPH.

XVI. Surveyors of roads may reject bids and sell at private sale; provision to be furnished by court to the engineer and each district surveyor; account to be kept, and sworn statement rendered by such officers; allowance to engineer and surveyors and how paid.

Be it enacted by the Legislature of West Virginia:

1. That paragraphs thirteen, sixteen and seventeen of section 56a, chapter forty-three of the code of eighteen hundred and ninety-nine, as amended and re-enacted by chapter forty-two of the acts of one thousand nine hundred and one, concerning the alternate road law of eighteen hundred and seventy-two-three, be amended and re-enacted, so as to read as follows:

XIII. It shall be the duty of each surveyor of roads, as soon as practicable after the sale of said county roads, or of any road newly established or changed, and annually thereafter, to ascertain and report in writing, as soon as ascertained, to the county court, the amount of money necessary to construct and keep in repair the

county roads in his precinct for the term of one year, and he shall accompany said report with the contract entered into with each contractor under the provisions of this act, and no such contract shall take effect or be valid until it shall be approved and confirmed by the said court, which approval and confirmation shall be endorsed on each contract by the clerk of the said court, and an entry thereof be made in the proper record book of the county. The county court, if it disapproves for any reason any contract made or entered into by any road surveyor, may order a re-sale of the sections or road therein named, or take such other action as they may deem proper in reference thereto. The county court, at its first levy term thereafter, shall provide for the amount necessary to open, construct and keep in repair the county roads in said precinct, and any other expenses pertaining to the same, by levying a tax of one dollar on every male inhabitant, over the age of twenty-one and under the age of fifty years, residing in said district; and the balance necessary to open and keep in repair the roads in said precinct, after having deducted said capitation tax and having added the estimated delinquencies and cost of collection, shall be levied on the property of said precinct taxable for State and county purposes: *provided*, that such levy shall not exceed five mills on each dollar of the valuation of such property. A list of persons liable under said assessment, together with the amount with which each persons is chargeable, shall be delivered to the sheriff of the county, and he shall collect the same in the manner as he collects other district taxes.

XVI. The surveyor of roads shall with the consent and approval of the county court have the right to reject any bids which he may deem too high, and sell such section or sections, or new road, at private sale: *provided*, such sale is approved by the county court.

XVII. The county court shall furnish the county engineer and each district surveyor of roads with all the necessary books, stationery and printed forms, for the records and uses of their respective offices. Every surveyor of roads and the county engineer shall keep an itemized account of the time necessarily spent, and of the expenses necessarily incurred by him, with the date of each item, and render a sworn statement thereof to the county court, and the said court shall audit, and if found correct, order the payment of such expenses, or such part thereof as it deems proper, and shall allow

a reasonable *per-diem* for such time. The allowance made to surveyors shall be paid out of the road fund of their respective precincts, and the amount allowed to the county engineer shall be apportioned out of the road fund of the several districts of the county, or such of them as the county court shall order.

(House Bill No. 195.)

CHAPTER 40.

AN ACT regulating the shipment and sale of intoxicating liquors contrary to law, and providing a remedy therefor.

[Passed February 26, 1903. In effect from passage. Approved February 27, 1903.]

| | |
|---|--|
| <p>SEC. 1. Shipment and sale of intoxicating liquors contrary to law prohibited; penalty.</p> | <p>SEC. 2. How violators may be proceeded against.</p> |
|---|--|

Be it enacted by the Legislature of West Virginia:

Sec. 1. That any agent or employe of any person, firm or corporation, carrying on the business of a common carrier, or any other person, who, without a State license for dealing in intoxicating liquors, shall engage in the traffic or sale of such liquors, or be interested for profit in the sale thereof, or act as the agent or employe or consignor or consignee of the same, or who shall solicit or receive any order for the sale of any intoxicating liquors, or deliver to any person, firm or corporation, any package containing such intoxicating liquors, shipped "Collect on Delivery" or otherwise, except to a person having a State license to sell the same, or to the *bona fide* consignee thereof who has in good faith ordered the same for his personal use, shall be deemed to have made a sale thereof contrary to law, and guilty of a misdemeanor; and, upon conviction thereof, shall be fined not less than ten, nor more than one hundred dollars, and may, at the discretion of the court, be imprisoned in the county jail not exceeding six months.

Sec. 2. If any person shall make affidavit before any justice of the peace that he has cause to believe and does believe, any spirit-

uous liquors, wines, porter, ale, beer or drink of like nature, are being held, sold or delivered in violation of the provisions of this act, such justice shall issue his warrant as provided in section twenty-three of chapter thirty-two of the code, and like proceedings shall thereupon be had as provided therein.

(House Bill No. 282.)

CHAPTER 41.

AN ACT to provide for the punishment of any person guilty of certain trespasses.

[Passed February 27, 1903. In effect 90 days from passage. Approved February 28 1903.]

SEC.

1. Trespass; any person committing certain trespasses, deemed guilty of a misdemeanor; how punished; if the

SEC.

damage, etc., be of greater value than fifty dollars the offender shall be guilty of a felony; penalty,

Be it enacted by the Legislature of West Virginia:

Sec. 1. If any person shall enter the orchard, field, garden or market garden of another person, without the consent of the owner or occupier thereof, and shall do any damage to the fruit, vegetables, grain or grass growing or being thereon, or shall take, carry away, injure or destroy any of the grain, fruit, grass or vegetables growing or being thereon, he shall be guilty of a misdemeanor and fined not less than five dollars, and may be confined in jail not exceeding six months.

If any person commit any of the acts mentioned herein, and it be charged and proven that the property injured and destroyed, taken or carried away, be of greater value than fifty dollars, the offender shall be guilty of a felony and confined in the penitentiary not less than one nor more than two years.

(House Bill No. 335.)

CHAPTER 42.

AN ACT to amend and re-enact section three of chapter seventy-five of the code of West Virginia, of eighteen hundred and ninety-nine, concerning liens of mechanics and material men.

[Passed February 27, 1903. In effect 90 days from passage. Approved February 28, 1903.]

| | | | |
|------|---|------|---|
| SEC. | 3. Lien of a mechanic, material man, workman, laborer, or other person, how secured for work done for, or material, etc., furnished to, a prin- | SEC. | cipal or sub-contractor; priority of such lien: form of itemized account and affidavit. |
|------|---|------|---|

Be it enacted by the Legislature of West Virginia:

1. That section three of chapter seventy-five of the acts of eighteen hundred and seventy-two-three, as found in chapter seventy-five of the code, of eighteen hundred and ninety-nine, be amended and re-enacted so as to read as follows:

Sec. 3. Every material man, workman, laborer, mechanic or other person, performing any labor or furnishing any material or machinery, under a contract with a principal contractor or his sub-contractor, for the construction, alteration, repair or removal of any house or other structure, provided for in a contract between the owner thereof or his authorized agent and such principal contractor, shall have a lien to secure the payment of the value of the labor performed, and the material or machinery furnished (not exceeding the price for the same stipulated in the contract between such principal contractor or his sub-contractor, and such material man, laborer or mechanic,) upon such house or other structure, and upon the interest of the owner in the lot of land upon which the same may stand, or to which it may be removed. The liens authorized by this and the next preceding section shall have priority over any lien created by deed or otherwise on such house or other structure and the lots on which the same are erected, subsequently to the time when such labor shall have been performed, or material or machinery furnished. The laborer and mechanic shall have the first lien, and the liens of laborers, mechanics or persons furnishing machinery or material to a contractor, shall take precedence over any lien already taken or to be taken by the contractor indebted to

them; and an assignment or transfer by such head contractor of his contract with the owner, or by a sub-contractor of his contract with the head contractor, as well as all proceedings in attachment or otherwise against such head contractor, or a sub-contractor, to subject or incumber his interest in such contract, shall be subject to the liens of every laborer, mechanic or material man who has done any labor or furnished any material for constructing, altering, repairing or removing any such house or other structure under a contract with such contractor or sub-contractor. It shall be the duty of such laborer, mechanic or person furnishing material, to file with the owner or his authorized agent an itemized account of the labor done or material or machinery furnished, verified by affidavit, within thirty-five days after the same is performed or furnished, which said thirty-five days shall be construed to mean that the laborer, mechanic or person furnishing material shall have thirty-five days after he shall have ceased to have performed labor, or furnished machinery or material, to file such notice, and that if the notice is given within thirty-five days, as aforesaid, it shall include all items for labor performed or machinery or material furnished, within a period not exceeding nine months from the date of said notice, to the owner of the property on which the lien is to be charged; and his neglect or failure so to notify the party to be charged within thirty-five days, after he shall have ceased to furnish labor, machinery or material, shall release the owner from all responsibility, and his property from all lien for any item therein done or furnished prior to the said notice; and the owner may at any time by notice in writing require such laborer, mechanic or person furnishing the labor, material or machinery, to file with him such itemized account, and the neglect or failure so to do within ten days, after receiving such notice, shall release the owner from all responsibility, and his property from all lien, for all labor done or material or machinery furnished by the person so neglecting or failing prior to the said giving of such notice: *provided, however,* that any laborer or other person employed to do work or furnish material or machinery for the construction, alteration, repair or removal of any house or other structure, by another who may have contracted with the owner therefor, may, before doing any work or furnishing any material or machinery, give the owner of such house or other structure notice in writing that, if he is not paid therefor

by the person employing him, he will look to the owner for payment; and it shall not be necessary for the person who has given such notice to file the itemized account with the owner hereinbefore provided, unless he is required by the owner in writing so to do, nor shall his neglect or failure to file the same, unless so required, in any way affect or impair his lien on such house or other structure.

The itemized account of the labor done, or material or machinery furnished, verified by affidavit, as set out in this section shall be sufficient if in form and effect as follows, and if said notice be recorded as required in section four of chapter seventy-five of the code it shall constitute a valid lien on the property to be charged:

To

You are hereby notified that the undersigned, ha.. furnished material (or machinery or labor), under a contract with, who was and is the contractor with, the owner thereof, for the (here insert for what purpose the contract was given, whether for the construction and alteration of any building or for labor performed), for you on real estate owned by you, situate, in the, in county, West Virginia, provided for in a contract between you and the said contractor...., which said real estate is (here describe the property on which the lien is to be charged by the last conveyance to the present owner; the office in which the deed is recorded, giving book and page, and the interest in the said property and the present owner thereof). And you are further hereby notified that the following is an itemized account of materials furnished (or machinery furnished or labor performed), by the undersigned under a contract with the said contractor (here insert for what purpose the contract was given, whether for the construction and alteration of any building or for the labor performed), provided for in the contract between you, the owner, and said contractor, that is to say:

..... to,

Dr.

For material (or machinery furnished or labor performed) as follows, on the following dates for the construction of for, on real estate owned by, situated, in county, West Virginia, provided for in a contract between the said and said (here itemize the material furnished with price of same, giving the dates on which same was fur-

nished, or if labor performed give the dates that it was performed, with the amount charged) all of which materials (or machinery furnished or labor performed) were used by said in the construction and alteration of and went into the construction and alteration of said And you are further hereby notified that hereby file with you said itemized account of said materials (or machinery furnished or labor performed), verified by affidavit hereinafter set forth, and do claim and will claim, a lien to secure the payment of the value of said itemized account of debts, upon the said so built, altered and constructed by said for you, and upon your interest in the lot or parcel of land upon which the same stands.

Dated this day of, 19...

.....,"

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

....., being first duly sworn, on.... oath says: That the account of material (or machinery furnished or labor performed) by him under a contract with the contractor for the construction and alteration of (here insert for what purpose the materials or machinery furnished or labor performed were used) for, on property owned by said situated, in County, West Virginia, provided for in a contract between said, the owner and said the contractor, as set out in the foregoing writing, is an itemized account of the said materials (or machinery furnished or labor performed); and that the same is a true, correct and just itemized account of the same so furnished; and that the said materials (or machinery furnished or labor performed) were used in the construction and alteration of the said, and that the same were furnished as in said itemized account set forth, and that no part of the moneys owing for said materials (or machinery furnished or labor performed) has been paid to, or to any one for, by said, or any other person, that there is owing to on said account the said sum of dollars, after allowing all just and true credits made thereon by said or any other person, or to which said is entitled.

Affiant further says that he is the rightful owner of said claim, and that he asserts a lien on said premises, to secure said claim.

Taken, sworn to and subscribed before me this day of
....., 19...

.....
Notary Public of County, W. Va.''

(House Bill No. 68.)

CHAPTER 43.

AN ACT to amend and re-enact section twenty of chapter sixteen of the code, relating to public printing.

[Passed February 27, 1908. In effect from passage. Approved February 28, 1903.]

| | | |
|--|--|---|
| <p>Sec. 20. Briefs of contents of chapters of the acts to be made by clerk of the house; style of printing the</p> | | <p>Sec. same; indexes to be made by clerks of house and senate.</p> |
|--|--|---|

Be it enacted by the Legislature of West Virginia:

1. That section twenty of chapter sixteen of the code of one thousand eight hundred and ninety-nine, be amended and re-enacted, so as to read as follows:

Sec. 20. The clerk of the house of delegates as the acts of the legislature are passed shall prepare in condensed form, and deliver to the printer, briefs or syllabi of the contents of the chapters of said acts to be printed therewith at the head of said chapters, in the same form as now found in the code of one thousand eight hundred and ninety-nine; he shall also prepare suitable and convenient indexes for the journal of the house of delegates and the acts of the legislature, each index to be delivered to the printer as soon as practicable after the completion of the printing of the work for which it is designed.

The clerk of the senate immediately upon the adjournment of the legislature, shall prepare a suitable index for the senate journal; such index to be delivered to the printer as soon as practicable after the completion of the printing of said journal.

(Senate Bill No. 2.)

CHAPTER 44.

AN ACT to amend and re-enact chapter sixty-two of the code, as amended and re-enacted by chapter ninety of the acts of one thousand nine hundred and one by adding section twenty thereto, in relation to the skunk or polecat.

[Passed February 26, 1903. In effect 90 days from passage. Became a law without the approval of the Governor.]

SEC.
20. Skunk or polecat, protection of; what necessary to put act in force in any county; when once adopted, how

SEC. repealed; penalty for violations; jurisdiction of justices.

Be it enacted by the Legislature of West Virginia:

1. That chapter sixty-two of the code as amended and re-enacted by chapter ninety of the acts of one thousand nine hundred and one by adding section twenty thereto, in relation to the skunk or polecat, be amended and re-enacted, so as to read as follows:

Sec. 20. It shall be unlawful for any person, at any time, to catch, kill or injure, or to pursue with intent to catch, kill or injure, the skunk or polecat, except in defence of property, in any county of this State: *provided*, that before this act shall go into effect it shall be ratified by a majority of the voters in any county of the State which desires its adoption; and upon the petition of one hundred or more voters of a county to the county court thereof the said court shall submit the question of its adoption therein to the voters of that county, to be voted upon at a general election to be held therein, and shall cause to be printed upon the ballots used in such election the words, "For the skunk law" and "Against the skunk law," and if a majority of the votes cast be in favor of said law then the said court shall declare the same to be the law of that county and enter the same of record.

And in any county where this act has been adopted, as herein provided, and it is desired at any time thereafter to repeal the same, in such county, it may be done in the same manner as is provided herein for the adoption of this act.

Any person violating this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars, nor more than fifty dollars, and may, at the discretion of

the court or justice trying the case, be confined in jail not more than thirty days. Any justice of the peace, for the county in which the offence was committed, shall have concurrent jurisdiction, of all offences under this section, with the circuit court of the county. Any person found with any recently killed skunk or polecat skins in his possession shall be presumed to have killed the same.

2. All acts and parts of acts heretofore passed in relation to the subject of this act, and inconsistent herewith, are hereby repealed.

(House Bill No. 28.)

CHAPTER 45.

AN ACT to amend and re-enact chapter one hundred and sixty-three of the code of West Virginia:

[Passed February 11, 1908. In effect 90 days from passage. Approved February 20, 1908.]

- | | |
|--|--|
| <p>SEC. 1. Penitentiary, location of; real estate limits defined; control and management of; corporate name; corporate powers of board.</p> <p>2. } Directors; their appointment, and powers and duties (to appoint the warden and fix his salary); their compensation.</p> <p>3. } The warden; to be chief executive officer; his general powers and duties as such; his bond; proviso as to warden now in office.</p> <p>4. } The treasurer; his duties; his bond.</p> <p>5. } Governor; power of, as to removals and filling vacancies.</p> <p>6. } Committee of convicts estate; his powers and duties as such.</p> <p>7. Penitentiary to be examined and reported upon biennially; how.</p> <p>8. Investigation may be ordered by board of public works; proceedings in such case; expenses and how paid.</p> <p>9. Rewards for escaped convicts and who to pay.</p> <p>10. What record as to each convict to be kept by clerk.</p> <p>11. Deduction from sentence in certain cases.</p> <p>12. } Hiring out convicts; bids in such case, and what to contain.</p> <p>13. }</p> | <p>SEC. 30. } How contracts to be awarded, and to provisions concerning the contract to be entered into.</p> <p>31. } Contractor to settle every month.</p> <p>32. } What done with convicts not employed on contracts; when warden may hire out such convicts.</p> <p>33. } General provisions regulating the conduct of officers, employes and contractors.</p> <p>34. } Certain acts to convicts, punishable.</p> <p>35. } Governor may parole certain convicts; effect of such parole.</p> <p>36. } Sentence of the court for felony, in certain cases, may be for no fixed term; governor may terminate such imprisonment, and how; proviso as to persons sentenced for two or more separate offences; what record and statement clerk of court to furnish the warden, when there is a general sentence of imprisonment.</p> <p>37. } Insaue convicts; what to be done with.</p> <p>38. } Burial of convicts who die in prison.</p> <p>39. } Repealing section.</p> |
|--|--|

Be it enacted by the Legislature of West Virginia:

1. That chapter one hundred and sixty-three of the code of West Virginia be amended and re-enacted to read as follows:

Sec. 1. The lot of ground situated near Moundsville in the county of Marshall, containing about ten acres, heretofore selected by the board of public works as a site for the penitentiary of the State, under an act of the legislature passed February nineteenth, one thousand eight hundred and sixty-six, and the lot of ground containing about four and one-half acres adjoining the lot above mentioned, conveyed to the State of West Virginia by deed dated the nineteenth day of July, one thousand eight hundred and ninety-two, also one lot of ground situated on the waters of Tom's Run, in Marshall county, containing ten acres and conveyed to the State of West Virginia by deed dated the fifteenth day of December, one thousand eight hundred and ninety-seven, also a tract of land of about sixty-three acres, situated on Grave Creek, Marshall county, and conveyed to the State of West Virginia by deed dated the sixteenth day of December, one thousand nine hundred and one, shall be and remain the property of the State for the use of the said penitentiary, and shall be under the management of the present board of directors, and their successors in office, who shall be and continue a body corporate by the name of "West Virginia Penitentiary." By that name the board of directors shall have power to make and execute contracts, sue and be sued and have a common seal, and shall continue to have charge of the penitentiary, and of any personal or real estate heretofore or hereafter conveyed to it, to themselves to its use, or purchased by themselves and conveyed to the State of West Virginia.

Sec. 2. The governor shall on the tenth day of March, one thousand nine hundred and five, or as soon thereafter as convenient, and every four years thereafter, nominate, and by and with the consent of the senate, appoint a board of directors of the penitentiary, which shall consist of five persons, not more than one of whom shall be from any one county. Their term of office shall be four years, beginning on the first day of June next after their appointment. They shall each be allowed as compensation for their services the reasonable expenses incurred in the discharge of their duties, and four dollars a day for each day they shall be actually employed; an itemized account of which shall be filed among the records of the penitentiary, and no mileage shall be allowed or paid to them.

Sec. 3. The board of directors shall have the general control of the penitentiary, and shall direct all needed improvements and re-

pairs, and all manufacturing operations carried on therein, and shall make such rules and regulations as they deem best as to the treatment of the convicts, their discipline, punishment, diet, clothing, social intercourse, the kind and amount of labor required each day, the trades and mechanic arts to be taught, the manner and duration of solitary confinement, and other punishments, and the conditions when and on which persons may visit the interior of the building. Printed rules prescribed by the board for the preservation of the property belonging to the State and used at the penitentiary, and for the government and punishment of convicts, shall be kept posted up in at least six conspicuous places inside the prison.

Sec. 4. The board of directors shall appoint a warden, a treasurer, a clerk, a physician, engineer, guards and such other officers as may be necessary, and shall prescribe their duties and fix their compensation, and may remove any one or more of them at their discretion: *provided, however*, that the warden now in office shall continue therein to the end of his term. A majority of the board shall constitute a quorum.

Sec. 5. The board of directors shall semi-annually, on the first day of April and the first day of October, make a report to the governor of their proceedings, during the preceding six months, showing the condition of the penitentiary financially, and of all moneys received or disbursed by the said board, or any of its officers and agents, from all sources and for all service performed. They shall also make a biennial report to the governor on the first day of October, preceding each regular session of the legislature, in which shall be included all the matter contained in the semi-annual report for the preceding two years. Said reports shall be under oath or affirmation, and the said directors, or any officer or agent of said penitentiary, who shall wilfully make a false report shall be deemed guilty of perjury. The said board shall also report the manner in which the rules have been executed and enforced, the condition of the health of the prisoners, and the number of deaths, and make any proper suggestions as to the discipline and organization of the penitentiary, deemed pertinent or valuable. The biennial report above referred to shall be laid before the legislature by the governor.

Sec. 6. The warden shall be the chief executive officer of the pen-

itentiary, and have charge of its internal police and management, and provide for feeding, clothing, working, and taking care of convicts; and superintend the erection of buildings, subject to the control of the board of directors. He shall promptly enforce all orders, rules and regulations made by the board of directors, enforce strict discipline among the convicts, protect and preserve the property of the State, and may for that purpose punish the convicts, or cause them to be punished, in the manner authorized by the board of directors.

Sec. 7. The warden shall give bond with one or more sufficient sureties in the penalty of ten thousand dollars, conditioned for the faithful performance by him of the duties of his office, and for accounting for and paying over, as required by law, all moneys which may come into his hands by virtue of such office; which bond when approved by said board of directors shall be filed with the treasurer. The warden shall submit to the board of directors from time to time, a list of all the materials, provisions, clothing, bedding and other supplies needed at the penitentiary; make purchases of the same at their discretion, and may in cases of emergency, during the recess of the board, make purchases subject to their approval. In the absence of the board of directors, the warden shall have the custody and control of all the real and personal property at the penitentiary, subject to the orders of the board of directors; take all necessary legal measures to enforce and protect the rights of the directors to such property. The warden shall reside in the warden's apartments at the penitentiary, but shall not by reason of such residence be entitled to vote in Marshall county.

Sec. 8. The warden shall receive and take charge of the moneys and valuables found upon convicts upon their arrival at the penitentiary, and of all money sent to them or paid to them as overtime from the work shops. He shall render to the board of directors detailed statements of his transactions at their regular meetings, or oftener if required by them. He shall make a biennial report to the board of directors on the first day of October preceding each regular session of the legislature; said report shall be under oath or affirmation, and any officer who shall wilfully make a false report shall be deemed guilty of perjury. The warden shall also biennially, and as much oftener as may be required by the board of directors, make in writing such reviews of the workings of the

penitentiary, and such comparisons, suggestions and recommendations as may be required or deemed pertinent. He shall also perform such other duties as may be required of him by the board of directors.

Sec. 9. The treasurer shall receive all money belonging to the institution, and disburse the same under the order of the board of directors, and render an account to them at each of their meetings. His draft on the treasury for an appropriation shall be under the orders of the board, a copy of which shall accompany the drafts. He shall be required to give bond in such sum as the board of directors may require.

Sec. 10. The governor shall have power to remove any officer, appointed by him under this chapter, for incompetency, neglect of duty, gross immorality or malfeasance in office, and fill the vacancy, or any vacancy that may occur from any cause, by appointment until the next meeting of the senate, when he shall make a nomination for such office; and the person so nominated, when confirmed by the senate, shall hold his office during the remainder of the term, and until his successor shall be appointed and qualified.

No person after being rejected by the senate shall be again nominated for the same office during the same session, unless at the request of the senate, nor shall such person be appointed to the same office during the recess of the senate.

Sec. 11. When a person is sentenced to confinement in the penitentiary for more than one year, the estate of such convict, if he have any, both real and personal, shall, on the motion of any party interested, be committed by the county court of the county, in which his estate or some part thereof may be, to a person selected by such county court, who, after giving bond before the said county court in such penalty as said court may prescribe, shall have charge of said estate until such convict is discharged from such confinement.

Sec. 12. Such committee shall sue and be sued in respect to debts due to or from such convict, and respecting all other causes of action for which the convict might sue or be sued had no such conviction taken place, and shall have the privilege of an administrator as to the right of retaining his own debt. Any judgment recovered against such committee shall be a lien upon the lands of the

convict to the same extent as if recovered against the convict before the conviction. But the plaintiff, in an action against the committee of a convict, shall not be examined as a witness in his own behalf in such action in respect to any transaction or communication had personally with the convict, unless the convict is examined himself as a witness in respect to such transaction or communication.

Sec. 13. He shall allow (subject to the claims of creditors) a sufficient maintenance out of the convict's estate for his wife and family, if any; the wife to be entitled, as long as he is confined, to the profits of such portion of his estate as she would have if he had died intestate.

Sec. 14. The committee shall render accounts of his trust, and be made to account therefor; shall be entitled to compensation for his services, and may forfeit his right thereto in the same manner as if he were an administrator or guardian.

Sec. 15. Every such committee shall deliver such estate, as he may be liable for at that time, to the convict on his discharge, or to his heirs, devisees or personal representatives, on his death.

Sec. 16. If the person so appointed refuse the trust, or fail to give bond as aforesaid, the county court, on like motion, shall commit the estate to the sheriff of the county, who shall be the committee, and he and the sureties on his official bond bound for the faithful performance of his trust.

Sec. 17. The real estate of such convict shall be sold when necessary for the payment of his debts, in the same manner as the real estate of an insane person in the hands of a committee.

Sec. 18. Biennially the condition of the penitentiary shall be examined and reported upon by a joint committee of the legislature, composed of two from the senate and three from the house of delegates, to be appointed specially for the purpose at each regular session of the legislature by the president of the senate and speaker of the house of delegates, respectively: *provided*, the legislature may, at any session by a joint resolution, provide that said joint committee need not visit said penitentiary.

Sec. 19. An investigation may be ordered at any time by the board of public works as to a matter concerning the penitentiary, or the conduct of persons connected therewith. When any such investigation shall be ordered by the board of public works, the said

board shall at the same time name three able and discreet citizens of this State, one of whom shall be of a different political party from the others, who shall conduct such investigation. Before proceeding to the investigation, each of the parties so named shall take an oath that they will faithfully and impartially examine into the conduct, management and condition of the penitentiary, and make true report thereof. Their report shall be made under oath, and filed with the board of public works. The clerk of the penitentiary shall, when required to do so by the persons appointed by the board of public works, issue a summons directed to the sheriff of Marshall county, commanding him to summon such witnesses as may be named, to appear at a specified time and place, and may administer all necessary oaths. The persons conducting such investigation shall have the powers given to a court by the twenty-seventh and twenty-eighth sections of chapter one hundred and thirty, of the code, and shall have for their services, while actually engaged in the performance of their duties, the sum of four dollars per day, each, and mileage at the rate of ten cents per mile going to and returning from the penitentiary, to be paid out of the funds of the institution. The sum to which a witness is entitled shall be paid in like manner.

Sec. 20. If any convict escape from the penitentiary, or from the custody of the warden, he may offer a reward for the apprehension and re-delivery of such convict, not exceeding five hundred dollars, one-half thereof to be paid by the institution and the other half by the warden, if the escape was the result of his incompetency or neglect of duty, and by the guard or guards or other officer who may or should be on duty at the time of the escape, if the escape was the result of their incompetency or neglect of duty, otherwise the whole of the reward shall be paid by the institution. When two or more officers are responsible for an escape, they shall pay in proportion to their salaries. None of said officers shall receive any portion of such reward, unless authorized by the board of directors.

Sec. 21. The clerk of the penitentiary shall file and preserve the record of the indictment and conviction of each convict, and keep a register describing him, the term of his confinement, for what offence, and when received into the institution.

Sec. 22. All convicts sentenced to the penitentiary for a definite term, and not for life, who may faithfully comply with all the rules

and regulations of the penitentiary during his or her term of confinement, shall be entitled to a deduction of his sentence as follows: Upon a sentence of one year, five days from each month; upon a sentence of more than one year, and less than three years, six days from each month; upon a sentence of not less than three years, and less than five years, seven days from each month; upon a sentence of not less than five years, and less than ten years, eight days from each month; upon a sentence of ten years or more, ten days from each month. When a prisoner has two or more sentences, the aggregate of his several sentences shall be the basis upon which his deduction shall be estimated.

Sec. 23. That in order to provide for hard labor for each convict, according to his sentence, the directors of the penitentiary are hereby authorized and required to let and hire the labor of the convicts upon such branches of business, and for the manufacturing of such articles, as in their judgment will best accomplish the ends and subserve the interests of the State, which letting and hiring shall be as follows: Such letting and hiring shall be advertised by the warden of the penitentiary, in two newspapers published in the State, for four weeks, and in such other manner as may be directed by the board of directors; the advertisement to specify the number of men to be let, the length of time, which shall not exceed five years, and the last day, at twelve o'clock meridian, on which bids will be received.

Sec. 24. The board may in their discretion designate what articles or class of articles shall be manufactured.

Sec. 25. Each bidder may separately state in his bid what he will give for the labor bid for, with or without the exclusive right to manufacture the articles mentioned.

Sec. 26. Each bid shall specify the articles proposed to be manufactured and the number of square feet of shop room which will be required, and if steam power is required, the amount of power and the price per day they are willing to pay therefor, and shall be unconditional.

Sec. 27. The price per day of each convict shall be specified, and if a different price per day is stated for different periods, each period and price must be stated, that one may be accepted and the other rejected.

Sec. 28. If the person bidding desires to manufacture different

classes of articles, the labor to be employed on each class must be bid for separately.

Sec. 29. Each bid must be accompanied with a bond, with sureties to the satisfaction of the board that the bidder will comply with the terms of his bid if it is accepted, and be sealed up, and addressed to the warden, endorsed, "bid for labor."

Sec. 30. The bids shall be opened by the board at their next monthly meeting after the last day and hour specified for receiving bids, and the labor shall be awarded to the highest bidder, subject to the following regulations: (a) As between bids which are for substantially the same price, the board may, in its discretion, give preference to the one which, in their judgment, best promotes the interests of the State. (b.) As between bids of the same party, one with and the other without the exclusive right to manufacture, the board may accept either. (c.) The board may reject all bids, if they are for less than a fair and reasonable price for the labor bid for, and the board shall not be required in any case to apportion the labor advertised among the bidders, or any number of them. (d.) Any bids may be rejected, if it is against the interests of the State, or the welfare of the convict, that the articles should be manufactured.

Sec. 31. When a bid is accepted and labor awarded to a bidder, the directors, on the part of the State, and the bidder shall enter into a contract in pursuance of the bid, and such bidder shall produce a bond to be executed to the satisfaction of the board, conditioned for the faithful performance of such contract on his part, a blank form of which contract and bond shall be deposited and remain with the clerk for inspection during the time of the advertisement; and said directors may alter, or modify, or discontinue, with the consent of the other contracting party, any contract made by them for the hiring or letting of convicts under this chapter.

Sec. 32. The board may give to a bidder, after he shall have entered into a contract, a reasonable time to procure machinery and make preparations for manufacturing, not exceeding sixty days from the acceptance of the bid.

Sec. 33. If a contract be made for the exclusive right of manufacturing the articles therein named, all contracts made subsequently by the same party, and within the period, and for the manufacture of the same articles or any of them, shall terminate at the same time with the first contract.

Sec. 34. If any contractor shall not manufacture one or more articles specified in his contract, the board may give him two months' notice to manufacture them, and on failure of the contractor to do so within that period, the right to manufacture shall terminate.

Sec. 35. The contractor shall furnish all machinery, belting and tools used, except shafting and pulleys. The State will furnish no machinery or tools other than the steam power required to run the machinery put in by contractors, and all attachments to said power must be at the contractor's cost.

Sec. 36. The convicts shall labor for the contractors not to exceed nine hours a day during the year, Sundays and national holidays excepted.

Sec. 37. On or before the fifth day of each month, the clerk shall make out, and the warden certify and deliver to the treasurer of the board, a statement of the amount due from each contractor for the preceding month; and within five days thereafter each contractor shall pay the amount due to said treasurer.

Sec. 38. It shall be the duty of the board to keep as many of the convicts employed on contracts as the interests of the State will permit, and all convicts not employed on contracts may be employed by the warden, under the direction of the board, in the performance of work for the State or temporarily hired, which hiring shall terminate whenever their labor is required on a contract.

Sec. 39. The warden, under the directions of the board, may employ a portion of the convicts in the manufacture and repair of articles used by the State in carrying on the penitentiary, or articles used by any of the other State institutions; and if in the opinion of the board of directors, it is deemed advisable to do so, any convicts not employed under contract may be employed, or let to contract, in the manner hereinbefore specified, on the piece price system, or employed in manufacturing, for the State, such articles as may be selected by the board.

Sec. 40. A sufficient number of convicts may be hired by the warden for domestics, on terms to be agreed upon between him and the board of directors.

Sec. 41. No officer or employe shall receive, directly or indirectly, any other compensation for his services than that provided by law, or by the board before his appointment, nor shall he receive

any compensation whatever, directly or indirectly, for any act or service which he may do or perform for or on behalf of any contractor, or agent or employe of a contractor. For every violation of this section the officer, agent or employe of the State engaged therein, shall be dismissed from his office or service, and every contractor, or employe or agent of a contractor engaged therein, shall be expelled from the penitentiary, and not again employed in it as a contractor, agent or employe.

Sec. 42. No officer or employe of the State, or contractor, or employe of a contractor, shall make any gift or present to a convict, or receive any front a convict, or have any barter or dealings with a convict; and for every violation of this section, the party engaged therein shall incur the same penalty as is prescribed in the preceding section.

Sec. 43. No person shall be appointed to any office or be employed in the penitentiary on behalf of the State who is a contractor, or agent or employe of a contractor, or who is interested directly or indirectly in any business carried on therein, and should any officer or employe become such contractor, his agent or employe, or interested in such business, it shall be cause for his removal. And no person who is not a citizen of this State shall be appointed a guard or superintendent of any State work, nor shall any person be appointed to office or employment, by virtue of this act, who is in the habit of using intoxicating liquors, and a single act of intoxication shall cause a removal or discharge.

Sec. 44. If any person shall secretly, or otherwise, convey to any convict in the penitentiary, or outside of the penitentiary, in charge of a guard or other officer, or being a "trusty" in the employment of the State, either inside or outside of the penitentiary, or while escaping or attempting to escape, knowing him to be a convict, spirituous liquors or intoxicating drinks of any kind whatever, or any money or other thing of value, or any written or printed matter or article of merchandise, diet or clothing, or any medicine, drug, poison, explosive, or any weapon, utensil or instrument of any kind whatsoever, or receive from any convict any article manufactured at the penitentiary, or belonging to the State, or shall counsel any convict to escape, or aid in any insubordination to the authority of said penitentiary, he or she, upon conviction, shall be confined in the jail not less than three nor more than twelve months,

and pay a fine not exceeding five hundred dollars: *provided*, that this section shall not apply to persons delivering articles to convicts or receiving articles from convicts, by order of the warden. Proof that the convict, at the time any offence enumerated in this section was committed, was dressed in whole or in part in prison clothes, shall be sufficient evidence of the knowledge on the part of the person charged with committing the offence that such person was a convict. All articles for convicts shall be delivered to the guard or other officer on duty at the office gate, and may, in the discretion of the board of directors, and in the absence of the board of directors, in the discretion of the warden, be delivered to the convict.

Sec. 45. The governor shall have authority, under such rules and regulations as he may prescribe, to issue a parole, or permit to go at large, to any convict who now is, or hereafter may be, imprisoned in the penitentiary of this State, under sentence other than a life sentence, who may have served the minimum term provided by law for the crime for which he was convicted, and who has not previously served two terms of imprisonment in any penal institution for felony.

Every such convict, while on parole, shall remain in the legal custody and under the control of the governor, and shall be subject at any time to be taken back within the enclosure of the penitentiary for any reason that shall be satisfactory to the governor, and at his sole discretion; and full power to retake and return any such paroled convict to the penitentiary is hereby expressly conferred upon the governor, whose written order, when attested by the secretary of state, shall be a sufficient warrant, authorizing all officers named therein to return to actual custody in the penitentiary any such paroled convict; and it is hereby made the duty of all officers to execute said order the same as an ordinary criminal process.

This act shall not be construed to operate in any sense as a release of any convict paroled under its provision, but simply as a permit granted to such convict to go without the enclosure of the penitentiary, and while so at large he shall be deemed to be serving out the sentence imposed upon him by the court, and shall be entitled to good time the same as if he were confined in the penitentiary.

Sec. 46. Every sentence to the penitentiary of a person hereafter convicted of a felony, except for murder in the first degree, who has not previously been convicted of a felony and served a term in

a penal institution, may be, if the court, having said case, thinks it right and proper, a general sentence of imprisonment in the penitentiary. The term of such imprisonment of any person so convicted and sentenced may be terminated by the governor as in the case of paroled prisoners; but such imprisonment shall not exceed the maximum term provided by law for the crime for which the prisoner was convicted and sentenced; and no such prisoner shall be released until after he shall have served, at least, the minimum term provided by law for the crime of which he was convicted: *provided*, that any person now serving a sentence in the penitentiary, or that may hereafter be sentenced to the penitentiary for two or more separate offences, where the term of imprisonment for a second or further term is ordered by the court to begin at the expiration of the first term and each succeeding term of sentence named in the warrant of commitment, shall be entitled to have his succeeding term or terms of imprisonment terminated by the governor, as provided by law, at the expiration of the first term of sentence named in said warrant of commitment, without serving the minimum term as herein provided under more than one of said sentences.

Sec. 47. Every clerk of any court by which a criminal shall be sentenced to said institution, whenever the term of such sentence may not be fixed by the court, shall furnish the warden having such criminal in charge, a record containing a copy of the indictment and of any special plea; the name and residence of the judge presiding at the trial; with a statement of any fact or facts which the presiding judge may deem important or necessary for the full comprehension of the case; and of his reasons for the sentence so inflicted.

Sec. 48. When any lunatic is to be discharged from the penitentiary, or when any convict becomes hopelessly insane before his or her term of sentence expires, it shall be the duty of the warden to notify a justice of Marshall county of the time that such discharge will be made, or that such convict is considered to be hopelessly insane, when it shall be the duty of the justice, to whom such information is given, to proceed with such person as provided for under chapter fifty-eight of the code of West Virginia, relating to persons suspected of lunacy.

Sec. 49. That hereafter it shall be unlawful to inter the convicts that may die in the West Virginia penitentiary at Moundsville, West

Virginia, within the corporate limits of the said city of Moundsville, West Virginia.

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

(Senate Bill No. 88.)

CHAPTER 46.

AN ACT to amend and re-enact sections one, ten, eleven and seventeen and to repeal section eighteen of chapter sixty-two of the code of West Virginia.

[Passed February 27, 1908. In effect 90 days from passage. Became a law without the approval of the Governor.]

SEC.

1. Deer; killing at certain times prohibited; hunting with dogs prohibited; only two to be killed in open season by any one person; fawn protected; shipping certain game from state prohibited; penalty for violations; jurisdiction of justice; presumptive and *prima facie* evidence.
10. Certain birds, except English sparrows, protected; nests and eggs protected; penalty for violations.
11. Unlawful to kill certain game birds within certain periods; also wild ducks, wild geese, etc.; only twelve quail to be killed in any one day; squirrels and rabbits protected;

SEC.

- proviso as to the latter; use of seine, net, trap or bait, or swivel or pivot gun, or push boat, etc., prohibited; penalty for violations; duty of certain persons and officers; penalty on such officers for failure.
17. Non-resident hunters must have hunter's license; provisions concerning the same; penalty; production and inspection of such license; penalty for failure; proviso as to land owned in state by non-residents.
 2. Repealing section.

Be it enacted by the Legislature of West Virginia:

1. That sections one, ten, eleven and seventeen of chapter sixty-two of the code be amended and re-enacted, so as to read as follows:

Sec. 1. No person shall hunt, kill, chase or wound, any deer from the fifteenth day of December until the fifteenth day of October following, of any year, except a tame deer owned by the person killing the same. Nor shall any person kill more than two deer in any one season. No person shall chase or hunt any deer with dogs within this State at any time. No person shall at any time kill any fawn when in its spotted coat, or have the fresh skin of any such fawn in his possession. No person shall at any time kill or have in possession any deer, wild turkey, quail, pheasant or ruffed grouse, or any part of the same, with the intention of sending or transporting the same, or having the same sent or transported, beyond the limits

of this State. Any person violating this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars nor more than fifty dollars, and may, at the discretion of the court or justice trying the case, be confined in jail not more than ten days. Any justice of the peace of the county, wherein the offence was committed, shall have concurrent jurisdiction of all offences under this chapter with the circuit court of the county. Any person found with any recently killed venison or fresh deer skins, wild turkey, quail, pheasant or ruffed grouse, in his possession during the time when the killing of deer, wild turkey, or quail, pheasant or ruffed grouse is prohibited by this chapter, shall be presumed to have killed the same; and the reception by any person within this State of any deer, wild turkey, quail, pheasant or ruffed grouse for shipment to a point without the State shall be *prima facie* evidence that the said deer, wild turkey, pheasant, or ruffed grouse, were killed within this State, for the purpose of carrying the same beyond its limits.

*Sec. 10. It shall be unlawful for any person at any time to catch, kill or injure, or pursue with intent to catch, kill or injure, or to have in possession, either dead or alive, any of the birds, or their kindred or allied species, in this section hereinafter mentioned; and it shall, also, be unlawful for any person to disturb or destroy the eggs or nest of any of the birds or their kindred or allied species, in this section hereinafter named; that is to say: turkey buzzard, the family of fringillidae or sparrows (except English sparrows). robin, blue bird, martin, thrush, mocking-bird, swallow, oriole, cat-bird, chewink, wren, cuckoo, indigo-bird, nuthatch, yellow-hammer, or flicker, warbler or finch, redstart, dunnoek, nightingale, cross-bill, Hungarian robin, titmouse, tit or tomtit, woodpecker, purple grackle, red-wing, black-bird, blue-jay, phoebe-bird or pewee, red-bird, cardinal grosbeak, humming-bird, dove, whip-poor-will, and any other bird whose habits are not essentially predatory upon and destructive of the agricultural products of man. Any person violating any provision of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than twenty-five dollars.

Sec. 11. It shall be unlawful for any person to catch, kill or injure, or pursue with intent to catch, kill or injure, any ruffed grouse, pheasant, pinnated grouse, prairie chicken or wild turkey,

between the fifteenth day of December and the fifteenth day of October following, or any quail or Virginia partridge between the twentieth day of December and the first day of November following, nor shall any person kill more than twelve quails or partridges in any one day; or any blue winged teal, mallard, or wood duck, or any other wild duck, wild goose, or brant, at any time between the first day of April and the first day of October, or any snipe except between the first day of March and the first day of July and the first day of November inclusive; or any squirrel, rabbit or hare, between the first day of January and the fifteenth day of September following: *provided*, that nothing in this section shall be construed as to prevent resident land owners of this State from catching, killing, injuring, or pursuing in the manner prescribed by law any such squirrel, rabbit or hare at any time upon their own lands. And it shall be unlawful for any person at any time to catch by seine, net or trap, any wild turkey, ruffed grouse, pheasant, quail or Virginia partridge, or to kill any wild turkey on bait. And it shall be unlawful for any person by the use of any swivel or pivot gun, or by the aid of any push boat or sneak boat, used for carrying such guns, to catch, kill, wound or destroy, or to pursue with such intent, upon any of the waters, bogs, rivers, marshes, mudflats, or to any cover to which wild fowl resort within this State, any wild duck, wild goose, or brant. Any person violating any provision of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than fifty dollars for each offence, and, at the discretion of the court or justice trying the case, may be confined in the county jail not exceeding ten days. And it is made the duty of the clerk or market master of any city, town or village, within this State, to diligently watch and arrest all persons violating the provisions of this act by having any game or fish, mentioned therein, unlawfully in their possession or vending the same during any of the periods prohibited by this act. And it shall be the duty of the sheriff and his deputies in each county of the State, the chief of police and his deputies in each town or city within the State, and constables of the counties, to inform against and prosecute all persons who, there is probable cause to believe, are guilty of violating any of the provisions of this act. And if any of the aforesaid officers, who shall have been reliably informed that any part of this

act has been violated, fail to prosecute the offender they shall be guilty of a misdemeanor, and fined a sum not exceeding twenty dollars.

Sec. 17. It shall be unlawful for any person not a citizen of West Virginia to hunt in this State without having first obtained a license from the game warden of this State. Any non-resident of the State may procure a hunter's license from the state game warden by filing a written application, stating his name, age, residence, postoffice address, color of hair and eyes, weight and height, and paying to the game warden a fee of fifteen dollars, and such license shall be good only during the open season for hunting the various kinds of birds and animals in the way and manner, and at the times, allowed by law for the period of one year from the date of such license. Such license shall be under the hand of said state game warden and the seal of his said office, and shall show upon its face the various facts and matters required to be set out in the application therefor.

Any person violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars, or be confined in jail not exceeding ten days.

It shall be the duty of the state game warden to record such license in a well bound book in his office kept for that purpose, and known as "The Hunter's License Record," and for which service and for issuing said license he shall receive a fee of one dollar, to be paid by the person to whom said license is issued. Said license fee to be turned in to the treasury of the State. Every person claiming to hold a hunter's license shall produce the same for inspection whenever required by the prosecuting attorney, sheriff, justices of the peace, assessors or constables of the county, or game and fish warden, deputy warden, or owner of the land on which such licensee should then be hunting, and if he fail or refuse, to do so, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars, and, at the discretion of the court, confined in the county jail not exceeding ten days: *provided*, that nothing herein contained shall be so construed as to prevent or hinder any non-resident from hunting on any lands he may own in fee simple, in this State, during the open seasons herein provided for.

Sec. 2. That section eighteen of chapter sixty-two of the code be and the same is hereby repealed.

(Senate Bill No. 96.)

CHAPTER 47.

AN ACT to amend and re-enact section six of chapter sixty-two of the code as amended and re-enacted by chapter ninety-four of the acts of one thousand nine hundred and one, and to add a subsection thereto.

[Passed February 24, 1903. In effect 90 days from passage. Approved February 27, 1903.]

SEC.

6. Lawful to destroy or remove nets, seines, etc., in any creek or run, or river; when; use of fish-pots, seines, etc., in rivers, when and where lawful; proviso as to the Great Capon and Cheat rivers; passage of fish in rivers not to be obstructed; when possession of seine or seines *prima facie* evidence of guilt; meshes of

SEC.

seines or nets; penalty for unlawful seining; use of explosives, etc., prohibited; penalty.

6a. Unlawful to throw in or allow to enter any stream, etc., sawdust or other matter deleterious to the propagation of fish; penalty.

2. Repealing section.

Be it enacted by the Legislature of West Virginia:

1. That section six of chapter sixty-two of the code, as amended and re-enacted by chapter ninety-four of the acts of one thousand nine hundred and one, be amended and re-enacted, so as to read as follows:

Sec. 6. It shall be lawful for any person at any time, to remove and destroy any nets, seines, traps or other devices, placed in any creeks or runs within this State, and the person or persons claiming ownership or possession of such nets, seines, traps or other devices, shall have no recourse at law against the party destroying the same, (and in regard to rivers, it shall be lawful for any person to do the same thing at any time between the first day of March and the fifteenth day of November in any year): *provided, however*, it shall be unlawful for any person to catch fish in fish-pots at any time, except as hereinafter provided, and it shall be unlawful to catch fish by means of seines from the first day of January to the first day of June of each year in the Great Capon and its tributaries, and by fish-pots (nor by seines at any time) in the Cheat river and its tributaries; and no nets, seines, traps or other devices placed

in any river of this State, between the fifteenth day of November and the first day of March, shall obstruct the free passage of fish up and down the same so as to extend a further distance from the channel bank in said river than one-third of the whole breadth of the main channel of the same. It shall be unlawful for any person or persons to be found upon the creeks or small streams of this State, where fish are taken, with seines (except minnow seines) in their possession; and if so found, such possession shall be *prima facie* evidence that the same were used unlawfully. In all prosecutions under this section it shall be *prima facie* evidence sufficient on the part of the State to show that the defendant was found upon the creek or small streams where fish are taken, with such seine in his possession. Meshes of seines or nets (except minnow nets) within the State shall not be less than three inches in extension, or one and one-half inches from knot to knot. No net or seine of any kind shall be used in the rivers of this State the meshes of which are less than provided in this section. And if any person has good reason to believe that seining is carried on unlawfully, he may have leave to sue out a search warrant against the persons or persons suspected of keeping said seine or net in their possession, or under their control. Such seine when found in their possession shall be *prima facie* evidence that the same was used unlawfully, unless the owner or possessor of such seine can produce evidence to satisfy the justice, or court, that such seine has not been used unlawfully. Any person violating any of the above provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall forfeit such net or seine, if found in violation of law (which net or seine shall be destroyed by order of the justice or court), and pay a fine of not less than ten dollars nor more than twenty-five dollars, or be confined in jail not exceeding ten days. No person shall kill any fish by the use of dynamite, or any other explosive mixture, or by the use of any poisonous drug, bait or food. Any person violating this provision of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall, for each offence, be confined in the county jail for a period not to exceed six months, and may be fined not exceeding one hundred dollars, in the discretion of the court.

6a. It shall be unlawful for any person, firm or corporation, to throw in, or allow to enter, any stream or water course, in this

State, saw-dust or any other matter deleterious to the propagation of fish. Any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor, and fined not less than twenty-five dollars, nor more than one hundred dollars for each and every such offence.

2. All acts and parts of acts inconsistent herewith and heretofore enacted, or not included in this act, are hereby repealed.

(Senate Bill No. 88.)

CHAPTER 48.

AN ACT to regulate the sale of fruit trees, vines and shrubbery.

[Passed February 19, 1903. In effect 90 days from passage. Became a law without the approval of the Governor.]

Sec.

1. Sale of fruit trees, vines and shrubbery; travelling agents of firms, etc., for the sale of, in any county, required to be licensed; license fee; employer of such agents required to file list of his agents, where; branding or labeling any tree or

SEC.

vine with false name, etc., or failure to pay license tax; penalty.

2. Every traveling agent must have certificate of his employer showing authority to do business; penalty on agent for false representations, etc.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That every dealer or grower of fruit trees, vines or shrubbery, either in or out of the State, who employs traveling agents for the sale of such fruit trees, vines or shrubbery in any county in this State, shall, before he is authorized to do business in any county, through such agents, take out a license in such county, to be issued by the assessor in like manner as other license, and shall pay to the sheriff of said county the license fee, which shall be and is fixed at the sum of ten dollars. And every such dealer, as hereinbefore mentioned, whether such dealer be a firm, person or corporation, shall file with the clerk of the county court of each county, in which he may have a traveling salesman, a list of his agents in said county, which said list of agents, when so filed by the clerk of the county court, shall be at all times open to the inspection of the public. And any such person, firm or corporation, who shall knowingly and wilfully brand or label any tree or vine with a false name or variety, or who shall fail to pay the license fee herein provided, shall be guilty of a misdemeanor, and, upon conviction thereof, fined not less than fifty dollars nor more than five hundred dollars.

Sec. 2. Every agent of any firm, person or corporation, as described in the first section of this chapter, shall be required to take from his employer a certificate showing his authority to do business as agent for such firm, person or corporation, and shall present the same for inspection to any person who shall demand to see the same. And any agent of any such firm, person or corporation, engaged in the sale of any fruit trees, vines or shrubbery, who shall sell to any person trees, vines or shrubbery upon such certificate of agency, or upon the representation that they are to be supplied by any such person, firm or corporation, shall procure the goods so sold elsewhere, or from any other person, firm or corporation, and supply them in the place thereof, without the written consent of the purchaser, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more than five hundred dollars, or confined in the county jail not more than one year, or both, at the discretion of the court.

(Senate Bill No. 64.)

CHAPTER 49.

AN ACT to amend and re-enact sections two, three, four and eight of chapter thirty-three of the acts of 1901, entitled, "an act to prevent the introduction and spread of the San Jose scale and other dangerous insects, and dangerously contagious diseases, affecting trees, shrubs, vines, plants and fruits."

[Passed February 12, 1903. In effect 90 days from passage. Approved February 21, 1903.]

SEC.
2. San Jose scale, etc.; the director of the agricultural station required to seek out and devise means of eradicating, etc., all dangerous insects and diseases affecting trees, shrubs, vines and plants; examinations of nurseries, when: filing of certificate, etc., and effect of failure; nursery stock shipped, etc., into State, what required; growing trees, etc., for sale, what required before selling same.
3. Examination of orchards, gardens and other premises, when; invested with what authority for such purpose, and to prevent the spread

SEC.
of dangerously injurious insects, or infectious diseases; any tree, etc., may be destroyed as a public nuisance, when; appeal.
4. Label and certificate required for trees, plants, etc., shipped into this State, what to show; consignee prohibited from receiving, etc., until, etc.; what deemed *prima facie* evidence; when nursery stock so shipped may be inspected, and if infested or infected, what then; expenses.
8. Itemized statement to be made by assistants; expenses of assistants, when and how paid.

Be it enacted by the Legislature of West Virginia:

1. That sections two, three, four and eight of chapter thirty-three

of the acts of one thousand nine hundred and one are hereby amended and re-enacted, so as to read as follows:

Sec. 2. It shall be the duty of the director, either in person or through his assistants, to seek out and devise means of suppressing and eradicating throughout the State the San Jose scale and other dangerous insects, and tree, shrub, vine or plant diseases. Black-knot and peach-yellows are hereby declared to be dangerous within the meaning of this act, and trees, shrubs, vines or plants, affected with either of these diseases shall be subject to its provisions. The mention of San Jose scale, peach-yellows and black-knot, in this section, shall not be held to exclude other insects or diseases, which may be found to be dangerous, from the provisions of this act. Said director in person, or through his assistants, shall examine once in each year, not later than September fifteenth, all nurseries in the State of West Virginia, as to whether they are infested with San Jose scale or other dangerous insects or infected with dangerous contagious tree, vine, shrub or plant diseases; and if upon inspection such nurseries appear to be free from such insects, or diseases, the director shall give each owner of such nursery or nurseries a certificate to the facts. Nurserymen must furnish transportation to and from railway station, and facilities for reaching their growing stock, to such person or assistants selected by the director to make said inspection. This certificate shall be void after September fifteenth of the year following. A duplicate of each certificate, together with a statement of amount received therefor, shall be filed by said person or assistant with said director within ten days of its issue, and neglect to file such duplicate of certificate and statement shall be treated as a misdemeanor. If any dangerously injurious insects or infectious diseases are found on the premises of any nursery, or nursery stock, the director may order and enforce such treatment of said nursery stock as he may deem sufficient, in addition to a thorough inspection, before granting a certificate.

Whenever a nurseryman, or any person shall ship or deliver within this State, except for scientific purposes, trees, shrubs, plants or other nursery stock, he shall place upon each carload, box, bale or package, a copy of a certificate, the original of which is signed by a State or Government inspector, stating that such stock has been inspected, and has been found apparently free from dangerous insects and dangerously contagious tree, shrub, vine and plant dis-

eases. The illegal use of said certificate by changing, defacing, or placing it on uninspected stock, or using the same after date of expiration or revocation, shall render the owner or shipper liable to the penalty prescribed for a violation of this act. No person growing for sale any trees, shrubs, vines or plants, shall deliver the same without applying to the director for the certificate provided for in this act.

No person growing for sale, or having in his possession with intent to sell, any trees, shrubs, vines or plants, shall deliver the same before having thoroughly fumigated the same according to rules prescribed by said director, or other State and Government inspector.

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

in charge of such premises the cost of the treatment. If said sum is not paid to them, within sixty days thereafter, the same may be recovered, together with the cost of action, before any court in the State, having competent jurisdiction.

Any tree, plant, shrub, *etcetera*, which may, in the judgment of the director or his assistants, be so badly infested or infected as to render expense of treatment unjustifiable, shall be declared a public nuisance, and may be destroyed by them or their assistants without liability for compensation to the owner thereof. Right of appeal from the decision or requirements of the assistants may be made to the said director within three days after notice of such decision or requirements has been served, and the decision of the director shall be final.

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

Sec. 8. The said assistants shall make to said director an item-

ized statement of their expenses and the amounts paid for such assistants employed in prosecuting the work under this act, which, when certified by the said director, shall be paid out of the state treasury upon the warrant of the auditor of State.

(Senate Bill No. 99.)

CHAPTER 50.

AN ACT to amend and re-enact sections four and six of chapter six of the acts of one thousand eight hundred and ninety-seven, relating to the State geological and economic survey.

[Passed February 27, 1903. In effect 90 days from passage. Approved February 28, 1903.]

SEC.
4. Geological survey: reports, with maps, etc., to be printed and distributed or sold; proceeds of sale, how disposed of.
6. Authority given persons employed by and acting for the State or the

SEC. United States, for making a geological survey of the State to enable them to obtain the necessary information relating to the objects of such survey.

Be it enacted by the Legislature of West Virginia:

1. That sections four and six of chapter six of the acts of one thousand eight hundred and ninety-seven be amended and re-enacted, so as to read as follows:

Sec. 4. That the regular and special reports of the survey, with proper illustrations and maps, shall be printed as the commission may direct, and the report shall be distributed or sold by the said commission as the interest of the State, the diffusion of practical information relating to the development of the State and the advancement of science, may demand; and all moneys obtained by the sales of the reports may be used to defray the costs of publication and their distribution to the people, and any balance remaining shall be paid into the treasury.

Sec. 6. That the engineers, surveyors and other persons employed by and acting for said survey, and all such persons employed by and acting for the United States geological survey, or other department of the United States government, having for their objects the obtainment and diffusion of practical information relating to the resources and development of the State, and the advancement of science, and for the purpose of carrying out the objects of said State

geological and economic survey, shall have the right to enter upon all lands, either public or private, and enter all mines, for the purpose of exploring, surveying, or doing any other matter or thing which may be necessary to effect the said objects, and examine any property, products or developments, relating to the objects of said survey, within the State, without molestation or arrest, and without being liable to the owners thereof, except for actual damages done to the property.

(Senate Bill No. 32.)

CHAPTER 51.

AN ACT to amend and re-enact section five of chapter fifty-seven of the acts of West Virginia of eighteen hundred and ninety-nine, in regard to Miners' hospitals.

[Passed February 12, 1903. In effect 90 days from passage. Became a law without the approval of the Governor.]

SEC. 5. Miners' hospitals; what persons admitted; who to be treated free of charge; who given preference.

Be it enacted by the Legislature of West Virginia:

1. That section five of chapter fifty-seven of the acts of West Virginia of 1899 be amended and re-enacted, so as to read as follows

Sec. 5. It shall be the duty of the board of directors of each of these hospitals to admit, under their rules and regulations, persons requiring hospital care; and to treat free of charge persons accidentally injured, in this State, while engaged in their usual employment or occupation, but preference at all times to be given to persons accidentally injured.

(Senate Bill No. 30.)

CHAPTER 52.

AN ACT to repeal section thirteen of chapter one hundred and forty of the acts of one thousand nine hundred and one, abolishing the preparatory department of the West Virginia university.

[Passed January 28, 1903. In effect 90 days from passage. Became a law without the approval of the Governor.]

SEC. 1. Law abolishing preparatory department of the university, repealed.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That section thirteen of chapter one hundred and forty of the acts of one thousand nine hundred and one, abolishing the preparatory department of the West Virginia university, be and the same is hereby repealed.

(House Bill No. 214.)

CHAPTER 53.

AN ACT giving the consent of the legislature of the State of West Virginia to the acquirement by the United States by purchase or condemnation of land for enlarging the United States fish-cultural station at White Sulphur springs, Greenbrier county, West Virginia.

[Passed February 20, 1903. In effect from passage. Approved February 24, 1903.]

SEC. 1. Consent given to the purchase or condemnation of land by the United States; for what purpose; limit in quantity; what right reserved.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That the consent of the State of West Virginia is hereby given the United States to purchase land in Greenbrier county, West Virginia, adjacent to the land occupied by the United States as a fish-cultural station at White Sulphur springs, in said county, for the purpose of enlarging said station; and all deeds, conveyances of title, and papers for the same, shall be recorded, as in other cases, upon the land records of said county; and in case such land cannot be acquired by purchase the same may be acquired by said

government by condemnation according to the laws of this State, providing for the taking of lands without the owner's consent for purposes of public utility: *provided*, that the quantity of land so acquired shall not exceed one hundred and fifty acres, and that the State of West Virginia hereby reserves the right to execute process, both civil and criminal, within the limits of the land so purchased or acquired as aforesaid by the United States. The consent herein and hereby given being in accord with the seventeenth clause of the eighth section of the first article of the constitution of the United States, and with the acts of congress in such cases made and provided.

(House Bill No. 264.)

CHAPTER 54.

AN ACT to authorize the board of commissioners of the county of Ohio to pay part of the compensation of the judges of the circuit court of said county.

[Passed February 25, 1903. In effect 90 days from passage. Approved February 27, 1903.]

SEC. 1. County court of Ohio county authorized to pay the circuit judges of said county additional compensation.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That Ohio county may pay to the judges of the circuit court of said county, in addition to the amount allowed to such judges out of the State treasury, such sum as the board of commissioners of said county shall deem just and proper; but such allowance shall not be increased or diminished during the term of office of the judges to whom it may be made. The allowance herein authorized may commence as to the judges now in office, from the first day of December in the year one thousand nine hundred and two.

(Senate Bill No. 48.)

CHAPTER 55.

AN ACT changing the times for holding the criminal court of Cabell county, this State, and for that purpose amending and re-enacting section eight, chapter twenty-eight, of the acts of one thousand eight hundred and ninety-three.

[Passed February 12, 1903. In effect 90 days from passage. Approved February 20, 1903.]

SEC. 8. Criminal court of Cabell county; number of terms, and when and where held.

Be it enacted by the Legislature of West Virginia:

1. That section eight of chapter twenty-eight of the acts of one thousand eight hundred and ninety-three be amended and re-enacted, so as to read as follows:

Sec. 8. There shall be held four terms of said court each year, commencing on the first Monday in January, the first Monday in April, the first Monday in August and the first Monday in November. The terms of said court shall be held at the county seat of said county, at the court house thereof.

(House Bill No. 305.)

CHAPTER 56.

AN ACT changing the name of the county seat of Webster county, in the State of West Virginia.

[Passed February 27, 1903. In effect 90 days from passage. Approved February 28, 1903.]

SEC. 1. Name of the county seat of Webster county changed.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That the name of the county seat of the county of Webster, in the State of West Virginia, be and the same is hereby changed from that of Addison to that of Webster Springs, and hereafter the name of the county seat of said county shall be Webster Springs.

(House Bill No. 102.)

CHAPTER 57.

AN ACT to authorize the council of the city of Martinsburg to acquire, either by contract or condemnation, a supply of pure and wholesome water for its inhabitants; to convey the water to and within the limits of the corporation; to erect water works, pumping stations, reservoirs and stand pipes, and to ascertain and settle any damages resulting from the exercise of said powers.

[Passed January 26, 1903. In effect from passage. Approved January 30, 1903.]

SEC.

1. Council authorized to improve, enlarge, extend and maintain the water-works of the city; power delegated for such purposes.

SEC.

2. Right and authority to institute proceedings of condemnation for the purpose of acquiring title to springs or other waters; also necessary additional ground.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That in addition to the powers enumerated in the charter and the amendments thereto, of the city of Martinsburg, the city council shall have the power to improve, enlarge, extend and maintain, the water-works of said city, and provide for an adequate supply of pure and wholesome water for the inhabitants of said city. To carry out the public purposes contemplated by this act, the city council is authorized to contract and acquire title to, or use of, any spring or springs, or other waters, and such additional ground, in connection therewith, as may be necessary to protect, preserve and fully utilize the springs or water so acquired; to contract and acquire the right to conduct such water in pipes through the lands of others to a point within the limits of said corporation, to be determined by the council; to acquire by contract a tract or parcels of land on which to erect water works, pumping stations, reservoirs and stand pipes, and to settle, by agreement, the amount of damages, if any, which may result to any person or corporation by the exercise of the powers herein conferred upon said city. The powers conferred on the city council, by this act, shall be construed to include the right of the city council to contract and acquire the title of any spring or springs, or other waters, rights of way or land, whether the same be located within or without the limits of said municipal corporation, and to ascertain and pay any damages

that may arise from the exercise of the powers conferred by this act.

Sec. 2. That if the council of said city is unable to agree with the owners, or other person affected thereby, as to the value of the spring or springs, or other waters, lands or damages resulting from the exercise of the powers herein conferred upon said city, the council of said city shall have the right, and it is herein authorized, to institute proceedings, in the name of the city, of condemnation (whether the lands, property or rights affected are within or without the limits of the said municipal corporation) for the purpose of acquiring the title to the spring or springs, or waters, and such additional ground in connection therewith as may be necessary to protect, preserve and utilize the said water; to obtain the right or title to or in the land necessary to lay pipes from the source of supply to and within said corporation limits to the water works; to acquire title to such tract or parcels of land as may be necessary for the erection of water works, pumping station, reservoirs and stand pipes; to determine the amount of damages, if any, suffered by any person or corporation by reason of the taking of said water for the public purposes of said municipal corporation.

Such proceedings of condemnation, if instituted, shall conform to the provisions of chapter forty-two of the code of West Virginia, and the expenses thereof shall be borne by the said city.

(House Bill No. 314.)

CHAPTER 58.

AN ACT to authorize and empower the town council of the town of Ronceverte, in the county of Greenbrier, to issue additional bonds for water-works and sewer purposes, to an amount not exceeding five thousand dollars.

[Passed February 27, 1903. In effect from passage. Became a law without the approval of the Governor.]

- Sec.
1. Issue of additional bonds authorized; and for what purpose.
 2. } What to be expressed on the face of the bonds with respect to the payment of interest; also with respect
 3. } to the payment of the principal.
 4. Bonds not to be disposed of for less than par; for what only, proceeds to be used.
 5. Annual provision by council for pay-

- SEC.
- ment of interest; and after ten years to provide also for payment of the principal.
 6. Bonds exempt from taxation for municipal purposes; and must so show on their face.
 7. What vote required to authorize bond issue.
 8. Act takes effect from passage.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That in addition to the bonds heretofore issued by it, and

now outstanding, the town council of the town of Ronceverte, in the county of Greenbrier, be and the same is hereby authorized and empowered to issue bonds to an amount not exceeding the sum of five thousand dollars, in the aggregate, at any rate of interest not exceeding six *per centum* per annum; the proceeds arising from the sale thereof to be used in the completion of the water-works system in and for said town, and for the purchase and laying of sewer pipes in connection therewith.

Sec. 2. That the said council shall designate whether the interest on said bonds shall be paid annually, semi-annually, or quarterly, and the time when and the place where the same shall be payable; all of which shall be expressed on the face of the coupons for the payment of said interest, attached to the said bonds.

Sec. 3. The principal of said bonds shall be payable after ten years, at the option of the said council, at such time and place as are designated on the face thereof, not exceeding thirty years after date of their issue.

Sec. 4. That none of said bonds shall be sold, delivered or exchanged for less than their face value, and the proceeds, arising from the sale thereof, shall only be used for, in and about, the completion of the water-works system of said town, and for the purchase and laying of sewer pipes to be used in connection therewith.

Sec. 5. That the said council shall provide annually for the payment of the interest on said bonds; and after ten years provide also for the payment of the principal within the time expressed on the face of said bonds, in accordance with section eight of article ten of the constitution of West Virginia.

Sec. 6. The bonds authorized to be issued under this act shall be exempt from taxation for municipal purposes, which fact shall appear on the face thereof as part of the contract with the purchaser.

Sec. 7. Said bonds shall not be issued, and no debt contracted, under this act, unless and until all questions connected with the same shall have first been submitted to a vote of the qualified voters within the corporate limits of the said town of Ronceverte, and shall have received three-fifths of all the votes cast for and against the same, pursuant to section eight of article ten of the constitution of the State of West Virginia.

Sec. 8. This act shall be in effect from and after its passage.

(Senate Bill No. 102.)

CHAPTER 59.

AN ACT to authorize the county court of Kanawha county to fund the indebtedness of said county by issuing its bonds, and to authorize a special election for such purpose.

[Passed February 11, 1908. In effect from passage. Approved February 24, 1903.]

SEC.

1. Authorized to issue coupon bonds to fund indebtedness of county; amount; when payable; interest.
2. For what only bonds, and the proceeds from their sale, to be used.
3. Bonds not to be disposed of for less than par; proceeds of sale how used; no increased indebtedness nor increased levy; sinking fund.
4. Where principal and interest paya-

SEC.

ble; how bonds executed; denomination, etc.; investment of sinking fund; what to be entered of record; special election and what to govern; no expenses paid out of proceeds; required vote; levy to pay interest and principal; mandamus, for what.

5. Sheriff's commission.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That the county court of Kanawha county is hereby authorized to issue coupon bonds of said county for a sum not exceeding one hundred and sixty thousand dollars, payable in not less than ten years, and not to exceed thirty years, from their date, but redeemable at the pleasure of said county court of Kanawha county at any time after ten years from their date; which said bonds shall bear interest at the rate not exceeding four *per centum* per annum.

Sec. 2. That said bonds, and the proceeds from their sale, shall be used only to pay the present existing legal indebtedness of the county; and that any one having such a claim shall be authorized, at their option, to take bonds in exchange for said debt, or such evidence of debt, at their then market value, to be ascertained and determined by said county court of Kanawha county.

Sec. 3. That no bonds shall be sold or delivered or exchanged for less than their face value, and the proceeds of the sale of said bonds shall only be used to pay the said existing indebtedness and interest, and that there shall be no increased indebtedness made or paid by said bonds; nor shall the levy allowed by law be increased hereafter; but the annual levy for the interest on said bonds, and the sinking fund for the payment of the principal thereof, shall be included in said ninety-five cents.

Sec. 4. The said bonds and interest coupons to be made payable at such bank or banks at Charleston, Kanawha county, West Vir-

ginia, as may be selected by the county court of Kanawha county, West Virginia. They shall be signed by the president of the said county court of Kanawha county and countersigned by the clerk of the said court, and the seal of the said court affixed thereto. The bonds shall be each of the denomination of one hundred, five hundred and one thousand dollars, with interest coupons payable annually. The county court shall negotiate the sale or exchange of said bonds and invest the sinking fund in said bonds or other safe investment. That the sale of said bonds shall be entered on its records together with the price and to whom sold; it shall also enter upon its records the number, date and payee of each order paid from the proceeds of the sale of these bonds. That a special election shall be held, when ordered by the county court, to vote upon the question of said bonds being issued, and said election shall be conducted and the result declared pursuant to the provisions of chapter twenty of the acts of one thousand eight hundred and ninety-seven, and the court shall, in all other respects, be governed by said chapter, and comply with the requirements of section eight of article ten of the constitution. That no part of the proceeds of said bonds shall be used to pay any of the expenses connected with the election, sale or disposition of said bonds or their proceeds. No bonds shall be issued unless three-fifths of the votes cast at such election shall be in favor of said bonds, and the county court shall annually provide a levy that will pay the interest on said bonds and will pay the said bonds within thirty years, which said levy shall be held subject to said purposes and no other. The circuit court, of Kanawha county, shall by mandamus have power to enforce the provisions of this act.

Sec. 5. The sheriff of Kanawha county shall be allowed a commission for handling and disbursing the funds and proceeds arising from the issue and sale of said bonds, not exceeding two *per centum*, to be determined by said county court.

(House Bill No. 239)

CHAPTER 60.

AN ACT to authorize the board of directors of the Second Hospital for the Insane, at Spencer, to allow the town of Spencer to attach water mains to the water works of said hospital, to be used in case of fire.

[Passed February 27, 1903. In effect 90 days from passage. Approved February 28, 1903.]

SEC.

1. Board of directors authorized to allow the town of Spencer to attach water mains to the forcing main of the hospital reservoir.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That the board of directors of the Second hospital for the insane, at Spencer, be authorized, if they deem it expedient to do so, and it will not be any disadvantage to the said hospital, to allow the town of Spencer to attach water mains to the water main of the reservoir of said hospital, to be used only in case of fire, and upon such compensation as the said board of directors may prescribe.

(Senate Bill No. 104.)

CHAPTER 61.

AN ACT authorizing the governor to permit the Grand Army of the Republic to carry the union flags of the West Virginia regiments of the civil war, on certain occasions, under certain restrictions.

[Passed February 12, 1903. In effect 90 days from passage. Approved February 20, 1903.]

SEC.

1. Governor authorized to permit the G. A. R. encampments to use the Union flags, held in the custody of the State; when and upon what conditions.

SEC.

2. Preservation of such flags; to be kept folded when carried in processions.

Be it enacted by the Legislature of West Virginia:

Sec. 1. The governor is authorized and empowered to permit the use of the flags of the union regiments or commands from West Virginia in the civil war, held in the custody of the adjutant general, upon the occasion of the National or State encampments of the

Grand Army of the Republic: *provided*, that the department commander of the department of West Virginia, Grand Army of the Republic, shall designate an officer of his staff to receive and receipt for said flags; and *provided, further*, that the officer so designated shall give bond with good personal security, to be approved by the governor, in the penalty of five hundred dollars, for the safe return of such flags within fifteen days after the close of the said National or State encampments.

Sec. 2. The flags mentioned in the preceding section when withdrawn, for the purpose therein permitted, shall be preserved with care and handled in proper cases. When carried in processions they shall not be unfolded, or damaged, and shall be returned to the custody of the State in as good condition, as may be, as when received.

(Senate Bill No. 89.)

CHAPTER 62.

AN ACT to reform, alter and modify the county court of the county of Pocahontas, under the twenty-ninth section of the eighth article of the constitution of the State of West Virginia.

[Passed February 11, 1903. In effect 90 days from passage. Approved February 18, 1903.]

SEC.

1. Districts; present county court system altered and modified; commissioners of such court; what creates a vacancy; what offices incompatible; compensation.
2. Election of county commissioners, when; term of office.
3. What provisions of law applicable to court and clerk; who to be clerk; quorum.
4. First meeting of new court; election of president.

SEC.

5. Question of the adoption of proposed county court system to be submitted to voters; when and how; duty of certain officers; method of voting; validity of ballots cast.
6. How election to be conducted, etc.; who entitled to vote; commissioners of election; their duty; ascertainment and declaration of result.
7. Required vote to put new system in force and effect.

Be it enacted by the Legislature of West Virginia:

Sec. 1. The county of Pocahontas shall be laid off into four districts as nearly equal as may be in territory and population. The present divisions of said county into districts shall constitute such districts until changed by the county court in the manner provided by law. The county court established in the said county, by the

eighth article of the constitution of this State, is hereby reformed, altered, and modified that is to say: The county court of the county of Pocahontas shall be composed of one commissioner from each district of said county, who shall be a resident of his district and shall hold his office for a term of two years. Should any commissioner remove from the district at the time of his election, his office shall thereby become vacant. The office of commissioner and justice of the peace shall be deemed incompatible. Each commissioner shall receive for his service two dollars for each day he shall attend the court, to be paid out of the county treasury.

Sec. 2. At the general election in the month of November, one thousand nine hundred and four, and at each succeeding general election, there shall be elected by the voters of each of said districts one commissioner, whose term of office shall commence on the first day of January next after his election, and continue two years.

Sec. 3. So far as they are not inconsistent herewith, all the provisions of chapter thirty-nine, of the code of West Virginia, "concerning county courts, their jurisdiction and powers," and all provisions of law respecting county courts generally, the commissioners composing such courts, and the clerks of such courts, shall be applicable to the county court herein provided, and to the commissioners composing the same; and the clerk of the county court of Pocahontas county now in office, and his successors, shall be clerk of the county court herein provided. A majority of such commissioners shall be a quorum for the transaction of business.

Sec. 4. The first meeting of the county court, herein provided, shall be held on the first Monday in January, in the year nineteen hundred and five, or as soon thereafter as a majority of them may assemble for the purpose, at which time, and, annually thereafter, at their first meeting in each year, or as soon thereafter as practicable, they shall elect one of their number president of the court.

Sec. 5. At an election to be held for this purpose on the first Tuesday after the first Monday in November, one thousand nine hundred and three, the question of the adoption of the system, provided by this act, shall be submitted to the voters of the county of Pocahontas voting at such election. Notice of such election shall be given by the publication of this act, in each newspaper published in said county, once in each week for four successive weeks; but the failure to give such notice shall not invalidate the election to be held

hereunder. Those voting for said system shall have written or printed on their ballots the words "For modification of county court," and those voting against it shall have written or printed on their ballots "Against modification of county court;" and the clerk of the county court of said county is hereby directed to provide and have printed a ballot of convenient size, distinctly printed, and in form substantially as follows:

BALLOT FOR CHANGE OF COUNTY COURT.

For Modification of County Court.

Against Modification of County Court.

The same number of said ballots shall be printed and shall be supplied to the several voting places in each district, and paid for in the same manner as is provided for and set out and specified in chapter three of the code of West Virginia. The commissioners of election at the several voting places in each county shall, upon request, furnish to each voter one of said separate ballots to be used by him for voting on the question of said change; but any voter shall also have the right to vote on the question of said proposed change by any other ballot, written or printed, which he may see fit to use, and which sufficiently discloses his intention; and no ballot cast at said election on the question of the proposed change shall be rejected if it sufficiently appears therefrom what the voter intended; and it shall be the duty of the clerk of the county court of said county to have said publication of said notice made in the manner herein prescribed.

Sec. 6. The election to be held under this act on the said first Tuesday after the first Monday in November, one thousand nine hundred and three, shall be held, conducted, superintended and returned, in the same manner as now provided by law for the election of members of the legislature; and all persons entitled to vote at a general election in this State shall be entitled to vote at any election held under this act. The county court of said county shall at a regular or special session thereof, held not later than the first Tuesday in October, one thousand nine hundred and three, appoint three commissioners of election for each voting place in said county, as provided by law, and the result at each place of voting shall

be certified and returned to the county court of said county, and said court shall ascertain and declare the result of said election the same as the result of election of members of the legislature is ascertained and declared, under the laws of this State, and especially chapter three of the code of one thousand eight hundred and ninety-nine as amended, as far as they are applicable thereto.

Sec. 7. If the majority of the votes cast upon the question be "For Modification of County Court" this act shall be and remain in full force and effect, but if a majority of such votes be "Against Modification of County Court" this act shall be of no further effect.

(Substitute, House Bill No. 265.)

CHAPTER 63.

AN ACT to amend and re-enact section twenty-five of chapter fifty-eight of the acts of one thousand eight hundred and ninety-five.

[Passed February 20, 1903. In effect from passage. Approved February 24, 1903.]

SEC.

25. City of Charleston; council authorized to revalue and reassess real estate for taxation for municipal purposes, when; special reassessment commissioners, their qualifications and duties; their compen-

SEC.

sation; board of equalization, its powers and duties; right of appeal; city assessor, his powers and duties; limit to levy; council empowered to carry into effect the provisions of this section.

Be it enacted by the Legislature of West Virginia:

1. That section twenty-five of chapter fifty-eight of the acts of one thousand eight hundred and ninety-five be, and the same is hereby, amended and re-enacted to read as follows:

Sec. 25. The council in the month of March, nineteen hundred and three, or as soon thereafter as practicable, and every fifth year thereafter, shall appoint three commissioners to jointly revalue and reassess all real estate, except that used for railroad purposes, within the limits of the said city of Charleston, for the purpose of municipal taxation. The said commissioners shall be freeholders with real estate assessed to each of them, at the last preceding assessment, of at least five hundred dollars; no two of whom shall be residents of the same ward, and not more than two members of the same political party; and shall before entering upon the discharge of their duties, take and subscribe an oath that they will faithfully

and impartially discharge the duties of their office as such commissioners to the best of their skill and judgment; that they will neither directly or indirectly receive, nor agree to receive, any gift or reward from the owner of any land in said city, or any other person, to influence their action in making such assessment, and that they will assess all real estate in said city without bias or fear, which said oath shall be filed with the clerk of said city. They shall also give bond for the faithful discharge of their duties in an amount to be fixed by council.

Said commissioners shall, on the first day of April next succeeding their appointment or as soon thereafter as practicable, ascertain and assess a fair, proper and equitable value of all the lots or parcels of land in said city, with the buildings and improvements, if any, thereon; and in order to assist them in ascertaining and fixing the value of said lots and land, the said commissioners shall, when practicable, examine the owner of any lot or parcel of land, or his agent, under oath, as to the location, title, quantity and value thereof, as well as the value of any buildings or the addition to any buildings which are thereon, and may require such owner or agent to answer under oath questions, relative to such land or lots, as may be pertinent for the purpose of ascertaining the proper assessment thereof; but the said commissioners shall act in all cases upon their own judgment, upon all information they can obtain, as to the true value and proper assessment thereof. The said commissioners shall make return of said assessment to the council on or before the first day of August next succeeding their appointment. The said commissioners shall receive as compensation for their services the sum of five dollars per day, for the time actually employed by them in the discharge of their duties aforesaid. The council shall cause to be advertised, in the daily papers, the completion of said assessment, and appoint five citizens of said city, who shall be freeholders, no two of whom shall be residents of the same ward, and not more than three of whom shall belong to the same political party, as a board of equalization, whose duty it shall be to sit as such board from the first day of August to the first day of September, on such days and between such hours as may be advisable, for the purpose of equalizing such assessments by either increasing or decreasing the assessed value of any lot or lots and buildings in said assessment, and assessing any which may have been omitted. The said

board shall also act upon any application of any person or persons feeling aggrieved by the assessment of said commissioners. The advertisement aforesaid shall give full notice of the days and hours of the sittings of the board of equalization, and the rights of the owners of real estate hereunder. At all hearings before said board the commissioners to revalue real estate and the city solicitor shall be present on behalf of the city, and the board shall have authority to summon witnesses before it on all matters pertaining to its work of review and equalization. All owners of real estate hereunder shall be allowed an appeal from any decision of the board of equalization to the circuit court of Kanawha county: *provided*, said appeal shall be made within six months from the rendering of the decision appealed from.

It shall be the duty of the city assessor to ascertain the personal property within the said city subject to taxation, including a capitation on each male inhabitant of said city who has attained the age of twenty-one years, substantially in manner and form as in the case of assessment by county assessors, and make return thereof to the council on or before the first day of August of each year. He shall also make out the land books for said city in each year, and make proper transfer of such property as shall have changed ownership within the preceding year, and charge the same on said books to the person who by himself has the freehold in his possession, whether in fee or for life, on the first day of April in such year. When a tract or lot of land becomes the property of different owners, in several parcels, the assessor shall divide the value at which the whole has been assessed, among the different owners, having regard to the value of each interest compared with that of the whole, and enter the same upon the land books for such year. He shall also enter in said land books the value of any old buildings omitted for one or more years, and of any addition or improvement to a building and of any buildings newly erected, not theretofore assessed, if the same be of the value of one hundred dollars and upwards.

He shall have the same power, and be subject to the same penalties, in ascertaining and assessing the property and subjects of taxation in said city as are conferred and imposed upon county assessors by general law; but the council may correct any error on his part in making such assessment by increasing the assessment of

any person or persons, by assessing any who may be omitted, or by decreasing any assessment upon the application of the person or persons aggrieved: *provided*, that all such corrections be made within one year from the first of July of the year for which the erroneous assessment was made. Any person or persons shall be allowed an appeal from the decision of the council to the circuit court of Kanawha county: *provided*, said appeal shall be made within six months from the rendering of the decision appealed from.

In no year shall the levy made upon the foregoing property for municipal purposes exceed the sum of one dollar on each one hundred dollars valuation thereof. The council shall have the power to make such rules and regulations and pass such ordinances necessary to carry into effect this section.

(House Bill No. 127.)

CHAPTER 64.

AN ACT conferring additional authority on the council of the city of Grafton, Taylor county, in relation to funding the bonded indebtedness of said city, and to increase its bonded indebtedness.

[Passed January 31, 1903. In effect from passage. Approved February 11, 1903.]

SEC.
 1. Council authorized to issue bonds: amount.
 2. Interest: when and where payable to be expressed on coupons.
 3. Bonds: method of issuing; when and where paid.
 4. Funding present bonded indebtedness; proceeds arising from sale of bonds, for what purposes to be used.

SEC.
 5. Annulment, and for what; cancellation of bonds.
 6. Action by city required to authorize bond issue.
 7. Council empowered to put into effect the provisions of this act.
 8. Inconsistent acts repealed.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That the council of the city of Grafton, Taylor county, is hereby authorized and empowered to issue bonds to an amount not exceeding the sum of ninety thousand dollars, in the aggregate, in denomination of five hundred dollars each, at any rate of interest not exceeding four and one-half *per centum*; said bonds to be exempt from city taxes.

Sec. 2. That the interest on said bonds shall be payable semi-annually; and the time when, and the place where, said interest

shall be payable shall be expressed on the face of coupons for the payment of said interest, attached to said bonds.

Sec. 3. That the said bonds shall be issued in series, payable at such time, and at such place, as are declared on the face thereof: *provided*, none shall be payable in less than five years, and all within thirty-four years.

Sec. 4. That there shall be appropriated a sufficient number of said bonds to fund so much, and such parts, of the present bonded indebtedness of said city as remains unpaid, and the proceeds arising from the sale of the residue of the issue shall be applied to the general improvement of the electric light plant, streets, alleys and sewerage of said city of Grafton.

Sec. 5. That the council of said city shall levy annually, for the period of fifteen years, a sum not to exceed thirty-five cents on the one hundred dollars valuation of the taxable property of said city, and thereafter, and until all the bonds are redeemed, a sum not to exceed thirty cents on the one hundred dollars valuation of the taxable property of said city, which said sum shall be applied to the payment of interest on said bonds, as it becomes due, and the redemption of said bonds, as they become due. The bonds so paid shall thereupon be cancelled and annulled by the council and a proper record of said cancellation shall be kept, giving the number and date of each bond so cancelled and annulled.

Sec. 6. No bonds shall be issued by the said city of Grafton, under and by virtue of the authority given in this act, until all questions connected with the same shall have first been submitted to the qualified voters of the said city of Grafton, at the next city election, and shall have received three-fifths of all the votes cast for and against the same.

Sec. 7. The council of the said city of Grafton shall have the authority by proper ordinances to carry into full force and effect the provisions of this act.

Sec. 8. All acts or parts of acts, relative to the said city of Grafton, inconsistent with this act are hereby repealed.

(Senate Bill No. 90.)

CHAPTER 65.

AN ACT to amend and re-enact sections two, three and four of chapter forty-four of the Acts of eighteen hundred and ninety-nine relating to the charter of the town of Grafton, and to abolish the charter of the town of Fetterman, in Taylor county.

[Passed February 12, 1903. In effect from passage. Approved February 16, 1903.]

SEC.

2. Corporate limits defined.
3. Division of city into wards.
4. Municipal authorities and their compensation; charter of town of Fetterman abolished; duties of officers of such town; authority vest-

SEC.

ed in the city of Grafton as to uncollected taxes, etc. due the town of Fetterman; election of councilmen; their term of office; proviso as to councilmen now in office.

Be it enacted by the Legislature of West Virginia:

1. That sections two, three and four of chapter forty-four of the acts of one thousand eight hundred and ninety-nine, being the charter of the city of Grafton, Taylor county, be amended and re-enacted, so as to read as follows:

Sec. 2. The corporate limits of said city shall hereafter be as follows: Beginning at the southeast corner of the Rogers' mill; thence in a southerly direction to the eastern pier of the boom; thence crossing the Valley river to a point on the west bank thereof, where the boundary line of the former town of West Grafton intersected said river, at a point near said boom; thence with the former boundary line of the western portion of Grafton, formerly West Grafton, to a spring in Warder's field; thence a straight line to the county road at the southwestern corner of Cobb's lot; thence with the county road to Amon Martin's line, corner of Beaumont addition; thence westerly with the line between Amon Martin and Beaumont addition to corner of Judkin's land; thence a straight line southwesterly to three service-bushes corner to McWilliams; thence a straight line to Bartley creek, where the branch railroad built to the box factory crosses said creek; thence with the meanderings of said creek to the western line of the Atlantic Refining company's tank property; thence a straight line to a chestnut on the ridge in Willhide's field; thence a straight line to the Tygart's Valley river near three linns, corner of Sinclair and Yates; thence with said last mentioned line extending to a point on the opposite

side of said Tygart's Valley river; thence with the meanderings of said river, following low water mark on the eastern side thereof, to a willow on the river edge, corner of the former corporation of Fetterman, and below the old Hoffman mill dam; thence following the northerly boundaries of the former corporation of Fetterman to the big spring on the northwestern turnpike; thence a straight line to the intersection of the county road and said turnpike, near the old Knott's residence; thence with the meanderings of said turnpike to the intersection with the Grafton road near the dwelling of the late John W. Blue; thence in a southerly direction to the railroad bridge at the cut-off; thence with the north bank of Three Forks creek to the beginning.

Sec. 3. The municipal authorities of said city shall divide said city into such number of wards as shall be deemed proper, but wards to contain population as nearly equal as possible.

Sec. 4. The municipal authorities of said city shall consist of a mayor, and two councilmen from each ward, who together shall form a common council, and who shall receive such compensation as the council, from time to time, shall determine; the mayor shall receive a sum not to exceed five hundred dollars per annum, and the councilmen a sum not to exceed one hundred dollars per annum.

That the charter of the town of Fetterman, in Taylor county, is hereby abolished.

Upon the passage of this act, it shall be the duty of the officers of the town of Fetterman to at once turn over, to the corporate authorities of the city of Grafton, all records and property of the town of Fetterman for preservation and use, as a part of the records and property of the city of Grafton. And the treasurer and sergeant and other officers of said town of Fetterman, shall pay into the treasury of the city of Grafton all corporate funds then in their hands or thereafter coming into their hands by virtue of their respective offices, to be by the city of Grafton used, so far as necessary, to settle any legal outstanding claims against the town of Fetterman, and the residue for general purposes. And all claims, demands, assessments and uncollected taxes, heretofore levied by or owing to the town of Fetterman, are hereby transferred to the city of Grafton, which is authorized in its own name, to collect the same for the purposes aforesaid, in all respects, and in like manner as the town of Fetterman might have done, and to require and make settlements with the outgoing officers of the town of Fetterman.

At the regular city election to be held in said city of Grafton, next after this act shall take effect, there shall be elected from each ward of said town, by the qualified voters thereof, two councilmen; one in each ward to be designated by lot, in such manner as the mayor may determine, shall hold his office for the term of one year and the remainder for the term of two years. At each annual election thereafter, one councilman from each ward shall be elected by the qualified voters thereof: *provided, however*, that the councilmen now serving from any ward shall continue to represent as such councilmen such ward under this act, in which he may reside, and hold his office until his respective term shall expire, and the election of councilmen provided for in this section shall apply to fill vacancies occasioned by this act. And until such election any vacancies occasioned by this act shall be filled as provided in section fourteen of chapter forty-five of the acts of one thousand eight hundred and ninety-nine.

2. All acts or parts of acts inconsistent with this act, or in conflict therewith, are hereby repealed.

(House Bill No. 113.)

CHAPTER 66.

AN ACT to amend and re-enact, and reduce into one, the several acts incorporating "The City of Parkersburg," in the county of Wood, defining the powers thereof, and prescribing the corporate limits of said city and providing for the extension of said corporate limits, and repealing all acts and parts of acts inconsistent or in conflict therewith.

[Passed February 10, 1908. In effect from passage. Approved February 18, 1903.]

- | | |
|---|---|
| <p>SEC.</p> <p>1. Corporate name; corporate rights and powers.</p> <p>2. Corporation limits and boundaries defined.</p> <p>3. Property heretofore owned.</p> <p>4. Wards.</p> <p>5. Qualification of voters; registration of.</p> <p>6. Elections.</p> <p>7. Election of mayor; of collector; of councilmen; of members of board of affairs.</p> <p>8. } 9. } of affairs.</p> <p>10. Qualification and oath of mayor and board of affairs.</p> <p>11. Qualification and oath of members of council.</p> <p>12. Vacancies and removals.</p> <p>13. Rules governing each body.</p> <p>14. Each body to keep a journal.</p> <p>15. No member to hold any other city office.</p> <p>16. Meetings.</p> <p>17. Salaries of council and board.</p> <p>18. Ordinances; general provisions respecting; tie vote in board of affairs.</p> <p>21. } 22. } Concurrence of board of affairs to be certified.</p> <p>23. Powers vested in council and board.</p> <p>24. Money. how appropriated.</p> <p>25. Power of council to pass and enforce ordinances.</p> <p>26. Official bonds.</p> <p>27. Right to levy and collect taxes.</p> <p>28. Licenses.</p> <p>29. Assessors; how assessment to be made.</p> <p>30. Interest on taxes.</p> <p>31. Tax to be a lien; deduction from rent; how returned delinquent; liens to be recorded.</p> <p>32. Right to alter location of road or street.</p> <p>33. Streets to be kept in good condition.</p> <p>34. Lands for public purposes; how acquired.</p> <p>35. Right to construct and maintain public buildings for certain purposes.</p> <p>36. Authority to regulate burial of the dead.</p> <p>37. Right to take private property.</p> <p>38. Sidewalks and footways.</p> <p>39. } 41. } Paving and sewers; general provisions respecting.</p> | <p>SEC.</p> <p>42. Board of affairs to submit estimates of expenses and council to lay levy.</p> <p>43. No officer to be interested in any contract.</p> <p>44. Fire limits and protection against fire.</p> <p>45. } 51. } Offences; health; stagnant water; to markets; wharves and landings; fire-works and speed; weights and measures.</p> <p>52. Authorized to own water-works, etc.</p> <p>53. Licenses; auditor to issue; tax on, must be paid.</p> <p>54. Taxes and other moneys; how and when paid.</p> <p>55. Accounts to be audited.</p> <p>56. Records, certification and effect.</p> <p>57. Mayor to appoint certain officers.</p> <p>58. Board of affairs to appoint certain officers.</p> <p>59. Bonds of appointed officers.</p> <p>60. Suspension and removal of officers.</p> <p>61. Qualification of officers.</p> <p>62. Mayor, how removed.</p> <p>68. } 71. } Recorder; mayor; collector; city attorney; city engineer; street commissioner; health officer; chief of police; auditor; their duties, salaries or compensation.</p> <p>72. The city treasury.</p> <p>73. Superintendent of water-works.</p> <p>74. Water rent.</p> <p>75. Fire department.</p> <p>76. } 81. } Board of affairs; certain general provisions respecting.</p> <p>82. Persons claiming money to file oath.</p> <p>83. Alteration of contracts.</p> <p>84. Franchisees.</p> <p>85. Water works; water rent collector.</p> <p>86. Board to have supervision of departments of fire and police.</p> <p>87. Mayor to nominate policemen to board.</p> <p>88. Vote not to be pledged.</p> <p>89. } 90. } Sinking fund; taxes for such fund to be paid to treasurer.</p> <p>91. Penalties not otherwise provided for.</p> <p>92. Council and board to fix salaries.</p> <p>93. Fees to be paid to auditor.</p> <p>94. } 95. } Corporate limits, how extended.</p> <p>96. Special election, if necessary; for what.</p> <p>97. Inconsistent acts repealed.</p> |
|---|---|

Be it enacted by the Legislature of West Virginia:

Name and Powers.

Section 1. That the inhabitants of so much of the county of Wood as is within the boundaries prescribed by section two of this act, and their successors, shall be and remain, and they are hereby made a body politic and corporate, by the name and style of "The City of Parkersburg," and as such, and by that name, may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, and may purchase, take, receive, hold and use goods and chattels, lands and tenements, and choses in action, or any interest, right or estate therein, either for the proper use of said city, or in trust for the benefit of any person or corporation therein; and the same may grant, sell, convey, transfer, let and assign, pledge, mortgage, charge and encumber in any case, and in any manner, in which it would be lawful for a private individual so to do, subject to the limitations and provisions of the constitution of the State; and may have and use a common seal and alter and renew the same at pleasure; and generally shall have all the rights, franchises, capacities and powers appertaining to like corporations in this State, and shall have and succeed to all powers, franchises and immunities, rights and privileges, which were conferred upon or belonged or appertained to said city of Parkersburg, by virtue of any act or acts of the general assembly of the State of Virginia, or of the legislature of this State, heretofore passed; and shall have all the rights, privileges, capacities and powers provided by chapter forty-seven of the code of West Virginia, as contained in the edition of the year one thousand eight hundred and ninety-nine, and for which provision is not herein otherwise expressly made.

Boundary.

Section 2. The corporation limits and boundaries of said city shall be as follows: Beginning at a point on the southern bank of the Little Kanawha river, at a point opposite the mouth of Worthington creek; thence across the river to the middle of Worthington creek and with the middle line thereof to the bridge on the Staunton pike; thence a straight line to a point in center of Northwestern turnpike two hundred feet east of the eastern line of the Snakeville road; thence parallel with the Snakeville road, and two hundred feet therefrom, to a point two hundred feet north of the northerly

line of Levassor street; thence in a westerly direction, parallel with Levassor street, and two hundred feet therefrom, to a point two hundred feet easterly from the easterly line of the St. Marys pike; thence with the line of J. N. Camden, and its extension, to the mid- and two hundred feet therefrom to a point three hundred feet northerly from the north line of Twenty-second or Clara street; thence parallel with said Twenty-second or Clara street, and its extension, and three hundred feet northerly therefrom to the center of Murdoch avenue extended; thence with the center line of Murdoch avenue extended, to the southern line of the lands of J. N. Camden; thence with the line of J. N. Camden, and its extension, to the middle of the Ohio river; thence with the middle of the Ohio river, southerly, to a point opposite the southern bank of the Little Kanawha river, the present boundary; thence a straight line to a point on the southern bank of the Little Kanawha river; thence with said bank up the river to the place of beginning.

Property Heretofore Owned..

Section 3. All real and personal estate heretofore conveyed to or acquired by the said city and now owned by it, whether absolutely or in trust, shall continue to be its property as hitherto owned, subject to any modification that may be made by law.

Wards.

Section 4. The council of said city in office at the time this act goes into effect shall divide said city into not less than six nor more than twelve wards, which shall remain as divided for at least three years after the passage of this act: *provided, however*, that in case the limits of said city shall be extended within three years from the passage of this act, in accordance with the provisions hereof, or after the expiration of three years, the council in office, at the time such extension shall occur, may add the territory included in such extension to the wards already existing, or may divide the city into not less than fourteen wards. In dividing the city into wards, regard shall be paid to the compactness of the territory included in each ward and to equalizing, in so far as possible, the inhabitants of the several wards. After the expiration of three years from the passage of this act the wards shall not be changed at any time within a period of ten years after the last change, unless and until the limits of the city be extended.

Qualification of Voters.

Section 5. Every person qualified by law to vote for members of the legislature of the State, who shall have been a resident of said city for at least sixty days preceding the day of election, shall be entitled to vote at all elections held by the voters of said city, or the corporate authorities thereof.

The council, with the concurrence of the board of affairs, shall by ordinance provide for such regulations for the registration of voters as may be rendered necessary by the State laws.

Elections.

Section 6. The first election under this act shall be held on the Tuesday after the first Monday in April, one thousand nine hundred and three, and, thereafter, on the same day in subsequent years. Such first election and all subsequent elections shall be held in such manner as is or shall be prescribed by law. No person shall be entitled to vote at any corporate election except in the election precinct in the ward in which he is a *bona fide* resident on the day of such election.

Special elections for any purpose must be authorized by council, concurred in by the board of affairs, and called by the mayor. Notice of which must be given by publication and posting for such time and in the manner prescribed by council.

Election of Mayor and Collector.

Section 7. On the day mentioned in the preceding section, and on the same day in every succeeding two years, there shall be elected by the qualified voters of said city a mayor and a collector. The mayor shall hold office from the third Monday in April in the year in which he is elected, for the term of two years, and until his successor is elected and qualified. The collector shall hold office for two years from the first day of July succeeding his election, and until his successor is elected and qualified.

Election of Council.

Section 8. On the day mentioned in the sixth section, two members of council shall be elected in each ward of the city. The member in each ward who receives the highest number of votes shall hold office for two years from the third Monday in April of the year nineteen hundred and three, and the member in each ward receiving the next highest number of votes shall hold office for one

year, from the third Monday in April, nineteen hundred and three, and until their successors are elected and qualified: *provided*, that in case the boundaries of the wards existing at the time this act goes into effect shall not be changed, as provided in section four of this act, then only one member of council shall be elected from the wards not changed, and the members from said wards in office at said time, whose term of office expires on the third Monday in April, nineteen hundred and four, shall serve to such date, and, with those elected as hereby provided, shall comprise the council of said city. On the same day in each succeeding year one member of council shall be elected in the same manner in each ward of the city, who shall hold office for two years from the third Monday in April of the year in which they are respectively elected, and until their successors are elected and qualified. In case the wards of the city shall be hereafter changed, members of council shall be elected therefrom in conformity with the provisions of this section.

Election of Board of Affairs.

Section 9. At the first election provided for in this act, four persons shall be elected who shall constitute the board of affairs. The one receiving the highest number of votes shall hold his office for four years, the one receiving the next highest number of votes shall hold his office for three years, the one receiving the third highest number of votes shall hold his office for two years, and the one receiving the fourth highest number of votes shall hold his office for one year, from the third Monday in April in the year in which they are elected, and until their successors are elected and qualified. On the same day in each succeeding year, one member of the board of affairs shall be elected in the same manner who shall hold his office for four years from the third Monday in April of the year in which he is elected, and until his successor is elected and qualified. In case a tie vote shall occur, the senior in age shall hold the longest term provided herein.

Qualification and Oath of Mayor and Board of Affairs.

Section 10. The mayor and each member of the board of affairs shall be qualified voters of the city, have attained the age of at least thirty years, be the owner of a freehold in said city, which is assessed with city taxes for at least one year prior to his election, and an inhabitant of the city for at least two years prior to his election. Be-

fore he takes his seat and performs any of the duties of his office he shall take and subscribe an oath or affirmation that he possesses all the qualifications prescribed by this act, and is not subject to any of the disqualifications prescribed therein; that he will support the constitution of the United States, the constitution of this State, and will honestly discharge the duties of his office to the best of his skill and judgment; which oath shall be filed and preserved by the auditor.

Each member of such board of affairs shall give bond, to the satisfaction and approval of the mayor, in the penalty of three thousand dollars, conditioned for the faithful performance of his duties, and which bond shall be filed with the auditor.

Qualification and Oath of Members of Council.

Section 11. Members of council shall have attained the age of at least twenty-one years and shall have been bona fide residents, for at least one year prior to their election, of the wards from which they are respectively elected. They shall make and subscribe an oath or affirmation in the time, manner, form and effect as prescribed for the mayor and the board of affairs.

Vacancies and Removals.

Section 12. If a vacancy shall occur in the office of mayor or collector, the council shall, as soon as practicable, with the concurrence of the board of affairs, fill the vacancy by the appointment of some eligible person. If a vacancy occur in the board of affairs, or a city officer appointed by that body, such vacancy shall be filled by the board of affairs by the appointment of some eligible person; and if such vacancy occurs in a city office by appointment of the mayor, then such vacancy shall be filled by the appointment by the mayor of some eligible person, with the concurrence of the board of affairs.

All vacancies in the council shall be filled by the council.

Persons appointed to fill vacancies in elective offices shall hold office until the next city election, at which time the vacancies shall be filled by the election of some eligible person. Vacancies occurring in appointive offices shall be filled for the unexpired term.

The council shall have, and is hereby granted, power and authority to remove from office any member of their body for any of the causes mentioned in section six, of article four of the constitution of the State of West Virginia, upon written charges preferred by a member of the council, or such written charges may be preferred

by any responsible person; but to remove from office under this provision, two-thirds of the number of which the council consists shall concur in such removal.

Rules Governing Each Body.

Section 13. Each body, to-wit: the city council and the board of affairs, shall respectively appoint its own officers and prescribe their duties, except as may be hereby otherwise provided, and shall be sole judge of the qualifications and election of its own members; may determine the rules of its own proceedings, except as herein provided; may arrest and punish by reasonable fine any person or member who shall be guilty of disrespect by any disorderly or contemptuous conduct in its presence during its sessions. As soon as may be after the election, the board of affairs shall choose one of its own body president, who shall act as such until his successor is qualified, without ceasing, however, to be a member and entitled to vote therein. During his absence a president *pro tempore* shall be appointed and discharge the official duties of the president. A majority of the whole number of members elected to either body shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as either body may have provided by its rules.

Each Body to Keep Journal.

Section 14. Each body aforesaid shall keep a journal of its proceedings, which shall at all times be open to the inspection of any tax-payer of the city, and the yeas and nays of the members on any question shall, at the request of any member, be taken and entered therein.

No Member to Hold Other Office.

Section 15. No member of either body, or the mayor, shall, during the time for which he is elected, be eligible or appointed to any other office under the city, nor shall a member of either body, or the mayor, while such, be an employe of the city or of the body of which he is a member in any capacity whatever, and no compensation shall be audited or paid for services as such officer or employe. Persons elected to the council are during their term ineligible to serve in the board of affairs and *vice versa*.

Meetings.

Section 16. The meetings of the council shall be held at such

place or places in said city, and at such times, as the council shall from time to time ordain and appoint; but it shall be lawful for the council, by ordinance, to vest in any officer of the city, or any member or number of members of their body, the authority to call special meetings. It shall by ordinance prescribe the mode in which notice of such special meetings shall be given. All questions put, except as to such matters as are herein otherwise provided, shall be decided by a majority of the members present. No business shall be transacted at any special meeting of the council unless specially mentioned in the call for such meeting. The board of affairs may transact any business, either in general or special meeting, whether mentioned in the call for the same or not. The council shall set apart and designate a room or rooms, separate from the council chamber, in the city building, for the use of the board of affairs, in every way suitable for the convenient transaction of their business. The council shall provide, with the concurrence of the board of affairs, the necessary furniture, blank books, implements and stationery for the needful and proper discharge of its official duties.

Salaries of Council and Board.

Section 17. Each member of the council shall be entitled to receive for his official services of every kind, during his term of office, three dollars for each meeting when present, but the aggregate annually shall not exceed one hundred dollars; and each member of the board of affairs shall receive for his official services, during his term, such salary, not to exceed six hundred dollars per annum, as may be fixed by ordinance, payable in monthly installments. The roll of each body shall be called at each meeting, and the names of those present shall be entered on the journal of said body. If there be no quorum present, it shall not be a meeting entitling members to payment, as provided by this section.

Ordinances, General Provision.

Section 18. The style of ordinance of the city shall be, "Be it ordained by the council of the city of Parkersburg," but the ordinances now in force shall remain in effect until amended or repealed, except when the same are in conflict or inconsistent with this charter.

Ordinances to Contain But One Subject.

Section 19. All ordinances shall be presented in writing, and no ordinance shall be so amended in its passage as to change its

original purpose. No ordinance shall be considered for final passage at the meeting of its introduction nor unless the same shall have been reported upon by a committee, but this provision may be dispensed with by a vote of two-thirds of the members elected to the council, and no ordinance shall contain more than one subject, which shall be clearly expressed in its title.

Ordinances, How Passed and Recorded.

Section 20. All ordinances passed by the council shall be spread at large upon the minutes, and at the next regular meeting such ordinances shall be read in open council, and the mayor shall sign said minutes, when found correct, in the presence of the council. The council shall provide a book in which shall be copied all ordinances in the order in which the same are passed, which ordinances as copied, shall be compared with the originals by the mayor, and shall be signed by him when found correct.

Such books shall be indexed to show in brief form the subject of the ordinance, and the same, or copies thereof, certified as provided in this act, shall be received by all courts and justices in this State as evidence.

Ordinances, How Concurred in by Board and Mayor.

Section 21. After the passage of any ordinance or resolution by the council, the ordinance or resolution, if required by this act to be concurred in by the board of affairs, shall be sent to that body for such concurrence, and when concurred in and certificate thereof endorsed over the signature of the president of the board, it shall be presented to the mayor for his approval or disapproval; and at the next regular meeting of the council he shall return the same with his approval endorsed thereon, or accompanied by his objections, and if he endorses his approval, or shall fail to return the same as herein provided, such ordinance or resolution shall have full force and effect; but if accompanied by his objections, the same shall have no force or effect, but shall stand as reconsidered in the council. The objections of the mayor shall be entered at large upon the journal, and the council shall proceed to consider the question pending, which shall be in form: "Shall the ordinance or resolution pass, or appropriation of money be made (as the case may be), the objections of the mayor thereto notwithstanding?" The vote on the question shall be taken by yeas and nays, and if three-fourths of all the members elected to the body vote in the affirmative by

yeas and nays entered on the journal, the presiding officer shall certify that fact, attesting the same by his signature, when the ordinance, resolution or appropriation of money shall become and be in full force and effect, as if the same had received the approval of the mayor: *provided*, the same is again concurred in by the board of affairs.

In all cases where a tie vote shall occur in the board of affairs, the mayor shall cast the deciding vote, except where the question relates to the confirmation of a person appointed to office by the mayor.

Concurrence of Board to be Certified.

Section 22. Whenever, by this act, it is required that any act done by the council shall be concurred in or approved by the board of affairs, or it is provided that appointments by the mayor shall be made with the advice and consent of said board, it shall be sufficiently attested when the agreement or disagreement by the board is entered in their journal, the yeas and nays being taken on all such matters; and such board shall immediately certify their action thereon to the council or mayor, as the case may be, in such form as may be provided in the rules adopted by said board and spread on their journal.

Powers Vested in Council and Board.

Section 23. All the corporate powers, capacities and jurisdiction of said city shall be vested in and exercised by the council and board of affairs, subject to the limitations herein provided. And all the real and personal estate and the funds, revenues, claims, rights, titles and privileges of said city shall be under the care, management, control and disposition of the council as hereby provided; and for the better administration of the rights, powers, franchises and privileges conferred by this charter upon said city, and upon the council thereof, said council shall have authority, unless otherwise expressly enacted, to provide by ordinance regulating and defining the powers and duties thereof, to appoint such officer or officers, in addition to the officers hereby provided, required for the transaction of the business of the various departments of the city, which shall be committed to them by the council, pursuant to the powers and privileges herein granted to it, and to said city under such regulations as the council shall prescribe and ordain, and to provide their compensation and fix their terms of office, subject, how-

ever, to the concurrence of said board of affairs, and with like concurrence may change, increase or diminish them in a manner not inconsistent with this act.

Money, How Appropriated.

Section 24. No money shall be appropriated in any manner by the council, and no contracts on behalf of the city shall be entered into or authorized, unless with the concurrence of the said board of affairs, nor shall any ordinance be passed by the council unless two-thirds of all the members elected to the council, when the question is put, concur therein, or unless the same be concurred in at two successive meetings of the council, held on different days, by a majority of the members present at such meetings. The council is forbidden to make any appropriation of money or credit in any way, of donations to festivities, pageants, excursions or parades; and is hereby prohibited from employing or appropriating the revenues and taxes in any other manner than for purposes strictly municipal and local, and according to the provisions of this act, and general law; nor shall the council or board of affairs delegate its power to a committee to expend money, or to do any act involving the expenditure of money, or bind the city to payment for any work to be done or purchase of material; nor shall a member of either body, a committee of either, or a joint committee have power to create any debt or liability binding on the city, save that the proper committee may be authorized, in cases of emergency, to incur such liability for the city, not exceeding twenty-five dollars.

No money shall be appropriated, and no debt shall be contracted for any purpose whatever, except that the funds to meet the same shall have been first provided by levy duly laid, in accordance with the provisions of this act; and no contract shall be entered into involving or anticipating future levies, unless all questions connected with the same shall have been first submitted to a vote of the people and have received three-fifths of all the votes cast for and against the same.

Power of Council to Pass and Enforce Ordinances.

Section 25. The council shall have authority to pass all ordinances (not repugnant to the constitution of the United States or to the constitution and laws of this State or to this act), which shall be necessary and proper to carry into effect any power, authority or jurisdiction which is, or shall be granted to or vested in the

said city or in the council, and to enforce any or all of their ordinances by reasonable fines and penalties and by imprisoning the offender or offenders; and, upon failure to pay any fine or penalty imposed, by compelling them to labor without compensation at any of the public works or improvements undertaken or to be undertaken by said city, or to labor at any work which the said city may lawfully employ labor upon, at such a rate per diem as the council may fix (but not a less rate than is fixed by said council and board of affairs for like labor of other employes of said city), until any fine or fines imposed upon any such offender or offenders by said city shall have been fully paid and discharged, after deducting charges of support while in custody of the officers of said city: *provided, however*, that no fine shall be imposed exceeding twenty dollars, and that no person shall be imprisoned or compelled to labor, as aforesaid, for more than ninety days for any one offence. And in all cases where a fine is or may be imposed for an amount of ten dollars or more, or a person imprisoned or compelled to labor as aforesaid for the term of ten days, an appeal may be taken to the criminal or circuit court of Wood county from any decision, upon giving bond, approved by the mayor or other officer trying the case, conditioned for the appearance of the person, upon whom the fine or sentence of imprisonment is imposed, before the court to which the appeal is taken, on the first day of the next term thereof, to answer for the offence wherewith he is charged, and not to depart thence without the leave of said court; and also to pay and satisfy such judgment or fine, as such court may impose, together with costs of prosecution, including the costs before the mayor: *provided*, that in cases where a fine is imposed, no appeal shall be allowed unless the amount of the fine imposed has been deposited in cash with the recorder; said fine, so deposited, shall be immediately paid over by the recorder to the auditor, who shall keep the same in a separate account till such time as the case is heard and determined on appeal in the said circuit or criminal court. Upon a duly certified copy of the judgment of said court the said auditor shall pay the amount of said fine to the proper city fund, or to the party fined, according as the said party is convicted or acquitted in said court. The jurisdiction of said city, for police and criminal purposes, shall extend one mile beyond the corporate limits of said city in all directions, except the western boundary, and shall extend from said western boundary to the State line, and also to and

including the grounds acquired and owned by the city as a public park, and any territory that may hereafter be annexed to such park.

Official Bonds.

Section 26. Where by this charter or by any ordinance of said city, any officer of said city, who receives a monthly salary of more than fifty dollars, is required to give an official bond, it shall be given with a surety company approved by the board of affairs; bonds of other officers may be given with personal security, approved by the board; all such bonds shall be payable to the city of Parkersburg, and be with the condition that the officer shall faithfully discharge the duties of his office, and faithfully account for and pay over, as required by law, all moneys which may come into his hands by virtue of his office. Such bonds, except that of the auditor, shall be filed in the office of the auditor of the city, and shall be carefully preserved by him. The auditor's bond shall be filed with and preserved by the collector.

Right to Levy and Collect Taxes.

Section 27. The council shall have authority to levy and collect an annual tax on real estate, personal property and titheables in the said city, and upon all other subjects of taxation under the several laws of the State: *provided* said tax does not exceed one hundred cents on each one hundred dollars of the assessed value of said property, or the sum of two dollars upon every titheable therein; which taxes shall be uniform with respect to persons and property within the jurisdiction of said city, and shall only be levied on such property, real, personal, and mixed, and on capital on which the State imposes a tax; to impose a tax on all licenses, for which a tax is now or may hereafter be imposed for State purposes, in addition to the tax paid the State, and which said taxes are for the use of the city. The taxes so levied, other than upon licenses, shall be payable on the twentieth day of December of the year in which the levy is made, or as soon thereafter as notice shall be given by the collector by publication for five days in one or more newspapers, published in said city, that he is ready to receive all such taxes. The bills for such taxes shall be made out for each year, and when paid, receipted by the collector and delivered to the person paying the same. Any taxpayer may pay the whole amount of taxes assessed against him, including titheables, in December of any year, or as soon as the collector is ready to receive taxes as aforesaid, and

receive a discount of two per centum. And the council shall have authority to subject any person or persons who, without having paid the taxes imposed by said council for the privilege, shall do any act or follow any employment or business in the said city, upon which the council is or shall be authorized to impose a tax, to any fine or imprisonment, which they are or may be authorized to impose or inflict for the enforcement of their ordinances. The council shall have authority to levy such tax or license on dogs within the city limits, as they shall deem proper, and enforce the payment of the same by such fines and penalties or both, as they deem proper. The tax or license for dogs shall be paid in such manner and at such times as the council shall by ordinance prescribe: *provided, however*, that in no event shall any tract of land containing more than five acres situate within the limits of said city, as prescribed in section two of this act, and used exclusively for gardening, grazing or agricultural purposes, be taken or treated as a part of the territory of said city without the consent of the owner thereof, until said owner shall have sold or leased the same or some portion thereof in lots of five acres or less, or until such owner shall have laid off his land in town lots and offered the same or some of them for sale: *provided further, however*, that the exemption hereby granted shall cease and determine on and after ten years from the passage of this act.

Licenses.

Section 28. The council of said city shall have exclusive authority to grant or refuse license to sell spirituous liquors, wine, porter, ale or beer, intoxicating cider, or any drink of a like nature within said city; and shall have authority within said city to require and grant licenses to owners of horses, hacks, carts, wagons, drays, bicycles and every description of wheeled carriages kept for hire; to levy and collect taxes thereon, and subject the same to such regulations as the interests and convenience of the inhabitants of said city shall require; also to license hawkers and peddlers within said city, and persons who temporarily station themselves upon a street to sell or exhibit articles, and to subject the same to such regulations as the interests of the city requires; but no license to permit the permanent occupancy for private use of an open street, alley or public square or any part thereof, or a use for private purposes that obstruct the free use of the streets, shall be given or granted. The council shall further have authority to require, by ordinance,

the examination and licensing of all engineers operating stationary steam engines, and all persons who may have charge of any steam boilers, both rates in excess of ten horse power, within said city, and levy and collect taxes on such licenses. But this section shall not apply to low pressure boilers used only for heating purposes.

Assessors—How Assessment to be Made.

Section 29. The mayor, subject to confirmation of the board of affairs, shall have authority to appoint one or more assessors, and the council shall prescribe, by ordinance, their duties, compensation and qualifications; they shall make an assessment of the personal property within said city, subject to taxation, substantially in the manner and form in which assessments are made by assessors of the counties of this State, but taxes for city purposes on real estate therein shall, until otherwise provided, as below, be levied only on the value of real estate ascertained for State or county purposes, and for this purpose each assessor or assessors shall have access to all books and public records of Wood county, and be permitted to copy the same upon payment of reasonable fees and charges therefor, to be fixed by resolution or ordinance, and not to exceed one hundred dollars for any one year; and it is hereby made the duty of the county officers to furnish such books and public records to be copied for the use of said city, or to furnish copies when required.

Such assessors shall have the same power and be subject to the same penalties in ascertaining and assessing the property and subjects of taxation within said city as are granted to, and imposed upon, county assessors by general law, and shall have authority to enter and assess on the land book any building omitted for one or more years, and of additions and improvements to a building, and of any building newly erected, not theretofore assessed, and of the value of one hundred dollars or upwards, and be governed therein by sections twenty-seven, twenty-eight and twenty-nine of chapter twenty-nine of the code of West Virginia. Such assessors shall also return a list of all dogs over four weeks old, owned or found within the limits of the city, together with the name of the owner thereof, and such description as they can obtain, designating also the sex of each dog so listed by them. The council may, by ordinance, prescribe all such other rules and regulations as may be necessary and proper to enable such assessors to ascertain and assess all personal property and titheables liable to be taxed by said city,

not assessed on the books returned by the county assessor, and to enforce the same by reasonable fines and penalties: *provided, however,* that the council and board of affairs may elect to adopt the assessment made of personal property, by the officers of Wood county, against the inhabitants of said city for taxation, in which event the proper officers of said city shall have the right of access to the personal property books and records of said county, with the same rights and subject to the same conditions provided for in relation to real estate: *provided,* that the council may, by ordinance, concurred in by the board of affairs, provide for an assessment of real estate within said city, for taxation for city purposes, separate and distinct from the assessment for county and State purposes. Said separate assessments shall be made at such periods as may be designated by said ordinance, not oftener than once in five years. The board of affairs shall have power, upon the application of any person who may feel himself aggrieved, by such assessment, to correct the same, and make such orders relative thereto as it may deem proper.

Interest on Taxes.

Section 30. In case any person shall neglect or refuse to pay in whole or in part any tax lawfully levied upon him, for the benefit of said city, on or before the first day of January of the year following that in which the levy is made, or on or before the first day of the month following the giving of the notice by the collector, provided for in section twenty-seven of this act, if said notice be not given before the first day of January, such person or persons shall be chargeable with interest upon the amount of said taxes, at the rate of six per centum per annum until the same are paid, and the officer appointed to collect said taxes shall be charged with said interest and required to account therefor. And it shall be lawful for such officers to take reasonable distress of any personal property in said city belonging to such delinquent or delinquents, or in which they shall have any right or interest, and are hereby vested with all the rights, privileges and authorities in relation to distraint, sale and garnishment concerning said city taxes, as are authorized and given to sheriffs and collectors by the laws of West Virginia.

*Tax to be a Lien; Deduction From Rent; How Returned Delinquent;
Liens to be Recorded.*

Section 31. All taxes assessed upon real estate within said city,

for the benefit of said city, shall remain a lien thereon from the time the same are assessed, which shall have priority over all other liens, except for taxes due to the State, county or district, and may be enforced by the council, in the same manner now provided by law for the enforcement of the lien for county taxes, by a suit in equity in the name of the city, in any court having jurisdiction, or in such other manner as the council may, by ordinance, prescribe: and if not paid as provided by section twenty-seven, of this act, said lien and taxes shall bear interest at the rate of six per centum per annum until the same are fully paid. And the personal property of every person to whom the said real estate shall come by descent, purchase or gift, shall be subject to distress and sale in the same manner and to the same effect as if he, she or they were originally chargeable with such taxes.

And in all cases in which any tax assessed upon real estate for the benefit of said city shall be paid, in whole or in part, by the tenant, or out of his or her property, he shall be entitled to deduct the same out of the accruing rent, or to recover the amount so paid from the owner of such real estate, unless it shall have been otherwise especially agreed. The council shall, by ordinance, require the collector on the first day of June in each year, after he ascertains which of the taxes in the city have not been collected, to make out and return to the council alphabetical lists in two classes; one a list of real estate, and the other a list of persons and property, other than real estate, in the city, delinquent for the non-payment of taxes thereon for the year preceding such return, and require the collector returning the said lists to subscribe an oath to each list in form and effect as sheriffs are required to make to delinquent lists returned to the State; and the council is prohibited from giving the collector credit for any uncollected city taxes or licenses unless the same have been abated as prescribed by this act, or are mentioned in such lists. If any real estate within said city be returned delinquent for non-payment of the taxes thereon, and such return shall be made by the collector thereof, in such manner as the council of said city may prescribe, a copy of such delinquent list may be certified by council to the auditor of the State, and the same may be sold for taxes, interest and commission thereon, in the same manner and at the same time, and by the same officer, as real estate is sold for the non-payment of State taxes.

A copy of said delinquent list, immediately after confirmation by

council, shall be filed in the office of the clerk of the county court of Wood county, and recorded in a well bound, permanent book, to be furnished by the city and kept and preserved in said office for that purpose.

Right to Alter Location of Road or Street.

Section 32. The council of said city, having acquired, with the concurrence of the board of affairs, the necessary lands for the purpose, may, with like concurrence, alter the location of so much of any turnpike, or of any public road, as lies within the corporate limits of said city, in order to conform the same to the general plan of said city, or for any other public purpose.

Streets to be Kept in Good Condition.

Section 33. The council may cause, with like concurrence, all the streets, alleys and public roads, lying within said city, to be kept in good order and condition, but this provision shall not apply to any street or road hereafter opened or dedicated to the public within the corporate limits of said city by private persons, unless the said council shall have first accepted said street or road as a street of the said city; and the council shall not accept any street or alley as a street or alley of said city which may hereafter be opened or dedicated to the public by private persons in order to extend any street or alley now established within the corporate limits, until the same has been made to conform in width and direction to the street or alley so extended; and where new streets and alleys are hereafter laid out and dedicated to the public, not in extension of streets and alleys already established, the council shall not accept any such street until at least sixty feet in width of ground, or such less width as the council in its discretion may decide, for the entire length of any street, shall have been laid off and dedicated to the city.

Lands for Public Purposes, How Acquired.

Section 34. The council shall have the authority, with the concurrence of the board of affairs, to lay out within said city and cause to be opened any streets, walks, alleys, market grounds and public squares, or to extend or widen the same; to hold and improve public grounds and parks, and to provide for the protection of the same, having first obtained title to the ground necessary for that purpose; and to graduate any street, walk, alley, market ground or public square which is, or may be established within said city; to pave or otherwise improve the same; to cause them to be kept in good re-

pair and generally to ordain and enforce such regulations respecting the same, or any of them, as shall be proper for the health, interest or convenience of the inhabitants of said city: *provided, however,* that the right herein conferred upon said city to obtain title to the ground necessary to open any such street, walk, alley or market ground, or to extend or widen the same, is hereby restricted to an action by it in a court of law for the condemnation thereof for such purpose, in the manner prescribed by the general law of the State governing such actions, and after application to such council to institute such proceedings by at least fifteen owners of property within said city, adjacent to the property proposed to be taken; and no property shall be acquired for such purpose by voluntary purchase from the owner thereof by said council. Nothing in this section or in this act shall be so construed as to prevent said city from purchasing and maintaining, and authority is hereby conferred upon the council thereof, with the concurrence of the board of affairs, to purchase any grounds, either within or without the limits of said city, for a city cemetery or cemeteries, a public square or park, or for public squares or parks, or for the erection of any city buildings, or water works, and to maintain and regulate and beautify the same for the use, convenience and pleasure of the citizens of said city. No such purchase which amounts to ten thousand dollars or more shall be valid and binding on said city until the contract of purchase shall have been confirmed by a majority of the votes cast for and against the same by the qualified voters of said city, at some regular election held in said city or at a special election held for the purpose. Those voting for the purchase shall have printed or written in ink on their ballot: "For confirmation of purchase from ——" (filling in the name of the person from whom the purchase is proposed to be made). Those voting against the purchase shall have printed or written in ink on their ballot: "Against confirmation of purchase from ——" (filling in name as above). But in no case shall any street, road or alley be laid, in, across or upon the lands used exclusively for gardening, farming, grazing or agricultural purposes, as aforesaid, without the consent of the owner thereof, until the said owner shall have sold or leased the same in lots of one acre or less, or until such owner shall have laid off said land in lots and offered the same for sale, and commenced the sale thereof. In no case shall such streets, roads and alleys, in connection therewith, as so laid off, be adopted by the

council, until the same are surveyed and the grade established by the owner thereof, and accepted and received by said council and adopted by it, with the concurrence of the board of affairs, and the plat thereof ordered by said council to be recorded by said owner in the office of the clerk of the county court of Wood county, and filed among the records of said city. And when any work of improvement shall be undertaken or made by said city on such streets, roads or alleys, no change in the grade established as aforesaid shall be made before the owners of the property abutting the same shall assent thereto in writing, or before the damage to the property abutting the same, by reason of such change of grade, shall be ascertained and agreed upon between the council, with the concurrence of the board of affairs, and the owners thereof.

Right to Construct and Maintain Hospital, Etc.

Section 35. The council shall have the authority, with the concurrence of the board of affairs, to erect a city hall, engine house or houses, and to regulate the same; to establish and maintain free public libraries and reading rooms, to purchase books, papers and manuscripts therefor, and to receive donations and bequests of money and property for the same, in trust or otherwise, and to designate such agents or trustees to manage the same in such manner as it shall, by ordinance, prescribe; and to erect a work-house, jail, house of refuge, hospital or infirmary, and other buildings necessary for said city; and the use and occupation of said buildings shall be prescribed by ordinance. The said city shall be allowed to use the county jail of Wood county for the confinement of all persons who shall be sentenced to imprisonment under the ordinances of said city; and all persons confined in said county jail, by virtue hereof, shall be under the charge and custody of the sheriff of said county, who shall receive, keep and discharge the same in such manner as shall be prescribed by the ordinances of said city, or otherwise according to law.

To Regulate Burial of Dead.

Section 36. The council shall have authority to regulate the burial of the dead within said city, and to preserve the peace within the cemeteries therein; and with the concurrence of the board of affairs, to keep the same in good repair, and in general, to have such care and control over said cemeteries as will promote the public good.

Right to Take Private Property.

Section 37. The council shall have authority, with the concurrence of the board of affairs, to take and use, in the manner prescribed by this act, any lot or lots, parcel or parcels of ground, or any part thereof, in said city, for streets, alleys, or market grounds, or for any public purpose provided by this act, or any general statutes of this State, upon making to the owner or owners thereof adequate compensation therefor.

Sidewalks.

Section 38. The board of affairs, a suitable curb of stone, brick or other material having first been laid, shall have the footways and sidewalks of the streets and alleys of said city paved, or paving repaired, by the owners or occupants of the lots or parts of lots facing upon said streets or alleys, and in case they or any of them refuse to pave the same, when required, it shall be lawful for the board of affairs to have the same paved, and such paving repaired, and said city may recover the expense thereof from the said owner or owners, occupier or occupiers or any of them. The sum or sums of money thus expended for paving or repairing shall be a lien upon the lots or fractional parts of lots upon which they are expended, which lien may be enforced by a suit in equity in the name of the city, in any court having jurisdiction thereof, or the same may be collected by a suit at law before any court or any justice of the peace having jurisdiction thereof: *provided, however,* that ten days' written notice shall be first given, signed by the city auditor, to the said owners or occupiers or their agents, that they are required to pave the side footways or sidewalks, or repair such paving. In case of non-resident owners who have no known agents in said city, such notice may be given by a publication of not less than two weeks in any newspaper printed in said city. And in case a tenant shall be required to pave or repair such paving in front of the property in his or her occupation, the expense of paving or repairing the same may be deducted out of the accruing rent for said property. He or she may recover the amount so paid from the owner, unless otherwise especially agreed.

Paving and Sewers.

Section 39. Upon the petition in writing of the persons owning the greater part of the lots fronting or abounding on both sides of

any street or alley, between any two cross streets, or between a cross street and an alley, the council of the city of Parkersburg, by a lawful majority thereof, or without a petition therefor, by a majority of not less than three-fourths of all the members constituting said body, shall be authorized to order such part of any street or alley to be paved, between the sidewalks, with cobble stone, brick, or other suitable material, and a sewer to be constructed therein from one of said cross streets or alleys to another, or to have such paving done without the construction of a sewer, or a sewer constructed without such paving, under such regulations as shall be fixed by ordinance, concurred in by said board of affairs, upon the lowest and best terms to be obtained by advertisements for bids or proposals therefor by the board of affairs as herein provided; and two-thirds of the cost of such paving, together with the whole cost of such sewer, or the cost of such sewer, when constructed without paving, shall be assessed to the owners of the lots or fractional parts of lots abutting or abounding on that part of the street or alley so paved or sewered, in proportion to the distance of the frontage owned by each. The one-fourth thereof shall be paid within thirty days after the completion of the work, and the remainder in three equal installments, payable respectively at such times as the council may by ordinance fix at the time of letting the contracts for such work. The other one-third of the cost of said paving shall be borne by the city. The intersection of streets or of a street and alley, paved or provided with sewer under this section, shall be correspondingly paved or sewered at the sole expense of the city.

The sum or sums of money thus assessed for paving or construction of sewers shall be a lien on the lots or fractional parts of lots upon which they are assessed, which lien may be enforced by a suit in equity in the name of the city, in any court having jurisdiction thereof, and the same, or any installment thereof, may be collected by a suit at law before any court or any justice of the peace having jurisdiction thereof.

Immediately upon the completion and acceptance of any sewer or paving constructed by virtue of this section, the council shall direct the auditor to cause to be published a notice, which shall name and describe the location of the street or alley upon which said sewer or paving shall have been constructed; give the name or names of the owners of each lot abutting or abounding upon such street or alley, if known, and if the name or names of the owner or

owners of any lot or fractional part of a lot are unknown, such lot shall be described with reasonable certainty in order that the same may be identified. The number of feet that each lot or fractional part of a lot abuts shall be stated, also the amount assessed against each lot or fractional part of a lot. Said notice shall cite all owners of lots or fractional parts of lots, abutting upon the street or alley aforesaid, to appear before the board of affairs of said city at a regular meeting thereof, within thirty days from the first publication thereof, and show cause, if any they can, why the assessment aforesaid should not become final, which notice shall be published once a week for two successive weeks in one or more newspapers of general circulation, published in said city. The board of affairs shall, upon the request of any one or more of the owners of said lots or fractional parts of lots, appoint a day to hear the grievances of said owner or owners, and may alter or amend any assessment made against any one or more of said owner or owners for good cause to be shown. The auditor shall give notice to all persons claiming to be injured by said assessment, of the time and place of holding said meeting, which meeting shall be held within ten days after the expiration of the thirty days mentioned in said notice. The board of affairs may adjourn the hearing from time to time. In case any owner or owners of abutting property fail to complain to the board of affairs of any grievance or injury they may have suffered by reason of the assessment aforesaid, and shall fail to appear before the board of affairs for the purpose of having the same corrected, the assessment as laid shall be final. The findings of said board shall be conclusive. The rights conferred by this section are cumulative and shall not be exhausted as to any particular street or alley by reason of having been once exercised.

But the lien upon any real estate created by virtue of this section shall be void as to any purchasers of any such real estate, for value and without notice, who shall have purchased such real estate at any time after a period of twelve months has elapsed after the paving or sewer has been accepted by the city, unless an abstract of such assessment, giving the location of the real estate affected, the name of the owner and the date and amount of the assessment shall have been first recorded in the office of the clerk of the county court of Wood county, in a well bound book to be furnished by the city and preserved in said office.

And it is hereby made the duty of said county clerk to record

said abstracts; for the recordation of each of which said clerk shall receive a fee of twenty-five cents to be paid by the city.

Levy for Paving and Sewers.

Section 40. The council shall have authority to levy and collect an annual tax, for the purpose hereinafter specified, on the personal property and real estate in said city, subject to taxation by said city, not to exceed in any year ten cents on every one hundred dollars of the assessed value thereof; the money so collected shall be used for the purpose of paying its proportion of the cost of paving or repaving streets and alleys and for constructing sewers in said city, in accordance with the provisions of section thirty-nine of this act; and such money shall in no case be used to pay for repairs of streets or alleys or sewers, or for any other purpose than for paving or for sewers.

Funds so Derived to be Used for no Other Purpose.

Section 41. The money collected, by virtue of the last two preceding sections, shall be assessed, levied and collected, in addition to the money assessed, levied and collected for other purposes by said city under this and the present laws, and the funds raised, by virtue thereof, shall be used for no other purpose than that for which it is therein and thereby authorized to be assessed, levied and collected; and the use of such funds for any other purpose may be restrained by injunction upon a bill filed by any one or more of the taxpayers of said city.

Board to Submit Estimates of Expenses and Council to Lay Levy.

Section 42. The board of affairs shall, on or before the first day of July in each year, prepare and submit to the council of said city an estimate of the amount of money necessary and advisable to be expended for the expenses of the city for the calendar year next ensuing, and to be provided for by levy of taxes as herein provided, for the calendar year ending such levy, in which it shall ascertain and present an adequate itemized estimate of the sum of money necessary to pay interest accruing on the bonded indebtedness of said city, the amounts required for the several sinking funds for the reduction of the principal thereof; to redeem bonds as required by chapter twenty-two, of the acts of the Legislature, passed February twenty-seventh, one thousand eight hundred and eighty-five; what it shall expend severally for streets, alleys, wharf repairs, water

works, police department, fire department, market house, street lighting, street paving, sewers, salaries, parks, and contingent expenses; and before making the levy council shall apportion the rate thereof, including the estimated receipts from licenses and all other sources, among the several funds so ascertained and provided for, which said apportionment, when adopted, shall be spread upon the records of the council, as well as upon the records of the board of affairs; and the funds raised by such levy shall be used for no other purpose than that for which it is so directed by the apportionment aforesaid, and the use of said funds for any other purpose may be restrained by injunction upon a bill filed by any one or more of the taxpayers of said city.

No Officer to be Interested in any Contract.

Section 43. If any officer or employe of said city shall in any way become personally interested in any contract for labor and material, to which said city shall be a party, he shall be deemed guilty of a misdemeanor and shall be fined not to exceed five hundred dollars or imprisoned not to exceed six months, or both fined and imprisoned at the discretion of the court, and his office shall be deemed vacated and said contract shall be void, and no money shall be paid for services rendered or material furnished under the same. And it shall be the duty of any person having knowledge or information of the violation of these sections forthwith to report the fact of the violation to the board of affairs, and the board shall give reasonable notice to the parties interested and at the earliest convenient day investigate the same, and hear evidence on both sides, and therein proceed as prescribed in section eighty-nine of this act.

Fire Limits.

Section 44. It shall be lawful for the council to ordain and enforce such regulations as shall be necessary and proper to prevent accidents by fire in said city, or to secure the inhabitants thereof, as far as practicable, from injury thereby, and, with the concurrence of the board of affairs, especially to cause the removal of any building or other combustible material, which may in their opinion endanger adjacent property by its liability to take fire, the expense of which shall be paid by the city; with the concurrence of the board of affairs to establish fire limits, by ordinance, which, once established, shall not be contracted, and no amendment of such ordinance shall be made to permit the erection of buildings otherwise than

as may be prescribed by such ordinance shall be lawful, and to provide for the establishment, organization, equipment and government of fire companies in said city; to provide for the purchase of fire engines and other fixtures and appliances necessary therefor; to provide for the safe construction, inspection and repairs of all private or public buildings within the city, and to ordain suitable regulations for the storage of all gunpowder and other combustible and dangerous articles, and to ordain and enforce such regulations as they may deem necessary respecting the place and manner of keeping the same.

Offences.

Section 45. The council shall have authority to pass such ordinances as shall be necessary and proper to secure the inhabitants of said city against thieves, robbers, burglars, and all other persons violating the public peace of said city, for the suppression of riots and gaming, and for the prevention and punishment of vagrancy, of lewd, lascivious, indecent or disorderly conduct in said city, and to prevent loitering on the streets. With the concurrence of the board of affairs, to organize and maintain a police department, and to prescribe the duties and define the powers of the several officers, members and classes thereof, in such manner as will most effectually preserve the peace and good order of said city, and secure the inhabitants thereof from personal violence, and their property from fire or other loss or injury.

Health.

Section 46. The council shall have authority to ordain and enforce such regulations within said city as shall be necessary or proper to preserve the health of the inhabitants of said city, and to secure them from contagious, infectious and other diseases; to require and compel the abatement and removal of all nuisances within said city at the expense of the person or persons causing the same, or of the owner or owners of the grounds whereon the same shall be. To prevent or regulate slaughter houses within said city, or the exercise of any offensive or unhealthy business, trade or employment therein, and to ordain and enforce such regulations respecting the same as the comfort, health or convenience of the inhabitants of said city shall require; to prevent the keeping of any stale meats, fish, vegetables or other matter, or the depositing the same, or any dirt, rubbish, offal, or other substance upon any lot, street, alley, wharf or square

inside the city, or upon the banks of any river within the limits of said city; and to prevent hogs, dogs or other animals from being kept in or from running at large in said city, and to subject the same to such regulations and taxes as they may deem proper.

Stagnant Water.

Section 47. In case any ground in said city shall be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers thereof, shall permit any offensive or unwholesome substance to remain or accumulate thereon, it shall be lawful for the council, with the concurrence of the board of affairs, to cause such ground to be filled up, raised or drained, or to cause such substance to be covered or to be removed therefrom, and to collect the expense of so doing from the owner or owners, occupier or occupiers in the manner and after the notice required by section thirty-eight of this act, and the tenant of any such lot may have the deduction and remedy provided for in said section.

Markets.

Section 48. The council shall have authority to establish and regulate markets in and for said city; to appoint the time and place for holding the same; to provide, with the concurrence of the board of affairs, suitable buildings therefor; and to ordain and enforce such regulations respecting the said markets, as the convenience or interest of the inhabitants of said city may require.

Wharves and Landings.

Section 49. The council shall have authority, with the concurrence of the board of affairs, to construct landings, wharves and docks, and to repair, alter and remove any landing, wharf or dock which has been or shall be constructed; and with such concurrence to establish and collect rates and taxes for using, in any manner, the lands, wharves and docks, belonging to said city; to pass and enforce such ordinances as shall be proper to keep the same in proper order and repair, to preserve peace and good order at the same, and to regulate the matter in which they shall be used.

Fireworks and Speed.

Section 50. The council shall have authority to prevent the firing of guns, crackers, or any combination of gunpowder or other combustible or dangerous material, and the throwing of fire-balls within the said city; and to prevent the riding or driving of horses or other

animals at an improper speed within the limits of said city, and generally the council shall have authority to ordain and enforce all such by-laws, ordinances, rules and regulations, not inconsistent with the constitution and laws of the United States, or of this State or of this act, as they shall deem necessary and proper for the peace, good order, health or safety of said city or of the people or property therein.

Weights and Measures.

Section 51. The council shall have authority to provide for the proper weighing and admeasurement of all hay, animals, meat, provisions, coal, lumber, wood, boards and spirituous liquors and wines, which shall be offered for sale in said city, and to provide for the inspection of weights and measures. To grant, refuse and revoke licenses to theatrical exhibitions, public shows, musical performances, and all performances to which admission is obtained by the payment of money or other rewards, and to levy and collect the taxes on the same; and to grant, revoke and refuse any license to sell, or offer for sale, and to prohibit the sale or offering for sale, of any brandy, whisky, rum, gin, wine, porter, ale or beer, or any other spirituous, vinous, or malt liquors, or any intoxicating liquor, drink or mixture, or preparation whatever, within said city, or within one mile of the corporate limits thereof, and to enforce the authority hereby granted by reasonable fines and penalties.

Authorized to Own Waterworks, Etc.

Section 52. The council, with the concurrence of the board of affairs, is hereby authorized and empowered to acquire, erect, maintain and operate water works, street railways, telephone lines, electric light and gas works, or grant such franchise to others, for furnishing electric light, power and gas for lighting streets, alleys and public places in said city, and for adequate compensation to sell such electric light, power, gas and water to the inhabitants of said city, and charge such reasonable rates for transportation of passengers on said railway and for the use of telephones, as may be provided by ordinance.

Licenses to be Issued by Auditor and Paid For.

Section 53. All licenses shall be issued by the auditor of said city, and they shall not be delivered to the person or persons applying therefor, until the tax assessed and levied thereon has been paid to the proper officer of said city.

Money, How and When Paid.

Section 54. All taxes which the council are or shall be authorized to levy and collect, and all fines and penalties which may be imposed and collected for violations of the laws and ordinances of said city, shall inure to the exclusive benefit of said city. And all moneys received or collected for the use of said city shall be paid into the city treasury, and shall not be drawn therefrom, except as the council, in accordance with this act, may order, by orders drawn upon the city treasury, signed by the mayor and countersigned by the auditor, and no order shall be issued upon any fund unless there is an unexpended balance to the credit thereof sufficient to cover such order, and money in the treasury to pay it. The council shall, once at least every year, cause to be published in two newspapers published in the said city, a statement of the receipts and expenditures of said city for the past year for each of the several funds, signed and sworn to by the auditor, and attested by the mayor and president of the board of affairs.

Accounts to be Audited.

Section 55. In the month of January of each year the accounts of the city shall be audited by at least two expert accountants, or by one incorporated audit company. This accounting shall be under the supervision of the board of affairs, and the result shall be certified to them, and the certificate of the accountants shall be published, with the statement provided for in section fifty-four of this act.

Records, Certification and Effect.

Section 56. All copies, purporting to be copies of the ordinances of said city, or extracts from the journals of the council, or board of affairs, which shall be printed by the authority of the council, or which shall be certified to be correct by the mayor of said city, under the seal thereof, attested by the auditor, shall be received by all courts and justices of this State as *prima facie* evidence of the tenor of such ordinances, and of the acts and proceedings of the council and said board of affairs as herein set forth.

Mayor to Appoint Certain Officers.

Section 57. The mayor shall appoint the following officers, who shall hold their offices for two years from the first day of July in the year they are appointed, or until their successors shall have

been duly appointed and qualified, to-wit: City attorney, recorder, assessors, as may be provided by ordinance, health officers, and such other officers that may be required for heads of departments now or hereafter created by ordinances, except as otherwise hereby provided.

All appointments made by the mayor shall require the confirmation of a majority of the members elected to the board of affairs. If the board refuses to confirm such appointment, the mayor shall, within ten days, nominate another person to fill the office and he may continue to nominate until his nominees are confirmed. If the mayor fails to make another nomination within ten days from the rejection of a nominee, the board of affairs shall elect a suitable person to fill the office during the term.

Board of Affairs to Appoint Certain Officers.

Section 58. The auditor, street commissioner, chief of police, superintendent of water works and city engineer, who shall hold their offices for two years from the first day of July in the year in which the mayor is elected, shall be appointed by the board of affairs, on or before the fifteenth day of June of said year, and each perform such duties as are prescribed in this act, and as may be from time to time provided by ordinance.

Bonds of Appointed Officers.

Section 59. All city officers whose duty it shall be to receive city funds, assets or property, or have charge of the same, shall give bond for the faithful performance of their duties as the council shall ordain, which bonds shall be approved by the mayor, and the board of affairs, filed with the auditor (except the bond of the auditor,) and enrolled by him on a book to be kept for the purpose of enrolling all official and other bonds required to be given to said city.

Suspensions and Removals.

Section 60. Any elected city officer may be suspended by the mayor and removed by the board of affairs for cause; and any appointed officer may be suspended or removed by the mayor for cause. In either case the mayor shall temporarily fill the vacancy.

Whenever the mayor shall suspend any elected officer he shall immediately notify the president of the board of affairs of such suspension and the cause therefor, and present charges against such suspended officer to the board, and furnish a copy of the same to said

officer, who shall have the right to appear, with a legal adviser, before the board for his defence. If a majority of the members of the board of affairs shall, by resolution, sanction the action of the mayor, then the suspended officer shall thereby be removed from office, as of the date of suspension without pay, and the board shall fill the vacancy until the next city election, at which time the vacancy shall be filled by the election of some eligible person for the unexpired term; but if a majority disagree with the mayor then he shall immediately be reinstated.

Whenever the mayor shall remove an appointed officer from office, he shall give like notice to the president of the board of affairs, which body shall, at its next succeeding session, fill the vacancy by electing a suitable person to fill the place. The mayor shall have the power to remove any officer so appointed, as if he had been appointed by the mayor. All officers appointed by the mayor shall be subject to removal by a majority of the members of the board of affairs, and the mayor shall fill the vacancy by another person.

Any officer suspended by virtue of the provisions of this act shall receive no compensation for the period of such suspension, save that, if he is reinstated, his regular compensation, in whole or in part, may be allowed and paid him by order of the council, concurred in by the board of affairs.

Qualification of Officers.

Section 61. All elected and appointed officers, unless otherwise provided in this act, shall possess the following qualifications: They shall have been citizens of the United States, and of the city of Parkersburg for at least two years previous to their election or appointment, and for the year preceding their election or appointment shall have been assessed with and paid taxes in said city. They shall not be interested directly or indirectly in any contract with the city, either for work to be performed or supplies to be furnished; shall not hold any State or federal office (except any such officer may be a notary public or a member of the national guard), and unless hereby otherwise provided, shall hold their offices until their successors are duly qualified. They shall make and subscribe an oath or affirmation, in the manner, form and effect as prescribed for the mayor and board of affairs.

Mayor, How Removed.

Section 62. The mayor may be removed from office for cause,

by a five-sixths vote of all the members of the council, notice thereof and an opportunity to be heard shall be given that officer before said removal is made. In case of the removal of the mayor from office, then the president of the board of affairs shall act as mayor until a mayor is elected and qualified.

The Recorder.

Section 63. The recorder shall receive a salary not exceeding nine hundred dollars per annum, and shall be a conservator of the peace within said city, and have and exercise therein all the criminal and police powers and duties which a justice of said county of Wood may lawfully exercise. He shall and is hereby authorized to hear and determine all complaints for violation of the laws or ordinances of said city; to issue his warrant to summon or apprehend the persons charged therewith and to impose such penalties and punishments in the same way as are prescribed for offences against the to issue his execution or enforce such fines, punishments and judgments in the same way as are prescribed for offenses against the State. In case of the absence or inability of the recorder to act, the mayor shall, for the time being, perform the duties of the recorder in this section, and shall be for such time invested with all the powers and authority of the recorder in this section conferred upon him. The recorder shall give bond in such penalty as the council may, by ordinance, prescribe, to be approved by the board of affairs and filed with the auditor.

Duties of Mayor.

Section 64. The mayor shall be the chief executive officer of the city, shall preside at meetings of the council; in case of tie, shall cast the deciding vote; and shall perform such other duties and services as the council may ordain, in addition to the duties prescribed by this act, and not inconsistent therewith, or with the constitution and laws of the United States and of this State. He shall from time to time give the board of affairs information relative to the state of the city and its several departments, and shall recommend to the council such measures for its consideration as he may deem expedient in the interests of the city. He shall see that law and order and the ordinances of the city are respected and enforced within the jurisdiction of said city. He shall have power to appoint a competent person or persons to examine the affairs of any de-

partment or departments whenever he shall deem it necessary, the cost of which shall be provided for and paid by order of the council, with the concurrence of the board of affairs. He shall receive a salary not to exceed fifteen hundred dollars a year, and shall give such bond as council may prescribe.

The president of the board of affairs, except as herein otherwise provided, shall perform the duties of mayor whenever and so long as the mayor, from any cause, is unable to perform his official duties. If the mayor and president of the board of affairs are both absent from the city, or otherwise disabled from performing the duties of mayor, the senior member of the then remaining board of affairs shall discharge the duties of said office, and either of them.

Duties of Collector.

Section 65. The council may allow the collector such deputy or deputies as they may deem proper. No deputy, however, shall be appointed without the consent of, and confirmation by, the board of affairs, and the principal shall always be responsible for the acts of his deputy in the same manner and to the same extent as the sheriff in any county in the State is liable for the acts of his deputies. No person shall hold the office of collector twice in succession. His bond shall be in a penalty of not less than twenty-five thousand dollars. He shall be charged with the aggregate of all taxes, licenses and assessments levied for the benefit of said city, and shall collect and account for the same, by paying the same into the city treasury once each day. He and all other officers of the city, whose duty it is, or who may be, or are authorized to receive money for the city, or revenues of the city, from any source or sources whatever, are and shall be required to pay into the city treasury all of such moneys and revenues. The compensation of the collector shall not exceed three per centum of all moneys collected by him.

The compensation of the collector or any other officer of the city, when fixed by the council, shall not be changed during the term of his office; nor shall any officer of said city receive any extra salary, allowance or appropriation for services rendered by him as such officer.

Duties of City Attorney.

Section 66. The city attorney shall be the city's solicitor and counsel in all legal matters arising upon which counsel is necessary, or in which legal proceedings are taken. He shall defend all suits

against the city, and, when requested in writing, shall give his written opinion to the mayor, the council or board of affairs, or any standing committee of either body, upon such legal questions as may be referred to him, affecting the city's interests. When required by the recorder, he shall attend and prosecute all trials in his court, and shall prosecute all appeals that are taken from such court to the circuit or criminal court of Wood county, and for his services he shall receive such sum as the council, with the concurrence of the board of affairs, may allow.

Duties of City Engineer.

Section 67. The city engineer shall give his whole time to the service of the city, if required by council to do so, and shall perform such duties as may by ordinance and resolution be required of him by the council, or required by the mayor or board of affairs, independently of the council or such ordinance; and shall receive as compensation not more than twelve hundred dollars per annum, to be fixed by the council, with the concurrence of the board of affairs.

Duties of Street Commissioner.

Section 68. The street commissioner shall perform the duties which are now or may hereafter be imposed upon him by ordinance of said city, and shall receive such compensation as council, with the concurrence of the board of affairs, may fix, not more than nine hundred dollars per annum.

Duties of Health Officer.

Section 69. The health officer shall perform such duties as may by ordinance be required of him, and shall receive such compensation as the council, with the concurrence of the board of affairs, shall fix.

Duties of Chief of Police.

Section 70. The chief of police shall, subject to the direction of the mayor, have charge of, and be responsible for the police force of the city, and shall perform such other duties as may be now, or hereafter may be, by ordinance, prescribed, and shall receive an annual compensation of not more than one thousand dollars, to be fixed by the council, with the concurrence of the board of affairs.

Duties of Auditor.

Section 71. The auditor shall be clerk to the board of affairs, and the council; he shall devote all his time to the service of the city,

and shall be the general accountant of the city, and as such it shall be his duty to receive, and preserve in his office, all accounts, books, vouchers, documents or contracts of the city, concerning its debts, revenues, and other fiscal affairs; shall keep the accounts of the city, general and special, in a systematic and orderly manner, to be approved by the board of affairs; shall have custody of the city seal; all original contracts and deeds; all official, penal, indemnity or security bonds, except his own official bond, which shall be kept by the collector, and all other records, papers, and documents of value, all of which shall be registered by numbers, dates and contents; and he shall attest all public instruments or official acts of the mayor, by his signature and seal of the city; he shall certify under his hand and the seal of the city, as hereinbefore provided, all copies of such original documents, records and papers in his office, and copies of ordinances or records of the council or board of affairs, as may be required by any officer or person, and charge such fee therefor as may be prescribed by ordinance; he shall countersign all orders drawn on the city treasury for any payments as hereinbefore or hereafter provided, but shall not countersign any order for payment unless the same has been properly signed by the proper officer or officers, and unless there is in the city treasury at the time sufficient money to the credit of the fund upon which such order is drawn to fully pay the same; and shall perform any and all other acts as may be prescribed by ordinance, and as are proper to accomplish the duties contemplated herein. He shall give bond in the sum of not less than ten thousand dollars, to be approved by the mayor and board of affairs. He shall receive compensation annually of not more than fifteen hundred dollars, to be fixed by the council, with the concurrence of the board of affairs.

City Treasurer.

Section 72. The city treasury shall be one or more of the banks of the city, and shall be selected bi-ennially by the council, with the concurrence of the board of affairs. The money deposited therein shall be disbursed only upon orders drawn against the same, signed and countersigned as hereinbefore prescribed. Such bank or banks selected shall give bond with security to the city, to insure the safety of such deposit, in amount sufficient to protect the highest amounts deposited, the security to be approved as other bonds are herein provided to be approved.

Superintendent of Water Works.

Section 73. The superintendent of the water works shall be a duly qualified person; shall give such bond as the board of affairs may require, and shall be compensated in such sum as the council, with the concurrence of the board of affairs, may fix by ordinance. He shall, with the approval of the board of affairs, superintend the management and efficient operation of the water works, as may be provided by ordinance, and shall perform such duties as may be required by ordinance, or by the board of affairs, to whom he shall report.

Water Rents.

Section 74. The council, with the concurrence of the board of affairs, may make alteration in the prices or rents for the use of water from the water works, limited in the aggregate as near as may be to the sum necessary for completing, constructing, operating and repairing the water works, and for interest and amounts required for sinking funds on bonds issued to establish the same, or to extend the service or for rebuilding said water works. The water rates shall be fixed at prices only on the principle of consideration of producing revenue; and exceptional discrimination in rates is forbidden.

Fire Department.

Section 75. There shall be a fire department whose chief shall be appointed by the mayor and confirmed by the board of affairs, and who shall have the control and supervision of the fire department under such regulations as may be prescribed by ordinance. The mayor shall nominate to the board of affairs persons for appointment as firemen, the appointees to be subjected to an examination within specified limitations, to be prescribed by the board of affairs, as to capacity, age, health, habits and moral character. No person shall be nominated who is over fifty years of age. No test shall relate to political or religious opinions or affiliations. Except that of the firemen first appointed under this charter, not more than three-fifths shall belong to any one political party.

Any fireman may be discharged at any time by the board of affairs at their discretion. Their number and compensation, and the compensation of the chief of the fire department, shall be fixed by the council with the concurrence of the board of affairs. No person shall act as fireman in said city until after his nomination is confirmed by the board.

Duties of Board of Affairs.

Section 76. The members of the board of affairs shall each devote the necessary time and careful attention to the duties of the office, and shall receive compensation as hereinbefore provided. They shall hold meetings once each week, but may hold special meetings; the ayes and noes shall be called and entered upon the journal. The board may appoint a clerk as assistant to the auditor, and prescribe his duties, and with the concurrence of the council, fix his compensation; they shall keep a complete record of all their proceedings, and a copy from such records, certified by the auditor and mayor, under the seal of the city, shall be competent evidence before all courts and justices in this State.

Board to Submit Estimates.

Section 77. When the board deems it advisable to make a contract for the execution of any work, or the purchase of material for matters under their charge, a careful estimate shall be made of the cost of any work or material, and the same shall be reported to the council. In all cases where assessments are to be made, the board shall transmit to council, with its recommendation, a resolution or ordinance, as the case may be, authorizing the execution of the work, or the purchase of the material, at a cost not to exceed the amount of the estimate which shall be transmitted, and when the council concurs, said work shall be done, or material purchased.

Board to Let Contracts.

Section 78. Upon the passage by council of the resolution or ordinance contemplated by section thirty-nine, it shall be the duty of the board of affairs to advertise for proposals in accordance therewith, for at least ten days, in two newspapers of general circulation in the city, for sealed proposals to do the work, or furnish the material required; and the board shall award the contract to the lowest and best bidder, or reject all bids.

Contracts, How Executed.

Section 79. The president of the board of affairs, together with the mayor, shall execute all contracts in the name of the city, file the original in the office of the auditor; and in the absence of the president of the board, or his inability to act, said board may appoint a president pro tempore, with all the powers thereof. No member of the board, or other person whether in the employ of the board,

council or otherwise, shall have power to create any liabilities on account of the board or city.

Board to Compel Attendance of Witnesses.

Section 80. The board, in cases arising under section forty-three, and in any case involving trials hereby provided, shall have the power in such cases to compel the attendance of witnesses and the production of documents, books and papers, and the presiding officer shall have authority to administer the necessary oaths.

When Member of Board Disqualified.

Section 81. If a member of the board is involved in any charge, referred to in section forty-four, he shall not again sit or vote in the board until the result of the investigation is determined, announced and entered in the record or journal of the board; the majority of the board not involved shall be sufficient to decide the question, and in the event two members of the board are involved, then the mayor shall *ex-officio* act as a member of said board in hearing such charges.

Persons Claiming Money to File Oath.

Section 82. No money shall be paid at any time to any person, claiming under any contract with the city, unless such person files with the auditor his statement, under oath, if he shall require it, disclosing the names of all persons within the inhibition of this act, directly or indirectly interested in the contract or the proceeds thereof, declaring by name the persons interested, and that no other person, forbidden by this act, has any interest in the same.

Alteration of Contracts.

Section 83. When it becomes necessary, in the opinion of the board, in the prosecution of any work, to make alterations or modifications in the specifications or plans of the contract, or to omit from said work any portion of the street or territory originally ordered to be improved, such alterations, modifications or omissions may be made by order of the board, concurred in by the council: *provided*, such order shall be of no effect until the price to be paid for the work, under such altered or modified contract, has been agreed upon in writing, signed by the contractors and their sureties, and the president of the board; and *further, provided*, the total cost shall not exceed the original contract. In no case shall allowance be made for work or material in excess of the total cost

provided in the original contract; nor shall allowance be made or paid for extra work unless the same is provided for by a separate ordinance passed as herein prescribed.

Franchises.

Section 84. Franchises shall be granted by the council, subject to confirmation by the board of affairs, allowing to persons or corporations, for a limited time, such occupancy of portions of the streets, as may be necessary for works of public utility and service, such as steam railway tracks, street railway tracks, poles and trolley wires, telephone and telegraph poles and subways, electric light and other electric poles, wires and subways and gas and steam pipe lines. But no such franchise shall hereafter be granted except under the following restrictions and conditions:

First. No ordinance, granting any franchise for the using of the streets, alleys, or public grounds of the city, for any of the purposes of public utility above named, or for any other purpose of like nature, shall be passed unless it shall have been first proposed in the council and notice of the object, nature and extent of such franchise shall have been published at least fifteen days, by the applicant, in some daily newspaper published in the city of Parkersburg, before being acted upon, and shall have received the votes of a majority of the members of the council at a regular meeting or meetings and after said publication. The votes thereon shall be taken by ayes and noes, and the same entered upon the journal. No such ordinance shall take effect until the expiration of twenty days after its passage, and if within the said twenty days a petition be filed with the auditor of the city signed by one-fifth of the qualified voters of the city, based upon the number of votes cast at the last city election, requesting it, the council shall submit such ordinance to the qualified voters of the city for ratification or rejection, at a special election to be held for that purpose within forty-five days after such petition is presented, and the votes for ratification and for rejection cast at such election shall be entered upon the journal. If a majority of the votes cast at such election shall be in favor of ratification, then such ordinance shall take effect from the time the vote is so entered upon the journal.

Second. Every grant of any such franchise shall be for a limited period of time. If no limit be expressly provided in the grant, the franchise shall be valid for one year only. In no case shall the franchise extend for a period exceeding thirty years.

Third. No grant of any such franchise shall be made without, at the time of making it, providing that the grantee shall indemnify the city against all damages caused by the construction of such works. All reasonable additional provisions and conditions may be made for the protection of the public from unnecessary damage or inconvenience by reason of such works and the operation thereof.

Fourth. No grant of any franchise shall be made without, at the time of making it, providing that the city shall receive in consideration therefor a compensation, to be paid annually during the whole period: *provided, however,* that the principle of competition shall be employed by the council where the same is offered, so that the franchise, with prescribed terms and conditions as to its extent, and as to the rates to be charged the public by it for its services, will be given to the person or corporation bidding or agreeing to pay therefor to the city the highest compensation, or so that the franchise, with prescribed conditions as to its extent, and the compensation that must be paid therefor, will be given to the person or corporation that will agree to render services to the public at the lowest rates.

Fifth. No grant of a franchise for the extension of, or an addition to, any line of such work, over any additional street or territory of the city, shall be made for a period extending beyond the time limited for the expiration of the franchise of the principal work of which it is an extension; and if the franchise of the principal company or work is one which was granted before this act goes into effect, and is not limited as to time, the franchise granted for the extension or addition shall nevertheless be made subject to the conditions hereof including a time limit of not exceeding thirty years. If a franchise be secured from the city by an individual or by an independent or new company, and the work constructed thereunder afterwards becomes a part of, or be operated as a part of, a larger work of the same kind whose franchise was previously obtained, and is limited to expire earlier, such later franchise shall, by reason of such annexation, merger, or single operation, expire simultaneously with such earlier franchise.

Sixth. The council shall, in suitable, practicable terms, make it an express condition of the grant of any such franchise, where it is for a work that is useful chiefly to the local public, that at the expiration of such franchise, the grantee shall, if required by the

council, sell to the city, the physical plant, at what it is then worth, independent of any value based upon the earning power thereof, and may also provide a means by arbitration or otherwise for determining what such value of the plant may be.

Water Works and Water Rent Collector.

Section 85. The board of affairs shall, under the existing ordinances, rules and regulations, passed by council and now in force, and such rules and regulations as may be hereafter adopted by said board and reported to and approved by council, have the full control, charge, supervision and management of the water works and water works system of the city, and of any and all alterations in the same, and of any new system which may be created, and the running of the same; of the reservoir, grounds, buildings, machinery, tanks, pipes, repairs, improvements and additions thereto, and of the supplying of water to consumers for such compensation as may be fixed by such ordinance, rules and regulations. Said board shall have exclusive power to appoint a superintendent and all other water works officers and employes, who shall be under the direction and control of said board, who shall prescribe and define their duties otherwise than may be provided in existing ordinances, rules and regulations; and with the concurrence of the council shall fix their compensation and terms of office, and without such concurrence may remove them at pleasure. The said council shall pass all ordinances and make all appropriations, that are reasonable and proper, to properly and effectually enable the board to manage and operate said water works. And any property acquired by said city under the reservations contained in section thirty-five shall be under the control and management in all respects as provided in this section.

After the first regular meeting of the board held after the first day of June, 1903, and at the same time in each succeeding two years, the board shall appoint a collector of water rents who shall hold office for two years from the first day of July succeeding his appointment, and until his successor is appointed and qualified. All water bills shall be turned over to him, and he shall receipt for the same, and he shall be held to a strict account thereof. He shall collect all water bills and each day deposit the amount collected to the credit of the city, in its depository, to the account of water works fund. Each day he shall file with the auditor an itemized statement of the amounts collected and deposited and on whose account.

In all other respects he shall be under the supervision of the superintendent of water works and board of affairs. He shall give bond such as the board may fix, not to exceed in penalty twenty thousand dollars. He shall receive such compensation as council, subject to concurrence by the board, may allow, not to exceed twelve hundred dollars a year. It shall be the duty of the superintendent of water works and collector of water rents to charge the proper parties for all city water consumed, and to make out proper bills therefor. The collector of water rents shall promptly report to the superintendent any waste of water, or other violations of any ordinance relative to the use of water.

Board to Have Supervision of Departments of Fire and Police.

Section 86. The board of affairs shall have the supervision and control over the departments of police and fire, in accordance with such rules and regulations as shall be recommended and approved by them, and approved by the council. Such rules and regulations shall be enacted as ordinances of the city, and shall provide for the organization and regulation of the police department and fire department of the city; and shall prescribe the duties and define the powers of the several officers of said departments.

Mayor to Nominate Policemen to Board.

Section 87. The mayor shall nominate to the board of affairs persons for appointment as policemen in said city, the appointees to be subjected to an examination within specified limitations, to be prescribed by the board of affairs, as to capacity, age, health, habits and moral character. No person shall be nominated who is over fifty years of age. No test shall relate to political or religious opinions or affiliations, except that of the policemen first appointed under this chapter, not more than three-fifths shall belong to any one political party. Any policeman may be discharged at any time by the board of affairs at their discretion. Their number and compensation shall be fixed by the council, with the concurrence of the board of affairs. No person shall act as policeman in said city until after his nomination is confirmed by said board: *provided*, that provision may be made by ordinance for the appointment of special policemen in emergency, and provide for their compensation.

Vote Not to be Pledged.

Section 88. No member of the board of affairs or of the council,

either by pledging his vote in advance or by concerted action with other members of the body of which he is a member, or with the members of the body of which he is not a member, shall attempt to accomplish any project within the province of either body before it shall be regularly acted upon by the council or board of affairs, or both, properly assembled; neither shall such pledge or concerted action or the separate consent of any number of members of either body, otherwise than is authorized by this act, be binding, even by estoppel upon said city.

Sinking Fund.

Section 89. There shall be created by ordinance of the council, concurred in by the board of affairs, a sinking fund for said city, to be controlled by two trustees, who, together with the mayor, for the time being, shall be the trustees of the sinking fund. The council shall annually levy a sufficient tax to pay annually the interest on such bonds as are now issued, and also shall make such appropriations annually as it is necessary to pay the principal of such bonds at the date of the respective maturity of such bonds: *provided*, that this section shall not apply to bonds that have been refunded under existing acts, but such bonds are to be paid, principal and interest, as provided by the several ordinances providing for the issue of such refunding bonds. Bonds hereafter issued by said city shall be issued only in accordance with general law, and the creation of a sinking fund as hereby provided, except that bonds proposed to be issued to refund existing bonds, or bonds hereafter regularly issued, may be issued without submitting the question to the vote prescribed by the acts of the legislature of one thousand eight hundred and seventy-two, and one thousand eight hundred and seventy-three, chapter one hundred and forty-one. Successors to such trustees may be appointed by the mayor, with the advice and consent of the board of affairs, and removed by the said board for cause. The trustees shall designate one of themselves as treasurer, who shall have the custody of the money belonging to the sinking fund; and shall give bond with security to be approved by the board, in such penalty as they may from time to time direct, conditioned for the faithful discharge of his duties and for accounting and paying over to the order of the trustees of the sinking fund, or a majority of them, all money, security and other property, which shall come to his hands as such treasurer. The trustees shall annually report their proceedings, and

the state of the sinking fund to the board of affairs, at the last meeting in December, and at other times if either the board or council shall require it.

Taxes for Sinking Fund to be Paid to Treasurer.

Section 90. The amount of taxes levied for the sinking fund shall, when collected, be promptly paid to the treasurer of the trustees of the sinking fund, and the same shall be invested by them to the best advantage for the benefit of said sinking fund. Such fund shall only be applied to the purposes for which it was levied, to be used for the payment of the principal of the bonded debt of said city as provided by this act or general law; and any member of the council or board of affairs, or officer of said city, violating the provisions of this and the preceding section, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars for each offence, and in addition thereto shall be imprisoned in the county or city jail not less than ten days nor more than six months.

Penalties Not Otherwise Provided For.

Section 91. Any person who shall violate any of the provisions of this act, for the violation of which no punishment has been provided therein, shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding fifty dollars, or by imprisonment in the county jail not exceeding three months.

Council and Board to Fix Salaries.

Section 92. The council, with the concurrence of the board of affairs, shall fix the salaries of all elective or appointive officers of the city and their assistants and deputies, and also of all clerks that may be employed in any of the offices or departments, and of artisans and laborers therein, and may increase or diminish the same by resolution or ordinance, except in cases where otherwise provided in this act: *provided*, that no such increase shall be made during the term for which any elective or appointive officer may be elected or appointed.

Fees to be Paid to Auditor.

Section 93. All fees, perquisites and emoluments of such officers, shall be paid over weekly, by the person receiving the same, to the auditor, who shall, after making the proper entry in his books, immediately deposit the money in the city treasury.

Limits, How Extended.

Section 94. Any twenty-five or more freeholders residing in said city, desiring to increase the corporate limits thereof, may file their petition in writing with the council thereof, setting forth the change proposed in the metes and bounds of said city, and asking that a vote be taken upon the proposed change. The council, with the concurrence of the board of affairs, shall thereupon order a vote of the qualified voters residing in said city to be taken upon the proposed change at a time and place therein to be named in the order, not less than twenty, nor more than thirty days from the date thereof. The said council, with like concurrence, shall, at the same time, order a vote of all such voters owning any part of such territory, whether they reside therein or not, to be taken upon the question, on the same day at some convenient place or near said additional territory, which vote shall be taken, superintended and conducted, and the result thereof ascertained, certified and returned, in the same manner and by the same persons that elections for city officers are held, superintended, conducted, ascertained, certified, and returned. The ballots cast on such question shall have written or printed on them the words, "for increase of corporate limits," or "against increase of corporate limits," as the voter may choose. If a majority of all the votes so cast within said city, and a majority of all the votes cast by persons residing on or owning any part of the additional territory proposed to be included in said city limits, be in favor of the proposed change, the city limits shall be as proposed by such petition from the entry of the order provided for in section ninety-five hereof. But in no event shall the lands situate in the limits of any such extension and used exclusively for gardening, grazing or agricultural purposes, be taken or treated as a part of the territory of said city without the consent of the owner thereof, until the said owner shall have sold or leased the same, or some portion thereof, in lots of five acres or less; or until such owner shall have laid off his land in town lots and offered the same or some of them for sale.

Section 95. The council of said city shall enter the result of such vote upon its minutes, and when the change proposed is adopted, as provided in the next preceding section, they shall certify the same to the circuit court of Wood county, and said court shall thereupon enter an order in substance as follows: "A certificate of the council of the city of Parkersburg was this day filed, showing that

the corporate limits of the city of Parkersburg have been increased in the manner required by law, and by such change the corporate limits are as follows: Beginning at (here recite the boundary as changed). It is therefore ordered that said increase in said corporate limits be, and the same is hereby approved and confirmed, and the clerk of the court is directed to deliver to the said council a certified copy of this order as soon as practicable after the rising of this court,' and, from and after the date of such order, the corporate limits of said city shall be as set forth therein.

Special Election, if Necessary.

Section 96. If this act fails to take effect by the time the mayor and council are to be elected in said city under existing laws, in the month of April, nineteen hundred and three, the council, in office when this act takes effect, shall, and it is hereby made their duty to, speedily cause an election to be held in said city to elect a board of affairs, first having given notice that such election will be held and the purpose of such election, for at least twenty days prior to the date fixed for the same, by publication in two newspapers published in said city; the terms of office of the persons elected to the board of affairs at such special election shall be as provided in section ten of this act, and the date from the day in said section mentioned, and the members of the council holding over and elected under the existing law shall remain in office and comprise the council under this act. It is, however, provided, that if such special election is held as hereby provided, that all persons elected to any office not prescribed by this act shall vacate such office, notwithstanding the term has not yet expired, and all appointed officers, head of departments, policemen and clerks, shall serve at the pleasure of the council or board of affairs, or mayor, or whoever has control under this act, or until their successors are elected or appointed and qualified under this act, notwithstanding they may have been elected or appointed for specified terms under existing laws.

Inconsistent Acts Repealed.

Section 97. All acts or parts of acts inconsistent with this act are repealed; but this act shall not be construed to repeal, change or modify any previous act, authorizing said city to contract debts, or borrow money, to take away any of the powers conferred upon said city, or upon the mayor or council, or any of the officers thereof, conferred by general law, except so far as the same may be inconsistent with the powers hereby conferred.

(House Bill No. 164.)

CHAPTER 67.

AN ACT to amend and re-enact chapter four of the acts of the legislature of West Virginia, of the year one thousand eight hundred and eighty-nine, as amended by chapter sixty-one of the acts of the legislature, of the year one thousand eight hundred and ninety-five, and as amended by chapter thirty of the acts of the legislature, of the year one thousand eight hundred and ninety-nine, amending the charter of "The City of Moundville," in the county of Marshall, fixing its corporate limits, and prescribing and defining the powers and duties thereof.

[Passed February 19, 1908. In effect from passage. Became a law without the approval of the Governor.]

| SEC. | SEC. |
|---|---|
| 1. City of Moundville—charter amended; corporate name; corporate powers. | 29. Reassessment of real estate for municipal taxation. |
| 2. Boundary lines of corporate limits defined. | 30. City assessor; his duties; enforcement of such duties. |
| 3. Ward limits defined; increase of wards. | 31. Annual estimate of expenditures; levy therefor; publication of financial statement. |
| 4. Officers of the city. | 32. } City clerk; his official bond; authorized custodian of all city moneys, bonds, etc.; to collect city taxes, levies, etc.; power to distrain; his duties immediately after the annual levy; his further duties respecting the collection of taxes. |
| 5. Constituted municipal authorities. | 33. } |
| 6. Elections; regulations governing. | 34. } City clerk to render semi-monthly account; books to be kept by; when only, authorized to pay out money; his compensation; proceedings against, and for what. |
| 7. Term of office. | 35. City collector. |
| 8. Oath of office. | 36. Lien for taxes and fines; delinquent taxes. |
| 9. Appointive officers; provision relating to their duties, compensation and bonds. | 37. } Chief of police, his duties; his bond; his salary; his rights and powers; his liability; other police officers. |
| 10. Any officer who receives, etc., city moneys, etc., to give bond; proceedings on such bond. | 38. } |
| 11. Removals from office. | 39. } Liquor license; bond required; proceedings for violations of conditions; revocation of such license; license tax. |
| 12. Council meetings; quorum, etc. | 40. } |
| 13. } Record of proceedings, ordinances, etc., to be kept; yeas and nays, etc. | 41. } Licenses other than for sale of liquors |
| 14. } | 42. } |
| 15. Ordinances and by-laws. | 43. } |
| 16. } General corporate powers and duties of council. | 44. } General provisions relating to all licenses. |
| 17. } | 45. } |
| 18. } Mayor; his salary; his executory and judicial powers. | 46. } Right to condemn real estate. |
| 19. } | 47. } Paving of sidewalks, street paving, etc. |
| 20. } Process in proceedings to enforce ordinances prescribing a fine and imprisonment; mayor's power and authority in such proceedings and in collecting fines, etc.; authority of clerk to receive complaint and issue summons. | 48. } |
| 21. } | 49. } Rights, powers and responsibilities, etc., of the city; acting officers; what ordinances continued in force. |
| 22. Use of county jail authorized. | 50. Inconsistent acts repealed. |
| 23. Mayor's docket. | |
| 24. } | |
| 25. } Appeals and appeal proceedings. | |
| 26. } | |
| 27. } | |
| 28. City clerk; his duties and compensation. | |

Be it enacted by the Legislature of West Virginia:

1. That chapter four of the acts of the legislature of West Virginia, of the year one thousand eight hundred and eighty-nine, as

amended by chapter sixty-one of the acts of the legislature, of the year one thousand eight hundred and ninety-five, and as amended by the acts of the legislature, of the year one thousand eight hundred and ninety-nine, be amended and re-enacted, so as to read as follows:

Sec. 1. The inhabitants of Marshall county in this State, now and hereafter residing within the boundaries prescribed in the next section hereof, shall be and they are hereby constituted a body politic and corporate, by and under the name of "The City of Moundville," and as such, and by and in that name, shall have perpetual succession and a common seal, and may sue and be sued, contract and be contracted with, purchase, lease, hold and use real and personal property necessary for corporate purposes; and generally, shall have all the rights, powers and franchises belonging or appertaining to municipal corporations in this State:

Sec. 2. The boundary of said city shall be as follows: Beginning at the mouth of Big Grave creek, on the north side thereof and at the intersection of the low water mark of said creek with the low water mark of the Ohio river, thence up said creek, south, sixty-two degrees and twenty-five minutes east, forty-four rods; south, seventy-four degrees east, twenty-two and one-half rods; north, seventy-seven degrees east, thirteen and four-fifths rods; north, sixty-two degrees east, sixteen and seven twenty-fifths rods; south, eighty-two degrees east, sixty-seven and three twenty-fifths rods; north, sixty-six degrees east, nineteen and one-half rods; north, three degrees east, twenty-four and one-half rods; north, sixty-one degrees and thirty minutes east, fifty rods; north, eighty degrees and thirty minutes east, twenty-seven rods; north, sixty-three degrees, thirty-two and one-half rods; south, thirty-six degrees and fifteen minutes east, thirty-six and two fifths rods; south, eighty-eight degrees and twenty minutes east, twenty-six and four-fifths rods, to a point in said Big Grave Creek, which point is located, north, thirty-one degrees west, fifteen feet from the center of a large sycamore tree marked as a pointer to this corner; thence, up Middle Grave Creek, north, seven degrees and thirty minutes east, thirty-two rods; north, nineteen degrees and fifteen minutes east, fifty-one rods, to a point at a low water mark of Middle Grave Creek, on the north side thereof, which point is situated south, sixty degrees and twelve minutes east, eight and two-fifths rods, from the center of the opening of the penitentiary sewer; thence, leaving said creek, north, eight degrees and

thirty-five minutes west, thirty-eight and sixty-three one hundredths rods, to a stone at the intersection of two roads; thence, leaving old corporation line, north, fifty-seven degrees and thirty-six and one half minutes east, one hundred and forty-six and two-tenths rods, to the northwest corner of Fair ground property; thence, with the north line of said Fair ground property, south, eight-eight degrees eight and one-half minutes east, nine and forty-six one-hundredths rods, to a point on west side of the extension of Myrtle avenue in Annadale addition to Moundville; thence, with said west side of Myrtle avenue, north, three degrees and twenty-six and one-half minutes east, seventy-nine and seventy-three one hundredths rods, to a point in north side of Fourth street; thence, with north side of Fourth street, south, eighty-six degrees and thirty-three and one-half minutes east, fourteen and ninety-seven one hundredths rods, to a point in the line between B. W. Price and Jonathan Roberts; thence, with said Price-Roberts line, north, four degrees fifty-seven and one-half minutes east, forty-one and forty-two one-hundredths rods, to a point in B. W. Price's line; thence, with said Price's and the line between the M. M. and M. company's land and Jonathan Roberts', north, eighty-six degrees eight and one-half minutes east, sixty-seven and thirteen one hundredths rods, to a point in the extension of west side of Pine avenue in the M. M. and M. company's addition to Moundville; thence, with west side of Pine avenue, north, eighteen degrees forty-seven and one-half minutes west, one hundred and forty-six and seventy-five one hundredths rods, to a point on the southwest side of Highland avenue; thence, with the southwest side of Highland avenue, on a curve having a radius of nine hundred and eighty-five and four one-hundredths feet, and whose tangent at said point of intersection bears north, fifty-two degrees and fifty-five minutes west, two hundred and seventy-three and ninety-one one-hundredths feet to a tangent point; thence, with said tangent, north, thirty-six degrees fifty-nine and one-half minutes west, five hundred and ninety-six and thirty-four one hundredths feet, to a point of curve; thence, curving to the right on a curve whose radius is five hundred and thirty feet, a distance of three hundred and eighty-eight and ninety-seven one-hundredths feet, to a point of reverse curve; thence, curving to the left, radius one hundred and five and eighty-eight one-hundredths feet, a distance of two hundred and nine and twenty-eight one hundredths feet to a point of reverse curve; thence, curving to the right, radius three

hundred and forty-eight and fourteen one-hundredths feet, a distance of one hundred and nineteen and thirty-one one hundredths feet, to a point of tangency; thence, with tangent, north, eighty-eight degrees thirty-three and one-half minutes, three hundred and forty-nine and seventy-six one hundredths feet, to a point of curve; thence, curving to right, radius four hundred and thirty-three and fifty-two one hundredths feet, a distance of four hundred and thirty-three and fifty-five one hundredths feet, to a point of reverse curve; thence, curving to the left, radius three hundred and seventy-three fifty-two one hundredths feet, a distance of three hundred and thirty-one and six one-hundredths feet, to a point of tangency; thence, with tangent, north, eighty-two degrees and two and one-half minutes west, two hundred and sixty-two and ninety one-hundredths feet; thence, leaving Highland avenue, south, fifty-five degrees forty-four and one-half minutes west, two hundred and forty and seventy-two one-hundredths feet to a stone in the Tomlinson-Cockayne line; thence, with said Tomlinson-Cockayne line, west to a post at the north-west corner of the tract of land owned by the Wheeling district camp meeting association, known as the Moundville camp grounds, and Tomlinson's line; thence south, one degree forty-five minutes east, one thousand four hundred and sixty-seven feet; thence south, forty-two degrees west, one hundred and fifty feet; thence south, forty-nine degrees forty-five minutes east, thirty-eight feet; thence south, forty degrees and fifteen minutes west, two hundred and fifty-five feet; thence south, seventy-five degrees and fifteen minutes east, one hundred and ninety-three feet; thence south, forty-five degrees and forty-five minutes west, four hundred and thirty-five feet; thence south, two degrees and thirty minutes west, three hundred and ten feet; thence north, sixty-nine degrees west, five hundred and forty feet; thence on cord north, eighty-three degrees west, four hundred and thirty-six feet; thence south, eighty-seven degrees west, one hundred and thirty-two feet; thence south, three degrees east, thirty-three feet; thence south, thirteen degrees and fifteen minutes east, two hundred and thirty-five feet; thence south, twenty-one degrees west, two hundred and twelve feet; thence south, twenty-six degrees and thirty minutes west, two hundred and eighteen feet; thence north, eighty-three degrees west, seven hundred and sixty-five feet; thence north, one degree and thirty minutes west, two hundred and forty-seven feet; thence north eighty-three degrees and forty-five minutes west, four hundred and fifty-two feet;

thence north, six degrees west, two hundred and two feet; thence south, seventy-eight degrees and fifteen minutes west, eight hundred and sixty-three feet, more or less to the west line of West Virginia; thence down the Ohio river, with the said line of West Virginia, six thousand five hundred and twenty-six feet, more or less; thence south, fifty-four degrees and fifty-five minutes east, seventy rods, more or less, to the beginning; but excepting from the above described boundary the part of the county bridge and its abutments at the mouth of the Big Grave creek, which would be otherwise included therein; also excepting from the above described boundary that tract of land owned by the Wheeling district camp meeting association, known as the Moundville camp ground.

Sec. 3. The territory of said city is hereby divided into three wards, as follows: That part thereof lying north of Third street, or any extension thereof, shall constitute the first; that part lying south of Third street, or any extension thereof, and north of Ninth street, or any extension thereof, the second; and that part lying south of Ninth street, or any extension thereof, the third. The council of said city may change the boundaries of the different wards; and if at any time the number of inhabitants exceed ten thousand, the council may increase the number of wards to not more than four; but, in either case, regard shall be had to equality of population. Should the number of wards be increased the council shall re-appoint the representation of the several wards in the council, giving to each ward equal representation.

Sec. 4. The officers of said city shall be a mayor, clerk, solicitor, chief of police, assessor, health officer, street commissioner, and four councilmen from each ward. The mayor, solicitor and chief of police shall be elected by the qualified voters of said city. The other officers named (except members of council) shall be appointed by the council, and the councilmen shall be elected by the qualified voters of their respective wards. No person shall be eligible to any elective city office unless he is a qualified voter thereof, nor unless he has resided therein for at least six months before his election; and, in the case of a councilman, unless he is a *bona fide* resident of the ward from which he is elected, and a freeholder of said city; and the removal of a councilman from the ward in which he is elected shall vacate his office; and no person shall be eligible to any city office unless he is a tax-payer and a qualified voter thereof.

Sec. 5. The municipal authorities of said city shall consist of the

mayor and councilmen, who together shall form a common council, and all the corporate powers of said corporation shall be exercised by said council, or under its authority, except where otherwise provided.

Sec. 6. The first election hereunder shall be held on the second Thursday in March, one thousand nine hundred and three, and biennially thereafter. Every person who has been a *bona fide* resident of the city for three months next preceding any election, and otherwise a qualified voter, under the constitution and laws of the State, shall be entitled to vote at such election, in the ward in which he resides. The elections shall be held, conducted and the results thereof ascertained, certified, returned and determined, under such rules and regulations as may be prescribed by council, which shall not be inconsistent with the general laws of the State governing municipal elections, and shall conform as nearly as practicable to such laws. Contested elections shall be heard and decided by the council, and the proceedings therein shall conform as nearly as may be to similar proceedings in the case of county and district officers. The council shall be the judge of the election, return and qualification of its own members. In case two or more persons receive an equal number of votes for the same office, if such number be the highest cast for such office, the persons under whom the supervision is held shall decide, by lot, which of them shall be returned elected, and shall make their return accordingly.

Sec. 7. The term of office of the mayor, solicitor, chief of police and councilmen, shall begin on the first Monday in April next succeeding their election and shall be for the term of two years, and until their successors shall have been elected and qualified. The clerk, assessor, health officer and street commissioner, shall be appointed by the council, and shall hold their office during the pleasure of the council. The same person shall not be appointed clerk for two consecutive terms, and any former incumbent shall be ineligible for a second appointment unless he shall have fully settled up the business of his former term or terms.

Sec. 8. Every person elected or appointed to any office in said city shall, within twenty days after his election or appointment and before entering upon the discharge of the duties thereof, take and subscribe the oath of office prescribed by law for officers generally, which may be done before the mayor or clerk of said city, or before any person authorized by law to administer oaths; and the same,

together with the certificate of the officer administering the oath, shall be filed with the clerk of said city.

Sec. 9. The council shall prescribe the powers and define the duties of all officers by it appointed, except so far as the same are by this act defined; shall fix their compensation, and may require and take from them, respectively, bonds payable to the city in its corporate name with such sureties, and in such penalties, as may be deemed proper, conditioned for the faithful performance of their duties.

Sec. 10. The council shall require and take from all officers elected or appointed as aforesaid, whose duty it shall be to receive funds, assets or property belonging to said city, or having charge of the same, such bonds, obligations or other writings, as may be deemed necessary and proper, to secure the faithful performance of their several duties. All bonds, obligations or other writings taken in pursuance of any of the provisions of this act shall be made payable to the the city of Moundville, with such sureties and in such penalties as may be deemed proper, conditioned for the faithful performance of their duties and for the accounting for and paying over, as required by law, all moneys coming into their hands by virtue of their offices, and the respective persons, and their heirs, executors and assigns bound thereby, shall be subject to the same proceedings on said bonds, obligations and other writings, for enforcing the conditions of the terms thereof, by motion or otherwise, before any court of competent jurisdiction held in and for the county of Marshall, that collectors of county levies and other sureties are or shall be subject to on their bonds for enforcing the payment of the county levies.

Sec. 11. The council shall have the authority to remove from office any officer of the city, whether elected or appointed, for misconduct or neglect of duty, by an affirmative vote of three-fourths of the members of the council, but only after reasonable notice to such officer, and a hearing of the charges preferred; and any vacancy in office however occasioned may be filled by the council for the unexpired term.

Sec. 12. The council shall fix the place and times of holding its regular meetings; may provide for special and adjourned meetings; shall have power to compel the attendance of its members; and may prescribe rules and regulations not inconsistent herewith, for the transaction of business and for its own guidance and government.

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, who may vote on any question as member of the council. The mayor shall have a vote only in case of a tie, and in no case shall the presiding officer have but one vote. A majority of the council shall be necessary to constitute a quorum for the transaction of business. No member of the council shall vote upon or take part in the consideration of any proposition in which he is or may be interested otherwise than as a resident of said city.

Sec. 13. The council shall cause to be kept by the clerk in a well bound book, to be called the "Minute Book," an accurate record of all its proceedings, ordinances, acts, orders and resolutions, and in another to be called "Ordinance Book," accurate copies of all general ordinances adopted by the council; both of which shall be fully indexed and open to the inspection of any one required to pay taxes to the city, or who may be otherwise interested. All oaths and bonds of officers of the city, and all papers of the council, shall be endorsed, filed and securely kept by the clerk. All printed copies of such ordinances purporting to be published under authority of the council, and transcripts of such ordinances, acts, orders and resolutions, certified by the clerk, under the seal of the city, shall be deemed *prima facie* correct, when sought to be used as evidence in any court, or before any justice.

Sec. 14. At each meeting of the council, the proceedings of the last meeting shall be read, and if erroneous corrected, 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 minute book.

Sec. 15. No ordinance or by-law, and no resolution or measure for the expenditure of money, other than to defray the current and incidental expenses of the city, shall be deemed passed or adopted, unless it shall have been fully read at two consecutive meetings of the council, and shall have received a majority of the votes of the members present, when it shall stand and be declared adopted, and not otherwise.

Sec. 16. The council of said city shall have power to lay off, vacate, close, open, alter, grade, and keep in good repair the roads, streets, alleys, pavements, sidewalks, crosswalks, drains, and gutters therein for the use of the citizens or of the public, and to improve and light the same, and to keep the same free from obstructions

of every kind; to regulate the width of pavements and sidewalks on the streets and alleys, and to order the pavements, sidewalks, footways, drains and gutters to be kept in good order, free and clean, by the owners or occupants of the real property next adjacent thereto; to establish and regulate markets, prescribe the times of holding the same, provide suitable and convenient buildings therefor, and prevent the forestalling or regrating of such markets; to prevent injury or annoyance to the public or to individuals from anything dangerous, offensive or unwholesome; to prohibit or regulate slaughter houses and soap factories within the city limits; or the exercise of any unhealthy or offensive business, trade or employment; to abate all nuisances within the city limits, or to require and compel the abatement or removal thereof, by or at the expense of the person causing the same, or by or at the expense of the owner or occupant of the ground on which they are placed or found; to cause to be filled up, raised or drained by or at the expense of the owner, any city lot or tract of land covered or subject to be covered by stagnant water; to prevent horses, hogs, cattle, sheep, or other animals and fowls of all kinds from going or being at large in such city, and, as one means of prevention, to provide for impounding and confining such animals and fowls, and, upon failure to reclaim, for the sale thereof; to protect places of divine worship and to preserve order in and about the premises where and when such worship is held; to regulate the keeping of gunpowder and other inflammable or dangerous substances; to provide and regulate the building of houses or other structures, and for the making and maintaining of division fences by the owners of adjoining premises, and for the proper drainage of city lots, or other parcels of land, by or at the expense of the owner or occupant thereof; to provide against damage or danger by fire; to punish for assaults and batteries; to prohibit loitering in, or visiting houses of ill fame, or loitering in saloons, or upon the streets; to prevent lewd and lascivious conduct, the sale or exhibition of indecent pictures or other representations; the desecration of the Sabbath day, profane swearing; the illegal sale of all intoxicating liquors, drinks, mixtures and preparations, beer, ale, wine, or drinks of like nature; to protect the persons of those residing or being within said city; to appoint, when necessary or advisable, a police force, permanent or temporary, to assist the chief of police in the discharge of his duties; to build or purchase, or lease and to use, a suitable place within or near said city for the

safe keeping or punishment of persons charged with, or convicted of the violation of ordinances; to provide for the employment of persons convicted of the violation of ordinances, or who may be committed in default of the payment of fines, penalties or costs, and who are otherwise unable to discharge the same, by putting them to work for the benefit of the city, and to use such means to prevent their escape, while at work, as they may deem expedient; to erect, or authorize or prohibit the erection of, gas works, electric light works or water-works within the city limits, to prevent injury to such works or the pollution of any gas or water used or intended to be used by the public or by individuals, and to do all things necessary to adequately supply said city and the inhabitants thereof with pure, healthful and wholesome water; to use, generate, distribute, sell and control electricity and gas for heat, light and power, and to furnish light for the streets, houses, buildings, stores and other places in and about said city; to provide a sewerage system for said city; to provide for and regulate the weighing and measuring of hay, coal, lumber and other articles sold, or kept or offered for sale, within said city; to establish and construct wharves and docks, and to repair, alter or remove any landing, wharf or dock, which has been or shall be so constructed, and to establish and collect rates and charges for the use thereof; to regulate the running and speed of engines and cars within the said city, except that the council of said city shall not interfere with the speed of trains and engines beyond the corporation lines of the town of Moundville, as heretofore existing, until the said new territory shall be laid out in lots, streets and alleys and opened and used by the public; to organize one or more fire companies and provide necessary apparatus, tools, implements, engines, or any of them, for their use, and in their discretion to organize a paid fire department; to make regulations with respect to the erection and location of all telephone, telegraph, electric light or other poles within said city, and the extension of any wires, lines and poles by any individuals or corporation; to grant and regulate all franchises in, upon, over and under the streets, alleys and public ways of said city, under such restrictions, as shall be provided by ordinance, but no exclusive franchise shall be granted by said council to any individual or corporation, nor shall any franchise be granted for a longer period than fifty years; to create by ordinance such committees or boards, and delegate such authority thereto, as may be deemed necessary or advisable to provide for the

annual assessment of the taxable property therein, including dogs kept in said city, and to provide a revenue for the city for municipal purposes, and to appropriate such revenue to its expenses, and generally to take such measures, as may be deemed necessary or advisable, to protect the property, public and private, within the city; to preserve and maintain peace, quiet and good order therein, and to preserve and promote the health, safety, comfort and well being of the inhabitants thereof.

The council of said city shall have power and authority to control and regulate the construction and repairs of all houses and other buildings within the said city, to provide for the granting of building permits; to cause the removal of unsafe walls or buildings; and may, upon the petition of the person or persons owning the greater amount of frontage of the lots abutting on any street between any two cross streets, or in any square, in said city, prohibit the erection on such street, or in such square, of any building, or of any addition to any building, more than ten feet high, unless the outer walls thereof be made of brick and mortar, or other fire proof material; and to provide for the removal of any building or addition which shall have been erected contrary to such prohibition, at the expense of the owner or owners thereof.

Sec. 17. To carry into effect these enumerated powers and all others by this act or by general law conferred, or which may hereafter be conferred upon the said city or its council or any of its officers, the said council shall have and possess full authority to make, pass and adopt all needful ordinances, by-laws, orders and resolutions, not repugnant to the constitution and laws of the United States or of this State; and to enforce any or all of such ordinances, by-laws, orders or resolutions, by prescribing, for a violation thereof, fines and penalties and imprisonment in either the county jail of Marshall county, or the city prison, if there be one; but no fine shall exceed fifty dollars, and no term of imprisonment shall exceed ninety days. Such fines and penalties shall be imposed and recovered, and such imprisonment inflicted and enforced, by and under the judgment of the mayor of said city, or, in case of his absence or inability to act, of the clerk of said city; or, in case of the absence or inability to act of both of said officers, of one of the councilmen, appointed for that purpose by the council.

Sec. 18. The mayor shall receive a salary of not less than three hundred nor more than five hundred dollars per annum. Such sal-

ary shall be in lieu of the fees which would otherwise accrue to him in proceedings for the enforcement of ordinances, but all such fees shall be collected, when practicable, and accounted for to the city.

Sec. 19. The mayor shall be the chief executive officer of said city, and shall take care that the orders, by-laws, ordinances and resolutions, of the council thereof, are faithfully executed. He shall be *ex-officio* a justice and conservator of the peace within the city, and shall, within the same, have, possess, and may exercise, all the powers, and perform all the duties, whether in civil or criminal proceedings, vested by law in a justice of the peace. Any summons, warrants or other process issued by him may be executed at any place within the county. He shall have control of the police of the city, and may appoint special police officers whenever he deems it necessary; and it shall be his duty, especially, to see that the peace and good order of the city are preserved, and that persons and property therein are protected; and, to this end, he may arrest and detain, or cause the arrest and detention of all riotous and disorderly persons before taking other proceedings in the case. 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 not receive any money due or belonging to the State or to corporations, or to individuals, unless and until he shall have given the bond and security required of a justice of the peace by chapter fifty of the Code of West Virginia; and all the provisions of said chapter relating to moneys received by justices shall apply to moneys received by him in like cases.

Sec. 20. The process in proceedings to enforce any ordinance prescribing a fine or imprisonment, or a fine and imprisonment, for the violation thereof, shall be a summons in the name of the city of Moundsville as plaintiff, directed to the chief of police, or to any constable of any district within said city, requiring him to summon the person accused of such violation, and who may thereafter be designated as defendant, to appear before the mayor, at any time and place therein named, to make answer to such accusation, and to be dealt with according to law. Such summons shall contain such a statement of the facts alleged as will inform such person of the general nature of the offence against the city with which he stands charged; and, except in case of arrest upon view, shall be issued only upon the complaint, on oath, of some credible person. But the mayor may for good cause appearing, by indorsement on the

summons, order the person so accused to be forthwith apprehended and brought before him for a hearing of the charge. The clerk of said city, as well as the mayor, shall have authority to receive any complaint in writing of the violation of any ordinance, and to sign and issue the proper summons based on such complaint. The mayor shall have, possess, and may exercise, the power and authority belonging to a justice under sections two hundred and twenty-four and two hundred and twenty-five of chapter fifty of the Code of West Virginia, in summoning and enforcing the attendance and examination of witnesses, in punishing for contempt, in granting continuances, and in securing and enforcing the further attendance of the accused with a view to a trial or hearing. If any recognizance be taken for such further attendance, and is forfeited, the mayor may record the default, and an action may be maintained, in the name of the city, before the mayor, or any justice having jurisdiction, against the accused and his sureties, if any, to recover the penalty thereof.

Sec. 21. The mayor shall have the power to issue an execution for any fine and costs assessed or imposed by him, for the violation of any ordinance; or he may, at the time of rendering judgment therefor, or at any time thereafter, and before satisfaction of such judgment, by his order in writing require the immediate payment thereof; and in default of such payment he may commit the person so in default to the jail of Marshall county, or, in his discretion, to the prison of said city, if one shall have been provided by the council, until the fine and costs are fully paid; but such imprisonment shall not exceed ninety days.

Sec. 22. The jailor of Marshall county shall take and receive into his custody any person sentenced to imprisonment in the jail of said county, or committed thereto for the non-payment of a fine and costs, or for the failure to enter into a recognizance by the judgment or order of the mayor, in proceedings for the violation of an ordinance; and the expense of maintaining such person while so in confinement shall be paid by the city.

Sec. 23. A book well bound and indexed, to be denominated the "Docket," shall be kept in the office of the mayor, in which shall be noted each case brought or tried by him, together with the proceedings therein, including a statement of complaint, the summons, the return, the fact of appearance or non-appearance, the defence, the hearing, the judgment, the costs, and, in case the judgment be

one of conviction, the action taken to enforce the same. The record of such case shall be signed by the mayor, or other person acting in his stead; and the original papers thereof, if no appeal be taken, shall be kept together and preserved in his office.

Sec. 24. In any case for the violation of an ordinance of the said city, in which there is a judgment by the mayor of imprisonment, or for a fine of more than five dollars, an appeal shall lie at the instance of the person against whom such judgment is rendered, to the circuit court of Marshall county. Such appeal shall not be granted by the mayor unless, within ten days from the date of the judgment, such person shall enter into a recognizance, with security deemed sufficient, to appear before the said court, on the first day of the next term thereof, to answer for the offence against the city, with which he stands charged, and not thence depart without leave of said court. The provisions of chapter one hundred and sixty-two of the code of West Virginia, relating to recognizance in criminal cases, shall be applicable to the recognizance contemplated by this section; but any money recovered thereon or by virtue thereof shall inure to the said city.

Sec. 25. If such appeal be taken, the mayor shall forthwith deliver to the clerk of said court the complaint in writing, if any, the summons, a transcript of the record, including the judgment, the recognizance, and any other papers belonging to the case; and such clerk shall receive and file the same, and place the case upon the trial docket of the next succeeding term of said court; and said court shall proceed to try the same in its order.

Sec. 26. If the appellant be found guilty of a violation of the ordinance in question, whether upon the verdict of a jury or otherwise, the court shall ascertain by its judgment the fine or imprisonment, or the fine and imprisonment, to be paid or suffered by such defendant, having regard to the punishment prescribed by such ordinance, and shall include in any such judgment the costs incurred by said city, as well in the proceedings before the mayor as those in court, including a fee to the attorney for the city of five dollars, and the fees, if any, of the jailer or the keeper of the city prison: and the proceedings to enforce the collection of any such fine and costs, as may be provided in sections ten, eleven, and twelve of chapter thirty-six of the code of West Virginia, except that the writ, mentioned in the tenth section, may be issued by the clerk upon the order of the mayor of the city, and the notice contemplated by

the eleventh section shall be given to such officer. If the judgment be for the defendant he shall recover his costs against the city.

Sec. 27. From all judgments by the mayor in cases other than for violation of ordinances, appeals shall be allowed as in similar cases before justices.

Sec. 28. It shall be the duty of the city clerk to keep a journal of the proceedings of the council, and have charge of and preserve the records, bonds, papers and other documents belonging to the city. It shall be his duty to attend the sessions of the police court and keep an accurate record of its proceedings, and all judgments shall be entered by him within twenty-four hours after the same is rendered. He shall, in case of sickness or disability of the mayor to act, or in case of his absence from the city, or during any vacancy in the office of the mayor, perform the duties of mayor, and shall be vested with all powers necessary for the performance of such duties. He shall also perform such other duties pertaining to the fiscal affairs of the city, or otherwise, as may be required of him by this act or by the council. He shall receive such salary as may be fixed by council, which shall not be less than two hundred nor more than four hundred dollars per annum.

Sec. 29. The council shall, in the month of March, 1904, and every four years thereafter, appoint three commissioners, one from each ward, who shall be free holders of at least one thousand dollars valuation, whose duty it shall be to reassess the value of all real estate in said city, for the purpose of municipal taxation. The said commissioners shall, before entering upon the discharge of their duties, take and subscribe an oath that they will faithfully and impartially discharge the duties of their office to the best of their skill and judgment, and that they will neither directly nor indirectly receive, nor agree to receive, any gift or reward from the owner of any land in said city, or any other person, to influence their action in making such assessment, and that they will assess all the real estate in said city without bias or fear; which said oath shall be filed with the clerk of said city. Said commissioners shall on the first day of April next succeeding their appointment, or as soon thereafter as practicable, ascertain and assess the fair cash value of all the lots or parcels of land in said city, with the buildings and improvements, if any, thereon, and in order to assist them in ascertaining and fixing the value of said lands the said commissioners shall, when practicable, examine the owner of any lot or parcel of

land or his agent, under oath, as to the location, title and quantity, as well as the value of any buildings, or the addition to any building, which may have been placed thereon, and may require such owner or agent to answer, on oath, questions relative to such land or lots, as may be pertinent, for the purpose of ascertaining the true value thereof; but said commissioners shall act, in all cases, upon their own judgment, and upon all the information they can obtain as to such value, and shall make return of said assessment to the council on or before the first day of June next succeeding their appointment. The council may correct any error made by said commissioners, on the application of any person aggrieved thereby. The said commissioners shall be allowed, for their services, two dollars per day for each day actually employed in making such assessment.

Sec. 30. It shall be the duty of the assessor to ascertain the property within said city, subject to taxation, including a capitation upon each male inhabitant of said city who has attained the age of twenty-one years, substantially in manner and form as in the case of assessments by county assessors, and make return thereof to the council on or before the first day of July in each year. He shall also make out the land books for said city in each year, and make proper transfers of such property as shall have changed ownership within the preceding year, and charge the same on said books to the person who by himself has the freehold in his possession, whether in fee or for life, on the first day of April, in such year; when a tract or lot of land becomes the property of different owners, in several parcels, the assessor shall divide the value, at which the whole had before been assessed, among the different owners, having regard to the value of each interest compared with that of the whole, and enter the same on the land books for said year. He shall also enter in said land book the value of any old building omitted for one or more years, and of addition or improvement to a building, and of any building newly erected, not theretofore assessed, if the same be of the value of one hundred dollars or upwards. He shall have the same power and be subject to the same penalties, in ascertaining and assessing the property and subjects of taxation in said city, as are conferred and imposed upon county assessors by general law; but the council may correct any error on his part in making such assessment, upon the application of any person aggrieved. The council shall have authority to prescribe, by general ordinances, such other rules and regulations as may be necessary to enable and

require the assessor to ascertain and properly assess all property subject to taxation by said city, so that such assessment and taxation shall be uniform and equal, and may enforce such rules and regulations by reasonable fines to be imposed upon any one failing or refusing to comply therewith. The said assessor shall also list the number of dogs or other animals subject to a license tax in said city, and the names of the persons owning the same, which list shall be returned to the council at the same time the assessment is returned. He shall receive for his services such compensation as shall be fixed by the council.

Sec. 31. The council shall cause to be made up annually, and spread upon its minute book, an accurate estimate of all sums which are or may become lawfully chargeable against the city, and which ought to be paid within one year, and it shall order, at a meeting held by it in the month of July of each year, a levy of so much as will in its judgment be necessary to pay the same. Such levy shall be upon all real and personal property otherwise subject to state and county taxes, and an annual capitation tax of one dollar upon each male inhabitant of said city who has attained the age of twenty-one years: *provided*, that such levy shall not exceed one dollar on every one hundred dollars of the ascertained value of such property. At least once in each year the council shall cause to be made up and published, in one or more of the newspapers of the city, a statement of the financial condition of said city, including the revenue received from the different sources, and of the expenditures upon the different accounts, for the preceding year, or portion of the year as the case may be.

Sec. 32. The clerk of said city, before entering upon the discharge of his duties, shall execute a bond conditioned for the faithful performance by him of the duties of his office, and for the accounting for and paying over, as required by law, all money which may come into his hands by virtue of his office, with sureties satisfactory to the council, payable to the city of Moundville, in a penalty of not less than five thousand nor more than ten thousand dollars, as the council may prescribe. He shall be custodian of all moneys, bonds, notes, certificates and other evidences of indebtedness to the city, together with all valuable papers which may be placed in his possession by the council. He shall be chargeable with, and it shall be his duty to collect, the city taxes, levies and assessments, under such regulations as may be prescribed by law and the

ordinances of the city, and in case the same are not paid within one month, after they are placed in his hands for collection, he may distrain and sell therefor in like manner, and have the same power and authority possessed by the officer charged with the collection of State taxes.

Sec. 33. Immediately after the annual levy of city taxes is made, it shall be the duty of the city clerk to extend the same in the property books returned by the assessor, including as well the proper capitation tax, and make out therefrom proper tax tickets, and the same after being examined and compared and approved by the finance committee of the council, and found to be correct, shall be turned over to the clerk on the first day of September following the levy, whose receipt shall be returned to the council and entered upon its record, and the clerk shall be charged therewith. The clerk shall give notice that said tickets are in his hands for collection, stating the penalty for non-payment thereof, and the time and place where the same may be paid, which notice shall be published for twenty days, in one or more newspapers published in said city. To all persons who shall pay their taxes in full before the first day of October, next succeeding said levy, there shall be allowed a discount of two and one-half *per centum* on the whole amount of the taxes so paid, and not otherwise. To all taxes remaining unpaid on the first day of January, next succeeding said levy, a penalty of ten *per centum* shall be added, and the clerk shall forthwith proceed to collect from the parties, by distraint or otherwise, the entire amount of the taxes with which they are severally charged therein, with interest at the rate of one *per centum* per month, from the said first day of January, until they are fully paid, together with the penalty herein provided to be added thereto.

Sec. 34. It shall be the duty of the clerk, at least once in six months, during his continuance in office, and oftener if required by the council, to render an account of the taxes, levies, 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 append an affidavit that he has used due diligence to collect the claims therein mentioned, but has been unable to do so, and if the council shall be satisfied with the correctness of said list, it shall allow him a credit for said claims, but may thereafter take such lawful measures to collect the same as shall be by it prescribed. He shall keep regular books of

account, to be examined and approved by the council, of all moneys received and disbursed by him, and of other matters pertaining to his office, which books shall at all times be open to the inspection of the council, or any committee appointed by it for such purpose. All moneys belonging to the city shall be paid over to the clerk, and no money shall be paid out by him except upon the order of the council, countersigned by the mayor. He shall receive for his services a compensation to be fixed by the council, not less than seven hundred and fifty dollars nor more than one thousand dollars per annum. If the clerk shall fail to collect, account for and pay over, all or any of the moneys, with which he may be chargeable, belonging to the city, according to the conditions of his bond, and the orders of the council, it shall be lawful for the council to recover the same by action or by motion, upon ten days' notice, in the corporate name of the city, in the circuit court of Marshall county, against him and his sureties, or any or either of them, or his or their executors or administrators. If the sum claimed does not exceed three hundred dollars, such recovery may be had before the mayor, or any justice of said county.

Sec. 35. It shall be the duty of the solicitor to prepare, when directed by the council, all ordinances for said city, to represent the said city in all matters and proceedings in any court, in which the said city is interested, and counsel the said council when requested. He shall receive as compensation for his services, to be fixed by council, not exceeding three hundred dollars per annum.

Sec. 36. There shall be a lien on real estate, within said city, for the city taxes assessed thereon, and for all fines and penalties assessed to, or imposed upon, the owners thereof, by the authorities of such city, from the time the same are so assessed or imposed, which shall have priority over all other liens, except the lien for taxes due the State, county and district: and which may be enforced by the council in the same manner provided by law for the enforcement of the lien for county taxes. If any real estate within said city be returned delinquent for the non-payment of the delinquent taxes thereon, a copy of such delinquent list may be certified by the council to the auditor, and the same may be sold for the city taxes, interest and commissions thereon, in the same manner, at the same time and by the same officer, as real estate is sold for the non-payment of State taxes.

Sec. 37. It shall be the duty of the chief of police to preserve

order and quiet in said city, and to see that all subordinate police officers faithfully perform their official duty. He shall be present in the police court, whenever the same shall be in session, and see that all its orders and requirements are properly executed. He shall with the consent of the council entered of record, but not otherwise, appoint one or more policemen as the council may determine. He shall, before entering upon the discharge of his duties, execute a bond conditioned for the faithful performance by him of the duties of his office, and for the accounting for and paying over, as required by law, all money which may come into his hands by virtue of his office, with sureties satisfactory to the council, in a penalty of not less than one thousand dollars nor more than three thousand dollars, as the council may prescribe. He shall receive such salary as may be fixed by council, which shall not be less than six hundred nor more than one thousand dollars per annum.

Sec. 38. In case a violation of any ordinance of said city is committed in the presence, or within view, of the chief of police or other police officer, the offender may be forthwith apprehended and taken before the mayor, and a complaint under oath, stating such violation there lodged and filed; and thereupon such offender may be tried and dealt with according to law, without summons. The chief of police shall execute, within the county of Marshall, any proper process issued by the mayor in proceedings for the enforcement of ordinances; and shall collect, by levy of execution or otherwise, and duly account for, all fines assessed and costs imposed in such proceedings. He shall also have all the rights and powers, within said city, in regard to the arrest of persons, the collection of claims and the execution and return of process, that are or may be lawfully exercised by a constable of a district within the same, and shall be entitled to the compensation therefor; and he and his sureties shall be liable to all fines, penalties and forfeitures that a constable is liable, for any dereliction of duty in office, to be recovered in the same manner, and in the same courts, that such fines, penalties and forfeitures are recovered against constables.

Sec. 39. At each general city election, the question of granting or refusing licenses for the sale of spirituous liquors, wine, porter, ale or beer, and drinks of like nature, shall be submitted to the voters of the city. The persons voting in favor of granting such licenses shall have on their ballots, the words, printed or written, "for license," and those voting against the granting of such licenses

shall have on their ballots the words written or printed, "against license." If a majority of the votes cast on this question be in favor of license, it shall be the duty of the council, until the next general election, to grant such license to any proper person applying therefor; but if a majority of such votes so cast be opposed, no license shall be granted.

Sec. 40. When any such license is granted by the council it shall take from the person, so licensed, a bond with approved security, in a penalty of not less than three thousand dollars, payable to the city of Moundville, and conditioned as prescribed in section twenty-two of chapter thirty-two of the code of West Virginia. The council may provide for the punishment of such person for the violation of any of the conditions of said bond, and suits may be brought and maintained against such person and his sureties on such bond, for the same objects, by the same persons, in the same manner and with like effect, as upon a bond taken under the section mentioned; and also for any fines and costs that may be imposed by the mayor for any offence against the city, under its ordinances, involving a breach of the conditions of such bond.

Sec. 41. The council may revoke any such license for a breach of any of the conditions of such bond, or for other good cause shown; but the person holding the license must first have reasonable notice of the time and place of hearing and adjudicating the matter, as well as the cause alleged; and he shall be entitled to be heard, in person or by counsel, in opposition to such revocation.

Sec. 42. The council shall have the authority to impose, for use of the city, a uniform tax upon such license at the rate of not less than four hundred nor more than one thousand dollars, in each instance for each year.

Sec. 43. The council shall have the authority to require a city license as follows: For anything to be done, carried on or exhibited within the city, for which a State license is now or may hereafter be required, for the keeping of hacks, carriages, carts, wagons and other vehicles for hire within the city, and for the keeping of dogs within the city, and the council may provide for the killing of all dogs, the keeping of which is not so licensed. And upon all such licenses the council may impose a reasonable tax for the use of the city.

Sec. 44. The council shall prescribe by ordinance, the manner in which license of all kinds shall be applied for and granted, and

shall require the payment of the tax thereon to be made to the collector and treasurer before delivery to the person applying therefor.

Sec. 45. The provision of the twenty-ninth section of chapter thirty-two of the code of West Virginia, relating to State licenses, shall be deemed applicable to licenses of a similar character to those therein mentioned, when granted by or under the authority of the council of said city. Licenses for keeping of dogs shall also expire on the thirtieth day of April next after they are granted, and all other suitable material, to be set and placed on any of the streets

Sec. 46. The council shall have the right to institute proceedings, in the name of the city, for the condemnation of real estate for streets, alleys, drains, market grounds, landings, wharves, city prison, or other work or purpose of public utility. Such proceedings shall conform to the provisions of chapter forty-two of the code of West Virginia; and the costs thereof shall be borne by the city, except that in contests involving a hearing in the circuit court, costs shall be recovered by the prevailing party.

Sec. 47. After having caused proper curb of brick, stone or other suitable material, to be set and placed on any of the streets or alleys of said city at the expense of said city, the council may require sidewalks or footways on such streets or alleys to be paved with brick, stone or such other suitable material as the council may determine, under the direction of the street commissioner, by the owners respectively of the lots, or the fractional parts of lots, facing or abutting on such sidewalk or footway, and if the owner of any such sidewalk or footway, or of the real property next adjacent thereto, shall fail or refuse to pave the same in the manner or 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 city, and to assess the amount of such expense upon such owner: and the same may be collected in the manner herein provided for the collection of city taxes, and the same shall constitute a lien on such property, which may be enforced by a suit in equity in the name of the city, in the circuit court of Marshall county as other liens against real estate are enforced: *provided, however*, that reasonable notice shall first be given to said owners that they are required to construct such sidewalks or footways, and in case the owner is a non-resident of the State, the notice aforesaid may be given by publication for four successive weeks, in a newspaper published in said city. The provisions of this section shall also be applicable to needed repairs to any of the pave-

ments of the city, and to the substitution of new pavements for any which may have been heretofore or which may be hereafter laid and completed, and which may be deemed insufficient.

Sec. 48. The council shall have the authority to provide that any street or alley, or any portion thereof, between the curbstones, shall be macadamized, or paved with bricks, cobblestones or other suitable material, upon the lowest and best terms obtainable, after advertisement for four weeks in one or more newspapers of the city, for bids and proposals for the work; and two-thirds of the cost of such macadamizing or paving, from curb to curb of such street or alley, shall be assessed to the owners of the lots, or fractional parts of lots, fronting or abutting on such street or alley, that is to say: The property owners on each side of said street or alley to be assessed one-third of the cost of said improvements, to each property owner a sum proportionate to the distance, or extent in feet by him owned, and one-third of the sum so assessed shall be paid by each property owner to the city within thirty days after the completion of the work, and the remainder in two equal installments in six and twelve months thereafter, or at such other times as the council may prescribe. The remaining one-third of such expense, as well as the expense of macadamizing or paving at the intersections of streets and alleys, shall be defrayed by the city. The council shall cause a notice to be published for one week in a newspaper of said city, showing the owners of the property and the number of feet fronting on said improvements, as well as the time and the place where the said council will proceed to fix said assessments as above provided, and giving notice to any person having an interest in said property to appear and show cause, if any they can, why such assessment should not be made: and the council may, in making said assessments, consider the petition of any person or corporation relative to the inequality of said assessment, and may equalize and adjust the same. The assessment to be made to any owner of real estate shall constitute a lien on such estate: and like proceedings may be had and taken to enforce such lien, or to recover from such owner the amount of such assessment, or of any installment thereof, as those provided for in the (preceding) section providing for the laying of pavements. The council of said city may cause an additional annual levy of twenty-five cents on the hundred dollars of the ascertained value of all the real and personal property within said city, or subject to taxation, for the purpose only of defraying the ex-

penses of paving the streets and alleys of said city as herein provided; such levy shall be made at the time the general levy is laid, and shall be collected in like manner, but a separate account shall be kept of the receipts and expenditures of such fund.

Sec. 49. The city of Moundsville shall succeed to all the rights, powers and responsibilities, and be vested with the title to all property, of the town of Moundsville and the city of Moundsville as heretofore existing, and all officers of said city acting as such at the time this enactment takes effect shall continue until the first Monday in April, one thousand nine hundred and three, or until their successors, the officers herein mentioned, are elected or appointed and qualify, to exercise the powers, perform the duties, and receive the compensation heretofore conferred, prescribed and allowed by former charter, by general law, or by the ordinances of said city; such ordinances in force at the time referred to, shall continue to have full operation and effect until amended, repealed or superseded by the council of said city.

Sec. 50. All acts and parts of acts coming within the purview of this act, and inconsistent herewith, are hereby repealed.

(House Bill No. 270.)

CHAPTER 68.

AN ACT to amend and re-enact chapter two hundred and fifty-two of the acts of one thousand eight hundred and thirty-nine-forty, of the General Assembly of Virginia, as amended and re-enacted by chapter two hundred and two of the acts of one thousand eight hundred and fifty-five-six, of the General Assembly of Virginia, and as further amended and re-enacted by chapter one hundred and eighty-seven, of the acts of one thousand eight hundred and fifty-nine-sixty of the General Assembly of Virginia, and as amended and re-enacted by chapter fourteen of the acts of one thousand eight hundred and eighty-seven of West Virginia, defining the corporate boundaries of the city of Wellsburg.

[Passed February 19, 1903. In effect from passage. Approved February 24, 1903.]

SEC. 1. Corporate limits of the city of Wellsburg defined.

Be it enacted by the Legislature of West Virginia:

1. That section one, relating to the "boundaries of the city,"

chapter two hundred and fifty-two of the acts of one thousand eight hundred and thirty-nine-forty, of the General Assembly of Virginia, as amended and re-enacted by chapter two hundred and seventy-two of the acts of one thousand eight hundred and fifty-five-six, of the General Assembly of Virginia, and as further amended and re-enacted by chapter one hundred and eighty-seven of the acts of one thousand eight hundred and fifty-nine-sixty, of the General Assembly of Virginia, and as further amended and re-enacted by chapter fourteen of the acts of one thousand eight hundred and eighty-seven of the acts of West Virginia, be amended and re-enacted so as to read as follows:

Boundaries of the City.

Sec. 1. The boundaries of the city of Wellsburg shall be as follows: Beginning at the mouth of Buffalo creek and extending eastwardly along a center line of the meandering of said creek to a point where the county bridge now crosses the said creek, a short distance east of the Panhandle railroad bridge and the bridge of the Northern Ohio Valley Traction company; thence in a north-easterly direction in a straight line to the south-western corner of the land now owned by Mary A. Sage; thence along the western line of the land now owned by the said Mary A. Sage and the land owned by M. Hubbard to the intersection of the Wellsburg and Washington turnpike; thence in a northwardly direction along the present eastern boundary line of the said city to a point in the public road where the said road intersects the southern boundary lines of the lands now owned by George W. Freshwaters, at and near a brick tenement house of the said George W. Freshwaters; thence along the eastern boundary line of said public road, which is a thoroughfare between the city of Wellsburg and Steubenville, Ohio, to the property of the Brooke cemetery company; thence with the lines of the land of the said Brooke cemetery company in an easterwardly direction to the lands now owned by T. H. Caldwell, trustee; thence along the eastern boundary line of the land of the said Brooke cemetery company to the north-eastern corner thereof, so as to include all the property of the said Brooke cemetery company; thence from the north-east corner of the said cemetery property in a north-westwardly direction, in a straight line, to the east side of the barn on the property now owned by Robert McNabb; thence continuing in the same direction to the run

or ravine lying on the north side of the property of the said Robert McNabb; thence in a westwardly direction, and following the meandering of said run or ravine, to the east shore of the Ohio river; thence on a direct line crossing the said Ohio river to the west shore of said river, and thence extending along the western shore of the Ohio river in a southerly direction to a point in said western shore of the Ohio river, opposite the mouth of Buffalo creek; thence from said point to the mouth of Buffalo creek, the place of beginning, including all of the land and water between the boundary lines aforesaid. The eastern boundaries of the said city may be extended to include what is known as the Harker or Hervey & Cree addition lying east of Commerce street at the head of Tenth street, providing a majority of the property owners of said addition so petition the city council at any time within six months from the passage of this act.

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

(Senate Bill No. 94.)

CHAPTER 69.

AN ACT to amend and re-enact sections three, fourteen, twenty-four, thirty, thirty-one, thirty-two and thirty-six of chapter fourteen of the acts of the legislature of West Virginia, passed February 27th, 1887, in reference to the charter of the city of Wellsburg and to add section thirty-one *a* thereto. Sections numbers thirty and thirty-one of said charter, among others were amended and re-enacted by chapter sixty-five, of the acts of 1895, and sections three, fourteen, thirty, thirty-one, thirty-two and thirty-six were amended and re-enacted by chapter one hundred and forty-nine of the acts of the legislature of 1901.

[Passed February 26, 1903. In effect from passage. Became a law without the approval of the Governor.]

SEC.

- 3. City officers.
- 14. Election of city officers; when and for what terms.
- 24. General corporate powers and duties of council; may acquire and hold land, for what uses.
- 30. Paving of sidewalks, etc., street paving and macadamizing.
- 31. Collection of city taxes, etc.; duties of

SEC.

- collector and treasurer; their powers; their bond.
- 31a. Chief of police; his duties, rights, powers and privileges; his liability; his bond.
- 32. Lien for taxes, etc.; list of delinquent real estate.
- 26. Annual election; provision for holding and ascertaining result.

Be it enacted by the Legislature of West Virginia:

- 1. That sections three, fourteen, twenty-four, thirty, thirty-one,

thirty-two and thirty-six of the charter of the city of Wellsburg be amended and re-enacted, and that section thirty-one "a" be added thereto, so as to read as follows:

Sec. 3. The officers of said city shall be a mayor, four councilmen from each ward, city collector and treasurer, city clerk, street commissioner and chief of police. The mayor, members of the council, city collector and treasurer, clerk and chief of police, shall be elected by the voters of said city as hereinafter provided.

Sec. 14. At the election of officers to be held on the second Tuesday in April, one thousand nine hundred and three after the passage of this act, there shall be elected a mayor, city collector and treasurer, six councilmen and chief of police; and thereafter the mayor and city collector and treasurer and chief of police shall be elected every two years, and shall hold their offices for the term of two years, and until their successors are elected and qualified. The clerk elected in said city at the election held therein on the second Tuesday in April one thousand nine hundred and two, shall hold his office for the term of two years from the said date, and thereafter a clerk shall be elected, every two years, who shall hold his office for the term of two years, and until his successor is elected and qualified. The six members of the council elected in said city at the election held therein on the second Tuesday in April, one thousand nine hundred and two, shall hold their offices for the term of two years, and until their successors are elected and qualified. And at the election to be held on the second Tuesday in April, one thousand nine hundred and three, in said city, two members of the council shall be elected from each ward, one for the first branch of council and one for the second branch of council, who shall hold their offices for the term of two years, and until their successors are elected and qualified. And annually after said election to be held on the second Tuesday in April, one thousand nine hundred and three, three members of each branch of council of said city, one of whom shall be chosen from each ward, shall be elected annually and shall hold their offices for the term of two years, and until their successors are elected and qualified.

Sec. 24. The council of said city shall have power therein to lay off, vacate, close, open, alter, curb, pave and keep in good repair, roads, streets, alleys, sidewalks, cross walks, drains and gutters, for the use of the public, or any of the citizens thereof, and to improve, repair and light the same, and to keep them free from ob-

structions; to regulate the width thereof, and to order the sidewalks and footways to be curbed and paved and kept in good order, free and clean, by the owners of the real property next adjacent thereto; to establish, and regulate markets, to prescribe the times and places for holding the same, provide suitable buildings therefor, and to ordain and enforce such regulations respecting the said markets, as the interest or convenience of the inhabitants of said city may require, or as shall be necessary to prevent the forestalling or regrating of said market. Upon reasonable notice to any officer whose election or appointment is provided for in this act, council shall have authority, upon motion of any member thereof, or of any citizen of said city, to remove such officer for drunkenness, incompetency, or neglect of duty, or any nonfeasance, misfeasance or malfeasance in office, but no such officer shall be removed except upon a two-thirds vote of all the members of council. Council shall have authority to ordain and enforce such regulations within said city as shall be necessary, or proper, to secure the inhabitants thereof from contagious or other infectious disease; to establish, erect and regulate hospitals in or near said city; to provide for the appointment and organization of a board of health for said city, and invest it with such powers, and ordain and enforce such regulations for its government and support, and for the prompt and efficient performance of its duties, as shall be necessary or useful for the purpose aforesaid; to require and compel the abatement and removal of all nuisances within said city, at the expense of the person or persons causing the same, or of the owner or owners of the ground whereon the same may be; to prevent or regulate slaughterhouses, tan houses and soap factories within said city, or the exercise of any offensive or unhealthful business, trade or employment therein, and to ordain and enforce such regulations respecting the same, as the comfort, health and convenience of the inhabitants of said city may require; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to regulate the keeping of gunpowder and other combustibles within said city; to prevent cattle, horses, sheep, and other animals from running at large in said city; to protect persons engaged in divine worship; to provide in or near said city places for the burial of the dead, and to regulate interments therein; to regulate the building of houses or other structures, and to provide for the making and repairing of division fences by the owners of ad-

jaacent premises, and the proper drainage of lots; to establish and enforce such regulations as may be necessary to prevent or extinguish fires within said city; to prevent illegal sales of intoxicating liquors, drinks, mixtures and preparations in said city; to protect the persons and property of all persons in said city, and to preserve peace and good order therein; to appoint, when necessary, a police force; to prescribe the powers and duties of the officers appointed by council; to fix their terms of service and compensation, and require and take from them bonds, when deemed necessary, payable to the city in its corporate name, with such sureties and with such penalties as council may require, conditioned for the faithful discharge of their duties; to erect, or authorize or prohibit the erection of, gas works or water-works in or near said city, and to prevent injury to or pollution of the same; to regulate and provide for the weighing of all products sold or for sale in said city; to provide a revenue for said city, and appropriate and expend the same for city purposes; to adopt rules for the government of council and each branch thereof; to pass such ordinances as shall be necessary and proper to secure persons within said city against thieves, robbers, burglars, and all other persons violating the public peace of said city; to prevent and punish cruelty to animals; to suppress gaming; to prevent and punish lewd and lascivious, indecent and disorderly conduct; to suppress houses of ill fame, and arrest and punish persons found therein; to prevent and punish desecration of the Sabbath day, and to prevent and punish profane swearing. Council shall also have authority to create by ordinance such committee or boards, and delegate such authority thereto, as it may deem advisable, and to pass all ordinances, not repugnant to the constitution and laws of the United States or of this State, which may be necessary or proper to carry into full effect any power, authority, capacity or jurisdiction which is, or shall hereafter be, granted to or vested in the said city, or any of its officers or authorities thereof.

And the council of said city shall also have the power to lay and extend its water mains and pipes, beyond the corporate limits of said city, to such points and in such directions as the council may deem proper, and to sell and supply water through such water mains and pipes to all such persons, firms and corporations, either public or private, as the council may order and direct. The council shall also have the power to acquire and hold, for the use and benefit

of said city, such land beyond the corporate limits of said city as it may find necessary and proper to use in constructing water works, pump houses, reservoirs, and such other buildings and structures, as may be necessary or useful for the erection and completion of a water-works and water-system for the delivery of water to consumers thereof. And to carry out the powers conferred by the portion of this section in reference to the water-works, said council may acquire and take by gift, grant, purchase or condemnation, such rights of way and easements as may be necessary to enable it to lay and extend its water mains and pipes to such points, beyond the corporate limits of said city, as may be necessary or convenient for the purpose of furnishing water for public use.

Sec. 30. If the owner of any real property next adjacent to any sidewalk, footway, gutter or drain, within said city, shall fail or refuse to curb, pave or keep clean the same, in the manner or within the time required by council, it shall be the duty of council to cause the same to be done at the expense of such owner; and the cost thereof may be collected by the city collector and treasurer, in the manner prescribed by this act for the collection of city taxes. Council shall also have authority to pave or macadamize the streets, alleys, sidewalks, footways, gutters and drains in said city at the expense of the city. Whenever a petition is presented to the council signed by the persons who own lots, or parts of lots, which have a frontage equal to not less than two-thirds of the frontage of all of the lots fronting or abutting on both sides of any part of a street, or alley, sought to be paved, the council shall have authority to order such street or alley, or part thereof, to which the said petition applies, to be paved with cobble stone, brick or other suitable paving material, or to be macadamized, under such supervision and in such manner as may be prescribed by ordinance, and upon the lowest and best terms to be obtained, by advertisement for bids and proposals therefor; and the cost of such paving or macadamizing shall be assessed as follows: Two-thirds of such cost shall be assessed to the owners of lots, or parts of lots, fronting or abutting on the street or alley, or part thereof, which is paved, in the proportions in which the frontage of such lots or parts thereof on such street or alley bear to the whole frontage of the lots which front or abut on the street or alley which is paved. The one-fourth of the amount so assessed to said lot owners shall be paid within thirty days after the completion of the work, and the acceptance thereof

by the council, and the remainder in three equal installments, payable at such time as council may by ordinance prescribe. The other third of the cost of such paving shall be paid by the city; and the intersection of all streets and alleys, and street with alleys, shall be paved or macadamized, at the sole expense of the city. But no part of a street or alley less than one block in length shall be paved or macadamized under the provisions of this section. The costs of such paving or macadamizing which may be charged against any lots or parts of lots shall be a lien thereon, and may be enforced by suit in equity in any court having jurisdiction thereof; or such costs or any installment thereof may be collected by action in any court or before any justice having jurisdiction thereof. The money collected by virtue of this section shall be in addition to the money collected by said city for other purposes, and shall be used for no other purposes than those provided for in this section; and the use of such money for any other purpose may be restrained by injunction at the suit of any one or more of the taxpayers of said city.

Sec. 31. It shall be the duty of the city collector and treasurer to collect the taxes, licenses, levies, assessments and other revenues of the city, except fines. All licenses shall be payable at the time the license is granted, and shall be paid to the city collector and treasurer at that time; and no license shall issue until the license tax therefor is paid to the city collector and treasurer. All taxes, levies and assessments may be distrained for by the city collector and treasurer after the first day of November of each year; or at any time before that day, if the goods or chattels of the person assessed for taxes are about to be removed from the county of Brooke; and the city collector and treasurer shall have power and authority to make a levy for taxes due the city anywhere within the county of Brooke. The city collector and treasurer may distrain and sell property for taxes and assessments in like manner, and with like effect, as the sheriff of a county may distrain and sell property in the collection of State and county taxes; and said city collector and treasurer shall have in all other respects the same power to enforce the collection and payment of taxes, licenses, levies, assessments and other revenues, as such sheriff now has, or may hereafter have, to enforce the payment and collection of State and county taxes. And all taxes which are not paid by the first day of February next succeeding the year for which they are assessed there shall be charged and collected interest at the rate of six per

cent. per annum. The city collector and treasurer shall before entering upon the duties of his office execute a bond, conditioned according to law, with surety to be approved by the council, payable to the city, in such penalty as council may prescribe, but not less than ten thousand dollars.

Sec. 31a. It shall be the duty of the chief of police to collect all fines and costs at the time of trial, or assessment of said fines and costs, and make monthly reports thereof to the council, and pay said fines and costs, and all city moneys that may come into his possession, to the city collector and treasurer weekly; and the said chief of police shall have in all respects the same power to enforce the collection of fines as the sheriff of Brooke county now has, or may hereafter have, to enforce the collection and payment of fines and costs. The chief of police shall have all the rights, powers and privileges within said city, in reference to the arrest of persons and the execution and return of process, that can be legally exercised by a constable therein; and he shall be entitled to the same compensation therefor; and he and his sureties shall be liable for all the fines, penalties and forfeitures that a constable is liable to, for any failure or dereliction in office, to be recovered and enforced in the same manner, and in the same courts, in which fines, penalties and forfeitures are now, or may hereafter be, recovered and enforced against constables.

The chief of police shall before entering upon the duties of his office execute a bond, conditioned according to law, with surety to be approved by council, payable to the city, in such penalty as council may prescribe, but not less than five hundred (\$500) dollars.

Sec. 32. There shall be a lien on all property, both real and personal in said city, for the taxes, levies, assessments and other charges thereon, for city purposes, which shall have priority over all other liens thereon, except the lien for State, county and district taxes, and such lien may be enforced by the city collector and treasurer in the manner which is now, or may hereafter be, provided by law for the enforcement of the lien for State, county and district taxes, or in such other manner as council may by ordinance prescribe. If any real estate in said city be returned delinquent for the non-payment of any taxes, levies, assessments or other charges imposed thereon for city purposes, a list of such delinquent real estate may be certified by the city collector and treasurer to

the auditor, and the same may be sold for such taxes, levies, assessments or other charges, and the interest and commissions thereon, in the same manner, at the same time, by the same officer, and with like effect, as real estate is now, or may hereafter be, sold for the non-payment of State taxes thereon.

Sec. 36. Council shall appoint three commissioners and two clerks in each ward, before each annual election, who shall hold the election herein provided for. Said commissioners shall make return of the elections, so held by them, to the council of said city, as soon as practicable after such elections are held; and council shall thereupon ascertain and publish the result of such election, and enter said result upon the journal of each branch thereof. The city clerk shall provide the necessary poll books and ballot boxes for such elections, at the expense of the city, and the provisions of chapter three, of the code of West Virginia, in so far as they are applicable thereto, and not inconsistent with the provisions of this act, shall apply to and govern such elections.

(Senate Bill No. 79)

CHAPTER 70.

AN ACT to amend and re-enact sections eight and eleven of chapter one hundred and one of the acts of one thousand eight hundred and ninety-seven.

[Passed February 16, 1908. In effect from passage. Approved February 20, 1903.]

SEC.

8. City of Clarksburg; election of officers, when; term of office.

SEC.

11. City election; how held, returned and determined.

Be it enacted by the Legislature of West Virginia:

1. That sections eight and eleven of chapter one hundred and one of the acts of one thousand eight hundred and ninety-seven, be amended and re-enacted so as to read as follows:

Sec. 8. On the Tuesday after the first Monday in April, one thousand nine hundred and three, and on said day of every succeeding year, there shall be elected by the qualified voters of said city a mayor, chief of police, superintendent of streets, commissioner of water-works, assessor, city collector and treasurer and city clerk,

who shall hold their respective offices for one year, and until their successors shall be elected and qualified.

Sec. 11. The election in said city shall be held and conducted, and the result thereof certified, returned and finally determined, under chapter three of the code of West Virginia, as amended.

(Senate Bill No. 168.)

CHAPTER 71.

AN ACT amending and re-enacting section forty-one, of chapter one hundred and fifty of the acts of one thousand nine hundred and one, incorporating the city of Huntington.

[Passed February 26, 1903. In effect from passage. Became a law without the approval of the Governor.]

SEC. 41. General corporate powers and duties of council; how fines and penalties recovered and imprisonment enforced.

Be it enacted by the Legislature of West Virginia:

1. That section forty-one of chapter one hundred and fifty of the acts of the legislature of one thousand nine hundred and one, be amended and re-enacted, so as to read as follows:

Sec. 41. The council shall have the power, within the said city, to construct sewers and other improvements, and also to lay off, open, close, alter, curb, pave and keep in good repair roads, streets, alleys, sidewalks, 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 as they may deem necessary for the erection of a city hall, and other building purposes for the use of said city, and for such other uses as the said council may, in its discretion, see proper to devote to the same; and to contract for, build, enlarge and improve said buildings, and to lease for such time and upon such terms, as the said council may deem expedient, any such building or buildings to the county court of Cabell county, to be used as a court house, clerks' offices and

jail; and to enclose, ornament and take care of all such buildings; to establish and regulate markets; to prescribe the time of holding the same, and what articles shall be sold only in such markets; to prevent injury or annoyance to the public or individuals from any thing dangerous, offensive or unwholesome; to prevent hogs, cattle, horses, sheep and other animals and fowls of all kinds from going at large in said city; to protect places of divine worship in and about the premises where held; to abate or cause to be abated anything which, in the opinion of the majority of the whole council, shall be deemed a nuisance; to prohibit any theatrical or other performance, show or exhibition, which the council may deem injurious to the morals or good order of the city; to regulate the keeping of gun powder and other combustibles; to provide in, or near the city, places for the burial of the dead, and to regulate the interments in the city; to provide and regulate the building of houses and other structures, and for 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 dangers from fire; to protect 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 chief of police in the discharge of his 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 the city, and to regulate the transportation thereof through the streets; to provide a revenue for the said city, and to appropriate the same to its expenses; to provide for the annual assessment of taxable persons and property in the city; to establish and construct buildings, and 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 constructed; and to levy and collect a reasonable duty on vessels coming to or using the same; and it shall have the power to pass and enforce such ordinances as shall be proper to keep the same in good order and repair; to preserve peace and good order in the same, and to regulate the manner in which they shall be used; they shall have the power to appoint as many wharfmasters for said city as shall be necessary, to prescribe their duties, fix their fees, and make regulations in re-

spect to such officers as they may deem proper; and shall have power to lease any and all such buildings, wharves and docks, so established and constructed by said city, to any person, firm or corporation for a term of not exceeding fifty years, upon such terms, conditions and stipulations as said council shall by ordinance prescribe. The council shall provide for the employment and safe keeping of persons who may be committed in default of the 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; and to use such means to prevent their escape, while at work, as they may deem expedient; and shall keep on hand all necessary tools, implements, fixtures and facilities for the immediate employment of any and all such persons, and shall fix a reasonable rate per diem as wages to be allowed to any such person until such fine and cost against him are discharged; and the city clerk shall keep an account of all fines and penalties so collected and expended; to adopt rules for the transaction of business, and for the government of its own body; for all of which purposes, except that of taxation, the council shall have jurisdiction, when necessary, for one mile beyond the corporate limits of said city, excepting any other municipal corporation within said one mile limit. And the council shall have power to provide, by taxation or otherwise, for the maintenance of the poor of the city, and contract with the overseer of the poor, of Cabell county, to keep and maintain the poor of said city, upon terms to be agreed upon between the council and the overseer of the poor of said county. To carry into effect these enumerated powers conferred upon said city or its council, expressly or by implication, by this or any future act of the legislature of this State, the council shall have power to make and pass all needful orders, by-laws, ordinances, resolutions, rules and regulations, not contrary to the constitution and laws of this State, and to prescribe, impose and enact reasonable fines, penalties and imprisonment in the county jail, or such other place as they may provide, for a term not exceeding thirty days for violation thereof. Such fines, penalties and imprisonment shall be recovered and enforced under the judgment of the police judge of said city, or the person lawfully exercising his functions. And the authorities of said city may, with the consent of the said county court entered of record, use the jail of the said county of Cabell for any purpose for which the use of a jail may be needed by them, under the acts of the council or of the State.

(House Bill No. 311.)

CHAPTER 72.

AN ACT to amend and re-enact section thirty-one and thirty-four of chapter four of the acts of one thousand eight hundred and ninety-nine, incorporating the city of Sistersville, in Tyler county.

[Passed February 27, 1903. In effect 90 days from passage. Approved March 4, 1903.]

SEC.

31. Assessments for municipal taxation; duty of city assessor; his power; subject to what penalties.

34. Collection of city taxes for municipal

SEC.

purposes; duties of city treasurer as to collecting and paying out moneys; his bond; his compensation; his duty at end of his term.

Be it enacted by the Legislature of West Virginia:

1. That sections thirty-one and thirty-four of chapter four of the acts of one thousand eight hundred and ninety-nine, be amended and re-enacted so as to read as follows:

Sec. 31. It shall be the duty of the assessor to make an assessment of the property within the city subject to taxation, substantially in the manner and form in which assessments are made by the assessor of the county, and return the same to the council on or before the first Monday in August in each year, and for this purpose he shall have all powers conferred by law on county assessors. He shall list the number of dogs in the city and the names of the persons owning the same, which list shall be returned to the council (see chapter forty-seven, section forty-one, code of West Virginia). In order to aid the said council in ascertaining the said property and tithables subject to taxation, by said city, the assessor of said city shall have access to all books and public records of Tyler county, without expense to said city or assessor. And he shall also have the same power and be subject to the same penalties in ascertaining and assessing the property and subjects of taxation, in said city, as are granted and imposed upon the county assessors throughout the State by general law; and the council shall also have authority to prescribe, by ordinance, such other rules and regulations as may be necessary to enable, and to require, such assessor to ascertain and properly assess all property and tithables liable to be taxed by said city, so that such assessment and taxation shall be uniform, and to enforce such ordinance by reasonable fines and

penalties; and the said city assessor, in making his valuation for assessment, shall make the same valuation for both real and personal property as the assessor for said county for the same assessment year assessed by the county assessor.

Sec. 34. It shall be the duty of the city collector and treasurer, when the extended copies are completed, to receive one copy thereof, receipting to the council for the same, and for the taxes therein extended, and it shall be his duty to collect from the parties the entire amount of taxes, with which they are therein severally charged, from and after the first Monday in August, in each year, until the fifteenth day of October of the year; and he shall in said books write the word "paid" opposite the name of the person so paying, and shall also receipt to such taxpayer for the tax so paid. He shall also receive such other moneys of the city as he is authorized by this chapter to receive, and all moneys ordered paid him by the council, giving receipts therefor to the parties paying, and shall keep an accurate account of the same; and his books shall at all times be open for inspection to any tax-payer of the city, and he shall produce said books to said council for inspection at any meeting thereof, upon the order of the council. He shall pay out the moneys in his hands upon the orders of the council, signed by the mayor and city clerk. He shall on or before the tenth day of January of each year present to the council a full, complete and detailed statement of all moneys with which he is chargeable or that have been received by him up to the first day of January of that year, and shall, at the same time, in like manner, furnish a statement of all disbursements made by him during such previous year, with vouchers evidencing the same. He shall, upon the order of the council at any time, submit a statement of the amount with which he is chargeable, and his collections and disbursements. He shall receive all taxes upon licenses, and receipt to the party paying the same by the endorsement upon the permit granted by order of the council, which permit shall be furnished him by the clerk, and charge himself with the amount so received, and report to the council, at its next regular meeting thereafter, the amount so received by him. He shall, upon all moneys coming into his hands as such treasurer, and duly paid out or turned over by him upon order of council, receive as compensation, therefor, a sum to be fixed by the council, not exceeding five *per cent* on the amount collected. He shall, upon the expiration of his term of office, turn over to the

council all moneys, books and other property in his possession, belonging to said city; and shall, before entering upon the duties of his office, execute a bond with good security payable to the city of Sistersville, in the penalty of not less than ten thousand dollars, conditioned for the faithful performance of the duties of his office, and for the accounting for and paying as required by law, all money which may come into his hands by virtue of his office. He shall be chargeable with all city taxes, levies, and assessments and money of the city, that may come into his hands, and shall account therefor.

(Senate Bill No. 121.)

CHAPTER 73.

AN ACT to create and establish the independent school district of Richwood, in Nicholas county, West Virginia.

[Passed February 21, 1903. In effect from passage. Became a law without the approval of the Governor.]

- | | |
|--|---|
| <p>SEC.</p> <ol style="list-style-type: none"> 1. Boundry lines defined of the independent school district, proposed to be established. 2. Special election to elect commissioners to constitute a board of education; terms of office. 3. Annual election of school commissioners. 4. Vacancy in office of commissioner. 5. Election of president and secretary of the board of education; president's vote. 6. Secretary; his duties and compensation. 7. Regular and special meetings; vote required to elect superintendent or teachers, and to decide questions involving the expenditure of money; compensation of members of board. 8. Board made a corporation; its corporate powers. 9. General powers of the board of education respecting the schools within the district. 10. Who admitted as pupils. 11. Who admitted as pupils. 12. Schools for colored children. 13. How school moneys paid out. 14. Sheriff's annual settlement with board; his <i>per cent</i> for collecting, etc.; penalty for failure to make such settlement; proceedings to recover. | <p>SEC.</p> <ol style="list-style-type: none"> 17. Superintendent, when elected; his removal; vacancy, how filled; report to be made by; what prohibited from doing. 18. Examining committee to examine applicants for positions as teachers; regulations governing; meetings for examinations; examining fees, etc. 19. Removal of teachers. 20. Appointment of teachers. 21. Levy for the "bullding fund"; for what purposes to be used. 22. Levy for the "teachers' fund"; for what purpose to be used; levy for public library. 23. Collection of school assessments; limit to expenses to be incurred. 24. Injury to school property. 25. What action by the people required, and when, to establish district. 26. Election to determine the establishment of proposed independent school district. 27. Inconsistent laws void within district. |
|--|---|

Be it enacted by the Legislature of West Virginia:

Sec. 1. That the incorporated town of Richwood, and the sub-

urbs and territory of Beaver district, Nicholas county, contained within the following boundaries, to-wit: Beginning at a spruce pine on the north bank of the Cherry river, called for in a deed from J. G. Malcomb and wife to Fay *et al*, trustees, dated September second, one thousand eight hundred and ninety, conveying one thousand one hundred and thirty-seven acres; thence with the line of said survey, in very nearly a south course, two hundred and seventy-two poles to a stake near a path, said stake stands north, sixty-five and one-half degrees west, twenty poles from a maple and beech standing on the bank of Little Laurel creek; thence continuing in the same direction to a point where said line of said survey, if extended in its southerly direction, would cross the line between Nicholas and Greenbrier counties; thence in a north-easterly course along said line between said counties to a point where it crosses the Caperton and Williams' line, which runs from the forks of the Cherry river north, eighty-eight and one-half degrees east, to the Pocahontas and Greenbrier county line on the waters of Dogway creek; thence due north eight hundred poles; thence due west to a point of intersection with the extension of said first above mentioned line of the said one thousand one hundred and thirty-seven acre survey, if extended in a northerly direction; thence in very nearly a south course along said line extended to the place of beginning, shall constitute an independent district to be known as "the independent district of Richwood".

Sec. 2. There shall be elected by the voters of said district, at an election to be held at the public school building in Richwood, on the first day of June, nineteen hundred and three, five commissioners, and every year thereafter one commissioner, whose term of office shall commence the first day of July following their election, and continuing five years, and until their successors are elected and qualified, except that one of the commissioners elected in the year nineteen hundred and three shall serve one year, another only two years, another only three years, and another only four years, the ballot designating the term of office of each member. The said commissioners shall constitute a board of education to be denominated "the board of education of the Richwood independent school district."

Sec. 3. The election for school commissioners in the year nineteen hundred and four, and annually thereafter, shall be held at the school house in Richwood on the first Tuesday in April, and in the

manner prescribed by the general school law for the election of school officers.

Sec. 4. Any vacancy that may occur in the office of school commissioner, by death, resignation, refusal to serve, or otherwise, shall be filled by the board of education of the district at their first regular meeting thereafter, or as soon as circumstances will permit, by the appointment of a suitable person, who shall hold his office until the next election of school commissioners, when a commissioner shall be elected for the unexpired term.

Sec. 5. The board of education shall elect annually at their first meeting on the first Monday in July, or as soon thereafter as may be practicable, one of their members to act as president of said board, who shall perform all the duties which are required to be performed by such officer of any board of education, which may not be inconsistent with the provisions of this act. The board shall elect at the same time a secretary, who shall perform such duties for said board as are required of secretaries of other boards of education.

The president shall have one vote as commissioner, and shall not vote upon any question arising in the board by reason of being said officer.

Sec. 6. The secretary shall record in a book, provided for the purpose, all of the official acts and proceedings of the board, which shall be a public record, open to the inspection of all persons interested therein. He shall preserve in his office all papers containing evidence of title, contracts and obligations; and in general shall record and keep on file in his office all such papers and documents as may be required by any of the provisions of this act, or by any order of the board of education. He shall annually, between the first and twentieth of July, make report to the county superintendent of such facts in his possession as may be required by the general school law of the State. For his services he may receive such compensation not exceeding one hundred dollars per annum, as the board may allow. In his absence the board may appoint a secretary *pro tempore*.

Sec. 7. The board of education shall hold stated meetings at such times and places as they shall appoint, not less than three members being required to constitute a quorum for the transaction of business. Special meetings may be called by the president, or, at the request of any member, by the secretary. The concurrence

of three members of the board shall be required to elect superintendent or teachers, and to decide all questions involving the expenditure of money. The members of the board of education shall each receive a compensation of one dollar for each meeting of the board attended by them, and no compensation shall be paid said commissioners for any meeting of the board at which they are not present.

Sec. 8. The board of education of the independent school district of Richwood shall be a body corporate in law; and as such may purchase, hold, sell or convey real or personal property for the purpose of education within the district; may receive any gift, grant, donation or devise; may become party to suits and contracts and do other corporate acts. They shall have the management and be vested with the title to all real and personal property for the use of public schools within the district, and shall manage and dispose of the same as will in their opinion best serve the interests of this district.

Sec. 9. The board of education shall have exclusive control of all schools within the district; shall have power to make all necessary rules and regulations for the government of the schools of the district, for the admission of pupils therein, for the exclusion of pupils whose attendance would be dangerous to the health or detrimental to the morals or discipline of the school. They may prescribe a uniform list of text books for the use of the schools in the district, and may furnish books and stationery for the use of indigent children in attendance at the schools. They may furnish all necessary apparatus and books for the use of the schools, and incur all other expenses necessary to make the system efficient for the purpose for which it was established, and pay the same from the building fund of the district.

Sec. 10. The board of education shall have power to establish within the district such schools, including a high school, by such name as may be prescribed by said board, as may in their judgment be best for the district. The branches to be taught in the high school, and other schools within the district, shall be such as are prescribed by the board of education. The schools of the district shall be subject to such grading as the board may direct. The said high school shall be open to all pupils within the district, but no pupil shall be entitled to enter such school until the city superintendent shall have been satisfied that the said pupil has made

due proficiency in the branches taught in the other schools of the district.

Sec. 11. Admission to the various schools of the district shall be gratuitous to all white children, wards and apprentices, or actual residents within the district, between the ages of six and twenty-one years: *provided*, that admission of pupils residents of one sub-district to the schools of another shall rest with the board of education. Non-residents of the district may be allowed to attend the schools of the district upon payment, in advance, of such tuition as the board of education may prescribe.

Sec. 12. The board of education shall establish within the district one or more separate schools for colored children, whenever they may deem it necessary, so as to afford them, as far as practicable, the advantages and privileges of a free school education. All such schools shall be under the management and control of the board of education, and shall be subject to like general regulations as other schools of the district; but under no circumstances shall colored children be allowed to attend the same school, or be classified with white children.

Sec. 13. No money shall be paid out by the sheriff except on a draft signed by the president and secretary of the board of education, and specifying on its face the particular fund to which the same is chargeable, nor shall any credit be allowed to the sheriff, in his annual settlements upon any voucher except such draft.

Sec. 14. The sheriff shall annually, on or immediately before the first day of July, make such settlement with the board of education as the general school law may provide; and for collecting and disbursing the taxes assessed by the board of education, as the general school law may provide, shall be entitled to a commission of not more than five *per centum* upon the amount collected, except for money received for sale of bonds, and collections of railway companies' tax, he shall not receive more than two *per centum* for receiving and disbursing the same.

Sec. 15. The sheriff shall annually as hereinbefore provided make such settlement with the board of education, and account to said board for all moneys, from whom and on what account, and the amount paid out for school purposes in the district, since the last settlement,

Sec. 16. In case the sheriff shall fail to make an annual settlement, within the time prescribed in the preceding section, he shall

forfeit five hundred dollars, to be recovered before any court having jurisdiction, for the use of the schools of the district. And it is hereby made the duty of the secretary of the board of education to proceed forthwith, in case of such failure, by suit against such sheriff and his securities, to recover the penalty, as aforesaid. But if before suit shall have been entered, the sheriff shall satisfy the board that owing to sickness or other causes, which may seem to them sufficient, said settlement has been rendered impracticable, such further time may be allowed, as the board may deem reasonable and just.

Sec. 17. Annually, on the first Monday in July, or as soon thereafter as circumstances will allow, the board shall appoint a superintendent of schools for the district, and fix his salary. Said superintendent, in addition to the duties prescribed in this act, shall perform such other appropriate duties with relation to the schools of the district as the board may prescribe. He shall be liable to removal, by the board of education, for any palpable violation of law or omission of duty, but he shall not be removed unless charges shall be preferred to the board by a member thereof, and notice of a hearing, with a copy of the charges delivered to him, and an opportunity be given him to be heard in his defence. When the office shall have become vacant for any cause, before the expiration of the term for which the superintendent shall have been elected, the board of education shall fill the same by appointment for the unexpired term. It shall be the duty of the superintendent to make such report to the board of education, of the character and conditions of the schools of the district, as shall enable the secretary to make his required report to the county superintendent. The superintendent shall not directly or indirectly receive any gift, emolument or reward for his influence in recommending any book, apparatus or furniture of any kind, whatever, for use in the schools of the district.

Sec. 18. The board of education shall appoint two competent persons to act with the superintendent as an examining committee. It shall be the duty of said committee to examine all applicants for positions as teachers in the schools of the district, in all the common branches, and such other branches as they may be required to teach, and each person so examined shall pay a fee of one dollar, but no applicant shall be entitled to an examination who shall not furnish evidence satisfactory to the committee of good moral char-

acter; certificates of qualification shall be granted according to the following scheme, numbering from one to three, according to the merits of the applicant, thus: Number one shall denote a very good teacher; number two, good; number three, medium. A number three certificate shall not be issued more than twice to any person; but the board may make special regulations, as they may see fit, concerning the certificates of colored teachers. No certificate shall be granted for a longer period than one year; but a number one certificate may be renewed at the option of the examining committee. The committee shall hold meetings for the examination of teachers at such times and places as the superintendent may appoint. They may receive such compensation as the board may allow out of the fees received for examining teachers. The excess of such fees, if any, shall go into the building fund of the district.

Sec. 19. Teachers shall be subject in all respects to the rules and regulations adopted by the board of education, and they may be removed by the board for incompetency or grossly immoral conduct, upon complaint of the superintendent or any member of the board.

Sec. 20. The board of education shall appoint all teachers for public schools, of any grade, within the district, and fix their salaries, at the meeting held not later than the third Monday in August of any year; but no person shall be employed to teach in any public school in the district who shall not first have obtained a certificate of qualification to teach a school of the grade for which the appointment is made, except that the superintendent and the members of the examining committee shall not be required to obtain any certificate. All appointments of superintendent and teachers shall be in writing.

Sec. 21. It shall be the duty of the board of education to provide by purchase, condemnation, leasing, building or otherwise, school houses and grounds, furniture, fixtures and appendages, and keep the same in good order and repair, and to supply the said school houses with fuel and other things necessary for their comfort and convenience; to pay the principal and interest on loan made pursuant to this section, and all other expenses incurred in the district in connection with schools, not chargeable to the teachers' fund. For the purposes mentioned in this section, the board of education shall annually levy a tax on the property taxable in

said district, not to exceed, in any one year, forty cents on every hundred dollars valuation thereof, according to the latest assessment of the same for State and county taxation. The proceeds of the taxes so levied, of school houses and sites sold, of all donations, devises and bequests, applicable to the purposes mentioned in this section, shall constitute a special fund to be called "The building fund," to be appropriated expressly for the purposes named in this section.

Sec. 22. In addition to the levy named in the preceding section, the board of education shall, for the support of the schools of the district, annually levy such tax on the taxable property of the district as will, with the moneys received from the State for the support of free schools, be sufficient to keep said schools in operation not less than seven months in the year: *provided*, that the said tax shall not in any year exceed the rate of sixty cents on every hundred dollars valuation, according to the latest available assessment made for the State and county taxation. The proceeds of this levy, together with the money received from the State as aforesaid, shall constitute a special fund to be called the "Teachers' fund," and no part thereof shall be used for any other purpose than the payment of teachers' salaries, and the salary of the city superintendent. In addition to the preceding levies, the board may annually levy a tax not to exceed one-tenth of a mill on the dollar's valuation for the establishment, support and maintenance and increase of a public library, said library to be under the control of the board of education. Upon failure of the board of education to lay the levies required by this act, or either of them, they shall be compelled to do so by the circuit court by writ of mandamus.

Sec. 23. The assessments made under the provisions of this act shall be collected as now prescribed by law. The board of education shall not, during any one year, incur any expense that shall exceed the amount of available funds received for school purposes during that year.

Sec. 24. If any person or persons shall mar, deface or otherwise injure any school house, out building, fence, furniture or other school property, of the district, the person or persons so offending shall be liable to prosecution before any court having jurisdiction, and upon conviction shall be subjected to a fine of not less than five dollars and costs of prosecution; and if the amount

of damage shall exceed five dollars, the person or persons convicted of the offense shall be liable for the full amount thereof.

Sec. 25. If the injury be done by a minor, the parent or guardian of said minor shall be liable as aforesaid. It shall be the duty of the board of education of the district, in which the property damaged may be located, to ascertain, if possible, by whom the offence was committed, and, when satisfied thereof, to cause the party or parties to be arrested therefor and tried for the offence, in the name and on behalf of the board of education; and all fines or damages collected, by virtue of this section, shall be paid into the district treasury, and be appropriated for the benefit of the schools of the district.

Sec. 26. The provisions of section one of this act shall not apply to the territory named until the people of said Beaver district by a majority of the votes cast, at an election to be held within sixty days after this act takes effect or at any subsequent election, at the usual voting places in said district, shall declare in favor thereof.

Sec. 27. The election, provided for in section twenty-six of this act, shall be held at the places therein specified and shall be by ballot, and those voting in favor of the establishment of said independent district shall have written or printed on their tickets the words "For independent district," and those voting against, the establishment thereof, shall have written or printed on their tickets the words "Against independent district." The election shall be superintended, conducted and the result thereof ascertained and declared by officers appointed, for that purpose, by the board of education at the time ordered by the board, and notice thereof shall be published once a week for two successive weeks, next prior to the time of holding said election, in two weekly newspapers of different politics, published in Nicholas county; and the provisions of the election law in this State, so far as applicable, shall be in force and govern such election, unless otherwise provided.

Sec. 28. All provisions of the general school law of the State, and all laws and acts heretofore existing, which are in any manner inconsistent with the provisions of this act, shall be void within the district; otherwise the said general school law shall remain in full force and effect in this district as elsewhere in the State.

(Senate Bill No. 146.)

CHAPTER 74.

AN ACT to empower the board of education of Clarksburg school district, in Harrison county, to issue bonds for the purpose of erecting a public school building.

[Passed February 25, 1903. In effect 90 days from passage. Approved February 27, 1903.]

SEC.

1. Board of education, authorized to issue bonds; amount; purpose.
2. Conditions to govern the issuing of bonds.

SEC

3. Election to determine the question of bond issue.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That the board of education of Clarksburg school district, in Harrison county, be, and is hereby, authorized and empowered, at any time within one year from the passage of this act, to issue its bonds to an amount not exceeding the sum of fifty thousand dollars, in the aggregate, for the purpose of erecting a public school building in said school district.

Sec. 2. Said bonds shall be of the denomination of one hundred dollars, and be payable in not less than five, and not more than, twenty, years from their date, at the option of said board of education, with interest thereon at the rate of not exceeding four *per centum* per annum, payable annually: *provided*, that such indebtedness shall not exceed, including existing indebtedness, in the aggregate five *per cent.* of the taxable property in said school district, to be ascertained by the last assessment made for State and county taxes next before the incurring of such indebtedness; nor without at the same time providing for the collection of a direct annual tax sufficient to pay annually the interest on such indebtedness, and the principal thereof when due and payable.

Sec. 3. But no debt shall be contracted, under this act, unless all questions connected therewith shall have been first submitted to the voters of the said school district, at an election to be held for the purpose, and shall have received three-fifths of all the votes cast for and against the same. Said election shall be held, after thirty days notice published in two newspapers of general circulation in the city of Clarksburg, at the places of voting therein for said officers, and shall be conducted under the supervision of, and the result ascertained and certified by, the said board of education.

(Senate Bill No. 152.)

CHAPTER 75.

AN ACT to amend and re-enact sections one and eleven of chapter eighty-eight of the acts of one thousand eight hundred and ninety-seven, as amended by chapter forty-six of the acts of one thousand eight hundred and ninety-nine, relating to the independent school district of Grafton, in Taylor county, and to abolish the independent school district of Fetterman, in Taylor county.

[Passed February 24, 1903. In effect from passage. Became a law without the approval of the Governor.]

SEC.

1. Independent district of Grafton; new boundary lines defined.
11. General powers and duties of the board of education as to school houses, grounds, etc.; as to loans; as to annual levy for certain specific purposes; limit to such levy; what to constitute the "building

SEC.

fund"; proviso respecting contracting a debt. Fetterman school district abolished; all school property of abolished district to vest in board of Grafton district; what rights, etc., such board succeeds to; duties of certain officers of the two districts.

Be it enacted by the Legislature of West Virginia:

- 1. That sections one and eleven of chapter eighty-eight of the acts of one thousand eight hundred and ninety-seven, as amended by chapter forty-six of the acts of one thousand eight hundred and ninety-nine, be amended and re-enacted, so as to read as follows:

Sec. 1. The city of Grafton, in Taylor county, shall be and constitute one independent school district, to be known as the "Grafton Independent School District;" said independent school district to embrace the territory of said city, as follows: Beginning at a southeast corner of the Rogers' mill; thence in a southerly direction to the eastern pier of the boom; thence crossing the Valley river to a point on the west bank thereof, where the boundary line of the former town of West Grafton intersected said river, at a point near said boom; thence with the former boundary line of the western portion of Grafton, formerly West Grafton, to a spring in Warder's field; thence a straight line to the county road at the southwestern corner of Cobb's lot; thence with the county road to Amon Martin's line, corner of Beaumont addition; thence westerly with the line between Amon Martin and Beaumont addition to corner of Judkins' land; thence a straight line southwesterly to three

service-bushes corner to McWilliams; thence a straight line to Bartley creek, where the branch railroad built to the box factory crosses said creek; thence with the meanderings of said creek to the western line of the Atlantic Refining company's tank property; thence a straight line to a chestnut on the ridge in Willhide's field; thence a straight line to Tygart's Valley river near three linns, corner of Sinclair and Yates; thence said last mentioned line extended to a point on the opposite side of said Tygart's Valley river; thence with the meanderings of said river, following low water mark on the eastern side thereof, to a willow on the river edge, corner of the former corporation of Fetterman, and below the old Hoffmen mill dam; thence following the northerly boundaries of the former corporation of Fetterman to the big spring on the northwestern turnpike; thence a straight line to the intersection of the county road and said turnpike, near the old Knotts' residence; thence with the meanderings of said turnpike to the intersection with the Grafton road near the dwelling of the late John W. Blue; thence in a southerly direction to the railroad bridge at the cut-off; thence with the north bank of Three Forks creek to the beginning.

Sec. 11. It shall be the duty of the board of education to provide by purchase, condemnation, leasing, building, or otherwise, school houses and grounds, furniture, fixtures and appendages, and to keep the same in good order and repair, and to supply the said school houses with fuel and all other things necessary for their comfort and convenience; to pay the principal and interest on loans made pursuant to this section, and all other expenses incurred in the district, in connection with schools, not chargeable to the teacher's fund. For the purposes mentioned in this section the board of education shall annually levy a tax, on the property taxable in the said district, not to exceed in any one year the rate of seventy-five cents on every hundred dollars valuation thereof, according to the latest assessment of the same for State and county taxation. The proceeds of taxes so levied, of school houses and sites sold, of all donations, devises and bequests applicable to any of the purposes mentioned in this section, and of any loans that may be made for such purpose, shall constitute a special fund to be called "Building Fund," to be appropriated expressly to the purposes named in this section. And the board of education may borrow money for the purposes named in this section, on the credit

of the building fund: *provided*, that no debt shall be contracted under this section unless all questions connected with the same shall have first been submitted to a vote of the people of the district, and have received three-fifths of all the votes cast for and against the same. Such election shall be held and conducted in the same manner as a general school election, on some day to be designated by the board of education, of which election at least thirty days notice shall be given in the manner prescribed for giving notice of the said general school election.

That chapter sixty-eight of the acts of the legislature of one thousand eight hundred and eighty-one, entitled, "an act to create and establish the independent school district of Fetterman out of sub-district number one of Fetterman school district, in Taylor county," and all legislation in pursuance of said act, is hereby repealed, and said independent school district of Fetterman is hereby abolished.

And all of the school property, both real and personal, owned by the said independent school district of Fetterman, shall upon the passage of this act, become the property of the Grafton independent school district, as hereinbefore established, and the title thereto shall immediately vest and be in the board of education of Grafton independent school district, for school purposes, and held and used by said board and its successors for such purposes. And said board of education shall succeed to all rights and privileges, and assume all the duties of the said board of education of the said independent school district of Fetterman, and it shall be the duty of said board of education of Grafton independent school district to carry out and fulfill all contracts made by the board of education of said independent school district of Fetterman in relation to the schools and school property thereof, and to pay all bonded indebtedness, as fully and in all respects as said board should have done had this act not been passed. And to enable the board of education of said Grafton independent school district to fully comply with this act, it shall be the duty of the collector of school taxes and treasurer of said independent school district of Fetterman, to collect all levies and assessments of school taxes within said district and pay the same out upon the order of, and settle with, the board of education of the Grafton independent school district, as fully and in the same manner as it was his duty to do, under the law

with the said independent school district of Fetterman, had not this act been passed.

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

(House Bill No. 187.)

CHAPTER 76.

AN ACT to establish the independent school district of Grantsville, in the county of Calhoun in the State of West Virginia.

[Passed February 27, 1903. In effect 90 days from passage. Became a law without the approval of the Governor.]

SEC.

1. Boundary lines of proposed school district defined.
2. Board of education; invested with what rights, etc.; when to be elected.
3. Board made a corporation; its corporate powers.
4. Polling place or places for voters.
5. Election of president and clerk of board.

SEC.

6. Schoolbooks to be used in district schools; free text-books may be provided.
7. The school term.
8. Election to determine the establishment of proposed independent school district.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That in the event of a majority of the votes cast at an election to be held on the second day of May, one thousand nine hundred and three, in Center district, Calhoun county, West Virginia, be in favor thereof, the following described territory in the county of Calhoun, including the town of Grantsville, and such other territory as is included in this section, shall, after the result of such election is ascertained, and declared, be the "Independent School District of Grantsville," and the territory thereto adjacent, bounded and described as follows: Beginning at the mouth of Leaf Bank and running thence up said Leaf Bank, with the meanders thereof, to the corner of the lands of S. M. Scott and Joshua Martin; thence with a line of said Scott and Martin to the public road on top of the ridge; thence with the road in an easterly direction to the Sherman district line; thence with lines of said Sherman district to the mouth of Bull river; thence down the little Kanawha river and across the same to three linns, corner to Mr. Barrs' farm; thence due west to the top of the hill between said river and Phillips' run; thence a straight line to the most southern corner of the Florence Pell farm; thence with her lines, so as to include said Pell farm, to a line of the Peter Johnson farm; thence due west to the top of the hill between Phillips' run and Pine creek; thence

with the meanders of the ridge in a northerly direction to a corner of lands of T. R. Stump and Reese Blizzard; thence with the dividing line of said lands to the Little Kanawha river; thence down said river and crossing same to the beginning, shall constitute one school district, to be called the "Independent School District of Grantsville."

Sec. 2. The board of education for said district shall consist of three members, who shall be elected by the qualified voters resident therein, and shall be invested with the same rights and exercise the same powers, perform the same duties, and be governed by the same laws, that boards of education elsewhere in the county are or may hereafter be governed, except in so far as changed by the provisions of this act; and in the event of the establishment of the school district, a board of education shall be elected on the second Tuesday in July, one thousand nine hundred and three, who shall serve as such board until their successors are elected and qualified, and thereafter such board of education shall be elected as provided by law for magisterial districts; and the members of such board shall be elected for such terms as will conform to the interests and meaning of the foregoing.

Sec. 3. The board of education herein provided for shall be a corporation by the name of the "Board of Education of Grantsville District," and by that name may sue and be sued, plead and be impleaded, contract, purchase, hold and grant estate, real and personal, make ordinances, by-laws and regulations, consistent with the laws of this State, for the government of all persons and things under its authority, and the due and orderly execution of its affairs.

Sec. 4. The board of education shall, at a convenient point, establish in said district a polling place or places, which shall be taken, held and used as a polling place or places for voters of said district, in all elections, until such polling place or places are changed by law.

Sec. 5. At the first meeting of the board in July of each year, the board shall organize by electing a president, who shall be one of their number; and also elect a clerk, who may or may not be a member of the board, who shall be allowed the same compensation to which other clerks of boards of education, in this State, are entitled.

Sec. 6. The said board of education shall use the same school-

books used throughout the county, but shall have authority to prescribe other and advanced courses of study to be pursued in the schools of said district. They also, out of the building fund of said district, may provide free text-books for indigent pupils, or for all pupils of said district.

Sec. 7. The said board of education shall have power to determine the number of months the school shall be kept in operation.

Sec. 8. The election provided for, in section one of this act, shall be by ballot, and those voting in favor of the establishment of said independent district shall have written or printed on their tickets "For Independent District," and those voting against, the establishment thereof shall have written or printed on their tickets the words "Against Independent District." The election shall be supervised and the result thereof ascertained and declared by election officers to be appointed by the county commissioners of Calhoun county; and all the provisions of the election laws in this State shall be enforced and govern such election, unless otherwise provided.

(House Bill No. 806.)

CHAPTER 77.

AN ACT to establish the independent school district of Webster Springs, in the county of Webster, in the State of West Virginia.

[Passed February 27, 1903. In effect from passage. Became a law without the approval of the Governor.]

Sec.

1. Boundary lines of proposed independent school district defined.
2. Board of education; invested with what rights, etc.; when members of elected and for what terms.
3. Board made a corporation; its corporate powers.
4. Election of president and secretary of the board.
5. } General powers of the board of education respecting the schools within the district.
6. }
7. Who admitted as pupils in the schools of the district.

Sec.

8. Teachers; how and when appointed; designation of a principal, when; removal of teachers.
9. Annual ascertainment by the board of the amount of assessment for school purposes, and tax levy therefor.
10. The school term; not to be less than six months.
11. Election to determine the establishment of proposed school district.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That in the event of a majority of the votes cast in the district of Fork Lick, in the county of Webster, in the State of West Virginia, at an election to be held on the second Tuesday in June, one thousand nine hundred and three, as hereinafter provided, be in favor thereof, the following described territory in the district of

Fork Lick, in said county, including the town of Addison and such other territory as is included in this section, shall, after the result of such election is ascertained, and declared, be the "Independent School District of Webster Springs," bounded and described as follows:

Beginning at a big rock in Elk river two hundred feet below the Cherry Falls, thence a straight line up the hill to the Slavens' Cabin and Summersville turnpike; thence with said turnpike as it meanders up the mountain to the McGuire low-gap; thence down the mountain with the county road to the first big bend, commonly called the "Big Bend" or "Short Bend;" thence a straight line to the mouth of the Cat-Hole Run, so as to include the lands of W. B. Stanard, opposite said run; thence up said run as it meanders to Addison and Dianna county road; thence a straight line in a southeasterly direction to the Red Sulphur Springs, on the south side of said mountain; thence a straight line to the lands of J. S. Cogar, on the Buck Fork of Elk river, and including said Cogar's lands on both sides of said river; thence a straight line across Paint mountain to the Harris ford on Elk river, including the lands of the Erwin heirs, *et al.*; thence with the meanders of the river and down the same to the place of beginning, shall constitute one school district to be known as the "Independent School District of Webster Springs."

Sec. 2. The board of education for said district shall consist of five members, who shall be elected by the qualified voters resident therein, and shall be invested with the same rights and exercise the same powers, perform the same duties, and be governed by the same laws, that boards of education elsewhere in the county are or may hereafter be governed by, except in so far as changed by the provisions of this act; and in the event of the establishment of the school district, a board of education shall be elected on the second Tuesday in July, one thousand and nine hundred and three, who shall serve as such board until their successors are elected and qualified, and thereafter such board of education shall be elected as provided by law for magisterial districts; and the members of such boards shall be elected, one for a term of six, two for a term of four, and two for a term of two years.

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

Springs District," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, purchase, hold and grant estate, real and personal; make ordinances, by-laws and regulations consistent with the laws of this State, for the government of all persons and things under its authority, and the due and orderly execution of its affairs.

Sec. 4. At the first meeting of the board in July of each year, the board shall organize by electing a president, who shall be one of their number; and also elect a secretary, who may or may not be a member of the board, who shall be allowed the same compensation to which other secretaries of boards of education, in this State, are entitled.

Sec. 5. The board of education shall have exclusive control of all schools within the district; shall have power to make all necessary rules and regulation for the government thereof, for the admission of pupils therein, for the exclusion of pupils whose attendance would be dangerous to the health, detrimental to the morals or discipline of the schools in said district. They may prescribe a uniform list of text-books for the use of the schools in said district, and may furnish books and stationery for the use of indigent children in attendance at the schools. They may furnish all necessary apparatus and books for the use of the schools, and incur all other expenses necessary to make the system efficient for the purpose for which it was established, and pay the same from the building fund of said district.

Sec. 6. The board of education shall have power to establish within the district such schools, including a high school, by such name as may be prescribed by the board, as may, in their judgment, be best for the interest of the district. The branches to be taught in the high school and other schools within the district, shall be such as are prescribed by the board of education. The schools of the district shall be subject to such grading as the board may direct.

Sec. 7. Admission to the schools of the district shall be free to all children, wards and apprentices, or actual residents within the district, between the ages of six and twenty-one years. Non-residents of the district may be allowed to attend the schools of the district upon such terms as the board may prescribe.

Sec. 8. The board of education shall appoint all teachers for the public schools, of all grades within the district, and fix their

salaries, at a meeting held not later than the third Monday in August of every year; but no person shall be employed to teach in any public school of the district who is not the holder of a State or county teacher's certificate. All appointments of teachers shall be in writing, and at a meeting of the board called for that purpose. The board shall designate, where more than one teacher is employed in the same school, one of the number employed as principal, who shall, by and with the consent of the board, have general supervision of the school. Any teacher may be removed by the board of education for incompetency, profanity, cruelty, immorality, drunkenness or other just cause.

Sec. 9. It shall be the duty of the board of education at its annual meeting on the first Monday in July in each year, or at some subsequent meeting not later than the first Monday in August, next following, to ascertain as nearly as possible the amount of money, in addition to all the available funds, which ought to be expended in said district, for school purposes, to keep the schools in session at least six months in each year, for which amount the board shall levy a tax upon all the property included in the district and residents thereof, which levy shall not exceed that provided by general law, to be collected and accounted for as provided by the general school law of the State. The said board shall also in like manner provide a "building fund" for said district, as provided by general law.

Sec. 10. The said board of education shall have power to determine the number of months the school shall be kept in operation, not to be less than six in any one school year.

Sec. 11. The election provided for in section one of this act shall be by ballot, and those voting in favor of the establishment of said independent school district shall have written or printed on their tickets "For Independent District," and those voting against, the establishment thereof, shall have written or printed on their tickets the words "Against Independent District." The election shall be superintended and the result thereof ascertained and declared by election officers to be appointed by the county commissioners of Webster county; and all provisions of the election laws in this State shall be enforced and govern such election: *provided*, the county court of said county may direct said election to be held under the election law as it existed, in this State, on the first day of January, one thousand eight hundred and ninety-one.

(Senate Bill No 137.)

CHAPTER 78.

AN ACT to establish the independent school district of Bluefield, in the county of Mercer, in the State of West Virginia.

[Passed February 26, 1903. In effect 90 days from passage. Became a law without the approval of the Governor.]

SEC.

1. Limits of proposed independent school district.
2. Board of education; invested with what rights, etc.; when elected; terms of office, and how determined and when to begin.
3. Board made a corporation; its corporate powers.
4. Polling place or places for voters.
5. Election of president and clerk of the board.

SEC.

6. Schoolbooks to be used in district schools; free text-books may be provided.
7. The school term.
8. Election to determine the establishment of the proposed school district; first election to elect members of the board of education, who to hold.

Be it enacted by the Legislature of West Virginia:

Sec. 1. That in the event of a majority of the votes cast at an election to be held on the first Tuesday in May, one thousand nine hundred and three, be in favor thereof, the following described territory in the county of Mercer, in the district of Beaver Pond, shall, after the result of such election is ascertained, and declared, be the "Independent School District of Bluefield," to-wit: All of the territory included within the corporate limits of the incorporated city of Bluefield in said county of Mercer, in the district of Beaver Pond.

Sec. 2. The board of education of said district shall consist of five members, who shall be elected by the qualified voters resident therein, and shall be invested with the same rights and exercise the same powers, perform the same duties, and be governed by the same laws, that boards of education elsewhere in the county are or may hereafter be governed, except in so far as changed by the provisions of this act; and in the event of the establishment of the school district, a board of education shall be elected on the second Tuesday in July, one thousand nine hundred and three, one of whom shall serve for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and the other for the term of five years, and until their successors have been elected and qualified. The term of office for which each candidate is voted for shall be designated on the bal-

lots used at said election. The regular term of members of said board of education shall be five years, and one member of the said board shall be elected each year after said first election at an election to be held for the purpose on the second Tuesday in July. The terms of office of members of said board shall commence on the first day of August following their election.

Sec. 3. The board of education herein provided for shall be a corporation by the name of the "Board of Education of Bluefield," and by that name may sue and be sued, plead and be impleaded, contract, purchase, hold and grant estate, real and personal, make ordinances, by-laws and regulations, consistent with the laws of this State, for the government of all persons and things under its authority, and the due and orderly execution of its affairs.

Sec. 4. The board of education shall, at a convenient point, establish a district polling place or places, which shall be taken, held and used as a polling place or places for voters of said district, in all elections, until such polling place or places are changed by law.

Sec. 5. At the first meeting of the board in July of each year, the board shall organize by electing a president, who shall be one of its number; and also elect a clerk, who may or may not be a member of the board, who shall be allowed the same compensation that other clerks of boards of education, in this State, are allowed.

Sec. 6. The said board of education shall use the same school books used throughout the county, but shall have authority to prescribe other and advanced courses of study to be pursued in the schools of said district; may provide free text-books for indigent pupils, or for all pupils of said district.

Sec. 7. The said board of education shall have power to determine the number of months the schools shall be kept in operation.

Sec. 8. The election, provided for in section one of this act, shall be by ballot, and those voting in favor of the establishment of said independent district shall have written or printed on their tickets "For Independent District," and those voting against, the establishment thereof, shall have written or printed on their tickets the words "Against Independent District." The election shall be superintended and the result thereof ascertained and declared by election officers to be appointed by the county commissioners of Mercer county; and all the provisions of the election laws of this State shall be enforced and govern such election unless otherwise

provided. The first election for members of the said board of education shall be held by the same officers above provided, and subsequent elections therefor shall be held by officers appointed by said board of education.

(House Bill No. 268.)

CHAPTER 79.

AN ACT to amend and re-enact section eleven of chapter one of the acts of one thousand eight hundred and eighty-nine.

[Passed February 27, 1903. In effect 90 days from passage. Became a law without the approval of the Governor.]

SEC.

11. Board of education, Huntington school district, its general powers and duties as to school houses, grounds, etc.; as to loans; as to annual levy for certain specific pur-

SEC.

poses; limit to such levy; what to constitute "the building fund"; authorized to borrow money; provisions in such case.

Be it enacted by the Legislature of West Virginia:

1. That section eleven of chapter one, an act relating to the school district of Huntington, passed February seventh, one thousand eight hundred and eighty-nine, be amended and re-enacted so as to read as follows:

Sec. 11. It shall be the duty of the board of education to provide by purchase, condemnation, leasing, building or otherwise, school houses and grounds, furniture, fixtures and appendages, and keep the same in good order and repair, and to supply the said school houses with fuel and other things necessary for their comfort and convenience; to pay the principal and interest on loans made pursuant to this section, and all other expenses incurred in the district in connection with schools, not chargeable to the teachers' fund. For the purposes mentioned, in this section, the board of education shall annually levy a tax on the property taxable in the said district, not to exceed in any one year the rate of forty cents on every one hundred dollars valuation thereof, according to the latest assessment of the same for State and county taxation. The proceeds of taxes so levied, of school houses and sites sold, of all donations, devises and bequests applicable to any of the purposes mentioned in this section, and of any loans that may be made for such purposes, shall constitute a special fund to be called "the building fund," to be appropriated expressly to the purposes named in this section. And the board of education, in addition to the levy aforesaid, may borrow money for the purposes mentioned

in this section, on the credit of the building fund: *provided*, that such loans shall at no time amount, in the aggregate, to more than can be paid by a levy at the rate of fifty cents per hundred dollars per year, for four successive years, on the assessed valuation of the taxable property of the district: *provided, further*, that no debt shall be contracted under this section unless all questions connected with the same shall have first been submitted to a vote of the people of the district, and have received three-fifth of all the votes cast for and against the same. Such election shall be held and conducted in the same manner as the general school election, on some day to be designated by the board of education, of which election at least thirty days notice shall be given in the manner prescribed for giving notice of the said general school election.

[House Bill No. 303.]

CHAPTER 80.

AN ACT to create and establish the independent school district of Central city in Cabell county.

[Passed February 27, 1903. In effect from passage. Became a law without the approval of the Governor.]

- | | |
|---|---|
| <p>SEC.</p> <ol style="list-style-type: none"> 1. Boundary lines of proposed school district defined. 2. Election to elect commissioners to constitute a board of education; when and for what term; exception. 3. Annual election for commissioners. 4. Vacancy in office of commissioner. 5. Election of president and secretary of board of education; president's vote. 6. Secretary; his duties; his compensation. 7. Regular and special meetings; vote required to elect superintendent or teachers, and to decide questions involving the expenditure of money; compensation of members. 8. Board made a corporation; its corporate powers. 9. General powers and duties of the board respecting the schools within the district. 10. Who admitted as pupils. 11. Schools for colored children. 12. How school moneys paid out. 13. Sheriff's annual settlement with board; his <i>per cent</i> for collecting, etc.; penalty for failure to make such settlement; proceedings to recover. 14. Superintendent, when elected; his removal; vacancy in office, how filled; report to be made by; what prohibited from doing. | <p>SEC.</p> <ol style="list-style-type: none"> 18. Examining committee to examine applicants for positions as teachers; regulations governing; meetings for examination; examining fees, etc. 19. Removal of teachers. 20. Appointment of teachers, and fixing salaries, when; who may teach without obtaining certificate; all appointments must be in writing. 21. General powers and duties of board of education as to school houses, grounds; etc.; as to loans; as to annual levy for certain specific purposes; limit to such levy; what to constitute "the building fund." 22. Teachers' fund, annual levy for; limit; what to constitute such fund, and for what used; public library levy; mandamus to compel levy. 23. Collection of assessments for school purposes; limit to expenses to be incurred. 24. Injury to school property. 25. What action by the people required, and when, to establish school district. 26. Election to determine the establishment of proposed school district; and how held. 27. What laws void in district; what laws in force. |
|---|---|

Be it enacted by the Legislature of West Virginia:

Sec. 1. That the incorporated town of Central city and the

suburbs and territory of Guyandotte district, Cabell county, contained within the following boundaries, to-wit: Beginning at a stake in Johnson's lane on the east bank of the Ohio river, thence with said Johnson's lane to Fourth avenue and a line of the city of Huntington; thence with said line of Huntington to the west line of said city of Huntington, and thence with said west line of the city of Huntington to Four Pole; thence with the meanders of Four Pole to Wayne county line; thence with the line of Wayne county to the Ohio river, and thence with the Ohio river to Johnson's lane, the place of beginning, shall constitute an independent district to be known as "The Independent School District of Central City."

Sec. 2. There shall be elected by the voters of said district at an election to be held at the public school building in Central city, on the third Tuesday in April, nineteen hundred and three, five commissioners, and every year thereafter one commissioner, whose term of office shall commence the first day of July following their election and continuing five years, and until their successors are elected and qualified, except that one of the commissioners elected in the year nineteen hundred and three shall serve one year, another only two years, another only three years, and another only four years, the ballot designating the term of office of each member. The said commissioners shall constitute a board of education to be denominated "The board of education of the Central City Independent School District."

Sec. 3. The election for school commissioners in the year nineteen hundred and three, and annually thereafter, shall be held at the school house in Central city, on the third Tuesday in April and in the manner prescribed by the general school law for the election of school officers.

Sec. 4. Any vacancy that may occur in the office of school commissioner, by death, resignation, refusal to serve, or otherwise, shall be filled by the board of education of the district at their first regular meeting thereafter, or as soon as circumstances will permit, by the appointment of a suitable person, who shall hold his office until the next election of school commissioners, when a commissioner shall be elected for the unexpired term.

Sec. 5. The board of education shall elect annually at their first meeting on the first Monday in July, or as soon thereafter as may be practicable, one of their members to act as president of said board, who shall perform all the duties which are required to be

performed by such officer of any board of education, which may not be inconsistent with the provisions of this act.

The board shall elect at the same time a secretary, who shall perform such duties for said board as are required of secretaries of other boards of education.

The president shall have one vote as commissioner, and shall not vote upon any question arising in the board by reason of being said officer.

Sec. 6. The secretary shall record in a book for the purpose all the official acts and the proceedings of the board, which shall be a public record, open to the inspection of all persons interested therein. He shall preserve in his office all papers containing evidence of title, contracts and obligations, and in general shall record and keep on file in his office all such papers and documents as may be required by any of the provisions of this act, or by any order of the board of education. He shall annually, between the first and twentieth of July, make report to the county superintendent of such facts in his possession as may be required by general school law of the State. For his services he may receive such compensation, not exceeding one hundred dollars per annum, as the board may allow. In his absence the board may appoint a secretary *pro tempore*.

Sec. 7. The board of education shall hold stated meetings at such times and places as they may appoint, not less than three members being required to constitute a quorum for the transaction of business. Special meetings may be called by the president, or, at the request of any member, by the secretary. The concurrence of three members of the board shall be required to elect superintendent or teachers, and to decide all questions involving the expenditure of money. The members of the board of education shall each receive a compensation of one dollar for each meeting of the board attended by them, and no compensation shall be paid said commissioners for any meeting of the board at which they are not present.

Sec. 8. The board of education of the independent school district of Central city shall be a body corporate in law; and as such may purchase, hold, sell, or convey real or personal property for the purpose of education within the district; may receive any gift, grant, donation or devise; may become party to suits and contracts, and do other corporate acts. They shall have the management and be vested with the title to all real and personal property for the use

of the public schools within the district, and shall manage and dispose of the same as will in their opinion best subserve the interests of the district.

Sec. 9. The board of education shall have exclusive control of all schools within the district; shall have power to make all necessary rules and regulations for the government of the schools of the district, for the admission of pupils therein, for the exclusion of pupils whose attendance would be dangerous to the health or detrimental to the morals or discipline of the school. They may prescribe a uniform list of text-books for the use of the schools in the district, and may furnish books and stationery for the use of indigent children in attendance at the schools. They may furnish all necessary apparatus and books for the use of the schools, and incur all other expenses necessary to make the system efficient for the purpose for which it was established, and pay the same from the building fund of the district.

Sec. 10. The board of education shall have power to establish within the district such schools, including a high school, by such name as may be prescribed by said board, as may in their judgment be best for the interest of the district. The branches to be taught in the high school and other schools within the district shall be such as are prescribed by the board of education. The schools of the district shall be subject to such grading as the board may direct. The said high school shall be open to all pupils in the district, but no pupil shall be entitled to enter such school until the city superintendent shall have been satisfied that the said pupil has made due proficiency in the other schools of the district.

Sec. 11. Admission to the various schools of the district shall be gratuitous to all white children, wards, and apprentices, or actual residents within the district, between the ages of six and twenty-one years: *provided*, that admission of pupils, residents of one sub-district to the schools of another, shall rest with the board of education. Non-residents of the district may be allowed to attend the schools of the district upon the payment in advance of such tuition as the board of education may prescribe.

Sec. 12. The board of education shall establish, within the district, one or more separate schools for colored children, whenever they may deem it necessary, so as to afford them as far as practicable the advantages and privileges of a free school education. All such schools shall be under the management and control of the

board of education, and shall be subject to like general regulations as other schools of the district; but under no circumstances shall colored children be allowed to attend the same school, or be classified with white children.

Sec. 13. No money shall be paid out, by the sheriff, except on a draft signed by the president and secretary of the board of education, and specifying on its face the particular account to which the same is chargeable, nor shall any credit be allowed to the sheriff, in his annual settlement, upon any voucher except such draft.

Sec. 14. The sheriff shall annually, on or immediately before the first day of July, make such settlement with the board of education as the general school law may provide; and for collecting and disbursing the taxes, assessed by the board of education, he shall be entitled to a commission of not more than five *per centum* upon the amount collected, excepting for money received for sale of bonds, and collection of railway companies' tax, he shall not receive more than two *per centum* for receiving and disbursing the same.

Sec. 15. The sheriff shall annually, as hereinbefore provided, make such settlement with the board of education, and account to said board for all moneys, from whom, and on what account, and the amount paid out for school purposes in the district, since the last settlement.

Sec. 16. In case the sheriff shall fail to make the annual settlement within the time prescribed in the preceding section, he shall forfeit five hundred dollars, to be recovered before any court having jurisdiction, for the use of the schools of the district. And it is hereby made the duty of the secretary of the board of education to proceed forthwith, in case of such failure, by suit against such sheriff and his securities, to recover the penalty as aforesaid. But if, before suit shall have been entered, the sheriff shall satisfy the board that owing to sickness, or other causes which may seem to them sufficient, said settlement has been rendered impracticable, such further time may be allowed as the board may deem reasonable and just.

Sec. 17. Annually, on the first Monday in July, or as soon thereafter as circumstances will allow, the board shall appoint a superintendent of schools for the district, and fix his salary. Said superintendent, in addition to the duties specified in this act, shall perform such other appropriate duties with relation to the schools of the district, as the board may prescribe. He shall be liable to

removal by the board of education, for any palpable violation of law or omission of duty, but he shall not be removed unless charges shall be preferred to the board by a member thereof, and notice of a hearing, with a copy of the charges delivered to him, and an opportunity be given him to be heard in his defence. When the office shall have become vacant from any cause, before the expiration of the term for which the superintendent shall have been elected, the board of education shall fill the same by appointment for the unexpired term. It shall be the duty of the superintendent to make such report, to the board of education, of the character and condition of the schools of the district as shall enable the secretary to make his required report to the county superintendent. The superintendent shall not directly or indirectly receive any gift, emolument or reward for his influence in recommending the use of any book, apparatus or furniture of any kind whatever, in the schools of this district.

Sec. 18. The board of education shall appoint two competent persons to act with the superintendent as an examining committee. It shall be the duty of the said committee to examine all applicants for positions as teachers in the schools of the district, in all common branches and such other branches as they may be required to teach, and each person so examined shall pay a fee of one dollar, but no applicant shall be entitled to examination who shall not furnish evidence satisfactory to the committee of good moral character; certificates of qualification shall be granted according to the following scheme, numbering from one to three, according to the merits of the applicant, thus: Number one shall denote a very good teacher; number two, good; number three, medium. A number three certificate shall not be issued more than twice to any one person, but the board may make special regulations as they may deem fit, concerning the certificates of colored teachers. No certificate shall be granted for a longer period than one year; but a number one certificate may be renewed at the option of the examining committee.

The committee shall hold meetings for the examination of teachers, at such times and places as the superintendent may appoint. They may receive such compensation as the board may allow out of the fees for examining teachers. The excess of such fees, if any, shall go into the building fund of the district.

Sec. 19. Teachers shall be subject, in all respects to the rules

and regulations adopted by the board of education, and they may be removed by the board for incompetency or grossly immoral conduct, upon complaint of the superintendent or any member of the board.

Sec. 20. The board of education shall appoint all teachers for public schools of any grade within the district, and fix their salaries, at the meeting held not later than the third Monday in August of any year, but no person shall be employed to teach in any public school in the district who shall not first have obtained a certificate of qualification to teach a school of the grade for which the appointment is made: except that the superintendent and the members of the examining committee shall not be required to obtain any certificate. All appointments of superintendent and teachers shall be in writing.

Sec. 21. It shall be the duty of the board of education to provide by purchase, condemnation, leasing, building, or otherwise, school houses and grounds, furniture, fixtures, and appendages, and keep the same in good order and repair, and to supply the said school houses with fuel and other things necessary for their comfort and convenience: to pay the principal and interest on loans made pursuant to this section, and all other expenses incurred in the district in connection with schools, not chargeable to the teachers' fund. For the purposes mentioned in this section, the board of education shall annually levy a tax on the property taxable in said district, not to exceed in any one year forty cents on every hundred dollars valuation thereof, according to the latest assessment of the same for State and county taxation. The proceeds of the taxes so levied, of school houses and sites sold, of all donations, devises and bequests, applicable to the purposes mentioned in this section, shall constitute a special fund to be called "The Building Fund," to be appropriated expressly for the purposes named in this section.

Sec. 22. In addition to the levy named in the preceding section the board of education shall, for the support of the schools of the district, annually levy such tax on the taxable property of the district as will be sufficient, with the money received from the State for the support of free schools, to keep said schools in operation not less than seven months in the year: *provided*, that the said tax shall not in any year exceed the rate of sixty cents on every hundred dollars valuation, according to the latest available assessment, made for the State and county taxation. The proceeds of this levy, to-

gether with the money received from the State as aforesaid, shall constitute a special fund to be called "The Teachers' Fund," and no part thereof shall be used for any other purpose than the payment of teachers' salaries, and the salary of the city superintendent. In addition to the preceding levies, the board may annually levy a tax not to exceed one-tenth of a mill on the dollar's valuation for the establishment, support and maintenance and increase of a public library, said library to be under the control of the board of education. Upon failure of the board of education to lay the levies required by this act, or either of them, they shall be compelled to do so by the circuit court by writ of mandamas.

Sec. 23. The assessments made under the provisions of this act shall be collected as now provided by law. The board of education shall not, during any one year, incur any expense that shall exceed the amount of available funds received for school purposes during that year.

Sec. 24. If any person or persons shall mar, deface or otherwise injure any school house, out building, fence, furniture, or other school property of the district, the person or persons so offending shall be liable to prosecution before any court having jurisdiction, and, upon conviction, shall be subjected to a fine of not less than five dollars and costs of prosecution, and if the amount of damage shall exceed five dollars, the person or persons convicted of the offence shall be liable for the full amount thereof.

Sec. 25. If the injury be done by a minor, the parent or guardian of said minor shall be liable as aforesaid. It shall be the duty of the board of education of the district, in which the property damaged may be located, to ascertain, if possible, by whom the offence was committed, and when satisfied thereof, to cause the party or parties to be arrested and tried for the offence, in the name and on behalf of the board of education, and all fines or damages collected, by virtue of this section, shall be paid into the district treasury, and be appropriated for the benefit of the schools of the district.

Sec. 26. The provisions of section one of this act shall not apply to the territory named until the people of said Guyandotte district, by a majority of the votes cast at an election to be held within sixty days after this act takes effect, or at any subsequent election at the usual voting places in said district, shall declare in favor thereof.

Sec. 27. The election, provided for in section twenty-six of this

act, shall be held at the places therein specified and shall be by ballot, and those voting in favor of the establishment of said independent district shall have written or printed on their tickets the words "For Independent District," and those voting against, the establishment thereof, shall have written or printed on their tickets the words "Against Independent District." The election shall be supervised, conducted, and the result thereof ascertained and declared, by officers appointed for that purpose by the board of education at the time ordered by the board, and notice thereof shall be published once a week for two successive weeks, next prior to the time of holding said election, in two daily newspapers of different politics, published in Cabell county; and the provisions of the election laws in this State, so far as applicable, shall be in force and govern such election, unless otherwise provided.

Sec. 28. All provisions of the general school law of the State and all laws and acts heretofore existing, which are in any manner inconsistent with the provisions of this act, shall be void within the district; otherwise the said general school law shall remain in full force and effect in this district as elsewhere in the State..

(S. J. R. No. 1.)

JOINT RESOLUTION NO. 1.

[Adopted January 14, 1903.]

Providing for a joint committee to wait upon the governor.

Resolved by the Legislature of West Virginia:

That a joint committee of five be appointed to wait upon the governor and inform him that the two houses of the legislature are organized and in session, with a quorum of each house present, and ready to receive any communication he may be pleased to make; two of said committee to be appointed by the president of the senate and three by the speaker of the house.

(H. J. R. No. 2)

JOINT RESOLUTION NO. 2.

[Adopted January 16, 1903.]

Authorizing the auditor to draw his warrants upon the treasurer for the *per diem* due and mileage of the members of the legislature, and the *per diem* of the officers and attaches of the senate and house of delegates.

Resolved by the Legislature of West Virginia:

1. That the auditor is hereby authorized to issue his warrants upon the treasurer for such amounts as are, or may become, due to the several members, officers and attaches of the Senate and House of Delegates for their *per diem*, upon the proper requisitions of the clerk of the senate and the sergeant-at-arms of the house, respectively; and the said auditor is further authorized to issue his warrants for the mileage of the members of the two houses as soon as the said mileage is ascertained and fixed, upon the proper requisition being presented to him therefor.

(H. J. R. No. 3.)

JOINT RESOLUTION NO. 3.

[Adopted January 21, 1903.]

Relating to the Virginia debt question.

Resolved by the Legislature of West Virginia:

That it is the sense of this legislature that the State of West Virginia does not owe any part of the so-called Virginia debt, and that this legislature is opposed to any negotiations whatsoever on that subject. And, *further*, that this legislature declines, and most emphatically refuses, to take any action in regard to what is known as the Old Virginia debt, or Virginia deferred certificates, either by the consideration of a proposition of adjustment for settlement, or by authorizing the appointment of any committee or committees having for their object or purpose the consideration of same; and that it is the sense of this legislature that the State of West Virginia is in no way or manner obligated, either morally or legally, for the payment of any portion of the said debt or certificates. Nor do we owe any other state or territory in this Union.

(H. J. R. No. 1.)

JOINT RESOLUTION NO. 4.

[Adopted January 21, 1903.]

Relating to the development and improvement of the Ohio and Little Kanawha rivers and the appointment of joint committees to take up the matter with the representatives of West Virginia in the upper and lower houses of congress.

Whereas, The present congested condition of American transportation lines has emphasized the need of increased facilities for traffic on land and water; and

Whereas, It is now apparent that the industrial development of the territory traversed by the Ohio river, and its principal tributaries, will henceforth be largely dependent upon the equipment of

these streams with a slack water system, which will facilitate the shipment of American products from state to state, and country to country, thereby enriching the whole American republic by increased labor at home and increased markets abroad; therefore, be it

Resolved by the Legislature of West Virginia:

That the representatives of this State in the upper and lower houses of congress be immediately and earnestly urged to exert every effort in their power to promote this great national improvement; and that a joint committee of five members be appointed, three members by the speaker of the house and two by the president of the senate, to impress upon them the vital necessity of this enterprise to the continued rapid development of West Virginia and her sister states, whose varied products are already craving new channels through which they may make hasty journeys to the markets of the world; and

Whereas, The Little Kanawha river in this State runs through a thickly settled section and in several counties, rich in natural resources, such as coal, timber and oil, and also fruitful in agricultural products, and is now being rapidly developed; and

Whereas, Said river is navigable for sixty miles for passenger and freight traffic and has thereon five locks and dams, but one of each of which, being the one highest up the river, is owned by the United States government; and

Whereas, At all of the said locks and dams, except at that owned by the government as aforesaid, all of the people are taxed in tolls upon all of their traffic and travel; and

Whereas, It is most desirable and proper, as well as fair and just, that said river should be opened up to free transportation and traffic, and very many beneficial and profitable results to the people would accrue if the policy of the government (to which it is already committed by the ownership of said one lock and dam on said river and the maintenance of same) was fully carried out, and the government owned and maintained all of the said locks and dams; therefore, be it further

Resolved, That our senators in the congress of the United States be instructed, and our representatives in the said congress be requested, to use all proper efforts to secure the purchase of said four locks and dams by the government, and the improvement of said

river to its fullest capacity, and that free transportation for passengers and freight on said river be secured to the people; and that a copy of this resolution shall be sent certified to each of said senators and representatives by the clerk of the house.

Resolved, further, That the speaker of the house shall appoint a member of the legislature from each of the counties of Gilmer, Braxton, Calhoun, Wirt and Wood, and the president of the senate shall appoint two senators from these counties, who shall, as a committee, investigate as to the terms that these locks and dams can be purchased for, and communicate such information to our said senators and representatives in congress.

Resolved, further, That the governor of West Virginia be and is hereby requested to forward a copy of these resolutions to each of our senators and representatives in congress; that he also forward a copy of these resolutions to the governor of each of the several states bordering on the Ohio river and its tributaries, and urge that similar action be taken in the states thus directly interested in this great undertaking.

(H. J. R. No. 13.)

JOINT RESOLUTION NO. 5.

[Adopted January 21, 1903.]

Authorizing the secretary of state to furnish the law library of the university with copies of the Supreme Court reports.

Resolved by the Legislature of West Virginia:

That the secretary of state is hereby authorized to transmit to the law library of the West Virginia University a full set of the reports of the supreme court or appeals of this State, which by joint resolution of the last legislature he was authorized to do, but which resolution, through inadvertance, was not enrolled and failed to take effect.

And the secretary of state shall hereafter continue to transmit two copies of said reports instead of one copy as heretofore.

(H. J. R. No. 8.)

JOINT RESOLUTION NO. 6.

[Adopted January 22, 1903.]

Adopting joint rules for the government of the two houses of the legislature.

Resolved by the Legislature of West Virginia:

That the joint rules of the senate and house of delegates heretofore adopted and printed in the manual, in use in the legislature of the State, be and the same are hereby adopted for the government of the two houses of the present legislature.

(H. J. R. No. 10.)

JOINT RESOLUTION NO. 7.

[Adopted January 22, 1903.]

Raising select committee to visit hospitals for the insane at Weston and Spencer and report thereon to the house and senate.

Resolved by the Legislature of West Virginia:

That a joint committee, consisting of three on the part of the house and two on the part of the senate, be appointed to visit, inspect and investigate the management of the hospitals for the insane at Weston and Spencer and report the condition and treatment of patients therein, and any other matters that may come to or under their knowledge or observation in relation thereto. Those on the part of the house to be appointed by the speaker and those on the part of the senate by the president.

(H. J. R. No. 19.)

JOINT RESOLUTION NO. 8.

[Adopted January 23, 1903.]

Relating to a State flower.

Whereas, Many of our sister states have adopted some floral emblem; and

Whereas, Our present chief executive, the governor of the State, and his immediate predecessor, have each recommended the big laurel, or rhododendron, and the pupils of the public schools of the State, under direction of the state superintendent, have voted for this flower; therefore, be it

Resolved by the Legislature of West Virginia:

That said rhododendron, or big laurel, be and it is hereby designated as the official State flower, to be used as such at all proper times and places.

(H. J. R. No. 17.)

JOINT RESOLUTION NO. 9.

[Adopted January 23, 1903.]

In relation to pension laws for State home guards.

Whereas, Our honorable and distinguished senator Nathan B. Scott, has introduced in congress a joint resolution creating a commission to investigate the pension laws, its object being to ascertain the desirability of pensioning all soldiers, who served ninety days or more, at twelve dollars per month; also to report upon the advisability of changing the pension laws; and

Whereas, Our State home guards have not been rightly recognized as they should be in this matter of pensioning the soldiers; therefore, be it

Resolved by the Legislature of West Virginia:

That we extend our congratulations to Mr. Scott, as well as our sympathies, in this matter of investigation of pension laws and the pensioning of soldiers; and that our State guards are entitled to some recognition in this matter, and that the State stands ready to co-operate with Mr. Scott, and all our representatives in congress, in any readjustment of pension relations that will give to the home guards of this State each a pension.

(S. J. R. No. 4)

JOINT RESOLUTION NO. 10.

[Adopted January 23, 1903.]

Providing for the redistricting of the judicial circuits of the State.

Resolved by the Legislature of West Virginia:

That a joint committee of thirteen members be appointed to take into consideration the matter of redistricting the State into judicial circuits, with directions to report by bill or otherwise; seven members of said committee to be appointed on the part of the house of delegates by the speaker of the house, and four on the part of the senate by the president of the senate, and the other two members to be the speaker of the house and the president of the senate.

(H. J. R. No. 27.)

JOINT RESOLUTION NO. 11.

[Adopted January 28, 1903.]

Adding the names of the speaker of the house and the president of the senate to the joint committees provided for under house joint resolution No. 1.

Resolved by the Legislature of West Virginia:

That the speaker of the house and the president of the senate be added to the joint committees to be appointed in compliance with house joint resolution No. 1 heretofore adopted.

(S. J. R. No. 12.)

JOINT RESOLUTION NO. 12.

[Adopted February 3, 1903.]

Authorizing and empowering the governor of West Virginia to investigate and inquire into, and cause to be prosecuted any person, or persons, guilty of mob violence or lynching.

Whereas, It has been communicated to the legislature of the State of West Virginia by the governor thereof, both by general and special message, that within the last year several persons within the bounds of this State, and while in the hands of its public officers, have been brutally murdered at the hands of riotous and lawless mobs; and

Whereas, Such riotous and lawless acts are unwarranted, and tend to anarchy and blood shed, and are a reflection upon the fair name of our State; and

Whereas, It is the sense of this body that the rights of our citizens should be held inviolate, and that every man accused of crime should have a fair and impartial trial by a jury of his peers, and that those who would recklessly and grossly deny this right should be brought to swift and speedy justice; therefore, be it

Resolved by the Legislature of the State of West Virginia:

That the governor, by and with the aid and advice of the attorney general, be and he is hereby empowered to investigate and place on foot such means as in his judgment are necessary to bring the guilty parties to justice.

(H. J. R. No. 29.)

JOINT RESOLUTION NO. 13.

[Adopted February 5, 1903.]

Fixing the *per diem* to be paid assistant janitors of the capitol building during the session of the legislature.

Resolved by the Legislature of West Virginia:

That R. M. Conker, H. F. Jenkins, Ed. Lincoln, L. D. Miller, S. A. McCormick and Chas Frees, A. J. Spaulding, Robt. Buckner, A. J. Thomas, Edward Preston and Samuel Stephenson, be allowed one dollar and fifty cents in addition to their regular *per diem* of one dollar and fifty cents per day from the time they were, respectively, employed by the janitor in preparing the capitol building for the meeting of the legislature to the end of this session, one half of which shall be paid out of the contingent fund of the senate

and one half out of the contingent fund of the house, upon the approval of the accounts by the janitor and the clerk of the senate and house respectively.

(S. J. R. No. 14.)

JOINT RESOLUTION NO. 14.

[Adopted February 10, 1903.]

To relieve the estate of Eugene Baker, deceased, late sheriff of Jefferson county, from erroneous assessments, and the forfeiture of his commissions, and interest above six *per cent*.

Whereas, It has been made to appear that Eugene Baker, deceased, late sheriff of Jefferson county, was afflicted with a chronic disease by which he was prostrated and utterly unable to attend to business for over nine months last past; and

Whereas, During his absence at the hospital and critical illness, the county court of said county settled his accounts without allowing him credit for erroneous assessments charged against him, which he was too ill to present and prove; therefore, be it

Resolved by the Legislature of West Virginia:

That the auditor be authorized, instructed and directed to examine into the erroneous assessments claimed by the late sheriff Baker, and that the said auditor be authorized and empowered to allow credit for such amounts as he may find to be erroneous.

Resolved, secondly, That said Eugene Baker's estate and sureties be relieved from forfeiture of his commissions, and from the charge of over six per cent interest.

Resolved, further, That the county court of Jefferson county be authorized and empowered to allow and credit such sheriff with the balance of the erroneous assessments and non forfeiture of interest and allow his commissions as the auditor shall ascertain, in the aforesaid examination, to be just and equitable under this resolution.

(H. J. R. No. 23.)

JOINT RESOLUTION NO. 15.

[Adopted February 10, 1903.]

To provide for the payment out of the school fund, to the credit of the general school fund, the excess over and above one million of dollars now in the treasury to the credit of said school fund, in accordance with the amendment to the constitution recently adopted known as the "Irreducible School Fund Amendment."

Resolved by the Legislature of West Virginia:

That the board of the school fund is hereby authorized and directed in obedience to the amendment to the constitution of this State, recently adopted, and known as the "Irreducible School Fund Amendment," to pay out of the said school fund, in three equal annual installments, to the credit of the general school fund, to be distributed and used for the support of the free schools of this State, all the money in the treasury to the credit of said school fund, invested and uninvested, over and above one million of dollars; and the auditor and treasurer, when so directed by the board of the school fund, shall make such entries upon their books as shall be necessary to make such payment and transfer of said fund.

One-third of said excess shall be distributed for the support of the free schools of the State for each of the years 1903, 1904 and 1905.

(H. J. R. No. 34)

JOINT RESOLUTION NO. 16.

[Adopted February 10, 1903.]

Relating to the proper observance of the anniversary of the birth of Abraham Lincoln by the members of the State legislature.

Whereas, It is altogether fitting and proper that the legislative body of West Virginia should observe with appropriate ceremony the anniversary of the birth of that great statesman, Abraham Lincoln, whose work among us was so far-reaching and so uplifting to humanity; and

Whereas, Said anniversary occurs February twelfth, nineteen hundred and three; therefore, be it

Resolved by the Legislature of West Virginia:

That we do assemble in the Delegate chamber at the capitol on the evening of February 12, 1903, at 8 o'clock p. m. for the observance of said anniversary, and that the speaker of the house and the president of the senate do each appoint a committee of three, from each branch of the State legislature, whose duty shall be to arrange a suitable program for the above named occasion, and also that the Post of the grand army of the republic, confederate veterans, and the citizens generally of the city of Charleston and vicinity, be and are hereby invited to join with us in doing honors to this great man.

(H. J. R. No. 37.)

JOINT RESOLUTION NO. 17.

[Adopted February 17, 1903.]

Authorizing the appointment of an agent or agents to collect moneys due to this State from the government of the United States.

Resolved by the Legislature of West Virginia:

That the governor, in consultation with the board of public works, is hereby authorized and empowered to employ an agent or agents to recover from the government of the United States any and all moneys that may be due therefrom to the State of West Virginia. Said agent or agents shall be employed upon a contingent fee only, and the State shall not be liable for any of the expense or costs of the said contingent fee, which shall be paid out of any amount recovered and collected. The governor, as aforesaid, is authorized to contract to pay such agent or agents such contingent fee as he and the board of public works may think proper.

(H. J. R. No. 36.)

JOINT RESOLUTION NO. 18.

[Adopted February 17, 1903.]

Authorizing pay of mileage to the special joint committee under house joint resolution No. 1.

Resolved by the Legislature of West Virginia:

That the report of the committee appointed under house joint resolution No. 1, adopted February 4, 1903, providing for the appointment of a committee to confer with the members of congress from the State of West Virginia, relative to the improvement of the Ohio and Little Kanawha rivers, be accepted; and that the auditor be and he is hereby authorized to draw his warrant upon the treasurer for the amount of the mileage named in said report, upon the presentation to him of the certificate of the clerk of the senate and the sergeant-at-arms of the house of delegates.

(S. J. R. No. 13.)

JOINT RESOLUTION NO. 19.

[Adopted February 17, 1903.]

Recommending the enlargement and betterment of the navy of the United States, and a strict adherence to the Monroe doctrine.

Whereas, The United States as a nation is, and has been for a century, opposed to foreign aggressions on American soil, and the forcible acquisition of territory on this continent by European or other transmarine powers, and to that end is committed to the Monroe doctrine; therefore, be it

Resolved by the Legislature of West Virginia:

That the senators and representatives of this State in congress be and are respectfully requested and urged to use their best endeavors to procure the enactment of such a law, or laws, as will fully provide for the enlargement and betterment of the navy of the United States, so as to enable this nation to maintain and preserve its principles aforesaid under any and all circumstances.

(S. J. R. No. 17.)

JOINT RESOLUTION NO. 20.

[Adopted February 18, 1903.]

Requesting the governor to appoint Miss Katharine V. White to christen the armored cruiser "West Virginia."

Resolved by the Legislature of West Virginia:

That it is the sense of the legislature of the State that it would be eminently fitting and appropriate that the distinguished honor of christening the armored cruiser "West Virginia" be conferred upon Miss Katharine Vaughan White, the governor's daughter, and the governor is hereby requested to appoint her for that purpose.

(H. J. R. No. 85)

JOINT RESOLUTION NO. 21.

[Adopted February 19, 1903.]

Authorizing the secretary of state to furnish the judge of the criminal court for Kanawha county with copies of the West Virginia reports, and of the code of 1899.

Resolved by the Legislature of West Virginia:

That the secretary of state be, and he is hereby, authorized to furnish to the judge of the criminal court of Kanawha county a set of West Virginia reports, and a copy of the code of 1899, for the use of his office; and to all other criminal judges within the State of West Virginia.

(S. J. R. No. 16.)

JOINT RESOLUTION NO. 22.

[Adopted February 25, 1903.]

Providing for a survey of the counties of Marion, Monongalia and Wetzel.

Whereas, A considerable portion of the time of the session of the

legislature of West Virginia of 1897 was occupied in consideration of a bill forming the county of Augusta, out of parts of the counties of Marion, Monongalia and Wetzel; and

Whereas, At the present session a similar bill was introduced, the consideration of which has occupied a considerable portion of the time of the house of delegates, and further consideration of the same has been indefinitely postponed; and

Whereas, Both at the session of 1897 and the present session the advocates of the formation of said county claimed that each of the counties of Marion, Monongalia and Wetzel contained an area of more than four hundred square miles, and those opposing the formation of said county claimed that neither of said counties has an area of four hundred square miles; and

Whereas, It is the sense of the legislature that surveys should be made of the said three counties, and their respective areas ascertained officially under the authority of the legislature; therefore, be it

Resolved by the Legislature of West Virginia:

That the governor be and is hereby authorized and required to appoint and select a competent engineer or surveyor, and that the engineer or surveyor so selected and appointed by the governor, together with the county surveyors of each of the said counties of Marion, Monongalia and Wetzel, and Ira M. Franklin, a surveyor of Hundred, Wetzel county, in behalf of the proposed county of Augusta, are hereby authorized and directed to proceed, with all convenient dispatch, and make full surveys of the area of each of the said counties of Marion, Monongalia and Wetzel, and that they do make report thereof, together with maps of each of the said counties, showing the boundaries thereof, as ascertained by such surveys, and file said report and maps with the governor before the convening of the next regular session of the legislature; and that the governor do transmit the said report and maps as a part of his message to the next regular session of the legislature. And that the costs and expenses incurred in making said surveys, report and maps, under this resolution, be borne and paid equally by the county courts of said counties of Marion, Monongalia and Wetzel, they each being hereby required to pay one-third thereof.

(H. J. R. No. 48.)

JOINT RESOLUTION NO. 23.

[Adopted February 26, 1903.]

Authorizing the appointment of a committee to investigate the State's ownership of certain property at Capon springs, Hampshire county.

Whereas, His Excellency, Albert B. White, on the 23rd day of February, 1903, communicated by message the information that this State owns very valuable property, including certain medicinal springs, at Capon springs in Hampshire county, and is not producing any revenue to the State; and

Whereas, The governor recommends that some action in relation thereto be taken by this legislature and that a committee be appointed to investigate and report all of the facts in relation to such property, and report to the next regular or special session of the legislature; therefore, be it

Resolved by the Legislature of West Virginia:

That a committee of two members of this house and one of the senate be appointed by the speaker of the house and president of the senate, respectively, who shall, as soon as convenient after the adjournment of this session of the legislature, make a full and complete investigation concerning such State property as set forth in the preamble hereto, and as referred to in said message, and make a report to the next session of the legislature with its recommendations thereto.

(H. J. R. No. 39.)

JOINT RESOLUTION NO. 24.

[Adopted February 27, 1903.]

Relating to the bills suggested by the State tax commission.

Resolved by the Legislature of West Virginia:

That the secretary of state is hereby directed to furnish to the

state board of agriculture ten thousand copies of the set of bills prepared by the state tax commission and submitted to this legislature, and that said board of agriculture be directed to make such use of said bills as will soonest familiarize the taxpayers of this State with the provisions thereof.

(H. J. R. No. 46.)

JOINT RESOLUTION NO. 25.

[Adopted February 27, 1903.]

Authorizing the board of regents of the normal schools to sell the property known as the Fairmont State normal school.

Whereas, By the growth and development of the city of Fairmont the State normal school located at that place is situated in the heart of said city where real estate is valuable, and prices of boarding very high and at times almost impossible for students to obtain; and

Whereas, By the location of manufacturing establishments and of new railroad and street car lines near by, the work of the school is somewhat interfered with; therefore, be it

Resolved by the Legislature of West Virginia:

That the board of regents of the State normal schools be and are hereby authorized and empowered to sell the grounds and buildings of said Fairmont normal school if in their judgment they can relocate said institution with advantage to the school in the suburbs of said city, not to exceed one and one-half miles from the court house in said city of Fairmont: *provided*, that any purchase of ground and the erection of new school buildings, including dormitories and equipment complete, shall in no case exceed the price received from the sale of the property now owned by the State and known as the Fairmont normal school; and *provided*, that there shall be no sale of said normal school property until the same shall have been approved by the board of public works, and a guarantee fund of fifty thousand dollars deposited in the First National bank

of Fairmont, to the credit of the board of regents of the State normal schools; *provided, further*, that there shall be no final transfer of said property at Fairmont to the purchaser until the new normal school buildings are erected and ready for occupancy.

LIST OF COMMISSIONERS

Appointed by the Executive of West Virginia to take Acknowledgments of Deeds and other Writings in other States. Term of Office Four Years.

| STATE. | COMMISSIONER. | RESIDENCE. | TERM EXPIRES |
|--------------------|------------------------------|---|----------------|
| New York | Joseph B. Braman | 120 Broadway, New York.... | Apr. 17, 1903. |
| Maryland | Murray Hanson | 14 St. Paul St. Baltimore.... | May 12, 1903. |
| Illinois | Wirt E. Humphrey | 115 Dearborn St. Chicago..... | May 26, 1903. |
| Missouri | W. E. Parker | 224 N. Y. Life Bldg. Kansas City | May 26, 1903. |
| New York | Alfred Mackay | 59 Cedar St. New York | July 25, 1903. |
| New York | Rufus K. McHarg | 7 Pine St. New York | Sept. 1, 1903. |
| Connecticut | Livingston W. Cleveland..... | New Haven | Dec. 16, 1903. |
| New York | Edwin F. Correy | 56 Wall St. New York | Jan. 19, 1904. |
| New York | John L. Coady | 96 Broadway, New York | Mar. 7, 1904. |
| Pennsylvania..... | A. W. Walter | 347 Mutual Life Bldg. Phila. | July 23, 1904. |
| Maryland | Thos. Sherwood Hudson, Jr. | 6 E. Lexington St. Baltimore | Aug. 3, 1904. |
| Maryland | Spencer Moore Grayson | Baltimore | Aug. 17, 1904. |
| Maryland | Abraham H. Fisher | Baltimore | Nov. 26, 1904. |
| Maryland | Ph. H. Hoffman | Baltimore | Jan. 2, 1905. |
| Pennsylvania..... | Samuel L. Taylor | Philadelphia | Jan. 14, 1905. |
| Pennsylvania..... | Thomas J. Hunt | 623 Walnut St. Philadelphia. | Apr. 27, 1905. |
| New York | Geo. H. Corey | 56 Wall St. N. Y | July 29, 1905. |
| Dist. of Columbia. | D. W. Gall | Washington | July 12, 1905. |
| Maryland | T. Howard Embert | Baltimore & St. Paul. Balt. | Aug. 8, 1905. |
| Maryland | U. G. C. Carl | Cumberland | Oct. 3, 1905. |
| Ohio | Joseph T. Harrison | 5th & Main Sts. Cincinnati. | Dec. 11, 1905. |
| Virginia | G. B. Mountcastle | Richmond | Dec. 13, 1905. |
| Dist. of Columbia. | John E. Mitchell | Washington | Jan. 22, 1906. |
| Maryland | Chas. O. Hall | Baltimore | Mar. 22, 1906. |
| Maryland | W. H. H. Raleigh | Baltimore | Mar. 31, 1906. |
| Pennsylvania..... | John S. Wurts | 1037 Real Estate Trust Bldg. Phila | May 12, 1906. |
| Maryland | Harry C. Mathews | Lexington & St. Paul, Balt. | Aug. 28, 1906. |
| New York | Henry Ballantyne | 224 Church St. N. Y | June 11, 1906. |
| Pennsylvania | Frederick M. Leonard | 119 So. 4th St. Philadelphia. | Feb. 21, 1907. |
| Missouri | Harold Johnson | 401 Roe Bldg. St. Louis. | Mar. 10, 1907. |

APPENDIX A.
OFFICIAL DIRECTORY.

OFFICERS AND MEMBERS OF THE HOUSE OF DELEGATES.

SESSION OF 1903.

Speaker—F. P. MOATS, Parkersburg.

Clerk—HARRY SHAW, Fairmont.

Sergeant-at-Arms—H. N. WORDEN, Davis.

Door-Keeper—J. W. MAYNARD, Macdonald.

The figure preceding the name of the county indicates the number of Delegates the county is entitled to.

| County. | Name. | Politics. | Postoffice. |
|--------------------|-------------------------|-----------|------------------|
| 1. Barbour..... | S. H. Bowman | D. | Phillippi. |
| 2. Berkeley..... | Jacob Sites | R. | Marlowe. |
| | John C. Hutsler..... | D. | Martinsburg. |
| 1. Boone..... | James H. Allen..... | D. | Six Mile. |
| 2. Braxton..... | John S. Garee..... | D. | Canfield. |
| | E. B. Carlin..... | D. | Sutton. |
| 1. Brooke..... | C. G. Buchanan..... | D. | Wellsburg. |
| 3. Cabell..... | Philip M. Merritt..... | R. | Barboursville. |
| | C. M. Buck | R. | Huntington. |
| | Chas. L. Simpson..... | R. | Huntington. |
| 1. Calhoun..... | A. E. Kenney..... | D. | Grantsville. |
| 1. Clay..... | Mark C. Kyle..... | R. | Clay. |
| 1. Doddridge..... | J. W. Bee | R. | Greenwood. |
| 3. Fayette..... | J. W. Blizzard..... | R. | Nuttallburg. |
| | W. H. Martin | R. | Gatewood. |
| | J. M. Ellis | R. | Mt. Hope. |
| 1. Gilmer | F. N. Hays | D. | Glenville. |
| 1. Grant..... | C. M. Pabb..... | R. | Falls. |
| 2. Greenbrier..... | Dr. W. P. Lowe..... | D. | Falling Springs. |
| | H. L. Van Stekler | D. | Lewisburg. |
| 1. Hampshire..... | Dr. J. F. Gardner..... | D. | Capon Bridge. |
| 1. Hancock..... | John E. Newell | R. | Mercer. |
| 1. Hardy..... | J. Ward Wood | D. | Lost City. |
| 2. Harrison..... | *Edwin Maxwell..... | R. | Clarksburg. |
| | Jasper S. Kyle..... | R. | Clarksburg. |
| 2. Jackson..... | A. W. Hawk | R. | Sandyville. |
| | R. E. Hughes..... | R. | Ripley. |
| 1. Jefferson..... | C. M. Wetzol..... | D. | Millville. |
| 5. Kanawha..... | C. N. Edgington..... | R. | Charleston. |
| | Morris P. Shawkey | R. | Charleston. |
| | C. E. Rudesill..... | R. | Charleston. |
| | Shelton Johnson..... | R. | East Bank. |
| | Geo. C. Welmer..... | R. | St. Albans. |

* Died February 5, 1903.

| | | | |
|---------------|------------------------------|------|-------------------|
| 1. Lewis | Roy V. Chidester | D. | Weston. |
| 1. Lincoln | Joseph R. McClure | R. | Sioto. |
| 1. Logan | Dr. Jas. E. McDonald | D. | Man. |
| 3. Marion | H. R. Furbee | R. | Mannington. |
| | Amos O. Stanley | R. | Fairmont. |
| | J. O. McNeeley | R. | Fairmont. |
| 2. Marshall | W. H. Harris | R. | Glen Easton. |
| | T. E. Parriott | R. | Bannen. |
| 2. Mason | John G. Aten | R. | Chestnut. |
| | Samuel D. Hanna | R. | Hartford. |
| 2. Mercer | Thomas Reed | R. | Oakvale. |
| | D. P. Crockett, M. D., M. E. | R. | Goodwill. |
| 1. Mineral | F. M. Reynolds | R. | Keyser. |
| 1. Mingo | Geo. R. C. Wiles | D. | Williamson. |
| 2. Monongalia | Altha Warman | R. | Morgantown. |
| | Lewis C. Snyder | R. | Morgantown. |
| 1. Monroe | Geo. Alderson, Jr. | D. | Alderson. |
| 1. Morgan | S. C. Cross | R. | Great Cacapon. |
| 2. McDowell | W. S. Cope | R. | McDowell. |
| | Harvey Hagerman | R. | Bradshaw. |
| 1. Nicholas | Isaac A. Dix | D. | Kirkwood. |
| 4. Ohio | Ralph McCoy | R. | Triadelphia. |
| | Daniel Moody | R. | Wheeling. |
| | Wm. G. Caldwell | R. | Wheeling. |
| | Henry W. Schrebe | R. | Wheeling. |
| 1. Pendleton | M. G. Trumbo | D. | Brandywine. |
| 1. Pleasants | T. C. Davis | R. | Wasp. |
| 1. Pocahontas | Dr. J. P. Moomau | D. | Greenbank. |
| 2. Preston | W. B. Freeland | R. | Terra Alta. |
| | J. W. Davis | R. | Etam. |
| 1. Putnam | Wm. G. Barnhart | D. | Red House Shoals. |
| 1. Raleigh | W. S. Steele | R. | Marshes. |
| 1. Randolph | Lew Greynolds | D. | Elkins. |
| 2. Ritchie | E. C. Goff | R. | Goffs. |
| | Benjamin McGinnis | R. | Ellenboro. |
| 2. Roane | J. G. Schilling | R. | Spencer. |
| | C. C. Kelley | R. | Reedyville. |
| 1. Summers | M. M. Warren | D. | Pence Springs. |
| 1. Taylor | Virgil T. Handley | R. | Grafton. |
| 1. Tucker | A. M. Cunningham | R. | Parsons. |
| 2. Tyler | T. P. Hill | R. | McKim. |
| | R. L. Gregory | R. | Sistersville. |
| 1. Upshur | Henry Colerider | R. | French Creek |
| 2. Wayne | D. B. Hardwick | D. | Fort Gay. |
| | M. M. Morrison | D. | Wayne. |
| 1. Webster | E. H. Morton | D. | Webster Springs. |
| 1. Wetzel | F. M. Keller | D. | Hundred. |
| | A. F. Dulaney | D. | West. |
| 1. Wirt | G. A. Burdett | D. | Lucile. |
| 3. Wood | F. P. Moats | R. | Parkersburg. |
| | F. P. Hatfield | R. | Leachtown. |
| | I. S. McPherson | R. | Lubeck. |
| 1. Wyoming | John W. Cook | R. | Jesse. |
| | Rep. | Dem. | Total |
| Senate | 25 | 5 | 30 |
| House | 57 | 20 | 86 |
| Totals | 82 | 34 | 116 |

Republican majority: In the House, 28; in the Senate, 20; on joint ballot, 48.

Standing Committees House of Delegates.

ELECTIONS AND PRIVILEGES.

Messrs. Babb, Hawk, Welmer, Stanley, Kenney, Hays and Dix.

MILITARY.

Messrs. Bee, Parriott, McPherson, Cooke, Davis, T. C., Martin, McNeeley, Welmer, Chidester, Wiles, Wood, Alderson and McDonald.

TAXATION AND FINANCE.

Messrs. Reynolds, Rudesill, Babb, McClure, Harris, Furbee, Merritt, Sites, McGinnis, Maxwell, Wetzel, Bowman, Chidester, Kenney, Hays and Schilling.*

FEDERAL RELATIONS.

Messrs. Hughes, Blizzard, Aten, McClure, Davis (of Preston), Edgington, Kyle, (of Harrison), Hutsler, McDonald, Trumbo and Garee.

JUDICIARY.

Messrs. Caldwell, Cunningham, Maxwell, Schilling, Gregory, Crockett, Stanley, Reed, Hughes, Reynolds, Kenney, Bowman, Hardwick, Carlin, VanSickler, Cope* and McNeeley.**

EDUCATION.

Messrs. Shawkey, Snyder, Hawk, Kyle (of Harrison), Newell, Hatfield, Ellis, Hagerman, Bee, Babb, Carlin, Barnhart, Bowman, Moomau and Hutsler.

COUNTIES, DISTRICTS AND MUNICIPAL CORPORATIONS.

Messrs. Gregory, Furbee, Schrebe, McPherson, Buck, Cope, Davis (of Preston), Rudesill, Kelley, VanSickler, Gardner, Allen and Wiles.

PRIVATE CORPORATIONS AND JOINT STOCK COMPANIES.

Messrs. Cunningham, Freeland, Furbee, Johnson, Snyder, Schrebe, Crockett, Aten, Caldwell, Merritt, Bowman, Greynolds, Hardwick, Barnhart and Carlin.

ROADS AND INTERNAL NAVIGATION.

Messrs. Handley, Hatfield, Martin, Newell, Sites, Aten, Cooke, Cross, Davis, T. C., Morton, Garee, Gardner, Wood and Dulaney.

FORFEITED AND UNAPPROPRIATED LANDS.

Messrs. Blizzard, Kyle (of Clay,) Edgington, McClure, Hanna, Reed, Worman, Allen, Garee, Lowe, and Keller.

CLAIMS AND GRIEVANCES.

Messrs. McGinnis, Colerider, Hill, Worman, Steele, Hagerman, Hanna, Parriott, Stanley, Burdett, Dulaney, Dix and Greynolds.

HUMANE INSTITUTIONS AND PUBLIC BUILDINGS.

Messrs. Maxwell Rudesill, Hawk, McNeeley, Harris, Cope, Moody, Davis, J. W., Goff, Schilling, Buchanan, Kenney, Trumbo, Morrison, McDonald and Kelley.*

LABOR.

Messrs. Moody, Colerider, Crockett, Buck, Cross, Kyle (of Harrison), Weimer, Stanley, Hutsler, Hays, Morrison and McDonald.

PRINTING AND CONTINGENT EXPENSES.

Messrs. Newell, Cunningham, Parriott, Ruck, Weimer, Kyle (of Clay), Ellis, Kyle (of Harrison), Hughes, Alderson, Dix, Childester and Warren.

EXECUTIVE OFFICES AND LIBRARY.

Messrs. Schilling Handley, Cooke, Reed, Cross, McCoy, Allen, Lowe and Warren.

ARTS, SCIENCES AND GENERAL IMPROVEMENTS.

Messrs. Crockett, Freeland, Martin, Simpson, Johnson, Stanley, Moomau, Trumbo, and Warren.

THE PENITENTIARY.

Messrs. Harris, Hill, Bee, Schrebe, Goff, Davis, T. C., Sites, Steele, Hagerman, Blizzard, Greynolds, Keller, Buchanan, Gardner and Moomau.

MINES AND MINING.

Messrs. McNeeley, Cunningham, Hatfield, Babb, Johnson, Cope, Simpson, Moody, Handley, Davis, J. W., Baruhart, Moomau, Morrison, Burdett and Alderson.

IMMIGRATION AND AGRICULTURE.

Messrs. Babb, Freeland, Colerider, Edgington, Sites, Newell, McClure, McGinnis, McPherson, Wetzell, Dix, Wood and Dulaney.

STATE BOUNDARIES.

Messrs. Hanna, Merritt, McCoy, Kyle (of Harrison), Hughes, Shawkey, Stanley, Reed, Warman, Morton, Burdett, Lowe and Keller.

RAILROADS.

Messrs. Hill, Cunningham, Harris, Davis, (T. C.), Bee, Sites, Hawk, Kelley, Shawkey, Goff, Hays, Wetzel, VanSickler, Hardwick and Morton.

RULES.

Messrs. Moats (Speaker), Maxwell and Kenney.

ENROLLED BILLS.

Messrs. McPherson, Stanley, Kyle (of Clay), Willes and Greynolds.

•Appointed to fill vacancy caused by death of Mr. Maxwell.

••Appointed to fill vacancy caused by resignation from committee of Mr. Reed.

OFFICERS AND MEMBERS OF THE SENATE.

SESSION OF 1903.

President—CLARKE W. MAY, Hamlin.

Clerk—JOHN T. HARRIS, Parkersburg.

Sergeant-at-arms—LEWIS LARGENT, Paw Paw.

Doorkeeper—DAVID S. PETTIGREW, Summersville.

| District. | Name. | Postoffice Address. |
|----------------|---|--|
| First | *Jacob Snyder, R..... Samuel George, R. | Wheeling, Ohio County. Wellsburg, Brooke County. |
| Second..... | *Charles E. Carrigan, R..... Andrew Clark, R..... | Benwood, Marshall County. Dean, Wetzel County. |
| Third..... | *Charles T. Caldwell, R..... Thomas A. Brown, R..... | Parkersburg, Wood County. Elizabeth, Wirt County. |
| Fourth..... | *J. S. Darst, R..... Byrd Hill, R..... | Cottageville, Jackson County. Beech Hill, Mason County. |
| Fifth..... | *G. A. Northcott, R..... Clarke W. May, R..... | Huntington, Cabell County. Hamlin, Lincoln County. |
| Sixth..... | *W. H. H. Cook, R..... John Y. York, R..... | Windom, Wyoming County. Yorkville, Wayne County. |
| Seventh..... | *William H. McGinnis, D..... *M. F. Matheny, R..... | Beckley, Raleigh County. Beckley, Raleigh County. |
| Eighth..... | *E. C. Colcord, R..... B. O. Holland, R..... | St. Albans, Kanawha County. Logan, Logan County. |
| Ninth..... | Alex McVeigh Miller, R..... Andrew J. Horan, R..... | Alderson, Monroe County. Summersville, Nicholas County. |
| Tenth..... | *R. F. Kidd, D..... Hiram Campbell, R..... | Glenville, Gilmer County. Creston, Wirt County. |
| Eleventh..... | *Charles W. Swisher, R..... Ira E. Robinson, R..... | Fairmont, Marion County. Grafton, Taylor County. |
| Twelfth..... | *George C. Cole, R..... Harvey W. Harmer, R..... | Weston, Lewis County. Clarksburg, Harrison County. |
| Thirteenth.... | *Stark L. Baker, R..... W. B. Corder, R..... | Beverly, Randolph County. Berrysburg, Barbour County. |
| Fourteenth.... | *L. J. Forman, R..... Richard C. Price, D..... | Petersburg, Grant County. Moorefield, Hardy County. |
| Fifteenth.... | *John J. Cornwell, D..... William Campbell, D..... | Romney, Hampshire County. Charles Town, Jefferson County. |

R—Republican.

D—Democrat.

*—Hold-over Senators.

†—Seat Contested.

Standing Committees of the Senate.

ON PRIVILEGES AND ELECTIONS.

Messrs. Cole, (*Chairman.*) Holland, Colcord, Northcott, Forman, Cook and Kidd.—*David Hill, Clerk.*

ON THE JUDICIARY.

Messrs. Horan, (*Chairman.*) Harmer, Caldwell, Cole, Forman, Carrigan, Darst, Kidd and Cornwell.—*J. M. Caldwell, Clerk.*

ON FINANCE.

Messrs. Robinson, (*Chairman.*) Northcott, Baker, Colcord, Snyder, Harmer, York, Swisher and Price.—*A. M. Miller, Jr. Clerk.*

ON EDUCATION.

Messrs. Northcott, (*Chairman.*) Carrigan, Caldwell, Cook, Swisher, Harmer, Cole, Kidd and Campbell (of Jefferson).—*H. A. Stover, Clerk.*

ON COUNTIES AND MUNICIPAL CORPORATIONS.

Messrs. Snyder, (*Chairman.*) Harmer, Swisher, Caldwell, Holland, Clark and Campbell (of Jefferson).—*John Wallace, Clerk.*

ON ROADS AND NAVIGATION.

Messrs. Cook, (*Chairman.*) Darst, Corder, Campbell, (of Calhoun,) Hill, York, and Price.—*W. S. Olay, Clerk.*

ON BANKS AND CORPORATIONS.

Messrs. Miller, (*Chairman.*) Swisher, Roblusion, Darst, Brown, George and Cornwell.—*J. P. Austin, Clerk.*

ON PUBLIC BUILDINGS AND HUMANE INSTITUTIONS.

Messrs. Harmer, (*Chairman.*) Matheny, Horan, Corder, Clark, Campbell, (of Calhoun,) and McGinnis.—*J. M. McVey, Clerk.*

ON PENITENTIARY.

Messrs. Carrigan, (*Chairman.*) Forman, Snyder, Colcord, Baker, Darst and Campbell (of Jefferson).—*J. M. McVey, Clerk.*

ON RAILROADS.

Messrs. Baker, (*Chairman.*) Colcord, Cole, York, Caldwell, George, Swisher and Cornwell.—*James Harpold, Clerk.*

ON THE MILITIA.

Messrs. Caldwell, (*Chairman*,) Hill, Holland, Horan, Matheny, Clark and Price.—*S. G. Pauley, Clerk.*

ON FEDERAL RELATIONS.

Messrs. Brown, (*Chairman*,) Corder, George, Miller, Robinson, Campbell (of Calhoun,) and Kidd.—*S. G. Pauley, Clerk.*

ON IMMIGRATION AND AGRICULTURE.

Messrs. Corder, (*Chairman*,) Darst, Hill, Holland, York, Cook, and Price.—*Taylor Marcum, Clerk.*

ON MINES AND MINING.

Messrs. Swisher (*Chairman*,) Forman, Carrigan, Horan, Hill, Brown and Campbell (of Jefferson).—*James Leonard, Clerk.*

ON LABOR.

Messrs. Hill, (*Chairman*,) Campbell, (of Calhoun,) Baker, Forman, Robinson, Snyder, and McGinnis.—*David Hill, Clerk.*

ON CLAIMS AND GRIEVANCES.

Messrs. Holland, (*Chairman*,) Clark, Campbell, (of Calhoun,) Caldwell, George, Northcott and Kidd.—*King Shepherd, Clerk.*

ON FORFEITED, DELINQUENT AND UNAPPROPRIATED LANDS.

Messrs. Matheny, (*Chairman*,) Swisher, York, Cook, Colcord, Miller and Cornwell.—*Alfred Snyder, Clerk.*

ON PUBLIC PRINTING.

Messrs. Colcord, (*Chairman*,) Miller, Forman, Snyder, Robinson, Northcott and Cornwell.—*E. J. Thomas, Clerk.*

ON RULES.

Messrs. May, President, (*Chairman*,) Caldwell, Baker, Campbell (of Jefferson), and Kidd.—*John Wallace, Clerk.*

ON PUBLIC LIBRARY.

Messrs. Darst, (*Chairman*,) Carrigan, Brown, Clark, Cole, Corder and McGinnis.—*Ambrose White, Clerk.*

TO EXAMINE CLERK'S OFFICE.

Messrs. York, (*Chairman*,) Matheny and Price.—*Taylor Marcum, Clerk.*

JOINT COMMITTEE ON ENROLLED BILLS, ON THE PART OF THE SENATE.

Messrs. Forman and Miller.

STATE GOVERNMENT.

State Capital, Charleston, Kanawha County.

| OFFICE. | NAME. | RESIDENCE. | COUNTY. |
|--|---------------------|-----------------|----------|
| Governor | A. B. White..... | Parkersburg.. | Wood. |
| Secretary of State..... | Wm. M. O. Dawson.. | Charleston.... | Kanawha. |
| State Superintendent of Free Schools.... | T. C. Miller..... | Fairmont..... | Marion. |
| Auditor | A. C. Scherr | Keyser | Mineral. |
| Treasurer | Peter Silman..... | Charleston.... | Kanawha. |
| Attorney General | Romeo. H. Freer.... | Harrisville.... | Ritchie. |
| Adjutant General..... | S. B. Baker | Parkersburg.. | Wood. |
| Asst. Adjutant General | A. S. Hutson..... | Charleston.... | Kanawha. |
| Commissioner of Banking | M. A. Kendall.. | Parkersburg.. | Wood. |
| Commissioner of Labor. | I. V. Barton..... | Wheeling..... | Ohio. |
| Asst. Commissioner of Labor..... | John R. Foster..... | Charleston.... | Kanawha. |
| Chief Mine Inspector..... | J. W. Paul..... | Davis..... | Tucker. |
| Librarian..... | S. W. Starks..... | Charleston.... | Kanawha. |
| Game and Fish Warden..... | Frank Lively..... | Hinton..... | Summers. |

United States Senators.

| | POSTOFFICE. | COUNTY. | TERM EXPIRES. |
|------------------------|----------------|---------------|----------------|
| Stephen B. Elkins..... | Elkins | Randolph..... | March 4, 1907. |
| Nathan B. Scott.. | Wheeling | Ohio..... | March 4, 1905. |

Representatives in Congress.

Terms begin March 4, 1901.

| DISTRICT. | NAME. | POSTOFFICE. | COUNTY. | TERM EXPIRES. |
|--------------|-------------------------|-----------------|---------------|----------------|
| First..... | B. B. Dovener..... | Wheeling | Ohio..... | March 4, 1905. |
| Second | A. G. Dayton..... | Philippi..... | Barbour..... | March 4, 1905. |
| Third | Joseph H. Gaines..... | Charleston..... | Kanawha | March 4, 1905. |
| Fourth..... | James A. Hughes..... | Huntington.... | Cabell | March 4, 1905. |
| Fifth | Harry C. Woodyard | Spencer..... | Roane..... | March 4, 1905. |

THE JUDICIARY.

UNITED STATES CIRCUIT COURT.

FOR THE
DISTRICTS OF WEST VIRGINIA.

FOURTH CIRCUIT.

JUDGES—MELVILLE W. FULLER, *Chief Justice of the United States.*

NATHAN GOFF,
CHARLES H. SIMONTON, } *U. S. Circuit Judges.*

JOHN J. JACKSON,
BENJAMIN F. KELLER, } *U. S. District Judges.*

CLERKS OF CIRCUIT COURTS—L. B. DELLICKER, *Parkersburg, Wood County.*
EDWIN M. KEATLEY, *Charleston, Kanawha County.*

UNITED STATES DISTRICT COURTS.
THE NORTHERN DISTRICT.

JUDGE—JOHN J. JACKSON, *Parkersburg.*

CLERK—JASPER Y. MOORE, *Clarksburg.*

DISTRICT ATTORNEY—REESE BLIZZARD, *Grantville.*

ASS'T DIST. ATT'Y—E. M. SHOWALTER, *Fairmont.*

U. S. MARSHAL—CHARLES D. ELLIOTT, *Parkersburg.*

TERMS OF THE CIRCUIT AND DISTRICT COURTS—Wheeling, first Tuesday in April, and third Tuesday in September; Clarksburg, third Tuesday in April, and first Tuesday in October; Martinsburg, third Tuesday in October; Parkersburg, second Tuesday in January, and second Tuesday in June.

THE SOUTHERN DISTRICT.

JUDGE—BENJAMIN F. KELLER, *Bramwell.*

CLERK—EDWIN M. KEATLEY, *Charleston.*

DEPUTY CLERKS—HELEN J. JACKSON, *Charleston.*

J. W. PERRY, *Huntington.*

E. L. BOWMAN, *Bluefield.*

DISTRICT ATTORNEY—GEORGE W. ATKINSON, *Charleston.*

ASS'T DIST. ATT'Y—ELLIOTT NORTHCOTT, *Huntington.*

U. S. MARSHAL—JOHN K. THOMPSON, *Charleston.*

TERMS OF THE CIRCUIT AND DISTRICT COURTS—Charleston, first Tuesday in June, and third Tuesday in November; Huntington, first Tuesday in April, and first Tuesday after the third Monday in September; Bluefield, first Tuesday in May, and third Tuesday in October; term of the district court held at Addison, first Tuesday in September.

STATE COURTS.

Supreme Court of Appeals.

| Judges. | Residence. | County. | Term Expires. |
|-----------------------------------|----------------------|---------------|---------------|
| Henry C. McWhorter, President.... | Charleston..... | Kanawha | Jan. 1, 1909. |
| Henry Brannon..... | Weston..... | Lewis..... | Jan. 1, 1913. |
| George Poffenbarger..... | Point Pleasant | Mason..... | Jan. 1, 1913. |
| Marmaduke H. Dent..... | Grafton..... | Taylor..... | Jan. 1, 1905. |
| Warren Miller..... | Ripley..... | Jackson..... | Jan. 1, 1905. |

Attorney-General and ex-officio Reporter :

ROMEO H. FREER.....Harrisville, Ritchie County.
 E. K. REEDY, Assistant Reporter..... Charleston, Kanawha County.
 W. B. MATTHEWS, Clerk.....Charleston, Kanawha County.
TERMS—At Charleston, second Wednesday in January. At Wheeling, first Wednesday in June. At Charles Town, first Wednesday in September.

***CIRCUIT COURTS.**

(Terms of, until January 1, 1905.)

FIRST JUDICIAL CIRCUIT—THAYER MELVIN, Wheeling, and H. C. HERVEY, Judge, Wellsburg.

Counties.

Commencement of Terms.

Hancock..... Fourth Monday in March and June, and first Monday in November.
 Brooke..... First Monday in March and June, and second Monday in October.
 Ohio..... Second Monday in April, first Monday in September, and third Monday in November.
 Marshall..... First Tuesday in March and June, and second Tuesday in October.

SECOND JUDICIAL CIRCUIT—JOHN W. MASON, Judge, Fairmont.

Counties.

Commencement of Terms.

Harrison..... Second Tuesday in January, May and September.
 Marlton..... First Tuesday in March and July, and fourth Tuesday in November.
 Monongalia..... Second Tuesday in February, June and October.

*For terms of Circuit Courts beginning January 1, 1905, see chapter 22.

THIRD JUDICIAL CIRCUIT—JOHN HOMER HOLT, Judge, Grafton.

| <i>Counties.</i> | <i>Commencement of Terms.</i> |
|------------------|---|
| Barbour..... | Twelfth of February, twenty-second of May, and thirteenth of October. |
| Preston..... | Eleventh of December, twenty-second of March, and first of September. |
| Randolph..... | Twenty-first of January, first of May, and tenth of October. |
| Taylor..... | Second of January, eleventh of April, and eighteenth of September. |
| Tucker..... | Fifth of March, twelfth of June, and nineteenth of November. |

FOURTH JUDICIAL CIRCUIT—M. H. WILLIS, Judge, West Union.

| <i>Counties.</i> | <i>Commencement of Terms.</i> |
|------------------|---|
| Doddridge..... | Third Tuesday in March, July and November. |
| Ritchie..... | Third Tuesday in February, June and October. |
| Tyler..... | Second Tuesday in April, August and December. |
| Wetzel..... | Third Tuesday in January, May and September. |

FIFTH JUDICIAL CIRCUIT—L. N. TAVENNER, Judge, Parkersburg.

| <i>Counties.</i> | <i>Commencement of Terms.</i> |
|------------------|---|
| Pleasants..... | Third Monday in January, second Monday in June, and third Monday in October. |
| Wirt..... | Second Monday in February, third Monday in May, and first Monday in October. |
| Wood..... | First Monday in March, second Monday in August, and third Monday in November. |

SIXTH JUDICIAL CIRCUIT—LINN BRANNON, Judge, Glenville.

| <i>Counties.</i> | <i>Commencement of Terms.</i> |
|------------------|--|
| Calhoun..... | Tenth of February, tenth of June, and tenth of October. |
| Clay..... | Third Monday in May, September and December. |
| Gilmer..... | First of February, first of June, and first of October. |
| Jackson..... | First of March, first of August, and first of November. |
| Roane..... | Twenty-fifth of March, twenty-fifth of August, and twenty-fifth of November. |

SEVENTH JUDICIAL CIRCUIT—F. A. GUTHRIE, *Judge*, Point Pleasant.*Counties.**Commencement of Terms.*

- Kanawha.....First Monday in March, June and October.
 Mason.....First Monday in February, May and September.
 Putnam.....Fourth Monday in February, May and September.

EIGHTH JUDICIAL CIRCUIT—E. S. DOOLITTLE, *Judge*, Huntington.*Counties.**Commencement of Terms.*

- Cabell.....First Monday in March, July and December.
 Lincoln.....Second Monday in April, and third Monday in August and November.
 Logan.....Fourth Monday in April, July and October.
 Mingo.....First Monday in January, May and September.
 Wayne.....Fourth Monday in January, May and September.

NINTH JUDICIAL CIRCUIT—JOSEPH M. SANDERS, *Judge*, Bluefield.*Counties.**Commencement of Terms.*

- Boone.....Second Monday in April, July and October.
 McDowell.....Second Monday in March, September and December.
 Mercer.....Second Monday in February, May and August.
 Raleigh.....Fourth Monday in October, April and July.
 Wyoming.....Fourth Monday in March, June and September.

TENTH JUDICIAL CIRCUIT—J. M. McWHORTER, *Judge*, Lewisburg.*Counties.**Commencement of Terms.*

- Fayette.....Fourth Tuesday in February, third Tuesday in May, and third Tuesday in September.
 Greenbrier.....Third Tuesday in April, fourth Tuesday in June, and second Monday in November.
 Monroe.....Third Tuesday in March, first Tuesday in June, and third Tuesday in October.
 Pocahontas.....First Tuesday in April, third Tuesday in June, and first Tuesday in October.
 Summers.....Fourth Tuesday in January, first Tuesday in May, and fourth Tuesday in August.

ELEVENTH JUDICIAL CIRCUIT—W. G. BENNETT, *Judge*, Weston.

Counties.

Commencement of Terms.

- Braxton.....Fourth Monday in April, August and November.
 Lewis.....Third Monday in March, thlrd Monday in June, and on Wednes-
 day after thlrd Monday in October.
 Nicholas.....On Wednesday after the second Monday in April, on Wednesday
 after the second Monday in August, and on Wednesday
 after the second Monday in November.
 Upshur.....First Monday in March, first Monday in June and second Mon-
 day in October.
 Webster.....First of April, first of August, and first Monday in November.

TWELFTH JUDICIAL CIRCUIT—R. W. DAILEY, JR., *Judge*, Romney.

Counties.

Commencement of Terms.

- Grant.....On the thlrd Tuesday in March, the first Tuesday in June, and
 and the thlrd Tuesday in October.
 Hampshire.....First Tuesday in February, second Tuesday in May, and thlrd
 Tuesday in September.
 Hardy.....On the first Tuesday in March, the last Tuesday in May, and the
 flrst Tuesday in October.
 Pendleton.....On the first Wednesday in April, the Wednesday after the second
 Tuesday in June, and the first Wednesday in November.
 Mineral.....On the first Tuesday in January, the thlrd Tuesday in April, and
 the first Tuesday in September.

THIRTEENTH JUDICIAL CIRCUIT—E. BOYD FAULKNER, *Judge*, Martinsburg.

Counties.

Commencement of Terms.

- Berkeley.....Second Tuesday in January, April and September.
 Jefferson.....Second Tuesday in February, thlrd Tuesday in May and Novem-
 ber.
 Morgan.....First Tuesday in January and April, and flrst Tuesday in Octo-
 ber.

CRIMINAL AND INTERMEDIATE COURTS.
CRIMINAL COURT OF KANAWHA COUNTY.
AT CHARLESTON.
HENRY K. BLACK, Judge, Charleston.

Established February 12, 1890 (Acts 1890:8). Term of office of Judge, six years, beginning January 1, 1903; salary \$1,800 per year. Terms begin—First Tuesday in January, April, July and November.

THE CRIMINAL COURT OF WOOD COUNTY.
AT PARKERSBURG.
CHARLES D. FORRER, Judge, Parkersburg.

Established in 1891 (Acts 1891:12). Term of office of Judge six years, beginning January 1, 1899; salary, \$1,800 per year. Terms begin—Fourth Monday in January, May and September.

CRIMINAL COURT OF FAYETTE COUNTY.
AT FAYETTEVILLE.
WILLIAM R. BENNETT, Judge, Montgomery.

Established March 10, 1891 (Acts 1891:86). The term of office of the Judge is four years, beginning June 1, 1898; salary, \$1,500 per year. Terms begin—Second Monday in January, April, July and October.

CRIMINAL COURT OF OHIO COUNTY.
AT WHEELING.
T. J. HUGGS, Judge, Wheeling.

Established February 16, 1893. (Acts 1893:7; re-enacted, Acts 1899:27). Term of office of Judge, six years, beginning January 1, 1901. Salary, \$1,800 per year. Terms begin—First Monday in January, March, May, July, September and November.

CRIMINAL COURT OF MERCER COUNTY.
AT PRINCETON.
HUGH G. WOODS, Judge, Princeton.

Established February 23, 1893 (Acts 1893:18). Term of office of Judge, six years, beginning January 1, 1901. Salary, \$1,500 per year. Terms begin—First Monday in January, April, July and October.

CRIMINAL COURT OF CABELL COUNTY.**AT HUNTINGTON.****DAVID E. MATTHEWS, Judge, Huntington.**

Established February 24, 1893 (Acts 1893:28). The term of office of the Judge is six years, beginning January 1, 1901. Salary, \$1,500 per year. Terms begin—First Monday in January, first Monday in April, first Monday in August, and first Monday in November.

CRIMINAL COURT OF McDOWELL COUNTY.**AT WELCH.****L. L. CHAMBERS, Judge, Welch.**

Established February 24, 1893 (Acts 1893:36). The term of office of the Judge is six years, beginning January 1, 1901. Salary, \$1,500 per year. Terms begin—Third Monday in January, April and July, and second Monday in October.

CRIMINAL AND INTERMEDIATE COURT OF MARION COUNTY.**AT FAIRMONT.****U. S. KENDALL, Judge, Fairmont.**

Established February 16, 1893 (Acts 1893:5). The term of office of the Judge is six years, beginning January 1, 1901. Salary, \$1,500 per year. Terms begin—Third Tuesday in January, first Tuesday in May, third Tuesday in August and October.

SHERIFFS AND PROSECUTING ATTORNEYS.

For the term of four years, beginning January 1, 1901.

| COUNTY. | SHERIFF. | PROSECUTING ATTORNEY. | POSTOFFICE ADDRESS. |
|------------------|----------------------------|-------------------------|---------------------|
| Barbour..... | I. C. Woodford, Jr..... | W. T. George..... | Philippi. |
| Berkeley..... | C. L. Stuckey..... | U. S. G. Pitzer..... | Martinsburg. |
| Boone..... | Julian Hill..... | Lilburn Fulton..... | Madison. |
| Braxton..... | George Goad..... | James E. Cutlip..... | Sutton. |
| Brooke..... | John M. Brown..... | W. M. Werkman..... | Wellsburg. |
| Cabell..... | Ira J. J. Harshbarger..... | F. E. Williams..... | Huntington. |
| Calhoun..... | J. S. Jarvis..... | G. W. Hays..... | Grantsville. |
| Clay..... | John A. Sizemore..... | J. E. Springston..... | Clay. |
| Doddridge..... | John B. Maxwell..... | W. R. Brown..... | West Union. |
| Fayette..... | N. Daniel..... | C. W. Osenton..... | Fayetteville. |
| Gilmer..... | Jacob Moore..... | L. H. Barnett..... | Glenville. |
| Grant..... | Isaac Lewis..... | E. L. Judy..... | Petersburg. |
| Greenbrier..... | D. A. Dwyer..... | Henry Gilmer..... | Lewisburg. |
| Hampshire..... | A. L. Pugh..... | Wm. B. Cornwall..... | Romney. |
| Hancock..... | C. F. Allison..... | J. A. McKenzie..... | New Cumberland. |
| Hardy..... | Geo. K. Judy..... | G. W. McCauley..... | Moorefield. |
| Harrison..... | John A. Fleming..... | James E. Law..... | Clarksburg. |
| Jackson..... | D. W. Rhodes..... | W. H. O'Brien..... | Ripley. |
| Jefferson..... | J. Davis Bihmyer..... | Jas. M. Mason, Jr..... | Charles Town. |
| Kanawha..... | John A. Jarrett..... | S. B. Avis..... | Charleston. |
| Lewis..... | Lot Hall..... | J. M. Foster..... | Weston. |
| Lincoln..... | E. E. Adkins..... | John G. Evans..... | Hamlin. |
| Logan..... | S. B. Robertson..... | J. B. Wilkinson..... | Logan. |
| Marion..... | M. A. Jollif..... | Chas. Powell..... | Fairmont. |
| Marshall..... | S. M. Steele..... | T. J. Parsons..... | Moundsville. |
| Mason..... | R. L. Barnett..... | John L. Whitton..... | Point Pleasant. |
| Mercer..... | J. E. T. Sentz..... | J. M. Anderson..... | Princeton. |
| Mineral..... | J. F. Dixon..... | Chas. N. Finnell..... | Keyser. |
| Mingo..... | G. W. Hatfield..... | Hi Williamson..... | Williamson. |
| Moutongalia..... | Greenberry Barrickman..... | Chas. A. Goodwin..... | Morgantown. |
| Monroe..... | J. M. Vance..... | W. H. Copeland..... | Union. |
| Morgan..... | Robert E. Allen..... | Harry W. Bayer..... | Berkeley Springs. |
| McDowell..... | E. T. Sprinkle..... | I. C. Herndon..... | Welch. |
| Nicholas..... | Henry W. Herald..... | T. B. Horan..... | Summersville. |
| Ohio..... | W. W. Irwin..... | Frank Nesbitt..... | Wheeling. |
| Pendleton..... | George W. Davis..... | H. M. Calhoun..... | Franklin. |
| Plensauts..... | B. F. Riggs..... | Robt. E. Bills..... | St. Marys. |
| Pocahontas..... | E. N. Moore..... | T. S. McNeel..... | Marlinton. |
| Praeton..... | J. A. Lenhart..... | Neil J. Fortney..... | Kingwood. |
| Putnam..... | W. P. McAboy..... | Jas. S. Parkins..... | Winfield. |
| Raleigh..... | Harvey Cook..... | T. J. McGinnis..... | Beckley. |
| Randolph..... | F. P. Marshall..... | C. W. Harding..... | Elkins. |
| Ritchie..... | B. F. Hill..... | H. B. Woods..... | Harrisville. |
| Roane..... | A. G. Hinzman..... | J. A. A. Vandale..... | Spencer. |
| Summers..... | Harvey Ewart..... | E. C. Eagle..... | Hinton. |
| Taylor..... | B. F. Sayre..... | Benj. F. Bailey..... | Grafton. |
| Tucker..... | J. B. Jenkins..... | Wm. G. Conley..... | Parsons. |
| Tyler..... | J. W. Grim..... | I. M. Underwood..... | Middlebourne. |
| Upshur..... | A. M. Tenney, Jr..... | W. B. Nutes..... | Buckhannon. |
| Wayno..... | C. Moore..... | John H. Meek..... | Wayno. |
| Webster..... | P. F. Duffy..... | J. M. Hoover..... | Addison. |
| Wetzel..... | Alex Hart..... | E. L. Robinson..... | New Martinsville. |
| Wirt..... | G. W. Roberts..... | F. C. Copen..... | Elizabeth. |
| Wood..... | J. W. Dudley..... | Hunter H. Moss, Jr..... | Parkersburg. |
| Wyoming..... | John Ball..... | Phil. Lambert..... | Oceana. |

CLERKS OF CIRCUIT COURTS.

| COUNTY. | NAME. | P. O. ADDRESS. |
|------------|---------------------|-------------------|
| Barbour | Chas. W. Branden | Philippi. |
| Berkeley | L. DeW. Gerhardt | Martinsburg. |
| Boone | W. W. Smoot | Danville. |
| Braxton | J. H. Lorentz | Sutton. |
| Brooke | W. R. Glass | Wellsburg. |
| Cabell | R. W. McWilliams | Huntington. |
| Calhoun | C. C. Starcher | Grantsville. |
| Clay | H. M. Young | Clay. |
| Doddridge | Jas. O. Wilcox | West Union. |
| Fayette | J. C. Farr | Fayetteville. |
| Gilmer | J. N. Hardman | Glenville. |
| Grant | D. P. Hendrickson | Petersburg. |
| Greenbrier | Jonathan Mays | Lewisburg. |
| Hampshire | V. M. Poling | Romney. |
| Hancock | Frank L. Bradley | New Cumberland. |
| Hardy | C. B. Welton | Moorefield. |
| Harrison | Homer W. Williams | Clarksburg. |
| Jackson | M. C. Archer | Ripley. |
| Jefferson | John M. Daniel | Charles Town. |
| Kanawha | D. M. Shirkey | Charleston. |
| Lewis | Geo. Woofter | Weston. |
| Lincoln | Fulton Commings | Hamlin. |
| Logan | Scott Justice | Logan. |
| Marion | R. B. Parrish | Fairmont. |
| Marshall | C. W. Conner | Moundsville. |
| Mason | A. L. Boggess | Pt. Pleasant. |
| Mercer | W. B. Honaker | Princeton. |
| Mineral | J. V. Bell | Keyser. |
| Mingo | Chas. H. Bronson | Williamson. |
| Monongalia | John Shriver | Morgantown. |
| Monroe | J. D. Beckett | Union. |
| Morgan | Louis Allen, Jr. | Berkeley Springs. |
| McDowell | W. B. Payne | Welch. |
| Nicholas | W. M. Crookshanks | Persinger. |
| Ohio | C. H. Henning | Wheeling. |
| Pendleton | I. E. Bolton | Franklin. |
| Pleasants | R. A. Flesher | St. Marys. |
| Pocahontas | J. H. Patterson | Marlinton. |
| Preston | John W. Watson | Kingwood. |
| Putnam | Jas. H. Hanley | Winfield. |
| Raleigh | Jackson Smith | Beckley. |
| Randolph | G. N. Wilson | Elkins. |
| Ritchie | Harvey E. McGinnis | Harrisville. |
| Roane | S. A. Simmons | Spencer. |
| Summers | W. H. Boude | Hinton. |
| Taylor | J. F. Wilson | Grafton. |
| Tucker | W. K. Pritt | Parsons. |
| Tyler | J. G. Mayfield | Middlebourne. |
| Upshur | A. J. Zickefoose | Buckhannon. |
| Wayne | C. E. Walker | Wayne. |
| Webster | B. C. Conrad | Webster Springs. |
| Wetzel | W. J. Postlethwaite | New Martinsville. |
| Wirt | Walter Hoffman | Elizabeth. |
| Wood | J. G. Hogan | Parkersburg. |
| Wyoming | E. M. Senter | Oceana. |

CLERKS OF COUNTY COURTS.

| COUNTY. | NAME. | P. O. ADDRESS. |
|------------------|--------------------------|-------------------|
| Barbour | Edward H. Compton | Philippi. |
| Berkeley | I. L. Bender | Martinsburg. |
| Boone | J. M. Hopkins | Madison. |
| Braxton | E. W. Hefner | Sutton. |
| Brooke | G. W. McCord | Wellsburg. |
| Cabell | F. F. McCullough | Huntington. |
| Calhoun | S. W. McClung | Grantsville. |
| Clay | James Reed | Clay. |
| Doddridge | W. G. Summers | West Union. |
| Fayette | William Grafton | Fayetteville. |
| Gilmer | J. H. Arbuckle | Glenville. |
| Grant | D. P. Hendrickson | Petersburg. |
| Greenbrier | Chas. B. Buster | Lewisburg. |
| Hampshire | C. W. Haines | Romney. |
| Hancock | Armor S. Cooper | New Cumberland. |
| Hardy | C. B. Welton | Moorefield. |
| Harrison | Chas. F. Holden | Clarksburg. |
| Jackson | G. B. Crow | Ripley. |
| Jefferson | W. F. Alexander | Charles Town. |
| Kanawha | E. W. Staunton | Charleston. |
| Lewis | H. W. Lightburn | Weston. |
| Lincoln | Robert Hager | Hanlin. |
| Loran | I. R. Henderson | Logan. |
| Marion | Geo. M. Jacobs | Fairmont. |
| Marshall | J. K. Chase | Moundsville. |
| Mason | J. P. R. B. Smith | Pt. Pleasant |
| Mercer | Estill Bailey | Princeton. |
| Mineral | J. V. Bell | Keyser. |
| Mingo | James Damron | Williamson. |
| Monongalia | John M. Gregg | Morgantown. |
| Monroe | J. C. McClaugherty | Union. |
| Morgan | Morgan S. Harmison | Berkeley Springs. |
| McDowell | R. B. Bernheim | Welch. |
| Nicholas | Jos. A. Alderson | Summersville. |
| Ohio | Richard Robertson | Wheeling. |
| Pendleton | I. E. Bolton | Franklin. |
| Pleasants | W. C. Dotson | St. Marys. |
| Pocahontas | S. L. Brown | Marlinton. |
| Preston | Geo. A. Walls | Kingwood. |
| Putnam | R. A. Salmon | Winfield. |
| Raleigh | Isadore Meadows | Beckley. |
| Randolph | Leo Crouch | Elkins. |
| Ritchie | W. R. Meservie | Harrisville. |
| Ronne | A. W. Summers | Spencer. |
| Summers | J. M. Meador | Hinton. |
| Taylor | L. Kitzmiller | Grafton. |
| Tucker | S. O. Billings | Parsons. |
| Tyler | J. W. Duty | Middlebourne. |
| Upshur | Eugene Brown | Buckhannon. |
| Wayne | John G. Lambert | Wayne. |
| Webster | P. M. McElwaine | Webster Springs. |
| Wetzel | I. D. Morgan | New Martinsville. |
| Wirt | J. W. Martin | Elizabeth. |
| Wood | Walter E. Stout | Parkersburg. |
| Wyoming | A. M. Stewart | Oceana. |

INDEX.

| | Page. |
|---|-------|
| ABATEMENT: | |
| exceptions for want of jurisdiction, when to be taken by plea in abatement; section 16, chapter 123 of code, amended..... | 80 |
| When such plea shall not be entered..... | 80 |
| How such plea may be verified..... | 80 |
| ACTS AMENDING THE CODE: | |
| chapter 3 of code, section 2, concerning the election of state, county and district officers, judges, senators and delegates..... | 93 |
| chapter 11 of code, sections 1 and 7, concerning salaries of judges, state and other officers..... | 99 |
| chapter 16 of code, section 20, concerning printing the briefs of contents of chapters of the acts..... | 136 |
| chapter 30 of code, section 20, concerning the publication of certain delinquent lists by county courts..... | 121 |
| chapter 32 of code, section 85a added, and sections 86, 87, 88, 89, 90 and 91 amended, concerning charters of incorporation, classification of, for taxation; what are foreign and what domestic; and rate, assessment and collection of license tax on charters of incorporations..... | 51 |
| chapter 39 of code, section 49, concerning annual allowances to county officers by county courts..... | 101 |
| chapter 41 of code, section 54, concerning embezzlement by public collectors and officials..... | 88 |
| chapter 43 of code, sections 35, 36 and 38, concerning public roads, bridges and landings; proceedings for establishing or altering; also for establishing and opening roadways..... | 124 |
| chapter 43 of code, section 4, concerning surveyors of roads..... | 127 |
| chapter 43 of code, section 56a, paragraphs 13, 16 and 17, concerning the alternate road law of 1872-3..... | 123 |
| chapter 45 of code, section 30, concerning teachers and teachers' institutes..... | 103 |
| chapter 45 of code, section 10a, concerning compulsory school attendance..... | 106 |
| chapter 45 of code, sections 27, 28 and 29, concerning the examination and employment of teachers..... | 108 |
| chapter 45 of code, section 82, concerning the appointment and admission of cadets in the University..... | 115 |
| chapter 50 of code, section 34, concerning the service of process and bringing of suits against corporations..... | 79 |
| chapter 53 of code, sections 11 and 56, concerning the corporate name and voluntary dissolution of corporations..... | 51 |
| chapter 54 of code, section 21, concerning the change of name and increase or decrease of capital stock of a corporation..... | 51 |

| ACTS AMENDING THE CODE— <i>Continued.</i> | Page. |
|---|-------|
| chapter 54 of code, sections 17 and 19, concerning the record, publication and official copies of certificates of incorporation..... | 67 |
| chapter 54 of code, section 82, concerning the sale of works and property of a corporation other than a railroad corporation.. | 69 |
| chapter 62 of code, by adding section 20, concerning the protection of the skunk or polecat..... | 137 |
| chapter 62 of code, sections 1, 10, 11 and 17 amended, and section 18 repealed, concerning the protection of certain animals and birds, and also licenses for non-resident hunters..... | 151 |
| chapter 62 of code, section 6, amended, and section 6a added, concerning the preservation of fish..... | 155 |
| chapter 75 of code, section 3, concerning liens of mechanics and material men | 132 |
| chapter 85 of code, sections 4 and 5, concerning the qualification of personal representatives..... | 83 |
| chapter 85 of code, section 10, concerning administrations by sheriffs | 86 |
| chapter 87 of code, section 1, concerning the duty of clerks of courts as to keeping a list of fiduciaries..... | 82 |
| chapter 87 of code, section 25, concerning fiduciary's report and order of court..... | 84 |
| chapter 112 of code, sections 1 and 3, concerning the re-arrangement of judicial circuits..... | 91 |
| chapter 113 of code, section 1, increasing the number of judges of the Supreme Court | 91 |
| chapter 124 of code, section 2, concerning the service of process.. | 81 |
| chapter 125 of code, section 16, concerning rules and pleading.... | 80 |
| chapter 132 of code, section 1, concerning decree or order for sale of property..... | 85 |
| chapter 145 of code, sections 19 and 22, concerning embezzlement by officers, clerks, agents, servants and personal representatives.. | 89 |
| chapter 163 of code, concerning the penitentiary..... | 138 |
| ACTS OF THE LEGISLATURE : | |
| appropriation for distribution of | 17 |
| ACTS OF THE LEGISLATURE, AMENDED : | |
| 1887, chapter 14, section 1, defining the corporate boundaries of the city of Wellsburg..... | 253 |
| 1889, chapter 1, section 11, concerning the Independent school district of Huntington..... | 289 |
| 1893, chapter 28, section 8, changing the times for holding terms of the criminal court of Cabell county..... | 166 |
| 1895, chapter 58, section 25, authorizing the reassessment of the real estate of the city of Charleston for taxation for municipal purposes | 176 |
| 1897, chapter 6, sections 4 and 6, concerning the state geological and economic survey..... | 162 |
| 1897, chapter 7, sections 1 and 6, changing the name of the Asylum for Incurables, and other provisions relating thereto.. | 118 |
| 1897, chapter 26, concerning the West Virginia Reform School.... | 116 |
| 1897, chapter 101, sections 9 and 11, amending the charter of the city of Clarksburg..... | 262 |
| 1899, chapter 4, sections 31 and 34, concerning the charter of the city of Sistersville..... | 260 |
| 1899, chapter 30, concerning the charter of the city of Moundsville, | 230 |

| ACTS OF THE LEGISLATURE, AMENDED— <i>Continued.</i> | Page. |
|--|--------|
| 1899, chapter 44, sections 2, 3 and 4, concerning the charter of the city of Grafton and abolishing the charter of the town of Fetterman | 181 |
| 1899, chapter 46, concerning the independent school district of Grafton, and abolishing the independent school district of Fetterman | 273 |
| 1899, chapter 57, section 5, concerning Miners' hospitals,..... | 163 |
| 1901, chapter 33, sections 2, 3, 4 and 8, concerning the San Jose Scale and other dangerous insects..... | 153 |
| 1901, chapter 85, concerning the incorporation and regulation of title and trust companies..... | 70 |
| 1901, chapter 92, section 1 amended, and sections 13 and 14 added, concerning toll roads and turnpikes..... | 122 |
| 1901, chapter 149, concerning the charter of the city of Wellsburg, | 255 |
| 1901, chapter 150, section 41, concerning the charter of the city of Huntington | 263 |
| ACT OF THE LEGISLATURE, REPEALED: | |
| 1901, section 13 of chapter 140, abolishing the preparatory department of the University..... | 184 |
| ADDISON: | |
| Name of, in Webster county, changed to "Webster Springs"..... | 166 |
| ADJUTANT GENERAL: | |
| appropriations to pay salary of..... | 48 49 |
| appropriations for contingent expenses of..... | 17 39 |
| ADMINISTRATIONS BY SHERIFFS: | |
| when estate of decedent may be committed to sheriff, (code amended)..... | 86 87 |
| to make written report of administration, and when..... | 87 |
| failure to make such report or final settlement; penalty for..... | 87 |
| ADMINISTRATORS: | |
| what court has jurisdiction to appoint administrator of an intestate who has preference in such appointment..... | 83 |
| when some one other than a distributee may be appointed..... | 83 |
| proviso as to a non-resident administrator or executor—code amended | 83 |
| bond and oath of administrator of intestate..... | 83 |
| affidavit such administrator must file, and when—code amended.. | 83 |
| what such affidavit must show..... | 83 |
| recording of such affidavit by clerk: how..... | 83 |
| effect of such affidavit as evidence..... | 83 84 |
| limit, when such affidavit may be required..... | 84 |
| no other oath or affidavit shall be required of such administrator.. | 84 |
| when grant of administration may be set aside at the instance of a distributee, and new administrator appointed..... | 84 |
| willfully refusing to return inventory of property or refusing to produce property coming into his hands, etc.; penalty—section 22, chapter 145 of code amended..... | 90, 91 |
| ADVISORY BOARD OF PARDONS: | |
| appropriations for | 16 38 |
| AGENTS: | |
| governor authorized to appoint agents to collect moneys due this state from the government of the United States..... | 300 |

| | |
|---|---------------|
| AGRICULTURE, STATE BOARD OF | |
| appropriations for | 12 34 |
| secretary of state directed to furnish 10,000 copies of the bills submitted to the legislature by the state tax commission..... | 313, 314 |
| duty of, as to such copies..... | 314 |
| ALLOWANCES TO COUNTY OFFICERS: | |
| by county courts..... | 101, 102, 103 |
| ALTERNATE ROAD LAW: | |
| of 1872-3; paragraphs 13, 16 and 17 of section 56a, chapter 43, code, amended | 128 |
| surveyor to ascertain and report amount necessary to keep in repair roads in his precinct one year. | 128, 129 |
| contracts to be approved by the court..... | 129 |
| approval of contracts to be entered by clerk..... | 129 |
| county court may order new contracts..... | 129 |
| how county court to provide for maintaining the roads..... | 129 |
| surveyor may reject bids, with consent of the court..... | 129 |
| county court to furnish county engineer and district surveyors with necessary stationery, etc..... | 129 |
| surveyor and engineer to keep itemized accounts..... | 129 |
| compensation of surveyor and engineer..... | 129, 130 |
| how such compensation paid..... | 130 |
| AMENDMENTS TO CODE: | |
| (See "Code amended.") | |
| ANIMALS: | |
| act relating to the protection of the skunk or polecat..... | 137 |
| unlawful to kill deer at certain times, and chasing with dogs prohibited, section 1..... | 151 |
| other provisions in relation to deer..... | 151, 152 |
| fawn in its spotted coat, protected—section 1..... | 151 |
| penalty for violation..... | 152 |
| justice to have concurrent jurisdiction, etc..... | 152 |
| unlawful to kill any squirrel, rabbit or hare at certain times; exception as to resident land owner on his own land, section 11.. | 153 |
| penalty for violation..... | 153 |
| duties of certain officers as to violations of game laws..... | 153 |
| ANNEX, CAPITOL: | |
| appropriation for deficiencies | 19, 20 |
| appropriation for completion of..... | 20 |
| ANNEX EMPLOYES: | |
| appropriations to pay salaries of | 38, 39 |
| APPROPRIATIONS: | |
| <i>To Pay General Charges.</i> | |
| for the penitentiary | 1, 2 |
| for criminal charges | 2, 26 |
| for lunatics in jail..... | 2, 27 |
| for historical society | 2 |
| for support of state normal school and branches..... | 2, 27 |
| for Marshall college | 2, 3, 27 |
| for West Liberty normal school..... | 3, 27 |

| APPROPRIATIONS—Continued. | Page. |
|--|--------------|
| for Concord normal school | 3, 27, 28 |
| for Shepherd college normal school..... | 3, 4, 28 |
| for Fairmont normal school | 4, 28 |
| for Glenville normal school..... | 4, 5, 29 |
| for West Virginia schools for the deaf and the blind..... | 5, 29 |
| for the university | 5, 6, 29, 30 |
| for the preparatory branch of the University at Montgomery.... | 6, 30 |
| for the preparatory branch of the University at Keyser..... | 7, 30 |
| for the West Virginia reform school..... | 7, 8, 30, 31 |
| for the West Virginia colored institute..... | 8, 9, 31, 32 |
| for the West Virginia colored orphans' home and industrial school | 9, 32 |
| for the Bluefield colored institute..... | 9, 10, 32 |
| for Storer college | 10, 32 |
| for the West Virginia industrial home for girls..... | 10, 32, 33 |
| for the West Virginia asylum at Huntington..... | 10, 11, 33 |
| for the hospital for the insane at Weston..... | 11, 33, 34 |
| for the Second hospital for the insane..... | 11, 12, 34 |
| for the bureau of labor. (salary, etc.)..... | 12, 33 |
| for miners' hospital No. 1..... | 12, 34 |
| for miners' hospital No. 2..... | 12, 34 |
| for miners' hospital No. 3..... | 12, 34 |
| for State board of agriculture | 12, 34 |
| for extermination of San Jose scale and other insects, etc..... | 12, 35 |
| for commissioner of banking. (salary, etc.)..... | 13, 35 |
| for inspectors of mines. (salaries, etc.)..... | 13, 35 |
| for State board of health (expenses)..... | 13, 35 |
| for commissioners of pharmacy | 13, 35 |
| for vaccine agents | 13, 35 |
| for institute instructors | 13, 14, 36 |
| for state library | 14, 36 |
| for insurance | 14, 36 |
| for pay of state agents..... | 14, 36, 37 |
| for refunding moneys erroneously paid into treasury..... | 15, 37 |
| for distribution of general school fund..... | 15, 37 |
| for pay of county superintendents of free schools..... | 15, 37 |
| for refunding county, district and municipal taxes..... | 15, 37 |
| for overpaid taxes | 15, 37 |
| for erroneous assessments | 15, 37 |
| for delinquent taxes | 16, 38 |
| for game and fish warden (salary, etc.)..... | 16, 38 |
| for the advisory board of pardons..... | 16, 38 |
| for the West Virginia humane society..... | 16, 38 |
| for the State geological and economic survey..... | 16, 38 |
| for the civil contingent fund..... | 16, 38 |
| for contingent expenses of auditor..... | 16, 39 |
| for contingent expenses of treasurer..... | 16, 39 |
| for contingent expenses of attorney general..... | 16, 39 |
| for contingent expenses of superintendent of free schools..... | 16, 17, 39 |
| for purchase of books for office of such superintendent..... | 17, 39 |
| for traveling expenses, etc. of such superintendent..... | 17, 39 |
| for contingent expenses of secretary of state..... | 17, 39 |
| for contingent expenses of adjutant general..... | 17, 39 |
| for distribution of acts and journals..... | 17 |
| for contingent expenses of state librarian's office..... | 17, 39 |
| what account to be rendered to the legislature by officers expending | |
| same | 17, 39 |
| for contingent legislative expenses of senate and house..... | 17 |
| for salary of governor's private secretary, and other clerk hire.... | 17, 39 |

| APPROPRIATIONS— <i>Continued.</i> | Page. |
|---|------------------------|
| for salaries of clerks in office of secretary of state..... | 17, 39, 40 |
| for salary of stenographer in office of secretary of state..... | 17, 40 |
| for salaries of clerks in treasurer's office..... | 18, 40 |
| for salaries of clerks and stenographer in auditor's office..... | 18, 40 |
| for salaries of assistant, and stenographer, in attorney general's office | 18, 40 |
| for other clerk hire and proof reading in attorney general's office.. | 18, 40 |
| for salaries of clerks in office of state superintendent of free schools | 18, 40 |
| for salaries of assistant clerks of supreme court of appeals..... | 18, 40 |
| for contingent expenses of supreme court..... | 18, 40 |
| for stenographers for supreme court..... | 18, 40 |
| for printing and binding supreme court reports..... | 18, 40 |
| to pay crier, messenger and janitors of supreme court..... | 18 |
| for stenographer for clerk of supreme court..... | 18, 40 |
| for furnishing office for fifth judge of supreme court..... | 18 |
| for the militia..... | 19, 40, 41 |
| for capitol building and grounds..... | 19, 41 |
| for new street paving about state's property, at Charleston..... | 19 |
| for governor's mansion and grounds..... | 18, 41 |
| for purchase of additional lot for governor's mansion..... | 19, 41 |
| for printing, binding and stationery..... | 19, 41 |
| for salary of assistant to superintendent of public printing..... | 41 |
| for balance due on capitol annex..... | 19, 20 |
| for completing, furnishing, etc., capitol annex..... | 20 |
| for the national guard, (amount borrowed and used for)..... | 20 |
| for publishing proclamations as to writs of election..... | 20 |
| for publishing constitutional amendments, etc..... | 20 |
| for insurance on hospital at Weston..... | 20 |
| for printing supreme court reports..... | 20, 21 |
| for exhibit at Louisiana Purchase Exposition..... | 21 |
| for payment of sundry individual claims..... | 21, 22, 23, 24, 25, 26 |
| for reprinting supreme court reports..... | 26 |
| for state house engineer, electrician, watchman, fireman, sweepers, and messenger boy..... | 38 |
| for salaries of annex employes..... | 38, 39 |
| how money for public institutions to be drawn, sec. 3..... | 41 |
| compensation to be paid regents and directors of public institutions; report to be made of same—sec. 4..... | 42 |
| no part of moneys appropriated shall be paid to any person for advocating appropriations—sec. 4..... | 42 |
| stationery, printing, binding, etc., for public institutions, boards, etc., out of what funds paid—sec. 5..... | 42, 43 |
| stationery, printing, etc., for the adjutant general's office and for the militia, and school department, out of what funds paid— sec. 5..... | 42 |
| no money to be paid beyond appropriations, unless, etc., sec. 6.... | 43 |
| what payments auditor authorized to make after expiration of fiscal year ending September 30, 1904—sec. 6..... | 43, 44 |
| appropriation for such payments—sec. 6..... | 44 |
| arrears for taxes, etc., what entries auditor authorized to make on his books—sec. 7..... | 44 |
| compensation allowed for collecting unpaid taxes, licenses and fines —sec. 7..... | 44 |
| auditing and examining of accounts, books, etc., by the auditor, of public institutions, boards, etc., and for what purpose—sec. 8.. | 44, 45 |
| duty of persons in control of such books, accounts, etc.—sec. 8.. | 45 |
| report to be made by auditor relating to such examinations—sec. 8. | 45 |
| expenses of such examinations, appropriations, for,—sec. 8..... | 45 |

| APPROPRIATIONS—Continued. | Page. |
|---|--------|
| superintendents of public institutions to furnish directors or regents certain accounts—sec. 9..... | 45 |
| such accounts to be included in reports—sec. 9..... | 45 |
| what statement to accompany each warrant on auditor—sec. 9.... | 45 |
| disbursing officers of contingent funds required to furnish itemized accounts of disbursements to the legislature—sec. 9..... | 45 |
| what facts must be certified by boards issuing requisitions upon the auditor—sec. 10 | 45, 46 |
| auditor not to pay unless, etc.—sec. 10..... | 46 |

To Pay Members and Officers, Etc., of the Legislature.

| | |
|---|--------|
| to pay <i>per diem</i> and mileage of members of the senate..... | 46 |
| to pay <i>per diem</i> of officers and attaches of senate..... | 47 |
| to pay for swearing in members of senate..... | 47 |
| to pay mileage and <i>per diem</i> of members of the house of delegates.. | 47 |
| to pay <i>per diem</i> of the officers and attaches of house of delegates.. | 47, 48 |

Executive Department.

| | |
|--|--------|
| to pay salary of governor | 48, 49 |
| to pay salary of auditor..... | 48, 49 |
| to pay salary of treasurer..... | 48, 49 |
| to pay salary of secretary of state..... | 48, 49 |
| to pay salary of attorney general..... | 48, 49 |
| to pay salary of superintendent of free schools..... | 48, 49 |
| to pay salary of adjutant general..... | 48, 49 |
| to pay salary of state librarian | 48, 49 |
| to pay salary of janitor..... | 48, 49 |

Judicial Department.

| | |
|---|--------|
| to pay salaries of judges of supreme court..... | 48, 49 |
| to pay salaries of judges of circuit courts..... | 48, 49 |
| to pay compensation of special judges of circuit courts..... | 48, 49 |
| to pay salaries of judges of criminal and intermediate courts.... | 48, 49 |
| to pay compensation of special judges of criminal courts..... | 48, 49 |
| to pay mileage of judges of supreme court..... | 48, 49 |
| to pay mileage of judges of circuit courts..... | 48, 50 |
| to pay salary of clerk of the supreme court..... | 48, 50 |

Keeper of the Rolls.

| | |
|--|--------|
| to pay salary of..... | 49, 50 |
| when and how auditor to pay appropriations for salaries, section 3 | 50 |
| no money to be drawn beyond appropriations, unless, etc., section 3 | 50 |
| but auditor may pay certain salaries in advance of appropriations therefor, to what extent, section 3..... | 50 |

Additional Appropriations.

| | |
|--|----|
| to pay costs of publication by auditor of list of corporations delinquent for non-payment of license tax..... | 59 |
| to defray cost of suit or suits authorized by chapter 4—section 6 | 67 |
| to pay for extra clerical services, etc., in office of auditor and secretary of state, required under the provisions of chapter 4—section 6..... | 67 |

| APPROPRIATIONS— <i>Continued.</i> | Page. |
|---|----------------|
| for support of county institutes, amended section 30 of chapter 45 of code | 106 |
| for additional clerical work, etc., in office of state superintendent of schools demanded by requirements of act relating to the examination of teachers, section 3..... | 109 |
| | |
| ARMORED CRUISER "WEST VIRGINIA": | |
| resolution requesting the governor to appoint Katharine V. White to christen..... | 311 |
| | |
| ARMORY: | |
| appropriations for salary of keeper of..... | 19, 41 |
| | |
| ASSESSMENTS, ERRONEOUS: | |
| appropriations for refunding | 15, 37 |
| | |
| ASYLUM FOR INCURABLES: | |
| sections 1 and 6, chapter 7, of acts of 1897, amended..... | 118 |
| name changed from "The West Virginia Asylum for Incurables" to "The West Virginia Asylum,"..... | 118 |
| persons who may be admitted as patients, sec. 6..... | 118 |
| how admittance obtained | 118 |
| how patients transferred | 119 |
| | |
| ASYLUM, INSANE AT SPENCER: | |
| board of directors of, authorized to allow the town of Spencer to attach water mains to the water works of the hospital to be used in case of fire..... | 172 |
| compensation, how to be fixed..... | 172 |
| | |
| ASYLUMS: | |
| appropriations for, for the insane..... | 11, 12, 33, 34 |
| appropriations for the asylum at Huntington..... | 10, 11, 33 |
| | |
| ATTORNEY GENERAL: | |
| appropriations to pay salary of..... | 48, 49 |
| appropriations to pay contingent expenses of..... | 16, 39 |
| appropriations to pay salary of assistant in office of..... | 18, 40 |
| appropriations for stenographer, etc., in office of..... | 18, 40 |
| to institute proceedings to have charter of any resident corporation declared forfeited that makes falsely the affidavit required.... | 54 |
| to institute suits or proceedings in chancery against delinquent corporations to collect license taxes due and penalties; when.... | 59 |
| may collect amount of judgment or decree entered against any such delinquent corporation | 60 |
| provisions respecting such suits or proceedings..... | 59-62 |
| fee of, to be included in costs and taxes..... | 61 |
| may mail copy of order of publication to each defendant corporation authorized to bring suit or suits in chancery to forfeit the charters or privileges of certain corporations delinquent in the matter of payment of license tax, or in failing to comply with any other provision of law, (special act)..... | 65, 66 |
| provisions respecting such suits..... | 65, 67 |
| appropriation to defray expenses of such suits..... | 67 |
| when elected | 93 |
| salary to be received by..... | 100 |

AUDITOR, STATE:

| | |
|---|----------------|
| appropriations to pay salary of..... | 48, 40 |
| appropriations to pay contingent expenses of..... | 16, 39 |
| appropriations for salaries of clerks and stenographer in office of.. | 18, 40 |
| may pay certain salaries in advance of appropriations therefor; when and to what extent, sec. 3..... | 50 |
| duty of, as to investigating and approving certain claims for pay- ment | 29 |
| duties of, in making payments authorized by the general appropria- tion act—sections 3, 4, 5, 9 and 10..... | 41-40 |
| payments authorized to be made by, after expiration of fiscal year ending September 30, 1904, section 6..... | 43, 44 |
| authorized to make what entries on his books respecting taxes, licenses and fines due from sheriffs; collection of such arrear- ages, section 7 | 44 |
| authorized to audit and examine the accounts, receipts and dis- bursements, books, etc., of public institutions, boards, etc; and for what purpose, section 8..... | 44, 45 |
| authorized to appoint a state agent to investigate violations of laws imposing license taxes on corporations, etc. | 52 |
| also for the collection of taxes from corporations delinquent in payment of license tax..... | 52 |
| what notice auditor to mail to such delinquent corporations, and when | 52, 53 |
| when to collect license tax on corporations..... | 53, 54, 55, 56 |
| duty of, if resident corporation make falsely the required affidavit annual report to be made to, by each foreign corporation transact- ing business in this state, and what to set out..... | 56 |
| to lay such report before board of public works..... | 56 |
| to notify foreign corporations of amount of license tax assessed and fixed by board of public works..... | 57 |
| annual notice to be given by, to every corporation liable to the license tax imposed on charters..... | 58 |
| when and how such notice sent..... | 58 |
| if a mistake be made in the amount of such tax, what then..... | 58 |
| statement delivered to, by domestic corporation and what to show publication by, of list of corporations falling to pay license tax or any part thereof | 59 |
| cost of such publication, how paid..... | 59 |
| list of such delinquent corporations to be certified by, to the gover- nor and secretary of state..... | 59 |
| may collect amount of judgment or decree entered against delin- quent corporation | 60 |
| what statement to be annually made to, by corporations exempt from the payment of license tax..... | 62 |
| list to be made by, and certified to the secretary of state, on or before November 1, 1903, of certain corporations delinquent in the matter of payment of license tax, or in failing to com- ply with any other provision of law. (Special act) section 1.. | 65 |
| in such list resident, non-resident and foreign corporations shall be separated, section 1..... | 65 |
| to furnish other information, if necessary, to the attorney general, section 1 | 65 |
| appropriation for extra clerical services, etc, required under this act, section 6..... | 67 |
| copy of every decree, order or judgment reinstating any corporation, or forfeiting its charter or privileges, to be furnished to, by clerk of court, section 7..... | 67 |
| when and what publication to be made by, respecting title and trust companies, section 6..... | 73 |

| | Page. |
|--|----------|
| AUDITOR, STATE—Continued. | |
| what deposit to be made with, by surety, guaranty, bonding and insurance companies, section 4..... | 76, 77 |
| to publish an advertisement respecting surety, guaranty, bonding and insurance companies, when, how and what to set forth, section 6 | 78 |
| all companies engaged in any of the classes of insurance permitted in clause 9 of section 1 of chapter 8 shall be subjected to examination by the auditor, section 7..... | 78 |
| when elected | 93 |
| salary to be received by..... | 99 |
| what money to be remitted to, by county superintendents of schools section 30 | 105 |
| what fees county superintendent of schools required to remit to the auditor, section 11..... | 112 |
| authorized to pay mileage and <i>per diem</i> of members of the legislature and <i>per diem</i> of officers and attaches in advance of appropriations therefor | 299 |
| instructed to examine into erroneous assessments claimed by estate of Eugene Baker, deceased, late sheriff of Jefferson county.. | 307 |
| duties of, under the resolution (J. R. No. 15) providing for the payment out of "the school fund" to the credit of "the general school fund," the excess over and above \$1,000,000 in the treasury | 308 |
| authorized to pay mileage of special joint committee appointed to wait upon representatives in Congress, relative to the improvement of the Ohio and Little Kauawha rivers..... | 310 |
| AUGUSTA COUNTY: | |
| resolution authorizing survey of Marlon, Monongalia and Wetzel counties, to ascertain if there is enough area in those counties to justify the formation of the proposed new county..... | 311, 312 |
| AUSTIN, JOHN P.: | |
| appropriation to pay..... | 25 |
| BAKER, EUGENE: | |
| resolution to relieve the estate of. from erroneous assessments, etc. | 307 |
| BANK COMMISSIONER, STATE: | |
| appropriations for | 13, 25 |
| title and trust companies subject to examination by, section 8.... | 73 |
| BANKING: | |
| no company engaged in the business of, shall be accepted as surety on any bond, etc., required in any court, or become surety for any individual, firm, corporation, etc., except as provided in section 1 of chapter 7—section 7..... | 73 |
| no title insurance or fidelity insurance company, etc., shall receive money on deposit, section 5..... | 77, 78 |
| BARLOCK TYPEWRITER AGENCY: | |
| appropriation for..... | 22 |
| BARR, W. B.: | |
| appropriation to pay..... | 23 |
| BENTLEY & GERWIG FURNITURE COMPANY: | |
| appropriation to pay..... | 23 |

BINDING, PRINTING AND STATIONERY:

| | |
|--|--------|
| appropriations for | 19, 41 |
| all printing, binding and stationery for use of state superintendent of free schools, to be paid out of general school fund..... | 42 |
| all printing, binding and stationery for the adjutant general, and the militia, to be paid out of appropriations for the militia.. | 42 |
| what institutions, boards, etc., to pay for all printing, binding and stationery, out of the expense or contingent expense funds appropriated to such institutions, etc..... | 42, 43 |

BIRDS:

| | |
|---|----------|
| unlawful at any time to catch, kill or injure, or to pursue with any such intent, certain birds, other than game birds, section 10, chapter 62 of code amended..... | 152 |
| unlawful to have in possession, either dead or alive, any such bird, etc., section 10 | 152 |
| nests and eggs of such birds protected, section 10..... | 152 |
| English sparrows not protected, section 10..... | 152 |
| penalty for violating any provision of this section, section 10.... | 152 |
| protection of certain game birds during certain periods of the year, section 11, chapter 62 of code, amended..... | 152, 153 |
| penalty for violation, section 11..... | 153 |
| duties of certain officers as to unlawful possession of or vending game birds, section 11..... | 153 |
| penalty on such officers for failure to prosecute offenders, section 11 | 153, 154 |

BLACK-KNOT:

| | |
|---|---------|
| act to suppress and eradicate, and other dangerously contagious diseases affecting trees, shrubs, vines and plants..... | 158-162 |
|---|---------|

BLIND AND DEAF SCHOOLS:

| | |
|--------------------------|-------|
| appropriations for | 5, 29 |
|--------------------------|-------|

BLUEFIELD COLORED INSTITUTE:

| | |
|--------------------------|-----------|
| appropriations for | 9, 10, 32 |
|--------------------------|-----------|

BLUEFIELD INDEPENDENT SCHOOL DISTRICT:

| | |
|---|------------|
| establishment of, authorized..... | 287 to 289 |
| limits of proposed district, sec. 1..... | 287 |
| election to be held to determine the establishment of; when..... | 287 |
| board of education to consist of five members, section 2..... | 287 |
| powers of board | 287 |
| when board to be elected; terms of members..... | 287, 288 |
| board to be a corporation; corporate name, section 3..... | 288 |
| corporate powers of board..... | 288 |
| polling places to be established by board, section 4..... | 288 |
| board to organize by electing president and secretary, section 5.... | 288 |
| compensation of secretary..... | 288 |
| school books to be used, section 6..... | 288 |
| free text books may be provided for indigent pupils..... | 288 |
| board to determine length of school term, section 7..... | 288 |
| election to determine the question of the establishment of the district, and for members of the board, provisions concerning, section 8 | 288, 289 |

BOARD OF AGRICULTURE:

| | |
|---|----------|
| appropriations for | 12, 34 |
| secretary of state directed to furnish to, 10,000 copies of the bills submitted to the legislature by the state tax commission..... | 313, 314 |
| duty of, as to such copies..... | 314 |

| | |
|---|----------|
| BOARD OF PARDONS: | |
| appropriations for | 16, 38 |
| BOARD OF PUBLIC WORKS: | |
| to approve insurance on public buildings..... | 14, 36 |
| duty of, as to investigating and approving certain claims for pay- ment | 26 |
| duty of, respecting reprinting of certain volumes of supreme court reports | 26 |
| authorized to allow necessary amount for proof reading, etc., supreme court reports | 26 |
| any corporation feeling aggrieved at the assessment of its license tax by the auditor may apply to, for relief, 85a..... | 52 |
| authorized to consider such application, section 85a..... | 52 |
| may also consider cases of insolvency or distress of any corporation, or any case involving corporation license tax, section 85a.... | 52 |
| may fix amount to be paid by such corporation in full discharge of the amount due, including penalties, section 85a..... | 52 |
| order of, giving such relief to be entered of record and a copy cer- tified to the auditor, section 85a..... | 52 |
| to assess and fix license tax on foreign corporations; when and how, section 88, of chapter 32, of Code, amended..... | 56, 57 |
| may require additional information before assessing and fixing such tax, amended section 88..... | 57 |
| may prescribe and fix the proportion of costs to be paid by any defendant corporation, when, section 5..... | 67 |
| bonds placed on deposit with the auditor, as security by surety, guaranty, bonding and insurance companies to be approved by, section 4 | 76, 77 |
| to investigate from time to time all such deposits, and require addi- tional security to be deposited; when, section 4..... | 77 |
| may order investigation of matters concerning the penitentiary, sec- tion 19 | 143 |
| how such investigation to be conducted..... | 143, 144 |
| BOARD OF REGENTS OF NORMAL SCHOOLS: | |
| appropriations for | 2; 27 |
| resolution authorizing, to sell the property known as the Fairmont State normal school | 314 |
| BOARDS OF EDUCATION, COUNTY: | |
| to receive certain reports from teachers..... | 103, 104 |
| to make certain reports..... | 104 |
| register kept by teachers to be filed with secretaries of..... | 104 |
| to appoint truant officers, and when, code amended..... | 107 |
| shall pay salaries of such officers, and when..... | 107, 108 |
| if any member of board be employed as teacher, it shall vacate his office, section 10..... | 112 |
| presidents of, to appoint two members of board to examine teachers; when and how, section 11..... | 112 |
| vacancies in board of examiners, how filled, section 11..... | 112 |
| authorized to purchase free text-books for pupils; provisions relat- ing to | 113, 114 |
| authorized to hold special elections for the purpose of laying levies; when | 114 |
| BOGGS, H. L.: | |
| appropriation to pay..... | 26 |

| | |
|---|----------|
| BONDING, SURETY, GUARANTY AND INSURANCE COMPANIES: | |
| act to incorporate and regulate..... | 74 to 70 |
| (See "Surety, Guaranty, &c., Companies.") | |
| BONDS: | |
| town of Ronceverte authorized to issue additional bonds for water works and sewer purposes..... | 168, 169 |
| Kanawha county authorized to issue bonds to fund its indebtedness..... | 170 |
| city of Grafton authorized to increase bonded indebtedness..... | 170 |
| board of education of Clarksburg school district empowered to issue bonds, for what | 277 |
| BOWYER, C. C.: | |
| appropriation to pay | 25 |
| BRANT OR WILD GOOSE: | |
| (see title, "wild goose or brant"), section 11..... | 153 |
| BRAZIE, W. A.: | |
| appropriation to pay..... | 26 |
| BROWN, JACKSON & KNIGHT: | |
| appropriation to pay..... | 22 |
| BUREAU OF LABOR: | |
| appropriations for | 12, 33 |
| BURLEW, N. S.: | |
| appropriation to pay..... | 24 |
| CABELL COUNTY CRIMINAL COURT: | |
| section S. chapter 28, acts of 1893. fixing times for holding terms of, amended | 166 |
| when and where such court to be held..... | 168 |
| CADETS AT UNIVERSITY: | |
| section S2. chapter 45, code. relating to appointment of, amended | 115 |
| number of cadets to be appointed | 115 |
| who to appoint..... | 115, 116 |
| qualifications of cadets..... | 116 |
| term of service..... | 116 |
| CAPITAL STOCK: | |
| of corporations; increase or decrease of, and how..... | 64 |
| CAPITOL ANNEX: | |
| appropriation for deficiencies | 10, 20 |
| appropriation for completion of..... | 20 |
| CAPITOL BUILDING AND GROUNDS: | |
| appropriations for water..... | 19, 41 |
| appropriations for lighting and heating..... | 19, 41 |
| appropriations for repairs and contingent expenses..... | 10, 41 |
| appropriation for cleaning, renovating and painting interior of the capitol building | 19 |
| appropriation for heating and lighting deficiency..... | 19 |
| appropriation for fuel deficiency..... | 19 |
| appropriation for new street paving about state's property, deficiency | 19 |

CAPON SPRINGS:

| | |
|---|-----|
| resolution raising joint committee to investigate the state's ownership of property at..... | 313 |
| such committee to report to the next session of the legislature..... | 313 |

CENTRAL CITY INDEPENDENT SCHOOL DISTRICT:

| | |
|--|------------|
| establishment of, authorized | 290 to 298 |
| boundary lines of proposed district defined, section 1..... | 291 |
| name of district..... | 291 |
| election of commissioners; when and how, section 2..... | 291 |
| terms of commissioners..... | 291 |
| what ballot to designate..... | 291 |
| commissioners to constitute board of education..... | 291 |
| name of board | 291 |
| annual election of commissioners and when, section 3..... | 291 |
| where such election to be held..... | 291 |
| vacancy in office of commissioner, how filled, section 4..... | 291 |
| board to elect president and secretary, section 5..... | 291, 292 |
| vote of president of board..... | 292 |
| secretary, duties and compensation of, section 6..... | 292 |
| stated meetings of board, when and where to be held, section 7.... | 292 |
| three members of board necessary to constitute quorum..... | 292 |
| concurrence of three members of board required to elect superintendent or teachers..... | 292 |
| compensation of members of board..... | 292 |
| board to be a corporation, section 8..... | 292 |
| general corporate powers of board..... | 292, 293 |
| general powers of the board of education, respecting schools within the district, section 9..... | 293 |
| board to regulate admission and exclusion of pupils..... | 293 |
| board to prescribe branches to be taught..... | 293 |
| what pupils may enter the high school..... | 293 |
| what pupils may enter schools of the district, section 11..... | 293 |
| colored children; schools to be established for, section 12..... | 293, 294 |
| provisions as to how money shall be paid out by the sheriff, section 13 | 294 |
| annual settlement to be made by sheriff with board of education, section 14 | 294 |
| compensation of sheriff for collecting and disbursing funds..... | 294 |
| sheriff to account to board for moneys paid out for school purposes, section 15 | 294 |
| penalty on sheriff for failure to make such settlement, section 16.. | 294 |
| superintendent of schools; how appointed; salary of, section 17.... | 294, 295 |
| to perform such duties as the board may prescribe..... | 294 |
| provisions as to his removal..... | 294, 295 |
| vacancy in office of superintendent, how filled..... | 295 |
| his report to board..... | 295 |
| not to receive any gift, emolument or reward for influence, etc.... | 295 |
| examining committee; how appointed, section 18..... | 295 |
| duty of examining committee..... | 295 |
| provisions as to teachers' certificates..... | 295 |
| times and places of meetings of examiners..... | 295 |
| compensation of examiners..... | 295 |
| teachers to be subject to rules and regulations adopted by board, section 19 | 295, 296 |
| teachers may be removed by board; causes for removal..... | 296 |
| teachers to be appointed by board, sec. 20..... | 296 |
| teachers' salaries to be fixed by board..... | 296 |
| teachers required to have certificate | 296 |

| | |
|---|--------------|
| CENTRAL CITY INDEPENDENT SCHOOL DISTRICT—Continued. | Page. |
| board to provide suitable school houses, furniture, etc., section 21 | 296 |
| board to lay levy, for "building fund," | 296 |
| how proceeds of such levy to be used, | 296 |
| board to lay levy for "teachers' fund;" how proceeds to be used, | |
| section 22 | 206, 297 |
| public library; levy for the support and maintenance of, | 297 |
| board may be compelled to lay levies, by mandamus, | 297 |
| collection of school assessments; limit to expenses to be incurred, | |
| section 23 | 297 |
| penalty for injury to school property, section 24, | 297 |
| if injury done by a minor, parent or guardian liable, section 25, | 297 |
| how such offence prosecuted; duty of board, | 297 |
| what action by the people required, and when, to establish school district, section 26, | 297 |
| provisions concerning election to determine establishment of district, | |
| section 27 | 297, 298 |
| inconsistent provisions of the general school law void within the district, section 28, | 298 |
| | |
| CERTIFICATES: | |
| of incorporation; recording, publication and distribution of, | 68 |
| effect of such certificates as evidence when certified and published (See "Corporations.") | 68 |
| | |
| CHARLESTON, CITY OF: | |
| section 25, chapter 58, acts of 1895, in relation to charter of, amended | 176 to 179 |
| council to appoint three commissioners to revalue and reassess real estate, for purposes of municipal taxation, section 25, | 176 |
| when such commissioners to be appointed, | 176 |
| their qualifications, oath and bond, | 176, 177 |
| commissioners to assess value of real estate, when, | 177 |
| owner of real estate or his agent may be examined under oath, | 177 |
| what return to be made by commissioners, | 177 |
| compensation of commissioners, | 177 |
| council to advertise completion of assessment, | 177 |
| board of equalization to be appointed, | 177 |
| when such board to sit, | 177 |
| duties of such board, | 177, 178 |
| advertisement to give notice of time of sitting of board, | 178 |
| city solicitor to represent city before said board, | 178 |
| board to have authority to summon witnesses, | 178 |
| appeal from decision of such board to circuit court, | 178 |
| limitation as to time within which such appeal may be made, | 178 |
| city assessor to ascertain personal property within city, and make return of same to the council, | 178 |
| also to make out land books, etc., | 178 |
| provision where land becomes property of different owners, in several parcels | 178 |
| city assessor to enter in land books old buildings omitted for one or more years; also additions and improvements, | 178 |
| to have same powers, and be subject to same penalties, as county assessors | 178 |
| council may make corrections, | 178, 179 |
| appeal from decision of council to circuit court, provided it be made within six months from rendering of decision, | 179 |
| limit of levy for municipal purposes, | 179 |
| council to make rules and regulations to carry act into effect, | 179 |

| | |
|---|----------|
| CHARLESTON ELECTRICAL SUPPLY COMPANY: | Page. |
| appropriation to pay..... | 24 |
| CHARLESTON NATURAL GAS SUPPLY COMPANY: | |
| appropriation to pay..... | 24 |
| CHARTER: | |
| of the town of Fetterman; abolished, section 4..... | 182 |
| CHARTERED COMPANIES: | |
| (see "Corporations") | 51 to 69 |
| CHARTERS OR CERTIFICATES: | |
| of incorporation of corporations; laws concerning the rate, assess- ment and collection of license, tax on charters, amended..... | 51 to 61 |
| corporations exempt from paying license tax, law amended..... | 62 |
| of the corporate name of a joint stock company, law amended.... | 62 |
| of the voluntary dissolution of a corporation, law amended..... | 63 |
| change of place of principal office or chief works; reduction or in- crease in number of shares of capital stock, or par value of each share, law amended..... | 64 |
| (See "Corporations.") | |
| suits authorized to be brought to forfeit the charters or privileges of certain corporations delinquent in payment of license tax, etc. | 65 |
| record, publication and official copies of certificates of incorpora- tions, law amended..... | 67, 68 |
| CHARTERS OF CITIES, AMENDED: | |
| of the city of Grafton..... | 181 |
| of the city of Parkersburg..... | 184 |
| of the city of Moundsville..... | 230 |
| of the city of Wellsburg (chapters 68 and 69)..... | 253, 255 |
| of the city of Clarksburg..... | 262 |
| of the city of Huntington..... | 263 |
| of the city of Sistersville..... | 266 |
| CHIEF WORKS: | |
| definition of words "chief works"..... | 52 |
| CIRCUIT COURT: | |
| duties of, when any title and trust company is appointed to act in any fiduciary capacity, sections 2 and 3..... | 72 |
| duties of, when any surety, guaranty and insurance company is offered as surety, sections 2 and 3..... | 76 |
| sections 16, of chapter 125 of the code, relating to plea in abate- ment, amended | 80 |
| sections 4 and 5, of chapter 85 of the code, relating to the quali- fication of personal representatives, amended..... | 83, 84 |
| section 27, of chapter 87 of the code, relating to reports filed by commissioners of accounts of settlements of fiduciaries and orders of court thereon, amended..... | 84, 85 |
| section 1, of chapter 132 of the code, relating to sale of property under decrees, amended..... | 85, 90 |
| administration by sheriff, section 10 of chapter 85 of the code, relat- ing to, amended | 86, 87 |
| rearrangement of circuits..... | 91, 92 |
| proviso as to judges of, now in office..... | 92 |
| number of terms to be held in each county, annually..... | 92 |

| | Page. |
|---|------------|
| CIRCUIT COURT—Continued. | |
| exchange of circuits by judges of..... | 92 |
| judges of, when elected..... | 93 |
| times for holding the terms of, in the several counties—beginning January 1, 1905 | 94 to 99 |
| annual salaries of judges of, fixed; when to begin..... | 99, 100 |
| rate of mileage to be paid to judges of; limit of amount..... | 100 |
| provision as to free railroad travel..... | 100 |
| calendar of the commencement of terms of, in each county of the several judicial circuits, until January 1, 1905..... | 329 to 332 |
| CIRCUIT COURTS: | |
| resolution providing for joint committee to take into consideration the matter of redistricting the state into judicial circuits.. | 305 |
| CIRCUIT COURTS, TIMES FOR HOLDING TERMS OF: | |
| beginning January 1, 1905; in the first circuit..... | 94 |
| in the second circuit..... | 94 |
| in the third circuit..... | 95 |
| in the fourth circuit..... | 95 |
| in the fifth circuit..... | 95 |
| in the sixth circuit..... | 95 |
| in the seventh circuit..... | 96 |
| in the eighth circuit..... | 96 |
| in the ninth circuit..... | 96 |
| in the tenth circuit..... | 96 |
| in the eleventh circuit..... | 97 |
| in the twelfth circuit..... | 97 |
| in the thirteenth circuit..... | 97 |
| in the fourteenth circuit..... | 97 |
| in the fifteenth circuit..... | 98 |
| in the sixteenth circuit..... | 98 |
| in the seventeenth circuit..... | 98 |
| in the eighteenth circuit..... | 99 |
| calendar of the present terms of circuit courts..... | 329 to 332 |
| CIRCUIT COURT JUDGES: | |
| appropriations to pay salaries and mileage of..... | 48, 50 |
| appropriations to pay persons who hold court when the circuit judges cannot act..... | 48, 49 |
| change of judicial circuits not to affect judges now in office..... | 92 |
| exchange of circuits by..... | 92 |
| when elected | 93 |
| annual salaries of, fixed, and when to begin..... | 100 |
| rate of mileage to be paid to..... | 100 |
| not to be paid mileage for attending more than six terms in any county in any one year..... | 100 |
| not to receive free transportation on railways..... | 100 |
| CIRCUIT COURT JUDGES: | |
| of Ohio county; board of commissioners authorized to allow such judges additional compensation..... | 165 |
| such allowance not to be increased or diminished during term of office of judge to whom it is made..... | 165 |
| when such allowance may commence..... | 165 |
| CIRCUITS, JUDICIAL: | |
| rearrangement of..... | 91, 92 |

| CIVIL CONTINGENT FUND: | Page. |
|---|------------|
| appropriations for | 16, 38 |
| | |
| CITY OF CHARLESTON: | |
| section 25, chapter 58, acts of 1895. in relation to charter of, amended | 176 to 179 |
| council to appoint three commissioners to revalue and reassess real estate, for purposes of municipal taxation, section 25..... | 176 |
| when such commissioners to be appointed..... | 176 |
| their qualifications, oath and bond..... | 176, 177 |
| commissioners to assess value of real estate, when..... | 177 |
| owner of real estate or his agent may be examined under oath.... | 177 |
| what return to be made by commissioners..... | 177 |
| compensation of commissioners..... | 177 |
| council to advertise completion of assessment..... | 177 |
| board of equalization to be appointed..... | 177 |
| when such board to sit..... | 177 |
| duties of such board..... | 177, 178 |
| advertisement to give notice of time of sitting of board..... | 178 |
| city solicitor to represent city before said board..... | 178 |
| board to have authority to summon witnesses..... | 178 |
| appeal from decision of such board to circuit court..... | 178 |
| limitation as to time within which such appeal may be made.... | 178 |
| city assessor to ascertain personal property within the city and make return of same to the council..... | 178 |
| also to make out land books, etc..... | 178 |
| provision where land becomes property of different owners. in several parcels | 178 |
| city assessor to enter in land books old buildings omitted for one or more years; also additions and improvements..... | 178 |
| to have same powers, and be subject to same penalties as county assessors | 178 |
| council may make corrections..... | 178, 179 |
| appeal from decision of council to circuit court, provided it be made within six months from rendering of decision..... | 179 |
| limit of levy for municipal purposes..... | 179 |
| council to make rules and regulations to carry act into effect..... | 179 |
| | |
| CITY OF GRAFTON: | |
| additional authority conferred on the city council of, in relation to funding the bonded indebtedness of said city, and to increase its bonded indebtedness..... | 179 |
| council authorized to issue bonds, section 1..... | 179 |
| limit to amount of bond issue; denomination of such bonds..... | 179 |
| rate of interest such bonds to bear; bonds to be exempt from city taxes | 179 |
| interest on bonds payable semi-annually, section 2..... | 179 |
| time when and place where interest payable to be expressed on face of coupons | 179, 180 |
| present bonded indebtedness of city to be funded, section 4..... | 180 |
| how residue of proceeds of bonds to be applied..... | 180 |
| what annual levy to be made for payment of bonds and interest, section 5 | 180 |
| bonds to be cancelled and record kept, etc..... | 180 |
| what vote of city necessary to authorize bond issue, section 6.... | 180 |
| what authority given to council to carry into effect the provisions of this act, section 7..... | 180 |
| sections 2, 3 and 4. of chapter 44, of the acts of 1899, relating to the charter of the city of. amended, and the charter of the town of Fetterman abolished..... | 181 |

| CITY OF GRAFTON—Continued. | Page. |
|--|------------|
| extended boundaries of city defined, section 2..... | 181, 182 |
| municipal authorities to divide city into wards, section 3..... | 182 |
| who to constitute the municipal authorities, section 4..... | 182 |
| compensation of city officials..... | 182 |
| charter of the town of Fetterman abolished..... | 182 |
| duty of officers of Fetterman in regard to records of such town.. | 182 |
| duty of officers of Fetterman as to corporate funds..... | 182 |
| claims, etc., in favor of town of Fetterman transferred to city of Grafton | 182 |
| two councilmen to be elected from each ward..... | 183 |
| term of office of councilmen..... | 183 |
| provision as to councilmen now serving..... | 183 |
| how vacancy in office of councilman filled..... | 183 |
| CITY OF CLARKSBURG: | |
| charter amended | 262, 263 |
| election of city officers; terms of office of, section 8..... | 262, 263 |
| how election to be held and result certified and determined, section 11..... | 263 |
| CITY OF HUNTINGTON: | |
| charter amended | 263 to 265 |
| general corporate powers and duties of council, section 41..... | 263 to 265 |
| how fines and penalties recovered and imprisonment enforced..... | 265 |
| CITY OF MARTINSBURG: | |
| act authorizing, to acquire a supply of pure and wholesome water power to improve, enlarge, etc., water works, section 1..... | 167, 168 |
| authorized to acquire springs or other waters or land..... | 167 |
| also, to settle, by agreement, damages to any person resulting from exercising powers conferred..... | 167 |
| authorized to institute proceedings to condemn springs or other waters, also land necessary for carrying out the provisions of this act, section 2..... | 168 |
| expenses of condemnation proceedings to be borne by city..... | 168 |
| CITY OF MOUNDSVILLE: | |
| the several acts relating to the charter of, amended and re-enacted and reduced into one; the corporate limits fixed; and the cor- porate powers and duties of, prescribed and defined..... | 230 to 233 |
| CITY OF PARKERSBURG: | |
| the several acts relating to the incorporation of, amended and re-enacted and reduced into one; the corporate powers and duties of defined; the corporate limits prescribed, and the extension of such limits provided for; inconsistent acts re- pealed | 184 to 229 |
| (See "Parkersburg, City of") | |
| CITY OF SISTERSVILLE: | |
| charter amended | 266 to 268 |
| assessment of property for municipal taxation, provisions concern- ing, section 31..... | 266, 267 |
| assessor, duties and powers of..... | 266, 267 |
| duties and powers of council as to such assessment..... | 266, 267 |
| provisions as to collection of taxes for municipal purposes, section 34 | 267, 268 |
| city collector and treasurer, duties of as to taxes, etc..... | 267, 268 |
| bond and compensation of such officer..... | 267, 268 |
| duty of such officer at the end of his term..... | 267, 268 |

| CITY OF WELLSBURG : | Page. |
|---|------------|
| charter of amended..... | 253 to 262 |
| corporate limits and boundaries defined, section 1..... | 254, 255 |
| officers of the city, section 3..... | 256 |
| election of city officers, when and for what terms, section 14..... | 256 |
| general corporate powers and duties of council; may acquire and hold land, for what uses, section 24..... | 256 to 259 |
| street paving, curbing, macadamizing, etc., section 30..... | 259, 260 |
| collection of taxes, licenses, levies, assessments, etc., section 31.. | 260 |
| city collector and treasurer, duties, powers and bond of, section 31 | 260, 261 |
| chief of police, duties, rights, powers, privileges, liability and bond of, section 31a..... | 261 |
| lien for taxes, etc., provisions concerning, section 32..... | 261, 262 |
| provisions as to delinquent real estate..... | 261, 262 |
| city election, provisions in relation to holding and ascertaining result, section 36 | 262 |
| | |
| CLARKSBURG, CITY OF : | |
| charter amended | 262, 263 |
| election of city officers; terms of office of, section 8..... | 262, 263 |
| how election to be held, and result certified and determined, section 11 | 263 |
| | |
| CLARKSBURG SCHOOL DISTRICT : | |
| board of education of, authorized to issue bonds for the erection of a public school building, section 1..... | 277 |
| for what amount..... | 277 |
| denomination of bonds, section 2..... | 277 |
| when payable, and rate of interest..... | 277 |
| election to determine the question of bond issue, section 3..... | 277 |
| provisions as to such election..... | 277 |
| | |
| CLERK OF CIRCUIT COURT : | |
| duties of, when any title and trust company is appointed by such clerk to act in any fiduciary capacity, sections 2 and 3..... | 72 |
| duties of, when any surety, guaranty and insurance company is offered as surety, sections 2 and 3..... | 76 |
| to keep list of fiduciaries, heretofore appointed and authorized to act under orders of his court..... | 82 |
| how such list to be kept..... | 82 |
| what such list must show, (code amended)..... | 82 |
| penalty for failure to make proper entries and index in relation to fiduciaries..... | 82 |
| duty of, as to fiduciary's bond..... | 82 |
| duty of clerk as to affidavit required to be filed by administrator of intestate, section 5, chapter 85 of code, amended..... | 83 |
| duty of clerk as to final report of guardian, curator, committee, personal representative or trustee, after confirmation by court, section 25, chapter 87 of code, amended..... | 84, 85 |
| to approve bond of special commissioner appointed to sell property; what certificate to append to notice of sale..... | 85, 86 |
| liability of, if he takes insufficient security..... | 85, 86 |
| record to be made by, of final report of such commissioner (code amended) | 86 |
| duty of, when sheriff or other county officer administers the estate of decedent, section 10, chapter 85 of code, amended..... | 87 |
| time of electing | 93 |
| allowance to, by county court..... | 101, 102 |
| names of such clerks and postoffice addresses..... | 336 |

| CLERK OF COUNTY COURT : | Page. |
|--|----------------|
| duties of, when any title and trust company is appointed by, to act in any fiduciary capacity. sections 2 and 3..... | 72 |
| duties of, when any surety, guaranty and insurance company is offered to, as surety, sections 2 and 3..... | 76 |
| certified statement under oath or affirmation to be filed with clerks of county courts by surety, guaranty, bonding and insurance companies, section 4..... | 77 |
| what such statement to show and when to be filed, section 4..... | 77 |
| such statement made a part of the records of each county and recorded in a book to be called "surety company statements," section 4 | 77 |
| fee of clerk for recording and filing, section 4..... | 77 |
| to keep list of fiduciaries, heretofore or hereafter authorized to act under orders of his court..... | 82 |
| how such list to be kept..... | 82 |
| what such list must show..... | 82 |
| penalty for failure to make proper entries and index in relation to fiduciaries | 82 |
| duty of, as to fiduciary's bond..... | 82 |
| duty of, as to affidavit required to be filed by administrator of intestate, section 5, chapter S5 of code, amended..... | 83 |
| duty of, as to final report of guardian, curator, committee, personal representative or trustee, after its confirmation by court, section 25, chapter S7 of code, amended..... | 84, 85 |
| duty of, when sheriff or other county officer administers the estate of decedent, section 10, chapter S5 of code, amended..... | 87 |
| time for electing..... | 93 |
| allowance to, by county court..... | 102 |
| itemized statement to be made by, for posting and publishing.. | 120 |
| compensation for preparing such statement; penalty for failure.. | 121 |
| list of traveling agents of fruit tree dealers to be filed in office of.. | 157 |
| names of such clerks and postoffice addresses..... | 337. |
| CLERKS : | |
| appropriations to pay salaries of, in offices of executive department | 17, 18, 39, 40 |
| appropriations to pay salaries of assistant clerks of supreme court | 18, 40 |
| appropriations to pay salary of the clerk of supreme court..... | 18, 40 |
| allowances to clerks of county and circuit courts by the county courts, section 49..... | 101, 102 |
| CLERKS OF COURTS | |
| duty of, in which any proceedings are had which result in the forfeiture of the charter or privileges of any corporation for non-payment of its license tax, to report such forfeiture to the secretary of state; what such report to state..... | 61, 62 |
| penalty for failure..... | 62 |
| duty of, to furnish to the auditor and secretary of state a copy of every decree, order or judgment reinstating any corporation or forfeiting its charter or privileges, in proceedings authorized by chapter 4, section 7..... | 67 |
| duties of, when any title and trust company is appointed by, to act in any fiduciary capacity, sections 2 and 3..... | 72 |
| duties of, when any surety, guaranty and insurance company is offered as surety, sections 2 and 3..... | 76 |
| CLERK OF THE HOUSE OF DELEGATES : | |
| to certify appropriation acts to the auditor, section 11..... | 46 |

| CLERK OF THE HOUSE OF DELEGATES— <i>Continued.</i> | | Page. |
|--|--|--------|
| to prepare and deliver to the public printer briefs of the chapters of the acts | | 136 |
| to prepare and deliver to the public printer indexes for the journal and acts | | 136 |
| to certify joint resolution relating to the Ohio and Little Kanawha rivers to each senator and representative in congress from this State | | 302 |
| CLERK OF THE SENATE : | | |
| to certify jointly with the clerk of the house the appropriation acts to the auditor, section 11..... | | 46 |
| to prepare and deliver to the public printer index for the journal.. | | 136 |
| CLERK OF SUPREME COURT : | | |
| appropriations to pay salary of..... | | 49, 50 |
| appropriations to pay assistants of..... | | 18, 40 |
| appropriations to pay stenographer for..... | | 18, 40 |
| annual salary of, fixed..... | | 100 |
| CODE AMENDED : | | |
| chapter 3, section 2, concerning the election of state, county and district officers, judges, senators and delegates..... | | 93 |
| chapter 11, sections 1 and 7, concerning salaries of judges, state and other officers..... | | 99 |
| chapter 16, section 20, concerning the printing of briefs of contents of chapters of the acts..... | | 136 |
| chapter 30, section 20, concerning the publication of certain delinquent lists by county courts..... | | 121 |
| chapter 32, section 85a added, and sections 86, 87, 88, 89, 90 and 91 amended, concerning charters of incorporation, classification of, for taxation; what are foreign and what domestic; and rate, assessment and collection of license tax on charters of corporations | | 51 |
| chapter 39, section 49, concerning annual allowances to county officers by county courts..... | | 101 |
| chapter 41, section 54, concerning embezzlement by public collectors and officials | | 88 |
| chapter 43, section 35, 36 and 38, concerning public roads, bridges and landings; proceedings for establishing or altering; also for establishing and opening roadways..... | | 124 |
| chapter 43, section 4, concerning surveyors of roads..... | | 127 |
| chapter 43, section 56a, paragraphs 13, 16 and 17, concerning the alternate road law of 1872-3..... | | 128 |
| chapter 45, section 30, concerning teachers' and teachers' institutes | | 103 |
| chapter 45, section 10a, concerning compulsory school attendance. | | 106 |
| chapter 45, sections 27, 28 and 29, concerning the examination and employment of teachers..... | | 108 |
| chapter 45, section 82, concerning the appointment and admission of cadets in the University..... | | 115 |
| chapter 50, section 34, concerning the service of process and bringing of suits against corporations..... | | 79 |
| chapter 53, sections 11 and 56, concerning the corporate name and voluntary dissolution of corporations..... | | 51 |
| chapter 54, section 21, concerning the change of name, and increase or decrease of capital stock of a corporation..... | | 51 |
| chapter 54, sections 17 and 19, concerning the record, publication and official copies of certificates of incorporation..... | | 67 |
| chapter 54, section 82, concerning the sale of works and property of a corporation other than a railroad corporation..... | | 69 |

| CODE AMENDED—Continued. | Page. |
|--|--------------|
| chapter 62, by adding section 20, concerning the protection of the skunk or polecat..... | 137 |
| chapter 62, sections 1, 10, 11 and 17 amended, and section 18 repealed, concerning the protection of certain animals and birds, and also licenses for non-resident hunters..... | 151 |
| chapter 62, section 6, amended, and section 6a added, concerning the preservation of fish..... | 155 |
| chapter 75, section 3, concerning liens of mechanics and material men | 132. |
| chapter 85, sections 4 and 5, concerning the qualification of personal representatives | 83 |
| chapter 85, section 10, concerning administrations by sheriffs.... | 86 |
| chapter 87, section 1, concerning the duty of clerks of courts as to keeping list of fiduciaries | 82 |
| chapter 87, section 25, concerning fiduciary's report and order of court | 84 |
| chapter 112, sections 1 and 3, concerning the re-arrangement of judicial circuits | 91 |
| chapter 113, section 1, increasing the number of judges of the Supreme Court | 91 |
| chapter 124, section 2, concerning the service of process..... | 81 |
| chapter 125, section 16, concerning rules and pleading..... | 80 |
| chapter 132, section 1, concerning decree or order for sale of property. | 85 |
| chapter 145, sections 19 and 22, concerning embezzlement by officers, clerks, agents, servants and personal representatives.. | 89 |
| chapter 163, concerning the penitentiary..... | 138 |
| CODE, SECTION OF REPEALED: | |
| chapter 62, section 18, concerning the duties of clerks of county courts respecting non-resident hunters' license tax..... | 155 |
| COLLECTORS AND OFFICIALS, PUBLIC | |
| if any such collector or official or the deputy of either, misappropriate any part of the taxes or other moneys which may come to his hands, by virtue of his office, he shall be guilty of the larceny thereof, section 54, chapter 41 of code, amended.... | 88 |
| or, if any officer or person charged with the custody or disbursement of public moneys misappropriate any part of the same, he shall be guilty of the larceny thereof..... | 88 |
| if any such officer appropriate any money coming into his hands officially, or loan any such money except upon the order of the proper court, he shall be deemed guilty of the misappropriation of the same; how punished..... | 88 |
| failure of such collector or official to keep the financial account required, made a misdemeanor: penalty..... | 88 |
| larceny by embezzlement or fraudulent conversion: by certain officers, agents, clerks or servants of bullion, moneys, bank-notes, etc., or any effects or property, section 19, chapter 145 of code, amended..... | 89, 90 |
| COLORED INSTITUTE AT BLUEFIELD: | |
| appropriations for | 9, 10, 32 |
| COLORED INSTITUTE, WEST VIRGINIA: | |
| appropriations for | 8, 9, 31, 32 |
| COLORED ORPHANS' HOME AND INDUSTRIAL SCHOOL: | |
| appropriations for | 9, 32 |

| | Page. |
|---|------------|
| COMMISSIONER: | |
| appointed by court to sell property; must give bond before receiving money, section 1, chapter 132 of code, amended..... | 85, 86 |
| how punishable for receiving money before giving bond..... | 85 |
| no sale to be made by such commissioner before giving bond and security | 86 |
| what must be appended to notice of sale..... | 86 |
| final report to be made by such special commissioner; when and what to show | 86 |
| when court may extend time for making such final report..... | 86 |
| failure to make such final report made a misdemeanor; penalty.. | 86 |
| COMMISSIONER OF BANKING: | |
| appropriations for | 13, 35 |
| title and trust companies subject to examination by, section 8.... | 73 |
| COMMISSIONERS: | |
| appointed by the governor to take acknowledgement of deeds and other writings in other states; list of..... | 316 |
| COMMISSIONERS OF PHARMACY: | |
| appropriations for | 13, 35 |
| COMPULSORY SCHOOL ATTENDANCE: | |
| between what ages children required to attend school, section 10a, chapter 45 of code, amended..... | 106 |
| for what period..... | 106 |
| penalty on any person having control of such children for failure | 106 |
| what failure in attendance constitutes an offence; proviso..... | 106, 107 |
| truant officer to be appointed; when and by whom..... | 107 |
| duties of such truant officer..... | 107 |
| duty of parent after notice given by truant officer..... | 107 |
| duties of teachers, principals and superintendents of schools to assist truant officers | 107 |
| compensation of such officers, and when and how paid..... | 107, 108 |
| CONCORD NORMAL SCHOOL: | |
| appropriations for | 3, 27, 28 |
| CONGRESS: | |
| names of senators and representatives in, from this State..... | 327 |
| CONGRESS, REPRESENTATIVES IN: | |
| from this State, requested to influence Congress to purchase the locks and dams on the Little Kanawha river, and improve the Ohio and said river..... | 300 |
| also, requested to use their influence for the enlargement and betterment of the navy..... | 310 |
| CONSTABLES: | |
| duty of, as to violations of game law, section 11..... | 153 |
| penalty for failure to prosecute offenders, section 11..... | 153 |
| CANTAGIOUS DISEASES AFFECTING TREES, ETC.: | |
| (See "San Jose Scale.")..... | 158 to 162 |
| CONTINGENT FUND, CIVIL: | |
| appropriations for..... | 16, 38 |

| CONTINGENT FUNDS: | Page. |
|---|----------------|
| appropriations for, of offices of executive department..... | 16, 17, 38, 39 |
| who draw such funds..... | 17, 39 |
| appropriations for civil contingent fund..... | 16, 38 |
| appropriations for contingent expenses of the supreme court..... | 18, 40 |
| appropriations for contingent expenses of Legislature..... | 17 |
| (for contingent funds of public institutions, see each institution by name). | |
| | |
| CORPORATIONS | |
| classification of, in assessing license tax on charters or certificates of incorporation, new section 85a..... | 51 |
| foreign and domestic, resident and non-resident, defined, section 85a | 51, 52 |
| words "chief works" defined, section 85a..... | 52 |
| provisions of amended sections 86, 87 and 88 of chapter 32 of the Code not to apply to, on which a tax is imposed by chapter 54 of the Code, section 85a..... | 52 |
| relief against oppressive assessment of license tax, section 85a.... | 52 |
| auditor may appoint a state agent to investigate violations by, of license tax laws and to collect the taxes and penalties due, section 85a | 52 |
| supplemental notice by auditor to each delinquent corporation must be given before such appointment, and when, section 85a..... | 52, 53 |
| annual license tax required of resident corporations, and who to assess and collect; when, section 86 of chapter 32 of code amended | 53 |
| affidavit required of incorporators applying for certificate of incorporation, amended, section 86 | 54 |
| form of such affidavit and penalty if made falsely, amended, section 86 | 54 |
| annual license tax required of non-resident corporations, and who to assess and collect; when, section 87 of chapter 32 of code amended | 55, 56 |
| annual report to be made by each foreign corporation doing business in this State, etc., and what to include, section 88 of chapter 32 of code amended..... | 56 |
| auditor's duty as to such report; board of public works to assess and fix the license tax, and according to what rates, amended section 88 | 56 |
| minimum annual license tax on a foreign corporation, amended section 88 | 56 |
| if such corporation holds more than 10,000 acres, and has not paid the tax thereon, what then, amended section 88..... | 56, 57 |
| how such corporation may increase its acreage, amended section 88 | 57 |
| board of public works may require additional information, and for what purpose, amended section 88..... | 57 |
| secretary of state to certify to auditor amount of license tax assessed on foreign corporations, amended section 88..... | 57 |
| auditor to notify each corporation of the amount, amended section 88 | 57 |
| when such corporation so assessed to pay, amended section 88.... | 57 |
| liable to what penalties for failure, amended section 88..... | 57 |
| how a foreign corporation may surrender its franchise and relieved from the payment of license tax on its charter, amended section 88..... | 57, 58 |
| but such corporation is not thereby relieved from any debt, liability, etc., amended section 88..... | 57 |
| auditor to notify every corporation liable to license tax on its charter; of what, when and how, section 89 of chapter 32 of code amended | 59 |

| CORPORATIONS—Continued. | Page. |
|--|--------|
| mistake in amount of such tax, what then, amended section 89... | 58 |
| what statement domestic corporation to deliver to auditor at time of making payment, amended section 89..... | 58 |
| lien on property and assets of each corporation for license tax; its priority, amended section 89..... | 58 |
| such tax a preferred debt in cases of insolvency, amended section 89 domestic corporations holding more than 10,000 acres of land and have not paid taxes thereon as fixed by chapter 54 of the code, what then, amended section 89..... | 58, 59 |
| publication of list of corporations delinquent in payment of annual license tax, when and how, section 90 of chapter 32 of code amended | 59 |
| but any such delinquent corporation may pay such tax, with penalty; when, amended section 90..... | 59 |
| auditor to certify such delinquent list to governor and secretary of state, when, amended section 90..... | 59 |
| what is <i>prima facie</i> evidence of such delinquency, amended section 90 | 59 |
| proclamation by governor declaring delinquency of every such corporation, amended section 90..... | 59 |
| recording and publication of such proclamation, amended section 90 | 59 |
| suits or proceedings against such delinquent corporations, amended section 90 | 59, 60 |
| what plea or defence cannot be interposed by delinquent corporations, amended section 90..... | 60 |
| what decree or judgment may be entered by court, amended section 90 | 60 |
| collection of amount of judgment, costs and interest, amended section 90 | 60 |
| court may make such orders and decrees deemed necessary and proper for a court of equity; may appoint receiver; may grant injunction, amended section 90..... | 60 |
| penalty for exercising, etc., any powers under charter after issuance of proclamation, amended section 90..... | 60 |
| words "license tax" what to include, amended section 90..... | 60, 61 |
| fee, payable to attorney general, to be included in taxes and costs, amended section 90 | 61 |
| apportionment of cost when two or more corporations are included in one suit, amended section 90..... | 61 |
| how service may be had on any defendant corporation, amended section 90 | 61 |
| form of notice to be served by publication, amended section 90..... | 61 |
| attorney-general may cause copy of such order of publication to be mailed to each defendant corporation, amended section 90..... | 61 |
| what report clerk of every court to make to secretary of state respecting the forfeiture of charters, dissolution, extinction or revocation of the rights and privileges, of certain corporations in any proceedings in his court, amended section 90..... | 61, 62 |
| penalty for failure to make such report, amended section 90..... | 62 |
| duty of secretary of state as to such report, amended section 90.. | 62 |
| what corporations exempt from license tax, section 91 of chapter 32 of code amended | 62 |
| what statement such corporations required to make to auditor, amended section 91 | 62 |
| of the corporate name of, provisions relating to, section 11 of chapter 53 of code amended..... | 62 |
| when and how a corporation may dissolve, provisions relating to, section 56 of chapter 53 of code amended..... | 63 |

| CORPORATIONS— <i>Continued.</i> | Page. |
|---|----------|
| names of dissolved corporations to be certified to clerk of house delegates, section 56..... | 63 |
| what required before such dissolution becomes effective, amended section 56 | 63, 64 |
| increase or reduction of capital stock, when and how, section 21 of chapter 54 of code amended..... | 64 |
| license tax on amount of increase, amended section 21..... | 64 |
| change of name of principal office or chief works, amended section 21 | 64 |
| <i>Suits against to forfeit charter, etc.</i> | |
| for failure to pay license tax, penalties, fines and dues owing, or any other legal cause. (special act), sections 1, 2..... | 65, 66 |
| how service of process may be had on any corporation so delinquent, section 3 | 66 |
| how re-instatement may be had before final judgment of forfeiture is entered, section 5..... | 67 |
| duty of clerk of court in which any such suit is instituted when a decree, order or judgment is entered, section 7..... | 67 |
| <i>Record, publication and official copies of certificates of incorporation.</i> | |
| secretary of state to carefully preserve, in his office, agreements, resolutions, etc., section 17, chapter 54, of code, amended.... | 67, 68 |
| all certificates issued by secretary of state to be accurately recorded | 68 |
| forfeiture for failure | 68 |
| accurate abstracts of certificates of incorporation to be printed and bound; when, how and by whom..... | 68 |
| forfeiture for failure | 68 |
| distribution of copies of such abstracts..... | 68 |
| effect of copy of certificate, and such bound copies, as evidence, section 19, chapter 54 of code, amended..... | 68 |
| <i>Sale of works and property.</i> | |
| of the works, assets, property and franchises of any corporation other than a railroad corporation, section 82, chapter 54 of code, amended | 69 |
| what property and rights the purchaser or purchasers acquire at such sale made under a decree, mortgage or deed of trust, etc. | 69 |
| the purchaser of the franchises of a corporation shall immediately file in office of secretary of state proper evidence of sale..... | 69 |
| what entry the secretary of state shall thereupon make..... | 69 |
| <i>Title and trust Companies.</i> | |
| for what purposes they may be formed; their powers and rights, acts 1901 amended | 70 to 73 |
| (See "title and trust companies.") | |
| <i>Surety, guaranty, bonding and insurance companies.</i> | |
| act incorporating and regulating..... | 74 to 79 |
| (See "Surety, guaranty, bonding and insurance companies.") | |
| service of process and notice on corporations in justices' courts, section 34, chapter 50, of code, amended..... | 79, 80 |

| COUNTY COURT : | Page. |
|--|---------------|
| duties of, when any title and trust company is appointed by such court to act in a fiduciary capacity, sections 2 and 3..... | 72 |
| duties of, when any surety, guaranty and insurance company is offered as surety, sections 2 and 3..... | 76 |
| duties of, respecting the appointment of administrators of intestates, sections 4 and 5, chapter 85 of code, amended..... | 83, 84 |
| duties in relation to reports of guardians, curators, committees, personal representatives or trustees, and the payment of money found due by such reports, section 25, chapter 87 of code, amended .. | 84, 95 |
| when court to commit decedent's estate to sheriff or other county officer .. | 86, 87 |
| duties of, when such officer administers the estate of decedent, section 10, of chapter 85 of code, amended..... | 86, 87 |
| commissioners of, when elected .. | 93 |
| allowances to be made by, to certain county officers..... | 101, 102, 103 |
| itemized accounts of receipts and expenditures to be published or posted by, code amended .. | 120 |
| what such account to contain..... | 120 |
| penalty for failure of court to perform such duty..... | 121 |
| duty of prosecuting attorney as to such failure..... | 121 |
| duties of, as to posting and publishing copy of lists of persons or personal property returned delinquent..... | 121, 122 |
| duties of, as to toll roads and turnpikes..... | 123 |
| when may appoint commissioner of turnpikes, and duties in relation thereto .. | 123, 124 |
| certain duties of, as to establishing and opening roadways..... | 124 to 126 |
| to appoint committee to take charge of estates of convicts in certain cases, section 11 .. | 142 |
| bond required of such committee..... | 142 |
| powers and duties of such committee, sections 12, 13..... | 142, 143 |
| account to be rendered by committee, section 14..... | 143 |
| when estate to be committed to sheriff, section 16..... | 143 |
| sale of real estate of convict for debt, section 17..... | 143 |
| authorized to appoint surveyor of roads, code amended..... | 127 |
| duties of, under the "alternate road law,"..... | 128, 129 |
| COUNTY AND DISTRICT OFFICERS : | |
| when elected .. | 93 |
| COUNTY BOARD OF EXAMINERS : | |
| (See "teachers' examinations.") | |
| COUNTY COURT OF JEFFERSON COUNTY : | |
| authorized to allow credit to the estate of Eugene Baker, deceased, late sheriff, for erroneous assessments, etc. | 307 |
| COUNTY DISBURSEMENTS AND RECEIPTS : | |
| itemized statement of, to be published or posted by county court ; | |
| when, how and what to contain, section 35..... | 120 |
| penalty for failure .. | 121 |
| duty of prosecuting attorney in case of failure..... | 121 |
| COUNTY, DISTRICT AND MUNICIPAL TAXES : | |
| refunding of, appropriations for..... | 15, 37 |
| COUNTY COURT OF POCAHONTAS COUNTY : | |
| present system altered and modified..... | 173 to 176 |
| county to be laid off into four districts, section 1..... | 173 |
| districts to be changed by county court..... | 173 |
| county court to be composed of one member from each district.... | 174 |

| COUNTY COURT OF POCAHONTAS COUNTY—Continued. | Page. |
|---|---------------|
| term of office to be two years..... | 174 |
| removal of commissioner from district vacates his office..... | 174 |
| office of commissioner and justice of the peace incompatible..... | 174 |
| compensation of commissioners..... | 174 |
| when commissioners to be elected, section 2..... | 174 |
| when term of office to commence..... | 174 |
| provisions of the general law as to county courts to be applicable so far as consistent with this act, section 3..... | 174 |
| who to be clerk of the county court..... | 174 |
| majority of commissioners to be a quorum..... | 174 |
| when meetings of the court to be held, section 4..... | 174 |
| president to be elected..... | 174 |
| adoption of provisions of this act to be submitted to the voters of the county, section 5..... | 174 |
| when such election to be held..... | 174 |
| notice of such election to be given..... | 174 |
| provisions as to ballots, etc. in such election..... | 175 |
| duties of clerk of the county court..... | 175 |
| how election to be conducted, section 6..... | 175 |
| who entitled to vote..... | 175 |
| county court to ascertain and declare the result of the election.... | 176 |
| this act to be of no effect unless a majority of the votes are cast in its favor, section 7..... | 176 |
| COUNTY OF KANAWHA : | |
| county court of, authorized to issue coupon bonds; for what sum, section 1 | 170 |
| when payable and when redeemable..... | 170 |
| limit to rate of interest..... | 170 |
| for what proceeds of bonds to be used, section 2..... | 170 |
| bonds not to be sold for less than par, section 3..... | 170 |
| how proceeds of sale to be used..... | 170 |
| no increased indebtedness or increased levy to be made..... | 170 |
| annual levy for interest and sinking fund to be included in what... where bonds and interest coupons payable, section 4..... | 170, 171 |
| how bonds to be executed..... | 171 |
| denominations of bonds..... | 171 |
| how sinking fund to be invested..... | 171 |
| what to be entered of record..... | 171 |
| special election to be held, and provisions in regard thereto..... | 171 |
| county court to provide levy to pay interest and principal..... | 171 |
| circuit court may enforce provisions of this act by mandamus.... | 171 |
| what commission to be allowed sheriff..... | 171 |
| COUNTY OFFICERS : | |
| annual allowances to..... | 101, 102, 103 |
| list of prosecuting attorneys..... | 335 |
| list of sheriffs | 335 |
| list of clerks of circuit courts..... | 336 |
| list of clerks of county courts..... | 337 |
| COUNTY SUPERINTENDENTS OF FREE SCHOOLS : | |
| duties of, respecting annual teachers' institutes, in their respective counties, section 30, of chapter 45 of code, amended..... | 104 to 106 |
| duties of, respecting county board of examiners and the examination of teachers, code amended..... | 108 to 112 |
| what fraudulent act shall be sufficient cause to declare office of any county superintendent so offending vacant, section 8..... | 111 |
| appeal from, to state superintendent by any applicant for examina- tion feeling himself aggrieved, section 9..... | 111 |

| COURTS : | Page. |
|---|------------|
| appropriations to pay salaries of judges of supreme. circuit, criminal and intermediate courts..... | 48, 49 |
| appropriations to pay mileage of judges of such courts..... | 48, 49, 50 |
| appropriations to pay special judges of circuit, criminal and intermediate courts | 48, 49 |
| may decree sale of property in suits..... | 85 |
| on what terms | 85 |
| special commissioner may be appointed to make sale..... | 85 |
| qualifications of such commissioner..... | 85 |
| penalty for receiving money before giving bond..... | 85 |
| liability of clerk if he takes insufficient security..... | 85, 86 |
| no sale to be made until bond given..... | 86 |
| duty of clerk as to bond..... | 86 |
| notice of sale required..... | 86 |
| final report of such special commissioner required, and when; under what penalty, for failure..... | 86 |
| (See "Supreme Court of Appeals.") | |
| (See "Circuit Court.") | |
| (See "County Court.") | |
| (See "Criminal and Intermediate Courts.") | |
| COURTS, CIRCUIT : | |
| judicial circuits rearranged | 91, 92 |
| provision as to circuit judges now in office..... | 92 |
| judges may hold courts for each other..... | 92 |
| number of terms in each county..... | 92 |
| times for holding regular terms of, beginning January 1, 1905.... | 94 to 99 |
| salaries of judges of, fixed..... | 100 |
| resolution providing for joint committee to take into consideration the matter of redistricting the state into judicial circuits..... | 305 |
| calendar of terms of, until January 1, 1905..... | 329 to 332 |
| CRIMINAL CHARGES : | |
| appropriations for, and the extradition of criminals..... | 2, 26 |
| CRIMINAL AND INTERMEDIATE COURTS : | |
| appropriations to pay salaries of judges of..... | 48, 49 |
| appropriations to pay special judges of..... | 48, 49 |
| supreme court reports and code to be furnished to..... | 311 |
| commencement of terms of such courts..... | 333, 334 |
| CRIMINAL COURT OF CABELL COUNTY : | |
| section 8, chapter 28, acts of 1893, fixing times for holding terms of, amended | 166 |
| when and where such court to be held..... | 166 |
| CUMMINS, ALVIN B. : | |
| appropriation for | 22 |
| CURATORS : | |
| (See "Fiduciaries") | 82, 84 |
| DAMS AND LOCKS : | |
| resolution relative to the purchase of the locks and dams in the Little Kanawha River by the United States government..... | 300 to 302 |
| DANGEROUS INSECTS : | |
| (See "San Jose Scale") | 158 to 162 |

| | |
|--|--------|
| DANIELS, F. J.: | |
| appropriation to pay | 24 |
| DAVIS, H. G.: | |
| appropriation for | 22 |
| DAWLEY FURNITURE COMPANY: | |
| appropriation to pay..... | 23 |
| DEAF AND BLIND SCHOOLS: | |
| appropriations for | 5, 29 |
| DECREES: | |
| for selling property; terms of, section 1, chapter 132 of code, amended | 85, 86 |
| court may appoint special commissioner to sell, who shall receive no money before giving bond | 85 |
| penalty for violation | 85 |
| penalty on clerk for taking insufficient security..... | 85, 86 |
| bond and security must be given before sale..... | 86 |
| notice of sale, and what to be appended..... | 86 |
| final report to be made by special commissioner appointed to sell under decree or order of court; when, and what to show..... | 86 |
| court may extend time for making such final report; when..... | 86 |
| failure to make final report by such special commissioner made a misdemeanor; penalty | 86 |
| DEER: | |
| unlawful to kill, hunt, chase or wound, between what times, section 1 of chapter 162 of code, amended..... | 151 |
| exception as to tame, owned by person killing same, section 1..... | 151 |
| no person to kill more than two deer in any one season, section 1. | 151 |
| hunting or chasing with dogs at any time prohibited, section 1..... | 151 |
| no fawn when in its spotted coat to be killed at any time, section 1 | 151 |
| possession of fresh skin of any such fawn, prohibited, section 1..... | 151 |
| killing at any time for shipment beyond limits of state prohibited, section 1 | 151 |
| having in possession at any time any deer or part thereof for such shipment prohibited, section 1..... | 151 |
| penalty for violation, section 1..... | 152 |
| justice to have concurrent jurisdiction, section 1..... | 152 |
| what to be deemed as evidence of the violation, section 1..... | 152 |
| duty of clerk or market master of any city, town, etc., section 11.. | 153 |
| duty of sheriffs and deputies, constables and police, section 11.... | 153 |
| penalty for failure of such officers and persons to prosecute of- fenders, section 11 | 153 |
| non-resident required to obtain license to hunt, section 17..... | 154 |
| how such license obtained and what to show upon its face, sec- tion 17 | 154 |
| good for what period and for what purposes, section 17..... | 154 |
| tax on such license, section 17..... | 154 |
| penalty on non-resident for violation of provisions of act, section 17 | 154 |
| record of hunter's license: how and by whom, section 17..... | 154 |
| production of such license for inspection; when and to whom, sec- tion 17 | 154 |
| penalty on licensee for failure or refusal, section 17..... | 154 |
| DEFINITION: | |
| of words "chief works," of a corporation..... | 52 |
| words "license tax," what to include, in relation to such tax on charters or certificates of incorporation..... | 60 |

| | |
|--|------------|
| DELANEY, J: | |
| appropriation to pay | 25 |
| DELINQUENT LISTS: | |
| of persons or personal property returned delinquent; copy of such lists to be posted and published by county court, code amended | 121, 122 |
| DISEASES AFFECTING TREES, ETC.: | |
| (See "San Jose Scale")..... | 158 to 162 |
| DISSOLUTION OF CORPORATIONS: | |
| voluntary; when and how effected, amended section 56..... | 63, 64 |
| DISTRAINT AND SALE FOR TAXES: | |
| time extended in which sale may be made..... | 119 |
| how taxes collected where persons remove from county before collected | 119, 120 |
| DISTRIBUTEES: | |
| grant of administration to, in case of a person dying intestate, sections 4 and 5, chapter 85 of code, amended..... | 83, 84 |
| DISTRICT, COUNTY AND MUNICIPAL TAXES: | |
| refunding of, appropriations for..... | 15, 37 |
| DOMESTIC CORPORATIONS: | |
| what are resident, section 85a..... | 51, 52 |
| what are non-resident, section 85a..... | 51, 52 |
| definition of the words "chief works"..... | 52 |
| rate of license tax required of such corporations, amended sections 86 and 97 | 53, 55 |
| duty of secretary of state when such corporations apply for certificate of incorporation | 53, 55 |
| (See "Corporations," also "Suits Against Corporations.") | |
| DONAVAN, P. A.: | |
| appropriation to pay | 24 |
| DONNALLY, MOSES W.: | |
| appropriation to pay | 25 |
| DUCKS, WILD: | |
| protection of, between what periods, section 11..... | 152, 153 |
| penalty for violation | 153 |
| ECONOMIC AND GEOLOGICAL SURVEY, STATE: | |
| sections 4 and 6, chapter 6, acts of 1897, concerning, amended..... | 162, 163 |
| special reports, with maps, etc., to be printed as commission directs, section 4 | 162 |
| how reports to be distributed or sold, section 4..... | 162 |
| how money obtained for sale of reports to be used, section 4..... | 162 |
| persons employed in said survey to have the right to enter upon lands, and into mines, for purposes of survey, without molestation or arrest, section 6..... | 162, 163 |
| in such case not liable to owners, except for actual damage done to property, section 6..... | 163 |
| EDUCATION: | |
| section 30 of chapter 45 of code, relating to the time of holding teachers' institutes, amended | 103 to 106 |

| | Page. |
|---|------------|
| EDUCATION—Continued. | |
| section 10a of chapter 45 of code, relating to the compulsory attendance of pupils upon the free schools of the State, amended... | 106 to 108 |
| abolishing the present system of county examinations of teachers, providing for a system of uniform examination therefor under regulations prescribed by the State Superintendent, and amending and re-enacting sections 27, 28 and 29 of chapter 45 of the code .. | 108 to 112 |
| free text-books in public free schools authorized..... | 113 |
| special levy-elections authorized | 114 |
| relating to the appointment of cadets in the university, code amended .. | 115 |
| EGGS AND NESTS: | |
| of certain birds protected, section 10..... | 152 |
| penalty, section 10 | 152 |
| ELECTIONS: | |
| for state, county and district officers. when held..... | 93 |
| also, for judges, congressmen and members of the legislature.... | 93 |
| EMBEZZLEMENT: | |
| by public collectors and officials, declared larceny, section 54, chapter 41 of code, amended..... | 88 |
| misappropriation in any way by such collectors and officials or their deputies, of any part of the taxes or other moneys collected for State, county, district or municipal purposes, declared to be larceny .. | 88 |
| if any officer or person charged with the custody or disbursement of such taxes or other moneys misappropriate any part thereof, he shall be guilty of the crime of larceny..... | 88 |
| officer appropriating any money coming into his hands officially, or loans such money except upon order of the proper court, shall be deemed guilty of the misappropriation thereof; how punished | 88 |
| embezzlement by any state, county, district, school district or municipal officer, agent, clerk, etc., of bullion, money, bank notes, etc., or any effects or property, declared to be larceny, section 19, chapter 145 of code, amended..... | 89 |
| by any officer, agent, clerk, etc., of any incorporated bank or other corporation .. | 89 |
| by any officer of public trust..... | 89 |
| by any agent, clerk or servant of any firm or person..... | 89 |
| by any agent, clerk or servant of any company or association of persons not incorporated | 89 |
| in the prosecution of any such officer, agent, clerk, etc., what deemed presumptive of guilt..... | 89, 90 |
| rebuttal of such presumption..... | 90 |
| form of indictment for any such offence..... | 90 |
| if any state, county, district, school district or municipal officer, agent, clerk or servant appropriate or use for his own benefit, etc., any money, etc., belonging to the State, county, etc., he shall be guilty of the larceny thereof..... | 90 |
| what failure on the part of such officer, clerk, etc., deemed <i>prima facie</i> evidence of guilt..... | 90 |
| fraudulently destroying or concealing any will or codicil, to prevent the probate thereof, how punished, section 21, chapter 145 of code, amended | 90 |

| | Page. |
|---|------------|
| EMBEZZLEMENT—Continued. | |
| what acts of any guardian, personal representative or other fiduciary respecting personal property declared to be larceny..... | 90, 91 |
| failure of any such fiduciary to pay over moneys or deliver any property when directed by court shall be <i>prima facie</i> evidence of embezzlement | 91 |
| ENGLISH SPARROWS: | |
| excepted from protection, section 10..... | 152 |
| ERRONEOUS ASSESSMENTS: | |
| appropriations for refunding..... | 15, 37 |
| ERRONEOUS PAYMENTS: | |
| of moneys into treasury, appropriations to refund..... | 15, 37 |
| ESKEW, SMITH & CANNON: | |
| appropriation to pay..... | 24 |
| ESTABLISHMENT OF ROADS: | |
| (See "roads.") | |
| EXAMINATION OF TEACHERS: | |
| sections 27, 28 and 29 of chapter 45 of code, relating to, amended.. | 108 to 112 |
| present system of county examinations abolished, section 1..... | 108, 109 |
| power over all matters relating to a system of uniform examination of applicants for teachers' certificates, the issuance of such certificates, etc., vested in the state superintendent, section 1 | 109 |
| section 29a relating to state board of examiners not to be affected, section 1 | 109 |
| examinations to be held simultaneously in each county, section 2 | 109 |
| state superintendent to designate the times for examinations, section 2 | 109 |
| county superintendents to designate the places for holding, section 2 | 109 |
| limit to number of examinations held annually, section 2..... | 109 |
| appropriation for additional clerical work in office of state superintendent, demanded by the requirements of this act, section 3.. | 109 |
| character of examinations, section 4..... | 109 |
| state superintendent to prepare questions upon all branches examined in, section 4..... | 109 |
| transmission of such questions to county superintendents, how, section 4 | 109 |
| duty of county superintendent as to opening such questions, and sealing of manuscripts, section 4..... | 109 |
| how examinations to be conducted, section 4..... | 109 |
| at conclusion of examination all manuscripts submitted shall be forwarded to state superintendent, properly sealed; by whom, section 4 | 109, 110 |
| who not qualified for admission to such examination, section 4.... | 110 |
| examination and grading of such manuscripts by the state superintendent and his assistants, section 5..... | 110 |
| regulations to be observed in issuing certificates to teachers, section 5 | 110 |
| certificate of any applicant to be withheld who fails to attend teachers' institutes as required by law, section 5..... | 110 |
| revocation of certificate, when and how, section 6..... | 110 |
| signing and forwarding certificates to teachers, section 6..... | 110 |
| validity of such certificates, section 6..... | 110 |

| | Page. |
|---|----------|
| EXAMINATION OF TEACHERS—Continued. | |
| each grade certificate valid for what period, section 7..... | 110, 111 |
| third grade certificate to be issued only twice to same applicant, section 7 | 111 |
| register of certificates to be kept; by whom and what to show, section 7 | 111 |
| changing examination prescribed by county superintendent; or com- mitting any fraud; penalty, section 8..... | 111 |
| penalty on any person for tampering with questions or manuscripts, or rendering aid in any examination, section 8..... | 111 |
| as to county certificates now outstanding, section 8..... | 111 |
| by whom, how and for what certificate may be suspended for twelve months, section 8 | 111 |
| how such suspended certificate to be marked, section 8..... | 111 |
| penalty for refusing to surrender suspended certificate to be marked, section 8 | 111 |
| right of appeal from the county superintendent or board of exam- iners to the state superintendent, section 9..... | 111 |
| no teacher to be employed without certificate in duplicate, section 10 | 111 |
| where duplicate to be filed, and what to be endorsed on the original, section 10 | 111 |
| no salary shall be paid any teacher, unless duplicate be so filed, section 10 | 111 |
| who may teach without certificate, section 10..... | 111, 112 |
| teaching by member of board of education or trustee vacates his office, section 10 | 112 |
| county board of examiners to examine teachers; of whom composed; how appointed, section 11..... | 112 |
| one member, of such board, to be appointed annually for two years, section 11 | 112 |
| quorum, of presidents of boards of education at meeting to appoint examining board, section 11 | 112 |
| duty of county superintendent to attend such meeting, section 11.. | 112 |
| how vacancies in board of examiners filled, section 11..... | 112 |
| compensation of examiners, section 11..... | 112 |
| fee to be paid by applicants for examination, section 11..... | 112 |
| duty of county superintendent as to such fees, section 11..... | 112 |
| at the close of all examinations, what certified account the county superintendent must make and return to the state superin- tendent, section 11..... | 112 |
| EXECUTIVE MANSION AND GROUNDS: | |
| appropriations for improvements and additions..... | 19, 41 |
| appropriations for additional lot..... | 19, 41 |
| EXECUTOR: | |
| a non-resident cannot act as executor unless the decedent was a non-resident at the time of his death and names him as such in his will, section 4..... | 83 |
| EXPENDITURES AND RECEIPTS: | |
| itemized statement of, to be published or posted by county court of each county; when, how and what to show, section 35..... | 120 |
| penalty for failure | 121 |
| duty of prosecuting attorney in case of failure..... | 121 |
| FAIRMONT NORMAL SCHOOL: | |
| appropriations for | 4, 28 |

| | Page. |
|---|---------------|
| FAIRMONT NORMAL SCHOOL—Continued. | |
| resolution authorizing sale of, by board of regents..... | 314 |
| if sold, regents to relocate said school in suburbs of Fairmont.... | 314 |
| price of new building, etc., not to exceed price received for property sold | 314 |
| property not to be sold until approved by board of public works, and guarantee fund deposited..... | 314 |
| no final transfer to be made until new buildings are ready for occupancy | 315 |
| | 2 |
| FETERMAN INDEPENDENT SCHOOL DISTRICT: | |
| act creating repealed and district abolished, section 11..... | 280 |
| FETTERMAN, TOWN OF: | |
| act annexing to city of Grafton..... | 181, 182, 183 |
| charter of, abolished, section 4..... | 182 |
| officers to turn over records, property, etc., of, to authorities of city of Grafton..... | 182 |
| duty, of officers of, as to corporate funds..... | 182 |
| claims, etc., in favor of town of Fetterman to be transferred to city of Grafton..... | 182 |
| FIDUCIARIES: | |
| section 1 of chapter 87 of the code amended..... | 82 |
| clerks of circuit and county courts to keep list of..... | 82 |
| how such list to be kept..... | 82 |
| what such list must show, code amended..... | 82 |
| penalty for failure..... | 82 |
| what court to determine right to administration..... | 83 |
| to whom administration shall be granted..... | 83 |
| provisions as to non-residents..... | 83 |
| oath and bond of administrator..... | 83 |
| affidavit to be filed..... | 83 |
| when such grant of administration ceases..... | 84 |
| court may order payment of money appearing to be due from guardian, curator, committee or trustee, to the person entitled thereto, when, section 25, chapter 87 of code, amended..... | 84 |
| final report of such fiduciaries, and when..... | 84 |
| vouchers to be filed with such report..... | 84 |
| confirmation of such report by court, and when..... | 84, 85 |
| clerk to record such report when confirmed, and at foot of it the order of confirmation..... | 85 |
| failure or refusal to make final report by such fiduciaries made a misdemeanor; penalty | 85 |
| certain acts of, respecting personal property made larceny, section 22, chapter 145 of code, amended..... | 90, 91 |
| FISH: | |
| duties of certain city and county officers as to persons having fish unlawfully in their possession, etc. | 153 |
| failure of such officers to prosecute offenders, penalty, section 11.... | 153 |
| lawful for any person to remove and destroy at any time certain devices placed in any creeks or runs within the state, section 6 of chapter 62 of code, amended..... | 155 |
| owners of such devices so destroyed have no recourse at law..... | 155 |
| provision in regard to rivers..... | 155 |
| proviso as to the Great Capon and Cheat rivers and their tributaries | 155 |
| provision as to the use of nets, traps, etc., in rivers during period when their use is lawful..... | 155, 156 |

| FISH—Continued. | Page. |
|--|----------|
| when possession of seines, except minnow seines, <i>prima facie</i> of the unlawful use thereof..... | 156 |
| size of meshes of nets, etc. | 156 |
| search warrant may be sued out; when..... | 156 |
| unlawful to kill fish by use of explosives or any poisonous drug, bait or food..... | 156 |
| penalties for foregoing offences..... | 156 |
| unlawful to throw in or allow any matter to enter any stream, deleterious to the propagation of fish, section 6a..... | 156, 157 |
| penalty for violation..... | 157 |
| | |
| FISH AND GAME WARDEN: | |
| appropriations to pay..... | 16, 39 |
| (See "Game Warden.") | |
| | |
| FISH-CULTURE STATION: | |
| at the White Sulphur Springs; consent given the United States government to purchase or condemn land for..... | 164 |
| how deeds, etc., to be recorded..... | 164 |
| limit to quantity of land to be taken..... | 165 |
| right reserved by the state as to such lands..... | 165 |
| | |
| FISH NETS: | |
| provisions of law regulating size of meshes of; also, the use of, when and where, section 6..... | 155, 156 |
| lawful to destroy, when, section 6..... | 155 |
| penalty for using, unlawfully, section 6..... | 156 |
| duty of certain county officers, section 11..... | 153 |
| | |
| FISH POTS: | |
| lawful in certain waters, within what period, section 6..... | 155 |
| | |
| FISH TRAPS: | |
| lawful to remove or destroy, used in violation of law to catch fish, section 6..... | 155 |
| may be used, when and in what waters, section 6..... | 155 |
| penalty for violation, section 6..... | 156 |
| duty of certain county officers and penalty for failure to prosecute offenders, section 11..... | 153 |
| | |
| FLAGS OF WEST VIRGINIA REGIMENTS OF CIVIL WAR: | |
| governor authorized to permit the use of such flags upon occasions of national or state encampments of the G. A. R., section 1.. | 172, 173 |
| department commander to designate officer to receive and receipt for flags .. | 173 |
| such officer to give bond..... | 173 |
| what care to be taken of flags, section 2..... | 173 |
| | |
| FLOWER, STATE: | |
| rhododendron, or big laurel, designated as..... | 303, 304 |
| | |
| FOREIGN CORPORATIONS: | |
| what are, for purpose of license-tax assessments, code amended, section 85a | 51, 52 |
| words "chief works" defined, section 85a..... | 52 |
| annual report to be made by, to the auditor, amended section 88... | 58 |
| rates of license tax paid by, and how assessed..... | 58 |
| increase of acreage, and how..... | 57 |
| how such corporations may cease to hold property and discontinue business in this state..... | 57 |
| (See "Corporations," also "Suits Against Corporations.") | |

| FORMS: | Page. |
|--|--------------|
| of affidavit required when application is made to the secretary of state for a certificate or charter to incorporate a resident corporation | 54 |
| of order of publication in suits against corporations to collect delinquent taxes, etc. | 61 |
| of order of publication in suits against certain corporations to forfeit charters or privileges..... | 66 |
| of indictment for offence of embezzlement..... | 90 |
| of notice of mechanics lien and affidavit..... | 134, 135 |
| FRANCHISES AND ASSETS: | |
| of a corporation, other than a railroad corporation; sale of, under a decree, mortgage, deed of trust, etc., section 82, chapter 54 of code, amended | 69 |
| FRANKLIN, IRA M.: | |
| resolution appointing surveyor, to assist in the survey of Marion, Monongalia and Wetzel counties..... | 311, 312 |
| FREE TEXT-BOOKS: | |
| boards of education may purchase, for use of pupils, section 1.... | 113 |
| duties of board where free text-books are furnished, section 2.... | 113 |
| such text-books to be delivered to teachers, section 3..... | 113 |
| duties of teachers in regard to same..... | 113 |
| how books shall be purchased, section 4..... | 113 |
| compensation to secretary of board, section 5..... | 114 |
| FRUIT TREES, VINES AND SHRUBBERY: | |
| dealer in, through travelling agents, before doing business in any county, required to take out license in such county, section 1 | 157 |
| how license to be taken out..... | 157 |
| license fee | 157 |
| such license fee to be paid to sheriff..... | 157 |
| dealer to file list of agents with the clerk of the county court..... | 157 |
| list to be open to the inspection of the public..... | 157 |
| penalty against such dealer for branding or labelling any tree or vine with a false brand or label..... | 157 |
| penalty against such dealer for failing to pay the license tax..... | 157 |
| agent must have a certificate from his employer showing his authority to do business..... | 158 |
| shall present the same for inspection to any person who shall demand to see it..... | 158 |
| false representations, etc., by such agent; penalty..... | 158 |
| (See title "San Jose Scale" as to diseases affecting fruit trees, vines, etc.) | 158 to 162 |
| GAME: | |
| deer; open season for hunting, October 15th to December 15th inclusive, amended section 1, chapter 62 of code..... | 151 |
| no person shall hunt, kill, chase or wound any deer during close season, section 1 | 151 |
| exception as to tame deer, section 1..... | 151 |
| no person during the open season of any year shall kill more than two deer, section 1..... | 151 |
| use of dogs in chasing or hunting deer at any time prohibited, section 1 | 151 |
| killing of fawn in its spotted coat prohibited at all times, section 1, having the fresh skin of such fawn in possession, prohibited, section 1 | 151 |

GAME—Continued.

| | Page. |
|---|----------|
| transportation of deer, wild turkeys and certain other game birds out of the State, prohibited, section 1..... | 151, 152 |
| penalty for violating any provision of this section, section 1.... | 152 |
| concurrent jurisdiction of justices, section 1..... | 152 |
| evidence of violations, section 1..... | 152 |
| open season for hunting pheasants, wild turkeys and certain other game birds, October 15, to December 15, inclusive, amended section 11. of chapter 62 of code..... | 152, 153 |
| open season for hunting the Virginia partridge or quall, November 1, to December 20, inclusive, section 11..... | 153 |
| only 12 of such birds to be killed in any one day by same person, section 11 | 153 |
| open season for hunting wild ducks, wild geese, etc., October 1, to April 1, inclusive, section 11..... | 153 |
| open season for hunting snipe, section 11..... | 153 |
| open season for hunting squirrels, rabbits or hares from September 15. to January 1, inclusive, section 11..... | 153 |
| proviso as to hunting squirrels, rabbits or hares by resident land owners on their own lands, section 11..... | 153 |
| unlawful for any person during the time when the killing of game birds, or fowls, etc., mentioned in this section, is prohibited to catch, kill or injure, or pursue with intent to catch, kill or injure, any such bird or fowl. etc., section 11..... | 152, 153 |
| unlawful to catch at any time by seine, net or trap, any wild turkey, ruffed grouse, pheasant, quall or Virginia partridge, section 11 | 153 |
| unlawful to kill any wild turkey on bait, section 11..... | 153 |
| use of certain guns in certain ways in hunting certain wild fowls, prohibited, section 11..... | 153 |
| penalty for violating any provision of this section, section 11.... | 153 |
| duty of clerk or market master of any city, town, etc., as to illegal possession or vending of game and fish, section 11..... | 153 |
| duties of sheriffs and deputies, constables and police, section 11... | 153 |
| penalty for failure of such officers to prosecute offenders, section 11 | 153, 154 |
| non-residents required to obtain license to hunt, section 17, chapter 62 of code, amended..... | 154 |
| game warden to issue such license: when, section 17..... | 154 |
| fee for such license, section 17..... | 154 |
| good for what period and for what purpose, section 17..... | 154 |
| such license shall be under hand and seal of the game warden; what to show upon its face, section 17..... | 154 |
| penalty on non-resident for hunting without license, section 17.... | 154 |
| duty of game warden as to such license; his fee, section 17..... | 154 |
| license fee to be paid into the treasury of the State, section 17.... | 154 |
| production of such license by the licensee for inspection; when and to whom, section 17..... | 154 |
| penalty for failure, section 17..... | 154 |
| proviso as to non-resident hunting on lands he may own in fee, section 17 | 154 |
| section 18 of chapter 62 of code, relating to certain duties of clerks of county courts and sheriffs respecting the issuance of hunter's licenses and license fees for, repealed, section 2... | 155 |
| GAME WARDEN, STATE: | |
| appropriations to pay..... | 16, 38 |
| section 17 of chapter 62 of code, relating to, amended..... | 154 |
| non-residents must obtain license from, to hunt, section 17..... | 154 |

| GAME WARDEN, STATE—Continued. | Page. |
|--|--------------|
| application to, for such license and what such application to state, section 17..... | 154 |
| license fee, section 17..... | 154 |
| such license good for what period and for what purposes, section 17, issuance of such license..... | 154 |
| what such license to show upon its face, section 17..... | 154 |
| duty of, as to recording hunter's license, section 17..... | 154 |
| his fee for issuing and recording license, section 17..... | 154 |
| license tax to be paid into State's treasury, section 17..... | 154 |
| inspection of such license after issuance, when and by whom, section 17 | 154 |
| penalty on licensee for falling or refusing to produce his license for inspection, section 17..... | 154 |
| proviso as to non-resident hunting on lands he may own in fee, section 17 | 154 |
| section 18 of chapter 62 of code repealed, section 2..... | 155 |
| | |
| GATES, L. C. : | |
| appropriation to pay..... | 23 |
| | |
| GENERAL SCHOOL FUND : | |
| appropriations for distribution of..... | 15, 37 |
| resolution providing for the payment out of "the school fund" to the credit of, the excess over \$1,000,000..... | 308 |
| | |
| GEOLOGICAL AND ECONOMIC SURVEY, STATE : | |
| appropriations for | 16, 38 |
| sections 4 and 6 chapter 6, acts of 1897, concerning, amended.... | 162, 163 |
| special reports, with maps, etc., to be printed as commission directs, section 4 | 162 |
| how reports to be distributed or sold, section 4..... | 162 |
| how money obtained for sale of reports to be used, section 4.... | 162 |
| persons employed in said survey to have the right to enter upon lands, and into mines, for purposes of survey, without molestation or arrest, section 6..... | 162, 163 |
| in such case not liable to owners, except for actual damage done to property, section 6..... | 163 |
| | |
| GEOLOGICAL SURVEY, UNITED STATES : | |
| persons employed in to have the right to enter upon lands and into mines for purposes of the survey, without molestation or arrest, section 6 | 162, 163 |
| in such case, not liable to owners, except for actual damage done to the property, section 6..... | 163 |
| | |
| GLENN, ELLIS : | |
| appropriation for legal services rendered in case of..... | 23 |
| | |
| GLENNVILLE NORMAL SCHOOL : | |
| appropriations for | 4, 5, 29 |
| | |
| GOLDBARTH & STRAUSS : | |
| appropriation to pay | 24 |
| | |
| GOVERNOR : | |
| appropriations to pay salary of..... | 48, 49 |
| appropriations for private secretary, and other clerk hire..... | 17, 39 |
| civil contingent fund for..... | 16, 38 |

| GOVERNOR—Continued. | Page. |
|--|----------|
| appropriations to repay moneys borrowed by | 20 |
| biennial reports to be made to, respecting insurance carried on public buildings | 14, 36 |
| list of delinquent corporations to be certified to, by the auditor.. | 59 |
| when to issue his proclamation declaring the delinquency of corporations mentioned in such list..... | 59 |
| recording and publication of such proclamation..... | 59 |
| when elected | 93 |
| salary to be received by..... | 99 |
| may transfer patients from the "West Virginia Asylum" to the hospitals for the insane, or <i>vice versa</i> | 119 |
| to appoint board of directors of the penitentiary, section 2..... | 139 |
| duties of, as to appointment and removal of officers of the penitentiary, section 10 | 142 |
| may issue parole to certain convicts in the penitentiary, section 45 | 149 |
| to remain in control of prisoner while on parole..... | 149 |
| may parole convicts under general sentences..... | 150 |
| joint committee to wait upon..... | 209 |
| requested to forward a copy of the resolution respecting the improvement of the Ohio and Little Kanawha Rivers to certain persons | 302 |
| empowered to investigate and inquire into, and cause to be prosecuted any person, or persons, guilty of mob violence or lynching | 305, 306 |
| authorized to appoint agents to recover from the United States moneys due to West Virginia..... | 309 |
| requested to appoint Katharine V. White to christen the armored cruiser, "West Virginia."..... | 311 |
| to appoint engineer or surveyor to assist in surveying the counties of Marlion, Monongalia and Wetzel..... | 312 |
| | |
| GOVERNOR'S MANSION AND GROUNDS: | |
| appropriations for improvements and additions..... | 19, 41 |
| appropriations for additional lot..... | 19, 41 |
| | |
| GRAFTON, CITY OF: | |
| additional authority conferred on the city council of, in relation to funding the bonded indebtedness of said city, and to increase its bonded indebtedness..... | 179 |
| council authorized to issue bonds, section 1..... | 179 |
| limit to amount; denomination of such bonds..... | 179 |
| rate of interest such bonds to bear; bonds to be exempt from city taxes | 179 |
| interest on bonds payable semi-annually, section 2..... | 179 |
| time and place where interest payable to be expressed on face of coupons | 179, 180 |
| time when and place where bonds payable, to be expressed on the face thereof, section 3..... | 180 |
| present bonded indebtedness of city to be funded, section 4..... | 180 |
| how residue of proceeds of bonds to be applied..... | 180 |
| what annual levy to be made for payment of bonds and interests, section 5 | 180 |
| bonds to be cancelled and record kept, etc..... | 180 |
| what vote of city necessary to authorize bond issue, section 6..... | 180 |
| what authority given to council to carry into effect the provisions of this act, section 7..... | 180 |
| sections 2, 3 and 4, of chapter 44, of the acts of 1899, relating to charter of the city of, amended, and the charter of the town of Fetterman abolished | 181 |

| | Page. |
|--|---------------|
| GRAFTON, CITY OF—Continued. | |
| extended boundaries of city defined. section 2..... | 181, 182 |
| municipal authorities to divide city into wards. section 3..... | 182 |
| municipal authorities, who to constitute, section 4..... | 182 |
| compensation of city officials..... | 182 |
| charter of the town of Fetterman abolished..... | 182 |
| duty of officers of Fetterman in regard to records of such town.. | 182 |
| duty of officers of Fetterman as to corporate funds..... | 182 |
| claims, etc., in favor of town of Fetterman transferred to city of Grafton, | 182 |
| two councilmen to be elected from each ward..... | 183 |
| term of office of councilmen..... | 183 |
| provision as to councilmen now serving..... | 183 |
| how vacancy in office of councilman filled..... | 183 |
| GRAFTON INDEPENDENT SCHOOL DISTRICT: | |
| act establishing, amended | 278, 279, 280 |
| name of school district. section 1..... | 278 |
| new boundary lines of. defined..... | 278, 279 |
| board of education to provide school houses, furniture, etc., section 11 | 279 |
| duties of board as to loans, and other expenses..... | 279 |
| levy to be laid by board..... | 279 |
| what to constitute the "building fund,"..... | 279 |
| provisions respecting contracting a debt..... | 279, 280 |
| Fetterman school district abolished..... | 280 |
| all property of abolished district to vest in Grafton district..... | 280 |
| what rights, etc., Grafton board succeeds to..... | 280 |
| duties of certain officers of the two districts..... | 280 |
| GRAND ARMY OF THE REPUBLIC: | |
| governor authorized to permit the Grand Army of the Republic to carry the Union flags of the West Virginia regiments of the civil war, on certain occasions, under certain restrictions..... | 172, 173 |
| department commander to designate officer to receive and receipt for such flags | 173 |
| such officer to give bond..... | 173 |
| what care to be taken of such flags. section 2..... | 173 |
| GRAND RAPIDS FURNITURE COMPANY: | |
| appropriation to pay..... | 24 |
| GRANTSVILLE INDEPENDENT SCHOOL DISTRICT: | |
| establishment of, authorized..... | 281 to 283 |
| election to be held to determine question of establishment of, when, section 1 | 281 |
| boundary lines of proposed district..... | 281, 282 |
| name of district | 282 |
| board of education to consist of three members, section 2..... | 282 |
| how members of board to be elected..... | 282 |
| when members to be elected; terms of members..... | 282 |
| general powers of board, sections 2 and 3..... | 282 |
| board to be a corporation; corporate name, section 3..... | 282 |
| polling places to be established by board. section 4..... | 282 |
| board to organize by electing clerk and president; when, section 5.. | 282 |
| compensation of clerk..... | 282 |
| what school books to be used in district schools, section 7..... | 282, 283 |
| free text books may be provided..... | 283 |
| board to determine length of school term, section 7..... | 283 |
| provisions as to election to determine question of establishment of district, section 8..... | 283 |

| | Page. |
|---|----------------|
| GROSSMAN, M. W. : | |
| appropriation to pay..... | 24 |
| GUARANTY, SURETY, BONDING AND INSURANCE COMPANIES : | |
| act to incorporate and regulate..... | 74 to 79 |
| GUARDIANS : | |
| certain acts of, respecting personal property made larceny..... | 90, 91 |
| (See "Fiduciaries.") | 82 |
| GUARD, NATIONAL : | |
| appropriation to repay moneys borrowed and used for..... | 20 |
| HAMPSHIRE COUNTY : | |
| special joint committee to investigate the State's ownership of cer- tain property at Capon Springs in..... | 313 |
| HARES : | |
| unlawful to catch, kill, or injure, within what period, section 11.. | 153 |
| exception as to resident land owners hunting upon their own lands | 153 |
| penalty | 153 |
| duties of certain officers touching violations of game laws..... | 153 |
| penalty on such officers for failure to prosecute offenders..... | 153 |
| hunters' license required for non-residents; provisions of law gov- erning, section 17 | 154 |
| HARRIS, JNO. T. : | |
| appropriation to pay..... | 23 |
| HEALTH, STATE BOARD OF : | |
| appropriations for | 13, 35 |
| HENRY, C. : | |
| appropriation to pay..... | 25 |
| HISTORICAL SOCIETY : | |
| appropriation for | 2 |
| HOFERER, WILLIAM : | |
| appropriation to pay..... | 24 |
| HOGAN, JOHN : | |
| appropriation to pay..... | 26 |
| HOLT, J. H. : | |
| appropriation for | 22 |
| HOME FOR GIRLS, INDUSTRIAL : | |
| appropriations for | 10, 32, 33 |
| HOME GUARDS, STATE : | |
| resolution in relation to pension laws for..... | 304 |
| HOSPITALS FOR THE INSANE : | |
| appropriations for | 11, 12, 33, 34 |
| resolution raising joint committee to visit..... | 303 |
| HOSPITAL FOR THE INSANE AT SPENCER : | |
| board of directors of, authorized to allow the town of Spencer to attach water mains to the water works of the hospital to be used in case of fire..... | 172 |
| compensation, how to be fixed..... | 172 |

| | Page. |
|---|---------------|
| HOSPITALS FOR MINERS: | |
| appropriations for | 12, 34 |
| section 5, chapter 57, acts of 1899, concerning, amended..... | 163 |
| who to admit patients for treatment, section 5..... | 163 |
| who to be treated free of charge, section 5..... | 163 |
| preference to be given to persons accidentally injured, section 5.. | 163 |
| HUBBARD, W. P.: | |
| appropriation for | 23 |
| HUMANE SOCIETY: | |
| appropriations for | 16, 38 |
| HUNTER'S LICENSE: | |
| non-residents required to obtain, section 17..... | 154 |
| unlawful for such persons to hunt in this State without, section 17 | 154 |
| how such license obtained, section 17..... | 154 |
| what to be stated in affidavit, section 17..... | 154 |
| tax on license and to whom paid, section 17..... | 154 |
| good for what period and for what purposes, section 17..... | 154 |
| what must be stated on face of license, section 17..... | 154 |
| penalty for hunting without license, section 17..... | 154 |
| recording of, and fee for issuing, section 17..... | 154 |
| production of license by licensee for inspection, when and to whom, | |
| section 17 | 154 |
| penalty on licensee for failure or refusal, section 17..... | 154 |
| section 18, in relation to the duty of sheriffs and county court clerks | |
| to pay over to the auditor taxes received from hunters' | |
| licenses, repealed | 155 |
| HUNTING: | |
| what game may be killed, and when, sections 1, 11..... | 151, 152, 153 |
| penalty for killing game unlawfully, sections 1, 11..... | 152, 153 |
| duty of certain county officers touching violations of game law, and | |
| penalty for failure to prosecute offenders, section 11..... | 153 |
| non-residents required to obtain license, section 17..... | 154 |
| provisions of law governing such license, section 17..... | 154 |
| HUNTINGTON, ASYLUM AT: | |
| appropriations for | 10, 11, 33 |
| HUNTINGTON, CITY OF: | |
| charter amended | 263 to 265 |
| general corporate powers and duties of council, section 41..... | 263 to 265 |
| how fines and penalties recovered and imprisonment enforced..... | 265 |
| HUNTINGTON INDEPENDENT SCHOOL DISTRICT: | |
| section 11, of act establishing, amended..... | 289, 290 |
| board of education to provide school houses, furniture, etc., sec- | |
| tion 11 | 289 |
| to pay principal and interest on loans, and other expenses..... | 289 |
| to levy tax for certain specific purposes; limit to such levy..... | 289 |
| "building fund," what to constitute..... | 289 |
| board authorized to borrow money..... | 289, 290 |
| limit to amount that may be borrowed..... | 290 |
| no debt to be contracted without first submitting the question to a | |
| vote of the people | 290 |
| provisions as to such election..... | 290 |

| | |
|---|--------------------|
| INCORPORATED JOINT STOCK COMPANIES: | Page. |
| (see "corporations") | 51 to 64 |
| (see "suits against corporations")..... | 59 to 62, 65 to 67 |
| (see "certificates of incorporation") | 67, 68 |
| sale of the works, assets, property and franchises of a corporation, other than a railroad corporation..... | 69 |
| INDEPENDENT SCHOOL DISTRICTS: | |
| of Richwood, in Nicholas County, establishment of, authorized; boundaries of proposed school district; vote required to estab- lish; other provisions relating to..... | 268 to 276 |
| of Clarksburg, Harrison County; board of education of authorized to issue bonds, for what purpose..... | 177 |
| of Grafton; act establishing amended; new boundary lines fixed; other provisions relating to..... | 278 |
| of Fetterman; act creating repealed and the district abolished, sec- tion 11 | 280 |
| of Grantsville, in Calhoun County; establishment of authorized; boundaries of proposed district; vote required to establish; other proceedings relating to | 281 to 283 |
| of Webster Springs, in Webster County; establishment of author- ized; boundaries of proposed district; vote required to estab- lish; other proceedings relating to..... | 283 to 286 |
| of Bluefield in Mercer County; establishment of authorized; bound- aries of proposed school district; vote required to establish; other proceedings relating to..... | 287 to 289 |
| of Huntington, Cabell County; section 11 of act establishing amended, relating to the general powers and duties of the board of education as to school houses, grounds, etc., and the building fund .. | 289, 290 |
| of Central City, in Cabell County; establishment of authorized; boundaries of proposed school district; vote required to establish; other provisions relating to..... | 290 to 298 |
| INDUSTRIAL HOME FOR GIRLS: | |
| appropriations for | 10, 32, 33 |
| INSANE ASYLUMS: | |
| appropriations for | 11, 12, 33, 34 |
| resolution raising joint committee to visit..... | 303 |
| INSECTS: | |
| (See "San Jose Scale") | 158 to 162 |
| INSPECTOR OF MINES: | |
| appropriations for salaries of..... | 13, 35 |
| INSTITUTE INSTRUCTORS: | |
| appropriations for | 13, 14, 36 |
| INSTITUTES, TEACHERS': | |
| to be held in each county annually..... | 104 |
| how place of holding designated..... | 104 |
| to continue five days..... | 104 |
| who to attend..... | 104, 105 |
| fees .. | 105 |
| how to be conducted..... | 105 |
| certified list of attendants to be forwarded to state superintendent, how exemption to be obtained from compulsory attendance..... | 105 |
| appropriations for | 105 |
| salaries of instructors..... | 106 |
| | 105 |

| | Page. |
|--|------------|
| INSURANCE: | |
| appropriations for, for public buildings..... | 14, 36 |
| under whose direction expended, and how..... | 14, 36 |
| INSURANCE COMPANIES: | |
| for insurance of any kind, other than upon the life of any person, or against loss by fire; act to incorporate and regulate..... | 74 to 79 |
| INTELLIGENCER PUBLISHING COMPANY: | |
| appropriation to pay..... | 22 |
| INTESTATE'S ESTATE: | |
| administration of, jurisdiction to grant, section 4, chapter 85 of code amended | 53 |
| who to be appointed and in what order..... | 83 |
| proviso as to a non-resident acting as personal representative of... bond to be given, and oath to be taken before administration granted, section 5, chapter 85 of code, amended..... | 83 |
| affidavit administrator must file, and when..... | 83 |
| what such affidavit must show..... | 83 |
| clerk to record affidavit, and how..... | 83 |
| effect of such affidavit as evidence..... | 83, 84 |
| when such affidavit may not be required..... | 84 |
| no other oath or affidavit shall be required..... | 84 |
| when grant of administration ceases..... | 84 |
| administration by sheriff, code amended..... | 86, 87 |
| INTOXICATING LIQUORS: | |
| shipment and sale of, (C. O. D. Act) contrary to law; penalty.... | 130 |
| how violators may be proceeded against..... | 130, 131 |
| IRREDUCIBLE SCHOOL FUND: | |
| resolution providing for the payment out of "the school fund," to the credit of "the general school fund," of the excess over \$1,000,000 in the treasury, in accordance with the "Irreducible School Fund Amendment" | 308 |
| JANITORS AT CAPITOL: | |
| salaries to be received by..... | 100 |
| resolution fixing the per diem to be paid assistants during the ses- sion of the legislature..... | 306 |
| JEFFERSON COUNTY COURT: | |
| authorized to allow credit to the estate of Eugene Baker, deceased, late sheriff, for erroneous assessments, etc. | 307 |
| JOINT RESOLUTIONS: | |
| providing for joint committee to wait upon governor..... | 299 |
| authorizing auditor to issue warrants for the per diem and mileage of members, and per diem of officers and attaches of senate and house of delegates..... | 299 |
| relating to the Virginia debt question..... | 300 |
| relating to the development and improvement of the Ohio and Little Kanawha Rivers, and the appointment of joint committees to take up the matter with the representatives of West Virginia in Congress .. | 300 to 302 |
| authorizing the secretary of state to furnish the law library of the University with copies of the Supreme Court reports..... | 302 |

JOINT RESOLUTIONS—Continued.

| | Page. |
|--|----------|
| adopting joint rules for the government of the two houses of the legislature. | 303 |
| raising a select committee to visit hospitals for the insane at Weston and Spencer and report thereon to the house and senate | 303 |
| relating to a state flower. | 303, 304 |
| relating to pension laws for state home guards. | 304 |
| providing for the redistricting of the judicial circuits of the state. . | 305 |
| adding the names of the speaker of the house and the president of the senate to the joint committees provided for under joint resolution No. 4 | 305 |
| authorizing and empowering the governor to investigate and inquire into, and cause to be prosecuted any person or persons guilty of mob violence or lynching. | 305, 306 |
| fixing the <i>per diem</i> to be paid assistant janitors of the capitol building during the session of the legislature. | 306 |
| relieving the estate of Eugene Baker, deceased, late sheriff of Jefferson county, from erroneous assessments and the forfeiture of his commissions, and interest above six per cent. | 307 |
| providing for the payment out of "the school fund," to the credit of "the general school fund," the excess over \$1,000,000 now in the treasury to the credit of said school fund, in accordance with the amendment to the constitution recently adopted, known as the "Irreducible School Fund Amendment" | 308 |
| relating to the proper observance of the anniversary of the birth of Abraham Lincoln by the members of the state legislature. | 308, 309 |
| authorizing the appointment of an agent or agents to collect moneys due to this state from the government of the United States. . | 309 |
| authorizing pay of mileage to the special joint committee under joint resolution No. 4. | 310 |
| recommending the enlargement and betterment of the navy of the United States, and a strict adherence to the Monroe doctrine requesting the governor to appoint Miss Katharine V. White to christen the armoured cruiser, "West Virginia," | 311 |
| authorizing the secretary of state to furnish to the judges of criminal courts copies of the West Virginia reports, and of the code of 1899. | 311 |
| providing for a survey of the counties of Marlon, Monongalia, and Wetzel | 311, 312 |
| authorizing the appointment of a committee to investigate the state's ownership of certain property at Capon Springs, Hampshire county | 313 |
| relating to the bills suggested by the state tax commission. | 314 |
| authorizing the board of regents of the normal schools to sell the property known as the Fairmont State normal school. | 314 |

JOINT RULES:

| | |
|--|-----|
| adoption of, for the government of the two houses of the legislature | 303 |
|--|-----|

JOINT STOCK COMPANIES:

| | |
|---|----|
| classification of, in assessing license tax on charters or certificates of incorporation, new section 85a. | 51 |
| words "chief works" defined, section 85a. | 52 |
| provisions of sections 86, 87 and 88 of chapter 32 of the code, as amended, not to apply to joint stock companies on which a tax is imposed by chapter 54 of the code, section 85a. | 52 |
| any corporation feeling aggrieved at the assessment of its license tax by the auditor may apply to the board of public works for relief, section 85a. | 52 |

| JOINT STOCK COMPANIES— <i>Continued.</i> | Page. |
|---|------------|
| auditor may appoint a state agent to investigate violations of laws imposing a license tax on corporations, and to collect license taxes, etc., due, section 85a..... | 52 |
| rates of license tax required of, sections 86, 87 and 88 of chapter 32 of code, amended | 53 to 58 |
| suits against, and for what, section 90. chapter 32 of code, amended relating to the corporate name of, section 11 of chapter 53 of code, amended | 59 to 62 |
| voluntary dissolution of, how effected, section 56 of chapter 53 of code, amended | 62 |
| increase or reduction of capital stock, when and how, section 21, of chapter 54 of code, amended..... | 63 |
| change of name of principal office or chief works. section 21..... | 64 |
| suits against, to forfeit charter or privilege (Special Act)..... | 65 to 67 |
| (See "Corporations") | 51 to 64 |
| (See "Suits Against Corporations") | 65 to 67 |
| (See "Certificates of Incorporation") | 67 to 68 |
| JUDGES OF CIRCUIT COURTS: | |
| appropriations to pay salaries of..... | 48, 49 |
| appropriations to pay for special judges | 48, 49 |
| appropriations to pay mileage of..... | 48, 50 |
| when elected | 93 |
| salaries to be received by, fixed..... | 100 |
| not to receive mileage for attending more than six terms in any county in any one year..... | 100 |
| prohibited from receiving free transportation from railways..... | 100 |
| JUDGES OF CIRCUIT COURT OF OHIO COUNTY: | |
| board of commissioners authorized to allow judges additional compensation | 165 |
| such allowance not to be increased or diminished during term of office of judge to whom it is made..... | 165 |
| when such allowance may commence..... | 165 |
| JUDGES OF CRIMINAL AND INTERMEDIATE COURTS: | |
| appropriations to pay salaries of..... | 48, 49 |
| appropriations to pay special judges of..... | 48, 49 |
| secretary of state authorized to furnish supreme court reports and code to | 311 |
| JUDGES OF SUPREME COURT: | |
| appropriations to pay salaries of..... | 48, 49 |
| appropriations to pay mileage of..... | 48, 49 |
| number of, increased to five..... | 91 |
| three to constitute quorum..... | 91 |
| when elected | 93 |
| salaries to be received by, fixed..... | 100 |
| not to receive free transportation from railway companies..... | 100 |
| JUDICIAL CIRCUITS: | |
| rearrangement of, | 91, 92 |
| resolution providing for joint committee to take into consideration the matter of redistricting the State into judicial circuits.... | 305 |
| JUSTICES: | |
| duties of, under compulsory school law..... | 106 to 108 |
| have concurrent jurisdiction with circuit courts in prosecutions for violations of game law, section 1..... | 152 |

| | Page. |
|--|----------|
| JUSTICES' COURTS: | |
| how process and notice served on corporations in, section 34, chapter 50 of code, amended..... | 79 |
| KANAWHA COUNTY: | |
| county court of, authorized to issue coupon bonds; for what sum, section 1 | 170 |
| when payable and when redeemable..... | 170 |
| interest not to exceed 4 percent, per annum..... | 170 |
| for what proceeds of bonds to be used, section 2..... | 170 |
| bonds not to be sold for less than par, section 3..... | 170 |
| how proceeds of sale to be used..... | 170 |
| no increased indebtedness or increased levy to be made..... | 170 |
| annual levy for interest and sinking fund to be included in what.. | 170 |
| where bonds and interest coupons payable, section 4..... | 170, 171 |
| how bonds to be executed..... | 171 |
| denominations of bonds..... | 171 |
| how sinking fund to be invested..... | 171 |
| what to be entered of record..... | 171 |
| special election to be held, and provisions in regard thereto..... | 171 |
| county court to provide levy to pay interest and principal..... | 171 |
| circuit court may enforce provisions of this act by mandamus..... | 171 |
| what commission to be allowed sheriff..... | 171 |
| KANAWHA, STEAMER: | |
| appropriation for | 22 |
| KEEPER OF ARMORY: | |
| appropriations for salary of..... | 19, 41 |
| KEEPER OF THE ROLLS: | |
| appropriations to pay salary of..... | 49, 50 |
| salary to be received by, fixed..... | 100 |
| KEYSER PREPARATORY BRANCH OF THE UNIVERSITY: | |
| appropriations for | 7, 30 |
| LABOR, BUREAU OF: | |
| appropriations for | 12, 33 |
| LAND: | |
| sales of, under decrees, section 1, chapter 132 of code, relating to such sales by special commissioner, amended..... | 85, 86 |
| LANG. L. L.: | |
| appropriation to pay | 25 |
| LARCENY: | |
| misappropriation in any way, by public collectors and officials, or their deputies, of public moneys, which come into their hands by virtue of their office, declared to be larceny, section 54, of chapter 41 of code, amended..... | 88 |
| also, misappropriation in any way by officer or person having the custody or disbursement of such moneys..... | 98 |
| officer appropriating any money coming into his hands officially, or loaning such money except upon order of the proper court, deemed guilty of the misappropriation thereof: how punished | 88 |
| larceny by embezzlement or fraudulent conversion of bullion, money, etc., or any effects or property: by any officer, agent, clerk or servant of the State, code, section 19 of chapter 145, amended | 89 |

| LARCENY—Continued. | Page. |
|---|------------|
| by any officer, agent, clerk, etc., of any county, district, school district or municipal corporation | 89 |
| by any officer, agent, clerk, etc., of any incorporated bank or other corporation .. | 89 |
| by any officer of public trust..... | 89 |
| by any agent, clerk or servant of any firm or person..... | 89 |
| by any agent, clerk or servant of any company or association of persons not incorporated | 89 |
| in the prosecution of any such officer, agent, clerk or servant, what deemed presumptive of guilt..... | 89, 90 |
| rebuttal of such presumption..... | 90 |
| form of indictment for such offence..... | 90 |
| if any State, county, district, school district or municipal officer, agent, clerk or servant appropriate or use for his own benefit, etc., any bullion, money, bank notes, etc., belonging to the State, county, etc., he shall be guilty of the larceny thereof.. | 90 |
| what failure on the part of such officer, clerk, etc., deemed <i>prima facie</i> evidence of guilt..... | 90 |
| if any person destroy or conceal a will, with intent to prevent the probate thereof, how punished, section 22, chapter 145 of code, amended | 90 |
| what acts of any guardian, personal representative, or other fiduciary, respecting personal property, declared to be larceny..... | 90, 91 |
| failure of any such fiduciary to account for and pay over moneys, etc., due and payable, <i>prima facie</i> evidence of embezzlement.. | 91 |
| | |
| LAUGHLIN, J. L.: | |
| appropriation to pay..... | 22 |
| | |
| LAUREL, BIG: | |
| designated as state flower..... | 303, 304 |
| | |
| LAWS REPEALED: | |
| section 13, chapter 140, acts of 1901, abolishing the preparatory department of the University..... | 164 |
| section 18, chapter 62, code, respecting the duties of clerks of county courts and sheriffs in relation to hunters' license tax | 155 |
| | |
| LEGISLATURE: | |
| appropriations for contingent expenses of..... | 17 |
| appropriations for mileage and <i>per diem</i> of members of..... | 46, 47 |
| appropriations for <i>per diem</i> of officers and attaches of..... | 46 to 48 |
| appropriation for distribution of acts and journals of..... | 17 |
| appropriation for swearing in members of the senate..... | 47 |
| certain officers required to report in detail to, the expenditure of contingent funds | 17, 39, 45 |
| when delegates and senators of, elected..... | 93 |
| members of, may appoint cadets to the university..... | 115 |
| to appoint joint committee to examine into, and report upon, the condition of the penitentiary, section 18..... | 143 |
| auditor authorized to pay members of, in advance of appropriations therefor .. | 299 |
| joint rules adopted for the government of the two houses of..... | 303 |
| list of members and officers of the house..... | 319, 320 |
| standing committees of the house..... | 321 to 323 |
| list of members and officers of the senate..... | 324 |
| standing committees of the senate..... | 325, 326 |

| LEGISLATURE, ACTS OF AMENDED: | Page. |
|--|----------------|
| 1887, chapter 14, section 1, defining the corporate boundaries of the city of Wellsburg..... | 253 |
| 1889, chapter 1, section 11, concerning the independent school district of Huntington..... | 289 |
| 1893, chapter 28, section 8, changing the times for holding terms of the criminal court of Cabell county..... | 166 |
| 1895, chapter 58, section 25, authorizing the reassessment of the real estate of the city of Charleston for taxation for municipal purposes .. | 176 |
| 1897, chapter 6, sections 4 and 6, concerning the state geological and economic survey .. | 162 |
| 1897, chapter 7, sections 1 and 6, changing the name of the Asylum for Incurables, and other provisions relating thereto..... | 118. |
| 1897, chapter 26, concerning the West Virginia Reform School.... | 116 |
| 1897, chapter 101, sections 8 and 11, amending the charter of the city of Clarksburg..... | 262 |
| 1899, chapter 4, sections 31 and 34, concerning the charter of the city of Sistersville | 266 |
| 1899, chapter 30, concerning the charter of the city of Moundsville | 230 |
| 1899, chapter 44, sections 2, 3 and 4, concerning the charter of the city of Grafton, and abolishing the charter of the town of Fetterman .. | 181 |
| 1899, chapter 46, concerning the independent school district of Grafton, and abolishing the independent school district of Fetterman .. | 278 |
| 1899, chapter 57, section 5, concerning Miners' hospitals..... | 163 |
| 1901, chapter 33, sections 2, 3, 4 and 8, relating to the San Jose Scale and other dangerous insects..... | 158 |
| 1901, chapter 85, concerning the incorporation and regulation of title and trust companies..... | 70 |
| 1901, chapter 92, section 1 amended, and sections 13 and 14 added, concerning toll roads and turnpikes..... | 122 |
| 1901, chapter 149, concerning the charter of the city of Wellsburg | 255 |
| 1901, chapter 150, section 41, concerning the charter of the city of Huntington .. | 263 |
| | |
| LEGISLATURE, ACT OF REPEALED: | |
| 1901, chapter 140, section 13, abolishing the preparatory department of the University | 164 |
| | |
| LEWIS, HUBBARD & COMPANY: | |
| appropriation to pay..... | 24 |
| | |
| LEWIS, VIRGIL A.: | |
| appropriation to pay..... | 25 |
| | |
| LIBRARIAN, STATE: | |
| appropriations to pay salary of..... | 48, 49 |
| appropriations to pay contingent expenses of office of..... | 17, 39 |
| | |
| LIBRARY, STATE: | |
| appropriations for | 14, 17, 36, 39 |
| | |
| LICENSE: | |
| required by dealers in fruit trees, etc., who employ travelling agents, section 1 | 157 |
| | |
| LICENSE, HUNTER'S: | |
| required of non-residents to hunt in this state, section 17..... | 154 |

| | Page. |
|--|----------------|
| LICENSE, HUNTER'S—Continued. | |
| provisions of law governing the issuing and using of hunter's license, section 17..... | 154 |
| unlawful for such persons to hunt without obtaining such license, section 17 | 154 |
| what license tax to be paid, and to whom, section 17..... | 154 |
| game warden's duty as to such license..... | 154 |
| section 18, in relation to the duty of sheriffs and county court clerks to pay over to the auditor taxes received from hunters' licenses, repealed | 155 |
| LICENSE TAX ON CORPORATIONS: | |
| classification of corporations in assessing such tax on charters of incorporation, code amended..... | 51, 52 |
| annual license tax on resident corporations..... | 53 |
| annual license tax on non-resident corporations..... | 55 |
| who to collect initial license tax, and who subsequent taxes..... | 53-4, 55-6, 58 |
| annual license tax on foreign corporations..... | 56 |
| who to assess and collect such tax..... | 56-7-8 |
| tax for holding land..... | 56, 58 |
| auditor to notify delinquent corporations..... | 58 |
| penalties for non-payment, and proceedings to enforce same..... | 59 to 62 |
| words "license tax" what to include..... | 60 |
| what corporations exempt from paying license tax..... | 62 |
| LIENS OF MECHANICS AND MATERIAL MEN: | |
| section 3, chapter 75, code, concerning liens of mechanics and material men, amended | 132 |
| how lien secured for labor performed or material furnished to principal contractor or subcontractor..... | 132 |
| priority of such lien..... | 132 |
| duty of mechanic or person furnishing material to file with owner itemized account | 133 |
| within what time such account to be filed..... | 133 |
| notice to owner covers nine months preceding..... | 133 |
| owner may require mechanic, etc., to file with him such account.. | 133 |
| failure to do so within ten days releases lien..... | 133 |
| form for notice to owner..... | 134, 135 |
| form for affidavit, accompanying same..... | 135 |
| notice to be recorded..... | 134 |
| LINCOLN, ABRAHAM: | |
| resolution relating to the proper observance of the anniversary of the birth of | 308, 309 |
| LIQUORS, INTOXICATING: | |
| shipment and sale of, (C. O. D. Act), contrary to law, penalty.... | 130 |
| how violators may be proceeded against..... | 130, 131 |
| LITTLE KANAWHA AND OHIO RIVERS: | |
| joint resolution relating to the development and improvement of.. | 300 to 305 |
| auditor authorized to pay mileage of joint committee appointed to wait upon representatives in congress, relative to improvement of .. | 310 |
| LOCKS AND DAMS: | |
| resolution relative to the purchase of the locks and dams in the Little Kanawha River by the United States government..... | 300 to 302 |

| | Page. |
|--|----------|
| LOEWENSTEIN AND SONS : | |
| appropriation to pay..... | 23 |
| LOUISIANA PURCHASE EXPOSITION : | |
| appropriations for | 21 |
| commission, to be known as "The Louisiana Purchase Exhibition Board," appointed by the governor to have entire control of making exhibit and expenditure of money..... | 21 |
| how money to be drawn from the treasury..... | 21 |
| board to elect treasurer..... | 21 |
| treasurer to give bond..... | 21 |
| what statement to be made to governor; to be presented to the legislature .. | 21 |
| LUNATICS IN JAIL : | |
| appropriations for | 2, 27 |
| LYNCHING : | |
| resolution authorizing and empowering the governor to investigate and inquire into, and cause to be prosecuted any person or persons guilty of..... | 305, 306 |
| MARION COUNTY : | |
| joint resolution authorizing survey of, for what purpose..... | 311, 312 |
| MARKET MASTER OR CLERK : | |
| of any city, town or village; to watch and arrest persons having game or fish in their possession or vending same during any of the periods prohibited by the game law, section 11..... | 153 |
| penalty for failure to prosecute offenders, section 11..... | 153 |
| MARSHALL COLLEGE : | |
| appropriations for | 2, 3, 27 |
| MARTINSBURG, CITY OF : | |
| act authorizing, to acquire a supply of pure and wholesome water. city to have power to improve, enlarge, etc., water works, section 1 authorized to acquire springs or other waters, or land..... | 167, 168 |
| also to settle, by agreement, damages to any person resulting from exercising powers conferred..... | 167 |
| authorized to institute proceedings to condemn springs or other waters, also land, necessary for carrying out the provisions of act, section 2 | 168 |
| expenses of condemnation proceedings to be borne by city..... | 168 |
| MAYNARD, J. F. : | |
| appropriation to pay..... | 21 |
| MECHANIC'S LIEN : | |
| section 3, chapter 75, code, concerning liens of mechanics and material men, amended | 132 |
| how lien secured for labor performed or material furnished to principal contractor or sub-contractor..... | 132 |
| priority of such lien..... | 132 |
| duty of mechanic or person furnishing material to file with owner itemized account | 133 |
| within what time such account to be filed..... | 133 |
| notice to owner covers nine months preceding..... | 133 |
| owner may require mechanic, etc., to file with him such account.. | 133 |

| | Page. |
|--|------------|
| MECHANIC'S LIEN—Continued. | |
| failure to do so within ten days releases lien..... | 133 |
| form for notice to owner..... | 134, 135 |
| form for affidavit accompanying same..... | 135 |
| notice to be recorded | 134 |
| MEMBERS OF LEGISLATURE : | |
| appropriations to pay | 46-47 |
| auditor directed to pay..... | 299 |
| appropriation to pay for swearing in senators..... | 47 |
| names of | 319, 324 |
| when elected | 93 |
| MEYERS BROTHERS : | |
| appropriation to pay..... | 24 |
| MICHAELSON, O. H. : | |
| appropriation to pay..... | 24 |
| MILEAGE : | |
| appropriations to pay mileage of members of the legislature..... | 46, 47 |
| appropriations to pay mileage of judges of supreme and circuit courts | 48, 49, 50 |
| rate of, to be paid judges of supreme and circuit courts..... | 100 |
| limit of mileage to be paid for holding court in any county in any one year by circuit judges..... | 100 |
| resolution authorizing payment of, to the special joint committee under joint resolution No. 4..... | 319 |
| MILITIA : | |
| appropriations for | 19, 40, 41 |
| how disbursed | 19 |
| appropriation to repay money borrowed and used for..... | 20 |
| MILLER, W. N. : | |
| appropriation to pay | 23 |
| MINERS' HOSPITALS : | |
| appropriations for | 12, 34 |
| section 5, chapter 57, acts of 1899, concerning, amended..... | 163 |
| who to admit patients for treatment, section 5..... | 163 |
| who to be treated free of charge, section 5..... | 163 |
| preference to be given to persons accidentally injured, section 5... | 163 |
| MINES, INSPECTORS OF : | |
| appropriations for salaries of, etc. | 13, 35 |
| MISAPPROPRIATION : | |
| in any way, any part of public moneys by public collectors and officials, or their deputies, etc., declared larceny, section 54, chapter 41 of code amended | 88 |
| see also amended section 19 of chapter 145 of code..... | 89, 90 |
| MISDEMEANORS : | |
| any person or persons who shall exercise, or attempt to exercise, any powers under the charter of any corporation delinquent in the payment of its license tax after the issuance of the governor's proclamation, declaring such delinquency, shall be guilty of a misdemeanor; penalty..... | 60 |

| MISDEMEANORS—Continued. | Page. |
|--|----------|
| failure of title and trust companies to file in the office of the secretary of state the required certificate, made a misdemeanor; penalty, section 6..... | 73 |
| officer or employe of a surety, guaranty, bonding or insurance company who shall knowingly make any fraudulent, false or misleading statement, required under the provisions of chapter 8, of what guilty; penalty, section 4..... | 77 |
| what act of, a surety, guaranty, bonding and insurance company, before filing the certificate required with the secretary of state, or making the deposit required with the auditor, or before making and filing the required statement with the clerks of county courts, shall be a misdemeanor; penalty, section 6.... | 78 |
| any such company accepting money on deposit or acting in a fiduciary capacity, shall be guilty of a misdemeanor; penalty, section 6..... | 78 |
| failure or refusal of guardian, curator, committee or personal representative to make final report required, made a misdemeanor; penalty..... | 84, 85 |
| failure to make final report, by special commissioner appointed under decree of court to sell property, made a misdemeanor; penalty..... | 86 |
| failure of any sheriff, or other officer, who has administration of the estate of a decedent to make the report or final settlement required, made a misdemeanor; penalty..... | 87 |
| failure of any officer or deputy who receives public moneys to keep the financial account required, made a misdemeanor; penalty..... | 88 |
| failure to send children to school, penalty..... | 106 |
| certain specific acts committed by persons respecting boys committed to the reform school, made misdemeanors; penalty, section 15..... | 117 |
| failure of county court or clerk to perform certain duties respecting the publication, etc., of itemized account of receipts and expenditures; penalty, section 35..... | 120, 121 |
| violation of the "C. O. D." liquor law; penalty, section 1..... | 130 |
| certain trespasses; penalty, section 1..... | 131 |
| violation of provisions of skunk or polecat law; penalty..... | 137 |
| certain specific acts committed by persons respecting convicts in the penitentiary; penalty, section 44..... | 148, 149 |
| violations of provisions of game law; penalties, sections 1, 10, 11 | 152, 153 |
| violations of provisions of the hunter's license law; penalties, section 17..... | 154 |
| violations of provisions of law for the preservation of fish; penalties, section 6..... | 156 |
| throwing in, or allowing to enter any stream, etc., saw-dust, or other matter deleterious to the propagation of fish; penalty, section 6a..... | 156, 157 |
| violations of provisions of law respecting the sale of fruit trees, vines and shrubbery; penalties, sections 1 and 2..... | 157, 158 |
| MOB VIOLENCE OR LYNCHING: | |
| resolution authorizing and empowering the governor to investigate and inquire into, and cause to be prosecuted any person or persons guilty of..... | 305, 306 |
| MONONGALIA COUNTY: | |
| resolution authorizing survey of, and for what..... | 311, 312 |
| MONROE DOCTRINE: | |
| resolution concerning..... | 310 |

| | Page. |
|---|------------|
| MONROE, J. K. : | |
| appropriation to pay | 23 |
| MONTGOMERY PREPARATORY BRANCH OF THE UNIVERSITY : | |
| appropriations for | 6, 30 |
| MOORE, S. SPENCER & SONS : | |
| appropriation to pay | 24 |
| MORGAN, JOHN & J. S. : | |
| appropriation to pay | 24 |
| MOSS, H. H. : | |
| appropriation to pay | 23 |
| MOUNDSVILLE, CITY OF : | |
| charter of, amended..... | 230 to 253 |
| corporate name to be "The City of Moundsville," section 1..... | 231 |
| rights and powers of the city..... | 231 |
| extended corporate limits and boundaries defined, section 2..... | 231 to 234 |
| ward limits defined, section 3..... | 234 |
| increase of wards..... | 234 |
| officers of the city; what officers to be elected and what appointed, | |
| section 4 | 234 |
| qualifications of officers..... | 234 |
| removal of councilman from ward from which he was elected vacates | |
| his office | 234 |
| municipal authorities to consist of mayor and councilmen, section 5 | 234, 235 |
| elections; when to be held; regulations governing, section 6..... | 235 |
| terms of office, when to begin, and for what time, section 7..... | 235 |
| clerk not eligible for two consecutive terms..... | 235 |
| oath to be taken by officers; provisions concerning, section 8..... | 235, 236 |
| council to prescribe powers and duties of appointive officers, to fix | |
| compensation and take bonds, section 9..... | 236 |
| bonds, certain officers to give, section 10..... | 236 |
| proceedings on such bond | 236 |
| how officers removed, and vacancies how filled, section 11..... | 236 |
| council meetings, when and where held, section 12..... | 236 |
| who to preside | 237 |
| majority of council necessary to constitute quorum..... | 237 |
| minute book to be kept by clerk; what to contain, section 13..... | 237 |
| what effect certified copies of record, etc., to have in courts, sec- | |
| tion 13 | 237 |
| proceedings of council to be read, corrected and signed; yeas and | |
| nays, section 14..... | 237 |
| ordinances, etc., to be read at two consecutive meetings, and receive | |
| majority vote of members present before adopted, section 15.. | 237 |
| general corporate powers and duties of council, sections 16 and 17 | 237 to 240 |
| mayor, compensation of, section 18..... | 241 |
| mayor, executory and judicial powers of, section 19..... | 241 |
| not to receive money unless he gives bond..... | 241 |
| process in proceedings to enforce ordinances prescribing a fine and | |
| imprisonment, section 20..... | 241 |
| mayor's power and authority in such proceedings and in collecting | |
| fines, etc., sections 20 and 21..... | 241, 242 |
| authority of clerk to receive complaint and issue summons, section | |
| 20 | 242 |
| use of Marshall county jail authorized; duties of jailer, section 22 | 242 |
| mayor's docket, provisions in relation to, section 23..... | 242, 243 |

MOUNDSVILLE, CITY OF—Continued.

| | Page. |
|--|---------------|
| appeal to lie to circuit court in cases of conviction of violation of an ordinance, when; provisions concerning, section 24..... | 243 |
| in such case, papers to be delivered to the clerk of the circuit court, section 25..... | 243 |
| proceedings to be had in circuit court, section 26..... | 243, 244 |
| appeals in cases other than violations of ordinances, section 27.... | 244 |
| city clerk, duties and compensation of, section 28..... | 244 |
| reassessment of real estate for municipal taxation, provisions concerning, section 29 | 244, 245 |
| city assessor; duties and compensation of; enforcement of such duties, section 30..... | 245, 246 |
| council to make annual estimate of expenditures, section 31..... | 246 |
| levy to be laid therefor..... | 246 |
| statement of financial condition of city, etc., to be published..... | 246 |
| city clerk, official bond of; authorized custodian of all city moneys bonds, etc.; power to distrain; duties of immediately after the annual levy; further duties of respecting the collection of taxes, sections 32 and 33..... | 246, 247 |
| city clerk to render semi-monthly account; books to be kept by; when only, authorized to pay out money; compensation of; proceedings against, and for what, section 34..... | 247, 248 |
| city solicitor, duties and compensation of, section 35..... | 248 |
| liens for taxes and fines, section 36..... | 248 |
| provisions as to real estate returned delinquent for non-payment of taxes | 248 |
| chief of police, duties, bond, compensation, rights, powers, and liability of, section 37..... | 248, 249 |
| how person violating ordinance may be arrested and tried, section 38 | 249 |
| chief of police to execute process..... | 249 |
| question of granting liquor license to be submitted to voters at each general city election, section 39..... | 249 |
| liquor license, bond required; proceedings for violations of conditions; section 40..... | 250 |
| revocation of license, provisions in relation to, section 41..... | 250 |
| council to have authority to impose license tax; within what limits, section 42 | 250 |
| authority of council to grant licenses other than liquor licenses, section 43 | 250 |
| council to prescribe manner in which licenses shall be granted, and to require payment of tax, section 44..... | 250, 251 |
| other provisions as to licenses, section 45..... | 251 |
| council to have the right to condemn real estate; costs in such case, section 46 | 251 |
| paving of sidewalks, street paving, etc., provisions in relation to, sections 47 and 48..... | 251, 252, 253 |
| rights, powers and responsibilities, etc., of the city, section 49.... | 253 |
| present officers to continue acting as such until when..... | 253 |
| what ordinances continued in force..... | 253 |
| inconsistent acts repealed, section 50..... | 253 |

MULLEN, M. W.:

| | |
|---------------------------|----|
| appropriation to pay..... | 26 |
|---------------------------|----|

MUNICIPAL, DISTRICT AND COUNTY TAXES:

| | |
|---------------------------------------|--------|
| refunding of, appropriations for..... | 15, 37 |
|---------------------------------------|--------|

| | Page. |
|--|---------------|
| NATIONAL GUARD: | |
| appropriations for | 19, 40, 41 |
| appropriation to repay moneys borrowed and used for..... | 20 |
| NAVY OF THE UNITED STATES: | |
| resolution recommending the enlargement and betterment of, and requesting the representatives of this State in Congress to use their best endeavors in favor of..... | 310 |
| NESTS AND EGGS: | |
| of certain birds protected; penalty, section 10..... | 152 |
| NETS, FISH: | |
| provisions of law relating to, section 6..... | 153, 156 |
| penalty for using unlawfully, section 6..... | 156 |
| NORMAL SCHOOL AND BRANCHES: | |
| appropriations for | 2, 27 |
| NORMAL SCHOOL AT FAIRMONT: | |
| resolution authorizing sale of, by board of regents..... | 314 |
| NOTICES: | |
| how served in certain proceedings against corporations..... | 61, 66 |
| how served on surety, guaranty, bonding and insurance companies, (except fire and life), section 8..... | 78, 79 |
| how served on corporations in justices' courts, section 34, chapter 50 of code, amended..... | 79 |
| forms of, in certain proceedings against corporations; form of under mechanic's lien law..... | 61, 66, 134 |
| OFFENCES: | |
| larceny by embezzlement; by public collectors and officials, or their deputies, section 54 of chapter 41 of code, amended..... | 88 |
| larceny by embezzlement or fraudulent conversion by certain offi- cers, clerks, agents or servants, section 19, chapter 145 of code, amended | 80, 90 |
| destroying or concealing a will or codicil to prevent the probate thereof, section 22, chapter 145 of code amended..... | 90, 91 |
| certain acts of any fiduciary respecting personal property, made larceny | 90, 91 |
| certain trespasses made a felony; penalty, section 1..... | 131 |
| (See "Misdemeanor.") | |
| OFFICIALS AND COLLECTORS, PUBLIC: | |
| embezzlement by, made larceny, section 54, chapter 41 of code, amended | 88 |
| what acts of any State, county, district or municipal officer respect- ing moneys which come into his hands, by virtue of his office, made larceny | 88 |
| what financial account to be kept by such officer; penalty for failure larceny by embezzlement or fraudulent conversion, section 19, chap- ter 145 of code, amended..... | 88 80, 90 |
| OFFICIALS, COUNTY: | |
| annual allowances to | 101, 102, 103 |
| OFFICERS, PUBLIC: | |
| when to be elected..... | 93 |
| salaries to be received by State officers, fixed..... | 100 |

| | Page. |
|--|-----------------|
| OHIO AND LITTLE KANAWHA RIVERS: | |
| resolution relating to the development and improvement of..... | 300 to 302, 305 |
| auditor authorized to pay mileage of joint committee appointed to wait upon representatives in congress, relative to improvement of .. | 310 |
| OHIO COUNTY: | |
| board of commissioners of, when to appoint surveyors of roads, and for what term | 127, 128 |
| OHIO COUNTY CIRCUIT JUDGES: | |
| county board of commissioners authorized to allow judges additional compensation .. | 165 |
| such allowance not to be increased or diminished during term of office of judge to whom it is made..... | 165 |
| when such allowance may commence..... | 165 |
| OPENING ROADWAYS: | |
| (See "Roads.") | |
| OVERPAID TAXES: | |
| appropriations for payment of..... | 15, 37 |
| PARDONS. ADVISORY BOARD OF: | |
| appropriations for | 16, 38 |
| PARKERSBURG, CITY OF: | |
| charter of, amended | 184 to 220 |
| corporate name to be "The City of Parkersburg," section 1..... | 185 |
| rights and powers of city..... | 185 |
| new corporate limits and boundaries defined; section 2..... | 185, 186 |
| property heretofore owned by city to continue to be its property, section 3 | 186 |
| how city to be divided into wards. section 4..... | 186 |
| voters, qualifications of. section 5..... | 187 |
| voters. registration of to be provided for by council..... | 187 |
| when elections to be held, section 6..... | 187 |
| special elections | 187 |
| election of mayor and collector. section 7..... | 187 |
| terms of office of such officers..... | 187 |
| councilmen, election of. section 8..... | 187, 188 |
| board of affairs. election of, section 9..... | 188 |
| qualification and oath of mayor and board of affairs. section 10.... | 188, 189 |
| qualification and oath of members of council, section 11..... | 189 |
| vacancies and removals. section 12..... | 189, 190 |
| city council and board of affairs to appoint their own officers and prescribe their duties, section 13..... | 190 |
| may punish persons guilty of disrespect, etc..... | 190 |
| majority to constitute quorum..... | 190 |
| each body to keep journal..... | 190 |
| no member of either body. or the mayor, to hold other office, section 15 .. | 190 |
| meetings of council and board of affairs. section 16..... | 190, 191 |
| salaries of members of council and board of affairs, section 17.... | 191 |
| ordinances, general provision, section 18..... | 191 |
| ordinances to be presented in writing, not to contain more than one subject, etc., section 19..... | 191, 192 |
| ordinances, how passed and recorded. section 20..... | 192 |
| ordinances, how concurred in by board and mayor, section 21..... | 192, 193 |

| PARKERSBURG, CITY OF—Continued. | Page. |
|---|---------------|
| veto of ordinance by mayor..... | 192, 193 |
| in case of a tie, mayor to cast deciding vote, except, etc. | 193 |
| how concurrence of board to be certified, section 22..... | 193 |
| powers vested in council and board, section 23..... | 194 |
| money, how appropriated, section 24..... | 194 |
| no money to be appropriated for certain purposes..... | 194 |
| future levies not to be anticipated except by vote of the people.... | 194 |
| power of council to pass and enforce ordinances, section 25..... | 194, 195, 196 |
| finances, etc., provisions in relation to..... | 195 |
| police and criminal jurisdiction to extend one mile beyond corporate limits .. | 195, 196 |
| official bonds, provisions in relation to, section 26..... | 196 |
| taxes; authority of council to levy and collect; provisions in relation to, section 27..... | 196, 197 |
| licenses, authority of council to grant; provisions in relation to, section 28 | 197, 198 |
| assessors, how to be appointed; their duties, compensation and qualifications, section 29..... | 198, 199 |
| how assessment to be made | 198, 199 |
| provisions as to interest, etc., on delinquent taxes, section 30..... | 199 |
| tax to be a lien; deduction from rent; how returned delinquent; liens to be recorded, section 31..... | 199, 200 |
| road or street, how location to be altered, section 32..... | 201 |
| streets to be kept in good condition, section 33..... | 201 |
| lands for public purposes, how acquired, section 34..... | 201, 202, 203 |
| public buildings, right of council to construct and maintain, section 35 | 203 |
| county jail may be used for confinement of city prisoners..... | 203 |
| council authorized to regulate burial of dead, regulate cemeteries, etc., section 36..... | 203 |
| council authorized to take private property, section 37..... | 204 |
| sidewalks, provisions in relation to, section 38..... | 204 |
| paving and sewers, provisions in relation to, section 39..... | 204 to 207 |
| levy for paving and sewers, section 40..... | 207 |
| funds derived from such levy to be used for no other purpose, section 41 | 207 |
| board to submit estimates of expenses of the city, and council to lay levy; provisions in relation to same, section 42..... | 207, 208 |
| no officer or employe of the city to be interested in any contract to which the city is a party, section 43..... | 208 |
| penalty for violation | 208 |
| fire, provisions in regard to protection from, section 44..... | 208, 209 |
| council to have authority to provide for punishment of offences, and for the protection of citizens against same, section 45..... | 209 |
| health, authority of council to enforce regulations to preserve, section 46 | 209 |
| authority of council in relation to stagnant water, section 47..... | 210 |
| markets, council to establish, regulate, etc., section 48..... | 210 |
| wharves and landings, council to construct, regulate, etc., section 49 | 210 |
| fireworks, authority of council concerning, section 50..... | 210 |
| speed of riding or driving within city limits, council to regulate.... | 210, 211 |
| weights and measures, authority of council concerning, section 51.. | 211 |
| licenses for exhibitions, etc., council to grant or refuse, section 51.. | 211 |
| liquor license, council to grant or refuse..... | 211 |
| public utilities, council authorized to acquire, operate, etc., section 52 .. | 211 |
| how licenses to be issued and paid for, section 53..... | 212 |
| money, how and when to be paid, section 54..... | 212 |

PARKERSBURG, CITY OF—Continued.

| | Page. |
|---|---------------|
| council to publish statement of receipts and expenditures..... | 212 |
| accounts to be audited; provisions in regard thereto, section 55.... | 212 |
| effect in courts of certified copies of records, etc., section 56..... | 212 |
| mayor to appoint certain officers, section 57..... | 212, 213 |
| such appointments to be confirmed by board of affairs..... | 213 |
| provisions when nomination not confirmed..... | 213 |
| board of affairs to appoint certain officers, section 58..... | 213 |
| bonds of appointed officers, section 59..... | 213 |
| suspensions and removals of officers, section 60..... | 213, 214 |
| qualifications of officers, section 61..... | 214 |
| how long to hold office..... | 214 |
| oath to be taken by officers..... | 214 |
| mayor, how removed, section 62..... | 214, 215 |
| in case of removal, who to act as mayor..... | 215 |
| recorder, powers, duties, compensation and bond of, section 63.... | 215 |
| mayor, powers, duties and compensation of, section 64..... | 215, 216 |
| collector, powers, duties, compensation and bond of, section 65.... | 216 |
| city attorney, duties and compensation of, section 66..... | 216, 217 |
| city engineer, duties and compensation of, section 67..... | 217 |
| street commissioner, duties and compensation of, section 68..... | 217 |
| health officer, duties and compensation of, section 69..... | 217 |
| chief of police, duties and compensation of, section 70..... | 217 |
| auditor, duties, compensation and bond of, section 71..... | 217, 218 |
| council to select bank or banks for city treasury; such bank or banks to give bond, etc., section 72..... | 218 |
| superintendent of water works, duties, bond and compensation of, section 73 | 219 |
| water rents, council to regulate rate of, etc., section 74..... | 219 |
| fire department, provisions in regard to, section 75..... | 219 |
| board of affairs, when to hold meetings, section 76..... | 220 |
| to appoint clerk as assistant to the auditor..... | 220 |
| to fix compensation of clerk..... | 220 |
| to keep record of proceedings, etc. | 220 |
| board to submit estimates of work or material required, etc., sec- tion 77 | 220 |
| board to advertise for proposals and let contracts, section 78..... | 220 |
| contracts, how executed, section 79..... | 220 |
| board to have power to compel attendance of witnesses, and presid- ing officer may administer oaths, section 80..... | 221 |
| when member of board disqualified, section 81..... | 221 |
| persons claiming money to file oath, section 82..... | 221 |
| provisions as to alterations of contracts, section 83..... | 221, 222 |
| franchises, provisions in regard to, section 84..... | 222, 223, 224 |
| water works and water rent collector, provisions in regard to, sec- tion 85 | 224, 225 |
| board to have supervision of departments of fire and police, section 86 | 225 |
| pollicemen, to be nominated by mayor to board; qualifications of; compensation of, etc., section 87..... | 225 |
| vote of member of board or of council not to be pledged, section 88 | 225, 226 |
| sinking fund, provisions in regard to, section 89..... | 226, 227 |
| taxes for sinking fund to be paid to treasurer, and to be applied to what purposes only, section 90..... | 227 |
| penalties not otherwise provided for, section 91..... | 227 |
| salaries, how to be fixed, section 92..... | 227 |
| fees to be paid to auditor, and by him deposited in treasury, section 93 | 227 |
| extension of corporate limits, when and how, sections 94, 95..... | 228, 229 |

| | Page. |
|---|--------------------|
| PARKERSBURG, CITY OF—Continued. | |
| special election, if necessary, for what, section 96..... | 229 |
| inconsistent acts repealed, section 97..... | 229 |
| PARTRIDGES: | |
| (see title "quall or Virginia partridge.")..... | 151, 152, 153, 154 |
| PASSES: | |
| judges prohibited from receiving, over railway lines..... | 100 |
| PEACH-YELLOWS: | |
| act to suppress and eradicate, and other dangerously contagious diseases affecting trees, shrubs, vines and plants..... | 158 to 162 |
| PENITENTIARY : | |
| appropriations for..... | 1, 2 |
| how insurance on buildings of, paid..... | 14, 36 |
| how inmates transferred from Penitentiary to reform school.... | 117 |
| how inmates transferred from reform school to penitentiary.... | 117 |
| chapter 163, code, concerning the penitentiary, amended..... | 138 |
| located at Moundsville, section 1..... | 139 |
| under management of board of directors..... | 139 |
| certain powers of board..... | 139 |
| governor to appoint board, section 2..... | 139 |
| when board appointed..... | 139 |
| board to consist of five persons..... | 139 |
| compensation of members of board..... | 139 |
| board to have general control, section 3..... | 139 |
| printed rules prescribed by the board to be kept posted..... | 140 |
| officers, how appointed, section 4..... | 140 |
| how removed | 140 |
| board to prescribe their duties and fix their compensation..... | 140 |
| majority of board a quorum..... | 140 |
| board to make reports to governor, section 5..... | 140 |
| what such reports to contain..... | 140 |
| reports to be under oath or affirmation..... | 140 |
| penalty for false report..... | 140 |
| biennial report to be laid before the legislature..... | 140 |
| warden chief executive officer, section 6..... | 140 |
| his duties as such..... | 141 |
| warden to give bond, section 7..... | 141 |
| conditions and penalties of bond..... | 141 |
| bond to be approved by board..... | 141 |
| general powers and duties of warden..... | 141 |
| warden to report to board list of supplies needed..... | 141 |
| warden to have charge of valuables, etc., of convicts, section 8.. | 141 |
| to render detailed statements to board of his transactions..... | 141 |
| to make biennial report to board..... | 141 |
| penalty for false report..... | 141 |
| to make biennially to board recommendations, suggestions, etc in writing | 141 |
| treasurer to receive all money belonging to the institution, section 9 | 142 |
| to render account to board..... | 142 |
| how draft drawn on the treasury..... | 142 |
| bond of treasurer..... | 142 |
| power of governor to remove officials, section 10..... | 142 |
| committee to take charge of convict's estate shall be appointed by county court, upon motion of party interested, section 11.... | 142 |
| bond required of such committee..... | 142 |
| power of such committee..... | 142, 143 |

| PENITENTIARY—Continued. | | Page. |
|---|------|--------------|
| account to be rendered by committee, section 14..... | | 143 |
| when estate of convict may be committed to sheriff, section 16.... | | 143 |
| sale of estate of convict for debt, section 17..... | | 143 |
| joint committee of the legislature to examine condition of the penitentiary biennially..... | | 143 |
| investigation may be ordered by board of public works, section 19.. | 143, | 144 |
| board to be appointed to conduct such investigation..... | | 144 |
| oath to be taken by such board..... | | 144 |
| powers and compensation of such board..... | | 144 |
| reward to be offered for escaped convicts, section 20..... | | 144 |
| how reward to be paid..... | | 144 |
| duty of clerk as to keeping record of convicts..... | | 144 |
| deductions of time from sentences for good behaviour of convicts, section 22 | 144, | 145 |
| convicts may be hired out to contractors, section 23..... | | 145 |
| hiring to be advertised..... | | 145 |
| provisions in relation to bids for convict labor, sections 24, 25, 26, 27, 28 and 29..... | 145, | 146 |
| powers and duties of board as to such bids, sections 30, 31, 32.. | | 146 |
| provisions as to contractors, sections 33, 34, 35..... | 146, | 147 |
| convicts to labor not to exceed nine hours per day, certain days excepted, section 36..... | | 147 |
| how contractors to pay for labor, section 37..... | | 147 |
| number of convicts to be kept employed on contracts, section 38.. | | 147 |
| how remainder to be employed, sections 38, 39, 40..... | | 147 |
| no officer or employe to receive any extra compensation or receive any compensation from any contractor, section 41..... | | 147 |
| no officer or employe to receive from, or present to any convict any gift, or to deal with a convict, section 42..... | | 148 |
| certain persons not to be employed, section 43..... | | 148 |
| dealings with convicts by outside persons prohibited, section 44., | 148, | 149 |
| penalty for violation..... | 148, | 149 |
| governor may issue parole, section 45..... | | 149 |
| convict on parole under full control of governor..... | | 149 |
| sentence for felony, except for murder in first degree, may be for no fixed term, section 46..... | | 149 |
| governor may terminate such imprisonment, and how..... | | 150 |
| such imprisonment not to be over maximum nor under minimum now fixed by law..... | | 150 |
| proviso as to persons sentenced for two or more separate offences.. | | 150 |
| clerk of court to furnish warden record and statement in cases of general sentence, section 47..... | | 150 |
| provisions as to insane convicts, section 48..... | | 150 |
| convicts dying at the penitentiary not to be interred within corporate limits of Moundsville, section 49..... | | 150 |
| PERSONAL PROPERTY: | | |
| copy of list of persons and personal property returned delinquent to be published and posted..... | | 121, 122 |
| PERSONAL REPRESENTATIVE: | | |
| clerk of court to keep a record of, authorized to act under order of his county..... | | 82 |
| what such record to show (code amended)..... | | 82 |
| forfeiture for failure..... | | 82 |
| duty of such clerk as to bond of..... | | 82 |
| to what court belongs the jurisdiction to determine the right of administration in case of a person dying intestate, section 4, chapter 85 of code amended..... | | 83 |

| PERSONAL REPRESENTATIVE.—Continued. | Page. |
|---|----------|
| to whom and in what order administration shall be granted..... | 83 |
| proviso as to the appointment of a non-resident as such personal representative or executor..... | 83 |
| bond and oath of such administrator, section 5, chapter 85 of code, amended..... | 83 |
| affidavit to be filed; when; what to show..... | 83 |
| such affidavit must be recorded by the clerk; how..... | 83 |
| effect of such affidavit as evidence..... | 83, 84 |
| if decedent has been dead more than five years prior to qualification, such affidavit may not be required..... | 84 |
| no other oath or affidavit shall be required..... | 84 |
| when grant of administration may be set aside at the instance of a distributee, and new administrator appointed..... | 84 |
| when report of a personal representative is confirmed by court it may order money found due thereby to be paid to person entitled thereto, section 25, chapter 87 of code, amended..... | 84 |
| when personal representative to make final report..... | 84 |
| vouchers to be filed therewith..... | 84 |
| confirmation of final report by court, and when..... | 84, 85 |
| clerk to record such report when confirmed, and add at foot of it the order of confirmation..... | 85 |
| refusal or failure to make such final report made a misdemeanor; penalty..... | 85 |
| when administration of decedent's estate may be committed to the sheriff, etc., section 10, chapter 85, of code, amended..... | 86, 87 |
| certain acts of, respecting personal property made larceny, section 22, chapter 145 of code, amended..... | 90, 91 |
| | |
| PEYTON, J. B.: | |
| appropriation to pay..... | 21 |
| | |
| PERJURY: | |
| incorporators of any resident corporation making falsely the affidavit required to obtain certificate of incorporation deemed guilty of, amended section 86..... | 54 |
| | |
| PHARMACY, COMMISSIONERS OF: | |
| appropriations for..... | 13, 35 |
| | |
| PHEASANTS OR RUFFED GROUSE: | |
| killing, or having in possession, at any time for shipment beyond limits of state, prohibited, section 1..... | 151 |
| penalty, section 1..... | 152 |
| justice to have concurrent jurisdiction, section 1..... | 152 |
| having possession of any pheasant or ruffed grouse during time when the killing of is prohibited, raises what presumption, section 1..... | 152 |
| reception by any person of any pheasant or ruffed grouse for shipment out of state, is prima facie evidence, of what, section 1.. | 152 |
| unlawful to kill, catch or injure, within what period, section 11.. | 152, 153 |
| unlawful to catch by seine, net or trap, at any time, section 11.. | 153 |
| penalty, section 11..... | 153 |
| duty of the clerk or market master of any city, town or village, section 11..... | 153 |
| duty of sheriffs and deputies, constables and police, section 11.... | 153 |
| penalty for failure of such officers to prosecute offenders, section 11, | 153 |
| prosecutions for violations of game law, section 11..... | 153, 154 |
| non-residents required to obtain license to hunt, section 17..... | 154 |
| provisions governing such license, section 17..... | 154 |

| | Page. |
|---|------------|
| PHILLIPS, ALFRED: | |
| appropriation for | 23 |
| PILSON, W. H.: | |
| appropriation to pay assignee of..... | 25 |
| PINNATED GROUSE: | |
| unlawful to catch, kill or injure, within what period, section 11.. | 152 |
| penalty, section 11..... | 153 |
| provisions of law governing certain officers touching violations of game law, section 11..... | 153 |
| non-residents required to obtain license, section 17..... | 154 |
| provisions governing such license, section 17..... | 154 |
| PLEA IN ABATEMENT: | |
| to the jurisdiction of the court, how verified, section 16, chapter 125 of code, amended..... | 80 |
| PLEADINGS: | |
| when declaration or bill shows on its face proper matter for juris- diction, no exception can be taken for want of jurisdiction ex- cept by plea in abatement, section 16, chapter 125 of code, amended .. | 80 |
| such plea not to be received, after when..... | 80 |
| how such plea may be verified..... | 80 |
| POCAHONTAS COUNTY COURT: | |
| present county court system of, altered and modified..... | 173 to 176 |
| county to be laid off into four districts, section 1..... | 173 |
| districts to be changed by county court..... | 173 |
| county court to be composed of one member from each district..... | 174 |
| term of office to be two years..... | 174 |
| removal of commissioner from district vacates his office..... | 174 |
| office of commissioner and justice of the peace incompatible..... | 174 |
| compensation of commissioners..... | 174 |
| when commissioners to be elected, section 2..... | 174 |
| when term of office to commence..... | 174 |
| provisions of the general law as to county courts to be applicable so far as consistent with this act, section 3..... | 174 |
| who to be clerk of the county court..... | 174 |
| majority of commissioners to be a quorum..... | 174 |
| when meetings of the court to be held, section 4..... | 174 |
| president to be elected..... | 174 |
| adoption of provisions of this act to be submitted to the voters of the county, section 5..... | 174 |
| when such election to be held..... | 174 |
| notice of such election to be given..... | 174 |
| provisions as to ballots, etc., in such election..... | 175 |
| duties of clerk of the county court..... | 175 |
| how election to be conducted, section 6..... | 175 |
| who entitled to vote..... | 175 |
| county court to ascertain and declare the result of the election.... | 176 |
| this act to be of no effect unless a majority of the votes are cast in its favor, section 7..... | 176 |
| POLECAT OR SKUNK: | |
| chapter 90 of the acts of 1901, in relation to, amended..... | 137 |
| killing or injuring of prohibited in counties ratifying act..... | 137 |
| question must be submitted upon petition of 100 voters..... | 137 |
| ratification must be by majority vote before this act goes into | |

| | Page, |
|---|----------|
| POLECAT OR SKUNK—Continued. | |
| effect | 137 |
| how act may be repealed after adoption..... | 137 |
| penalty for violation, where act adopted..... | 137, 138 |
| POLICE: | |
| of any city, town or village; duty of, as to persons violating provisions of game law, section 11..... | 153 |
| penalty for failure to prosecute such offenders, section 11..... | 153 |
| POSTING: | |
| of financial statement by county court, when and where..... | 120 |
| what such statement to contain and what to show..... | 120 |
| penalty for failure .. . | 121 |
| of lists of property returned delinquent..... | 121, 122 |
| PRAIRIE CHICKENS: | |
| unlawful to catch, kill or injure, within what period, section 11.... | 152 |
| penalty .. . | 153 |
| duties of certain officers touching violations of game law..... | 153 |
| PREPARATORY BRANCHES OF THE UNIVERSITY: | |
| appropriations for .. . | 6, 7, 30 |
| PREPARATORY DEPARTMENT OF THE UNIVERSITY: | |
| section 13, chapter 140, acts of 1901, abolishing, repealed..... | 164 |
| PRESERVATION OF CERTAIN ANIMALS: | |
| the skunk or polecat .. . | 137 |
| of deer, between what periods protected, section 1, chapter 62 of code, amended .. . | 151 |
| of fawn when in its spotted coat; protected at all times..... | 151 |
| of squirrels, rabbits or hares, between what periods protected, section 11, chapter 62 of code, amended..... | 152, 153 |
| PRINDLE & COMPANY: | |
| appropriation to pay .. . | 24 |
| PRINTING, BINDING AND STATIONERY: | |
| appropriations for .. . | 19, 41 |
| all printing, binding and stationery for use of state superintendent of free schools, to be paid out of general school fund..... | 42 |
| all printing, binding and stationery for the adjutant general, and the militia; to be paid out of appropriations for the militia.. | 42 |
| what institutions, boards, etc., to pay for all printing, binding and stationery, out of the expense or contingent expense funds appropriated for such institutions, etc..... | 42, 43 |
| PRINTING, PUBLIC: | |
| section 20, chapter 16, relating to, amended..... | 136 |
| clerk of house of delegates to prepare and deliver to the public printer briefs of contents of chapters of the acts..... | 136 |
| form of printing such briefs..... | 136 |
| also to prepare and deliver to public printer indexes for the journal and the acts .. . | 136 |
| clerk of the senate to prepare and deliver to public printer index for the senate journal .. . | 136 |
| PROCESS: | |
| how served in certain proceedings against corporations..... | 61, 66 |

| PROCESS— <i>Continued.</i> | Page. |
|--|----------|
| how served on surety, guaranty, bonding and insurance companies (other than fire and life companies), section 8..... | 78, 79 |
| how served on corporations in justices' courts, section 34, chapter 50 of code, amended..... | 79 |
| <i>Of process generally.</i> | |
| section 2 of chapter 124 of the code relating to, amended..... | 81 |
| to what officer process may be directed | 81 |
| in what cases process can only be directed to an officer of the county in which the action is brought..... | 81 |
| exception as to corporations..... | 81 |
| process may be executed on or before the return day thereof..... | 81 |
| not affected by reason of an imperfect or improper direction..... | 81 |
| may be served by a private person..... | 81 |
| what the return to show..... | 81 |
| summons for witness, when returnable..... | 81 |
| attachment, when returnable..... | 81 |
| process awarded in court, when returnable..... | 81 |
| | |
| PROPERTY AND WORKS : | |
| of a corporation, other than a railroad corporation; sale of, under a decree, mortgage, deed of trust, etc., section 52, chapter 54 of code, amended | 69 |
| | |
| PROSECUTING ATTORNEY : | |
| when elected | 93 |
| allowance to, by county court..... | 103 |
| to attend to legal proceedings of boards of education in his county, without additional compensation | 103 |
| duty of, if county court fail to publish financial statement required | 121 |
| names of, and postoffice addresses..... | 335 |
| | |
| PUBLICATION : | |
| of financial statement by county court; when, how and what to contain, code amended | 120, 121 |
| penalty for failure to perform duties touching such statement either by court or clerk..... | 121 |
| duty of prosecuting attorney in case of failure..... | 121 |
| | |
| PUBLIC OFFICERS : | |
| when to be elected | 93 |
| salaries to be received by, fixed..... | 99, 100 |
| allowances by county courts to certain county officers..... | 101, 102 |
| (See "Embezzlement.") | |
| | |
| PUBLIC PRINTING : | |
| appropriations for | 19, 41 |
| section 20, chapter 16, amended..... | 136 |
| clerk of house of delegates to prepare and deliver to the public printer briefs of the contents of chapters of the acts..... | 136 |
| form of printing such briefs..... | 136 |
| also to prepare and deliver to public printer indexes for the journal and the acts..... | 136 |
| clerk of the senate to prepare and deliver to public printer index for the senate journal..... | 136 |

| PURCHASERS : | Page. |
|---|--------------|
| of works and property of a corporation other than a railroad corporation, what property and rights acquired, section 82, chapter 54 of code, amended..... | 69 |
| what evidence the purchaser of the franchises of a corporation must immediately file in the office of secretary of state..... | 69 |
| QUAIL OR VIRGINIA PARTRIDGE : | |
| killing or having in possession, at any time for shipment beyond limits of state prohibited; penalty, section 1..... | 151, 152 |
| having possession of, during time when killing of is prohibited, raises what presumption, section 1..... | 152 |
| reception by any person of, for shipment out of state, is <i>prima facie</i> evidence, of what, section 1..... | 152 |
| unlawful to catch, kill or injure, within what period, section 11.... | 153 |
| number to be killed in one day limited, section 11..... | 153 |
| unlawful to catch by seine, net or trap, at any time, section 11.... | 153 |
| penalty, section 11 | 153 |
| duty of the clerk or market master of any city, town or village, section 11 | 153 |
| duty of sheriffs and deputies, constables and police, section 11.... | 153 |
| penalty for failure of such officers to prosecute offenders, section 11 | 153 |
| non-residents required to obtain license to hunt, section 17..... | 154 |
| provisions of law governing such license, section 17..... | 154 |
| RABBITS : | |
| unlawful to catch, kill, or injure, within what period, section 11.. | 153 |
| exception as to resident land owners hunting, upon their own lands | 153 |
| penalty .. | 153 |
| duties of certain officers touching violations of game laws..... | 153 |
| penalty on such officers for failure to prosecute offenders..... | 153 |
| hunter's license required for non-residents, provisions of law governing, section 17 | 154 |
| RAILWAYS : | |
| judges prohibited from receiving passes from..... | 100 |
| RARRICK, L. W. : | |
| appropriation to pay..... | 25 |
| RATE OF TAXATION : | |
| of license-tax on charters of corporations..... | 53, 55, 56 |
| REAL ESTATE : | |
| sales of, under decrees of court, section 1, chapter 132 of code, amended .. | 85, 86 |
| RECEIPTS AND EXPENDITURES : | |
| of each county to be published or posted; by whom, when, how and what to show | 120 |
| penalty for failure, by county court..... | 121 |
| penalty for failure, by clerk | 121 |
| duty of prosecuting attorney in case of failure..... | 121 |
| REFORM SCHOOL : | |
| appropriations for | 7, 8, 30, 31 |
| sections 14 and 15, acts of 1889, amended..... | 116 |
| terms of sentence | 117 |
| how inmates transferred from, to the penitentiary..... | 117 |
| how inmates transferred from the penitentiary to reform school.. | 117 |

| | | |
|--|--------|--------------|
| REFORM SCHOOL—Continued. | | Page. |
| penalty for enticing or aiding boys to escape..... | | 117 |
| penalty for selling certain articles to boys..... | | 117 |
| other penalties | | 117 |
| who may arrest boys escaping from reform school..... | | 117, 118 |
| REGENTS AND DIRECTORS: | | |
| of state institutions; authorized to draw requisitions upon the auditor for their respective appropriations, section 3..... | | 41, 42 |
| compensation of such regents and directors, section 4..... | | 42 |
| examination of books, accounts, etc., of, by auditor, section 8.... | | 44, 45 |
| superintendents of public institutions required to furnish the regents or directors itemized accounts, of what moneys, section 9 | | 45 |
| such accounts to be included in reports required to be made, section 8..... | | 44, 45 |
| what fact such regents or directors must certify to auditor when drawing requisitions for money, section 10..... | | 45, 46 |
| REGENTS OF NORMAL SCHOOLS: | | |
| appropriations for | | 2, 27 |
| resolution authorizing to sell the property known as the Fairmont State normal school | | 314 |
| REPORTS OF SUPREME COURT: | | |
| appropriations for printing and binding..... | | 18, 40 |
| appropriations to pay balances due for reprinting and binding.... | | 20 |
| appropriations for reprinting and binding certain volumes of..... | | 26 |
| to be furnished to the university law library..... | | 302 |
| to be furnished to judges of criminal courts..... | | 311 |
| REPRESENTATIVES IN CONGRESS: | | |
| from this State: requested to urge congress to develop and improve the Ohio and Little Kanawha rivers..... | | 300 |
| names of, from this State..... | | 327 |
| RESOLUTIONS, JOINT: | | |
| (See "Joint Resolutions.") | | |
| RHODODENDRON: | | |
| designated as State flower..... | | 303, 304 |
| RICHWOOD INDEPENDENT SCHOOL DISTRICT: | | |
| establishment of, authorized..... | 268 to | 276 |
| boundary of, section 1..... | | 269 |
| name of school district | | 269 |
| election of commissioners: when and how, section 2..... | | 269 |
| number of commissioners..... | | 269 |
| when terms of office of commissioners shall commence..... | | 269 |
| commissioners to constitute board of education: name of..... | | 269 |
| election of commissioners, where held, section 3..... | | 269 |
| how election to be held..... | | 269 |
| vacancy in office of commissioner, how filled, section 4..... | | 270 |
| provisions as to election of president and secretary of the board, section 5 | | 270 |
| duties of such officers..... | | 270 |
| vote of president..... | | 270 |
| secretary, duties and compensation of, section 6..... | | 270 |
| meetings of board, when and where to be held, section 7..... | | 270 |
| what to constitute quorum of board..... | | 270 |
| who may call special meetings..... | | 270 |

| RICHWOOD INDEPENDENT SCHOOL DISTRICT— <i>Continued.</i> | Page. |
|---|----------|
| concurrence of three members required to elect superintendent or teachers | 271 |
| compensation of members of board..... | 271 |
| board of education made corporation; its general corporate powers, section 8 | 271 |
| general powers of the board of education, section 9..... | 271 |
| to regulate admission and exclusion of pupils..... | 271 |
| may provide for free text books for indigent children..... | 271 |
| certain expenses to be paid from building fund..... | 271 |
| schools to be established by board, section 10..... | 271 |
| what branches to be taught in the schools..... | 271 |
| requirements necessary for entrance to high school..... | 271, 272 |
| who eligible to admission to the various schools of the district, section 11 | 272 |
| colored children, schools to be established for, section 12..... | 272 |
| provisions as to how money shall be paid out by sheriff, section 13 | 272 |
| annual settlement to be made by sheriff with board of education, section 14 | 272 |
| compensation of sheriff for collecting and disbursing funds..... | 272 |
| sheriff to account to board for moneys paid out for school purposes, section 15..... | 272 |
| penalty on sheriff for failure to make such settlement, section 16.. | 272, 273 |
| superintendent of schools; how appointed; salary of, section 17.. | 273 |
| to perform such duties as board may prescribe..... | 273 |
| provisions as to removal of..... | 273 |
| vacancy in office of, how filled..... | 273 |
| to make report to board..... | 273 |
| not to receive any gift, emolument or reward for influence, etc.... | 273 |
| examining committee, how appointed, section 18..... | 273 |
| duty of examining committee..... | 273, 274 |
| provisions as to teachers' certificates..... | 274 |
| times and places of meetings of examiners..... | 274 |
| compensation of examiners..... | 274 |
| teachers to be subject to rules and regulations adopted by board, section 19 | 274 |
| may be removed by board; causes for removal..... | 274 |
| teachers to be appointed by board, section 20..... | 274 |
| teachers' salaries to be fixed by board..... | 274 |
| teachers required to have certificate..... | 274 |
| board to provide suitable school houses, grounds, etc., section 21.. | 274 |
| board to lay levy, for "building fund,"..... | 274, 275 |
| how proceeds of such levy to be used..... | 275 |
| board to lay levy for "teachers' fund;" how proceeds to be used, section 22 | 275 |
| public library, levy for the support and maintenance of..... | 275 |
| board may be compelled to lay levies by mandamus..... | 275 |
| collection of school assessments; limit to expenses to be incurred, section 23 | 275 |
| penalty for injury to school property, section 24..... | 275 |
| if injury done by a minor, parent or guardian liable, section 25.... | 276 |
| how such offence prosecuted; duty of board..... | 276 |
| what action by the people required, and when, to establish district, section 26 | 276 |
| provisions concerning election to determine establishment of district, section 27 | 276 |
| inconsistent provisions of the general school law void within district, section 28..... | 276 |

| | Page. |
|--|----------|
| ROAD LAW, ALTERNATE : | |
| of 1872; paragraphs 13, 16 and 17, section 56a, chapter 43, code, amended .. | 128 |
| surveyor to ascertain and report amount necessary to keep in repair roads in his precinct one year..... | 128, 129 |
| contracts to be approved by the court..... | 129 |
| approval of contracts to be entered by clerk..... | 129 |
| county court may order new contracts..... | 129 |
| how county court to provide for maintaining the roads..... | 129 |
| surveyor may reject bids, with consent of the court..... | 129 |
| county courts to furnish county engineer and district surveyors with necessary stationery, etc..... | 129 |
| surveyor and engineer to keep itemized accounts..... | 129 |
| compensation of surveyor and engineer..... | 129, 130 |
| how such compensation paid..... | 130 |
| ROADS : | |
| sections 35, 36 and 38, chapter 43, code, concerning establishing and opening roadways, amended..... | 124 |
| definition of "public road,"..... | 124 |
| person desiring establishment of road leading from main public road, he shall petition county court..... | 125 |
| duty of county court upon such petition..... | 125 |
| if petition denied, petitioner to pay costs..... | 125 |
| if petition granted, court shall hear persons interested..... | 125, 126 |
| duty of court if petition granted..... | 126 |
| court may demand deposit of sum from petitioner sufficient to cover costs..... | 126 |
| court may establish road upon condition that petitioner pay all costs and keep in repair such road..... | 126 |
| how road abandoned..... | 127 |
| section 4, chapter 43, code, concerning surveyors of roads, amended | 127 |
| county court shall appoint surveyor of roads; when..... | 127 |
| qualifications of such surveyor..... | 127 |
| proviso as to Ohio county..... | 127 |
| how vacancy in office of surveyor filled..... | 127, 128 |
| county court may require bond from surveyor..... | 128 |
| ROBINSON, PRUDENCE G. : | |
| appropriation to pay..... | 25 |
| RONCEVERTE, TOWN OF : | |
| authorized to issue additional bonds for water works and sewer purposes, section 1..... | 168, 169 |
| amount and rate of interest, section 1..... | 169 |
| how proceeds from sale thereof to be used..... | 169 |
| council to designate when and where interest to be paid, section 2 | 169 |
| what to be expressed on face of bonds..... | 169 |
| when principal of bonds to be paid, section 3..... | 169 |
| bonds not to be disposed of for less than par; proceeds to be used, for what only, section 4..... | 169 |
| council must make provision for payment of interest and principal, section 5 | 169 |
| bonds exempt from taxation for municipal purposes; must so show on face, section 6..... | 169 |
| what vote required to authorize bond issue, section 7..... | 169 |
| RUCKER, E. P. : | |
| appropriation to pay..... | 25 |

| | |
|---|--------------|
| RUDESILL & MEAD : | Page. |
| appropriation to pay | 23 |
| RUFFED GROUSE : | |
| (See title "Pheasants or Ruffed Grouse") | |
| RULES AND PLEADING : | |
| section 16 of chapter 125 of code, relating to, amended | 80 |
| SALARIES. ANNUAL—FIXED : | |
| to be received by the governor, section 1 | 99 |
| to be received by the secretary of state | 99 |
| to be received by the state superintendent of free schools | 99 |
| to be received by the treasurer | 99 |
| to be received by the auditor | 99 |
| to be received by the attorney general | 100 |
| to be received by each judge of the supreme court of appeals | 100 |
| to be received by the clerk of the supreme court | 100 |
| to be received by each of the judges of the circuit courts | 100 |
| to be received by the adjutant general | 100 |
| to be received by each vaccine agent | 100 |
| to be received by the keeper of the rolls | 100 |
| to be received by the janitor | 100 |
| to be received by the assistants of the janitor during the session of the legislature | 100 |
| proviso as to certain state officials now in office | 100 |
| annual allowances, maximum and minimum, by county courts to cer- tain county officials | 101 to 103 |
| such salaries not to be increased during term of office | 103 |
| SALARIES. APPROPRIATIONS FOR : | |
| of librarian of the West Virginia historical and antiquarian society | 2 |
| of secretary of board of regents of normal schools | 2, 27 |
| of janitors of Marshall college | 3, 27 |
| of janitor of West Liberty normal school | 3, 27 |
| of janitor of Concord normal school | 3, 27 |
| of janitor of Shepherd normal school | 3, 28 |
| of janitors of Fairmont normal school | 4, 28 |
| of janitor of Glenville normal school | 4, 29 |
| of teachers at the university | 5, 29 |
| of employes at the university | 6, 29 |
| of teachers at the preparatory branch of the university at Mont- gomery | 6, 30 |
| of janitor of the preparatory branch of the university at Mont- gomery | 6, 30 |
| of teachers, secretary and treasurer and janitor at the preparatory branch of the university at Keyser | 7, 30 |
| of teachers and employes at the West Virginia colored institute | 8, 9, 31 |
| of teachers at the West Virginia colored orphans' home and Indus- trial school | 9, 32 |
| of teachers and employes at the Bluefield colored institute | 8, 32 |
| of employes at the West Virginia industrial home for girls | 10, 32 |
| of commissioner of labor and assistant | 12, 33 |
| of officers of the State board of agriculture | 12, 34 |
| of commissioner of banking | 13, 35 |
| of inspectors of mines and clerk | 13, 35 |
| of commissioners of pharmacy and secretary | 13, 35 |
| of vaccine agents | 13, 35 |
| of institute instructors | 13, 36 |
| of state agents | 14, 36 |

| SALARIES, APPROPRIATIONS FOR— <i>Continued.</i> | Page. |
|--|------------|
| of game and fish warden..... | 16, 38 |
| of members and stenographer of the advisory board of pardons.... | 16, 38 |
| of employes at the state house..... | 16, 38 |
| of capitol annex employes..... | 16, 38, 39 |
| of governor's private secretary and other clerks..... | 17, 39 |
| of clerks and stenographer in office of secretary of state..... | 17, 39, 40 |
| of clerks in the office of treasurer..... | 18, 40 |
| of clerks and stenographer in office of auditor..... | 18, 40 |
| of assistant, stenographer and clerks in office of attorney general | 18, 40 |
| of clerks in office of superintendent of free schools..... | 18, 40 |
| of assistant clerks of the supreme court..... | 18, 40 |
| of stenographers of judges of supreme court..... | 18, 40 |
| of stenographer of clerk of supreme court..... | 18, 40 |
| of crier, messenger and janitors of supreme court..... | 18 |
| of keeper of armory..... | 19, 41 |
| of members and attaches of the legislature..... | 46, 47, 48 |
| of officers of the executive department, including librarian and janitor .. | 48, 49 |
| of judges .. | 48, 49 |
| of clerk of supreme court of appeals..... | 48, 50 |
| of keeper of the rolls..... | 49, 50 |
| | |
| SALE: | |
| of works and property of a corporation, other than a railroad cor- poration, under a decree, mortgage, deed of trust, etc. | 69 |
| what property and rights the purchaser acquire at such sale..... | 69 |
| what evidence the purchaser of the franchises of a corporation must immediately file in office of secretary of state..... | 69 |
| what entry the secretary of state shall thereupon make..... | 69 |
| of property under decree, by special commissioner, section 1, chap- ter 132 of code, amended..... | 85, 86 |
| | |
| SAN JOSE SCALE, ETC.: | |
| appropriations to aid in exterminating..... | 12, 35 |
| sections 2, 3, 4 and 8 of chapter 33, acts of 1901, relating to, amended .. | 158 to 162 |
| director of agricultural station required to seek out and devise means of eradicating, etc., all dangerous insects and diseases af- fecting trees, shrubs, vines and plants..... | 159 |
| shall make examination of nurseries, when..... | 159 |
| to furnish certificate to owner, when..... | 159 |
| nurseryman to furnish transportation to and from railway station, certificate void after September 15, of the following year..... | 159 |
| duplicate of certificate to be filed with director..... | 159 |
| failure to file certificate a misdemeanor..... | 159 |
| director may treat infected nursery stock..... | 159 |
| nursery stock shipped into this state must have certificate affixed thereon, what to show..... | 159 |
| penalty for illegal use of certificate..... | 160 |
| no trees to be delivered in this State without certificate..... | 160 |
| trees, etc., when sold, must be thoroughly fumigated before delivery | 160 |
| examination of orchards, gardens, etc., section 3..... | 160 |
| authority of director for such purpose: infected nursery or orchard may be declared a nuisance..... | 160 |
| director to notify owner..... | 160 |
| infected property not to be moved, after notice..... | 160 |
| what to be done when owner neglects to disinfect after such notice | 160 |
| costs and how recovered..... | 161 |

| SAN JOSE SCALE, ETC.— <i>Continued.</i> | Page. |
|---|------------|
| infested or infected trees, plants, etc., when declared nuisances; destruction of | 161 |
| right of appeal to director; his decision final..... | 161 |
| label and certificate required for trees, plants, etc., shipped into state; what to show..... | 161 |
| consignee not to receive if such certificate be not affixed..... | 161 |
| nursery stock shipped into state with certificate, <i>prima facie</i> evidence of facts stated therein..... | 161 |
| but inspection may be made, when..... | 161 |
| if such stock be infected, etc., what then..... | 161 |
| expenses of carrying out provisions of this act, how paid..... | 161 |
| expenses of assistants, how paid, section 8..... | 161, 162 |
| SAWDUST, ETC.: | |
| unlawful to throw in or allow to enter any stream or water course; penalty, section 6a..... | 156, 157 |
| also, any other matter deleterious to the propagation of fish; penalty, section 6a..... | 156, 157 |
| SCALE, SAN JOSE: | |
| sections 2, 3, 4 and 8, of chapter 33 of the acts of 1901, relating to, amended | 158 to 162 |
| (See "San Jose Scale.") | |
| SCHOOL BOOKS, FREE: | |
| boards of education may purchase necessary text-books, section 1.. | 113 |
| duties of board where free textbooks are furnished, section 2.... | 113 |
| text-books to be delivered to teachers, section 3..... | 113 |
| duties of teachers in regard to same..... | 113 |
| how books shall be purchased, section 4..... | 113 |
| compensation to secretary of board, section 5..... | 114 |
| SCHOOL LAW: | |
| (See "Education" for amendments of, and new laws enacted.) | |
| SCHOOL LEVIES: | |
| special election authorized for laying; when..... | 114 |
| SCHOOL MONTH: | |
| of how many days to consist..... | 104 |
| SCHOOLS, FREE: | |
| daily and term register to be kept by teacher; what must be entered in such term register, section 30, of chapter 45 of code, amended | 103, 104 |
| monthly reports to be made by teacher; to whom and what to show what to be done with teacher's register at close of term..... | 103, 104 |
| unless such register be properly kept and returned, the teacher shall not be entitled to demand payment..... | 104 |
| teachers to be paid monthly; how and when..... | 104 |
| school month to consist of twenty days..... | 104 |
| teachers' institutes shall be held annually in each county; when and where | 104 |
| how long such institutes to continue..... | 104 |
| compensation to teacher for attending institute, and when paid.... | 104 to 105 |
| by whom such institutes conducted; pay of instructors; limit..... | 105 |
| institute fee to be paid by teacher; disposition of such fee..... | 105 |
| certified list of persons enrolled at county institute to be forwarded to state superintendent; what else to report..... | 105 |

| SCHOOLS, FREE— <i>Continued.</i> | Page. |
|--|------------|
| examination to be held at close of institute..... | 105 |
| graded course of institute work to be prescribed by the state superintendent; to cover what period..... | 105 |
| when teachers exempt from further compulsory institute attendance but any such teachers may attend any such institute, and draw pay as provided | 105 |
| penalty on any teacher not exempt from institute attendance who shall fail or refuse to attend, etc | 106 |
| appropriations for the support of county institutes..... | 106 |
| children between eight and fourteen must attend school twenty weeks yearly, section 10a, of chapter 45 of code, amended.... | 106 |
| penalty against persons having such children in charge for failure.. | 106 |
| what failure in attendance constitutes an offence..... | 107 |
| truant officers to be appointed, when and by whom..... | 107 |
| duties of any such officer..... | 107 |
| duties of parents after notice given by truant officer..... | 107 |
| teachers to report to such officer..... | 107 |
| compensation of such officer..... | 107, 108 |
| examinations of teachers, new system provided for, (see "Teachers' examinations") .. | 108 to 112 |
| free text-books for pupils in public free schools authorized; provisions relating to..... | 113, 114 |
| special elections, for the purpose of laying levies, authorized to be held by boards of education; when..... | 114 |
| SCHOOL FUND, GENERAL: | |
| appropriations for distribution of..... | 15, 37 |
| SCHOOL FUND, THE: | |
| resolution providing for the payment out of "the school fund," to the credit of "the general school fund," of the excess over \$1,000,000 in the treasury..... | 308 |
| SCOTT, N. B.: | |
| resolution congratulating for investigations of pension laws, etc. | 304 |
| SCOTT, ELLEN: | |
| appropriation to pay..... | 25 |
| SECOND HOSPITAL, FOR THE INSANE: | |
| act authorizing the board of directors to allow the town of Spencer to attach water mains to the water works of the hospital to be used in case of fire..... | 172 |
| compensation, how to be fixed..... | 172 |
| SECRETARY OF STATE: | |
| appropriations to pay salary of..... | 48, 49 |
| appropriations for contingent expenses of..... | 17, 39 |
| appropriations for salaries of clerks in the office of..... | 17, 39, 40 |
| appropriations for salary of stenographer of..... | 17, 40 |
| to assess and collect initial license tax on corporations, when..... | 53 |
| when to collect subsequent tax in addition to initial tax..... | 53, 54, 56 |
| to require affidavit before issuing certificate of incorporation to a resident corporation; form of such affidavit..... | 54 |
| duty of, if such affidavit be falsely made..... | 54 |
| to certify to auditor the amount of license tax assessed and fixed by board of public works on foreign corporations..... | 57 |
| to lay the statement and certificate of foreign corporation desiring | |

| SECRETARY OF STATE—Continued. | | Page. |
|--|--|--------|
| to withdraw from state before board of public works..... | | 57 |
| his duty if such statement and certificate be approved..... | | 57 |
| duty of, as to list of delinquent corporations certified by the auditor | | 59 |
| effect of certificate of, as to the delinquency of any corporation men- | | |
| tioned in such list..... | | 59 |
| proclamation of governor declaring delinquency of corporations re- | | |
| corded in office of..... | | 59 |
| reports to, by clerks of courts of forfeiture of charter or privileges | | |
| of any corporation..... | | 61, 62 |
| duty of, as to such report..... | | 62 |
| duty of, respecting corporations exempt from payment of license tax | | 62 |
| when delinquent corporation re-instated must certify to a new name | | |
| before such re-instatement shall take effect..... | | 62 |
| duty of, as to certificates of dissolution..... | | 63 |
| duty of, as to certificates authorizing increase of capital stock.... | | 64 |
| list of all delinquent corporations to be certified to, by the auditor | | |
| on or before November 1, 1903, (special act). section 1.... | | 65 |
| duty of, as to such list, section 1..... | | 65 |
| what list. required to make and certify to the attorney general. | | |
| sections 1 and 2..... | | 65, 66 |
| other information to be furnished by, to the attorney general. sec- | | |
| tion 1 | | 65 |
| list so certified by, <i>prima facie</i> evidence. of what, section 2..... | | 66 |
| when summons may be served upon. his duty in any such case. | | |
| section 3..... | | 66 |
| appropriation for extra clerical services, etc., required under this | | |
| act. section 6 | | 67 |
| clerk of court to furnish to, a copy of every decree, order or judg- | | |
| ment re-instating any corporation or forfeiting its charter or | | |
| privileges, in proceedings authorized by this act, section 7... | | 67 |
| duty of, as to filing agreements, etc.; and recording, printing and | | |
| binding certificates of incorporation, and the distribution there- | | |
| of, section 17, chapter 54 of code, amended..... | | 67, 68 |
| effect of certified copy of any such certificate by, as evidence. sec- | | |
| tion 19 of chapter 54 of code, amended..... | | 68 |
| what evidence the purchaser of the works and property of a cor- | | |
| poration, other than a railroad corporation, to file in the office | | |
| of | | 69 |
| what entry to be made by, after such evidence is filed..... | | 69 |
| what authenticated certificate to be filed in the office of, by title and | | |
| trust companies, and when, section 6..... | | 73 |
| what authenticated certificate to be filed with, by surety, guaranty, | | |
| bonding and insurance companies, and when, section 4..... | | 76, 77 |
| every such company to file in office of, a power of attorney appoint- | | |
| ing some person to accept service of process and notice, sec- | | |
| tion 8 | | 78 |
| when elected | | 93 |
| salary to be received by..... | | 99 |
| authorized to furnish West Virginia reports to the university..... | | 302 |
| authorized to furnish judges of criminal courts with supreme court | | |
| reports and the code..... | | 311 |
| authorized to furnish state board of agriculture with copies of bills | | |
| submitted to the legislature by the state tax commission.... | | 313 |
| | | |
| SENATORS, UNITED STATES: | | |
| requested to use their influence toward the development and im- | | |
| provement of the Ohio and Little Kanawha rivers..... | | 300 |
| requested to use their influence for the enlargement and betterment | | |
| of the navy..... | | 310 |

| SEINES : | Page. |
|--|----------|
| removal or destruction of, used in violation of provisions of law to catch fish, section 6..... | 155 |
| lawful in certain streams at certain times, section 6..... | 155 |
| unlawful to catch fish with, at any time in Cheat river and its tributaries .. | 155 |
| but free passage of fish not to be obstructed, section 6..... | 156 |
| possession of, except minnow seines, unlawful; when, section 6.... | 156 |
| effect of such possession, section 6..... | 156 |
| meshes of seines; size of regulated, section 6..... | 156 |
| search warrant may be sued out, when, section 6..... | 156 |
| what deemed <i>prima facie</i> evidence of using seine unlawfully, section 6 .. | 156 |
| duty of certain county officers concerning unlawful seining, section 11 .. | 153 |
| | |
| SERVICE OF PROCESS : | |
| in certain proceedings against corporations..... | 61, 66 |
| on surety, guaranty, bonding and insurance companies, section 8.. | 78, 79 |
| on corporations in justices' courts, section 34, chapter 50 of code, amended .. | 79 |
| section 2, chapter 124 of code, relating to service of, amended.... | 81 |
| to what officer process may be directed..... | 81 |
| In what cases process can only be directed to an officer of the county in which the action is brought..... | 81 |
| exception as to corporations..... | 81 |
| process may be executed on or before the return day thereof..... | 81 |
| not affected by reason of an imperfect or improper direction..... | 81 |
| may be served by a private person..... | 81 |
| what the return to show..... | 81 |
| summons for witness, when returnable..... | 81 |
| attachment, when returnable..... | 81 |
| process awarded in court, when returnable..... | 81 |
| | |
| SHAW, HARRY : | |
| appropriation to pay..... | 21 |
| | |
| SHAWVER, W. F. : | |
| appropriation to pay..... | 24 |
| | |
| SHEPHERD COLLEGE NORMAL SCHOOL : | |
| appropriations for | 3, 4, 28 |
| | |
| SHERIFFS : | |
| when estate of decedent may be committed to sheriff, etc., for administration, section 10, chapter 85 of code, amended..... | 86, 87 |
| no additional oath or bond required..... | 87 |
| rights, powers and duties of sheriff in such cases..... | 87 |
| written report to be made by such sheriff: when and what to show complete report and settlement of each estate committed to him to be made at end of his term..... | 87 |
| to turn over to his successor all moneys or property in his hands as such administrator..... | 87 |
| court may revoke order and allow any other person to qualify as executor or administrator..... | 87 |
| duty of court or clerk at the end of the term of office of any such sheriff .. | 87 |
| failure of such sheriff or other officer to make the report or final settlement required, made a misdemeanor; penalty..... | 87 |

| SHERIFFS— <i>Continued.</i> | Page. |
|---|------------|
| if any sheriff misappropriate any part of the taxes or other moneys which come into his hands, by virtue of his office, he shall be guilty of the larceny thereof, section 54, chapter 41 of code, amended .. | 88 |
| what account must be kept of moneys received and disbursed..... | 88 |
| if any sheriff appropriate any money coming into his hands officially, or loan any such money except upon the order of the proper court, he shall be guilty of the misappropriation thereof; how punished | 88 |
| failure to keep the financial account required, made a misdemeanor; penalty .. | 88 |
| larceny by embezzlement or fraudulent conversion; by any officer, section 19, chapter 145 of code, amended..... | 89, 90 |
| when elected | 93 |
| allowance to sheriff by county court..... | 101 |
| duties of, under compulsory school attendance act..... | 107, 108 |
| allowed further time within which to make distraint or sale for certain taxes, section 1..... | 119, 120 |
| duty to inform against and prosecute persons guilty of violations of game law, section 11..... | 153 |
| penalty for failure to perform such duty..... | 153 |
| license fee under act regulating sale of fruit trees, vines and shrubbery to be paid to..... | 157 |
| names of, and postoffice addresses..... | 335 |
| SHRUBBERY, FRUIT TREES AND VINES: | |
| dealer in, through travelling agents, before doing business in any county, required to take out license in such county, section 1.. | 157 |
| how license to be taken out..... | 157 |
| license fee | 157 |
| such license fee to be paid to sheriff..... | 157 |
| dealer to file list of agents with the clerk of the county court.... | 157 |
| list to be open to the inspection of the public..... | 157 |
| penalty against such dealer for branding or labelling any tree or vine with a false brand or label; penalty..... | 157 |
| penalty against such dealer for failing to pay the license tax..... | 157 |
| agent for such dealer required to take a certificate from such dealer showing his authority to do business for such firm..... | 158 |
| to present the same for inspection to any person who shall demand to see it | 158 |
| what false representations by such agent made a misdemeanor; penalty .. | 158 |
| SISTERSVILLE, CITY OF: | |
| charter amended | 266 to 268 |
| assessment of property for municipal taxation, provisions concerning, section 31..... | 266, 267 |
| assessor, duties and powers of..... | 266, 267 |
| duties and powers of council as to such assessment..... | 266, 267 |
| provisions as to collection of taxes for municipal purposes, section 34 .. | 267, 268 |
| city collector and treasurer, duties of as to taxes, etc. | 267, 268 |
| bond and compensation of such officer..... | 267, 268 |
| duty of such officer at the end of his term..... | 267, 268 |
| SKUNK OR POLECAT: | |
| section 20 of chapter 90 of the acts 1901, in relation to, amended.. | 137 |
| killing or injuring of, prohibited in counties ratifying this act.. | 137 |

| | |
|--|--------------|
| SKUNK OR POLECAT—Continued. | Page. |
| question must be submitted upon petition of 100 voters..... | 137 |
| ratification must be by majority vote before act goes into effect | 137 |
| how act may be repealed after ratification..... | 137 |
| penalty for violation, where act adopted..... | 137, 138 |
| SNIPE : | |
| unlawful to catch, kill or injure, within what period, section 11.... | 153 |
| penalty, section 11..... | 153 |
| duties of certain officers touching violations of game law, section 11 | 153 |
| penalty for failure on part of such officers to prosecute offenders, | |
| section 11 | 153 |
| hunter's license required for non-residents to hunt; provisions of | |
| governing, section 17..... | 154 |
| SPENCER ASYLUM: | |
| appropriations for | 11, 12, 34 |
| the board of directors of, authorized to allow the town of Spencer | |
| to attach water mains to the water works of the hospital to be | |
| used in case of fire..... | 172 |
| compensation, how to be fixed..... | 172 |
| resolution raising joint committee to visit..... | 303 |
| SQUIRRELS : | |
| unlawful to catch, kill, or injure, within what period, section 11.. | 153 |
| exception as to resident land owners hunting upon their own lands | 153 |
| penalty | 153 |
| duties of certain officers touching violations of game laws..... | 153 |
| penalty on such officers for failure to prosecute offenders..... | 153 |
| hunter's license required for non-residents to hunt; provisions of | |
| law governing, section 17..... | 154 |
| ST. LOUIS : | |
| appropriation for exhibit at Louisiana Purchase Exposition, to be | |
| held in the city of..... | 21 |
| STATE AGENTS : | |
| appropriations for pay of..... | 14, 36, 37 |
| STATE BOARD OF AGRICULTURE : | |
| appropriations for | 12, 34 |
| STATE BOARD OF HEALTH : | |
| appropriations for | 13, 35 |
| STATE FLOWER : | |
| rhododendron, or big laurel, designated as..... | 303, 304 |
| STATE GAME WARDEN : | |
| his duties respecting hunter's license to non-residents, section 17, | |
| of chapter 62 of code, amended..... | 154 |
| section 18 of chapter 62 of the code repealed, section 2..... | 153 |
| (See "Game Warden, State.") | |
| STATE GEOLOGICAL AND ECONOMIC SURVEY : | |
| appropriations for | 16, 38 |
| sections 4 and 6, chapter 6, acts of 1897, concerning, amended.... | 162, 163 |
| special reports, with maps, etc., to be printed as commission directs, | |
| section 4 | 162 |

| STATE GEOLOGICAL AND ECONOMICAL SURVEY—Continued. | Page. |
|--|----------------|
| how reports to be distributed or sold, section 4..... | 162 |
| how money obtained for sale of reports to be used, section 4..... | 162 |
| persons employed in said survey to have the right to enter upon lands, and into mines, for purposes of survey, without molesta- tion or arrest, section 6..... | 162, 163 |
| in such case not liable to owners, except for actual damage done to property, section 6..... | 163 |
| STATE GOVERNMENT: | |
| names of officials of..... | 327 |
| STATE HOME GUARDS: | |
| resolution in relation to pension laws for..... | 304 |
| STATE HOUSE EMPLOYES: | |
| appropriations to pay salaries of..... | 38 |
| STATE LIBRARIAN: | |
| appropriations to pay salary of..... | 48, 49 |
| appropriations to pay contingent expenses of office of..... | 17, 39 |
| STATE LIBRARY: | |
| appropriations for | 14, 17, 36, 39 |
| STATE OFFICERS: | |
| when elected | 93 |
| salaries to be received by, fixed..... | 99, 100 |
| (see each officer under his official name). | |
| STATE SERVICE COMMISSION: | |
| to ascertain the claims for active service during the civil war of the home guards or militia; appropriation for..... | 23 |
| appropriations to pay claims allowed by..... | 23 |
| STATE SUPERINTENDENT OF FREE SCHOOLS: | |
| appropriations to pay salary of..... | 48, 49 |
| appropriations to pay contingent expenses of..... | 16, 17, 39 |
| appropriations to pay salaries of clerks in office of..... | 18, 40 |
| appropriations for purchase of books for office of..... | 17, 39 |
| appropriations for travelling expenses, etc. | 17, 39 |
| printing, stationery, etc., for, to be paid out of general school fund when elected | 42 |
| salary to be received by, fixed..... | 93 |
| shall prescribe forms and regulations respecting the register to be kept and reports to be made by teachers..... | 104 |
| duties of, as to county teachers' institutes and as to a graded course of institute work..... | 104, 105 |
| power of, as to matters relating to examinations of teachers.... | 108 to 112 |
| designate times of holding teachers' examinations..... | 109 |
| amount allowed to, for clerical work, etc., connected with teachers' examinations | 109 |
| to prepare questions for such examinations..... | 109 |
| duty of, and his assistants to examine and grade manuscripts of teachers' examinations and issue certificates..... | 110 |
| to keep a register of all certificates awarded..... | 111 |
| what reports county superintendents required to make to, at the close of all examinations..... | 112 |

| | Page. |
|---|----------|
| STATE TAX COMMISSION : | |
| secretary of state directed to furnish to state board of agriculture 10,000 copies of bills submitted to the legislature by..... | 313, 314 |
| duty of board of agriculture as to such bills..... | 314 |
| STATIONERY, PRINTING AND BINDING : | |
| appropriations for..... | 19, 41 |
| all printing, binding and stationery for use of state superintendent of free schools, to be paid out of general school fund..... | 42 |
| all printing, binding and stationery for the adjutant general, and the militia, to be paid out of appropriations for the militia... | 42 |
| what institutions, boards, etc., to pay for all printing, binding and stationery, out of the expense or contingent expense funds ap- propriated to such institutions, etc..... | 42, 43 |
| STORER COLLEGE: | |
| appropriations for | 10. 32 |
| SUITS AGAINST CORPORATIONS: | |
| to declare forfeited the charter of any resident corporation that makes falsely the affidavit required to obtain certificate of In- corporation, section 86, chapter 32 of code, amended..... | 54 |
| to collect delinquent license taxes, including penalties and fines, from corporations so delinquent, section 90, chapter 32 of code, amended | 59 |
| certificate of secretary of state <i>prima facie</i> evidence of such de- linquency | 59 |
| attorney general to institute such suits; in what court and when. | 59 |
| all such delinquent corporations made defendants..... | 59 |
| what only, is necessary to allege in bill or petition..... | 59, 60 |
| what plea or defence cannot be interposed..... | 60 |
| decree or judgment of the court..... | 60 |
| if the amount of judgment entered against any corporation so delin- quent be not immediately paid, what then..... | 60 |
| what orders or decrees the court may make in such suits..... | 60 |
| court may appoint a receiver for any such corporation..... | 60 |
| may, on motion of attorney general, grant an injunction; for what. the words "license tax," what to include..... | 60, 61 |
| fee of attorney general, and how paid..... | 61 |
| apportionment of costs among defendant-corporations..... | 61 |
| how notice may be served on the defendant corporations..... | 61 |
| form of order of publication..... | 61 |
| attorney general may mail such order of publication to each defen- dant corporation | 61 |
| what report clerk of court required to make to secretary of state; penalty for failure..... | 61, 62 |
| authorized to be brought to forfeit the charters or privileges of certain corporations delinquent in the matter of payment of license tax, or failing to comply with any other provision of law (special act)..... | 65 to 67 |
| list of such corporations to be prepared by the auditor and secre- tary of state; how and when, section 1..... | 65 |
| such list to be certified by the secretary of state to the attorney general, section 2..... | 65, 66 |
| attorney general to institute suit or suits in chancery against the corporations in the list so made and certified, section 2..... | 66 |
| such corporations may be sued separately or jointly, section 2.... | 66 |
| it shall be sufficient in such suit to allege and prove any one or more legal causes for a forfeiture of charter or privileges, section 2 | 66 |

| SUITS AGAINST CORPORATIONS—Continued. | | Page. |
|--|------------|--------|
| list certified by secretary of state <i>prima facie</i> evidence of the facts set forth therein, section 2..... | | 66 |
| service of process on defendant corporations, section 3..... | | 66 |
| form of order of publication, section 3..... | | 66 |
| how any such defendant corporation may be re-instated before final judgment is entered, section 5..... | | 67 |
| authorized appropriation to defray costs of such suits; how drawn and expended, section 6..... | | 67 |
| copy of what decree, order or judgment clerk of court to certify to auditor and secretary of state, section 7..... | | 67 |
| SUMMONS FOR WITNESSES: | | |
| when returnable, section 2..... | | 81 |
| SUPERINTENDENT OF PUBLIC PRINTING: | | |
| appropriation for salary of assistant..... | | 41 |
| SUPERINTENDENT OF FREE SCHOOLS, COUNTY: | | |
| duties of, in regard to holding county institutes for teachers, section 30, chapter 45 of code, amended..... | 104 to 106 | |
| what certified list he must furnish the state superintendent at the close of the institute..... | | 105 |
| what money he must forward to the auditor..... | | 105 |
| his duty as to teachers who fail to attend the county institute.... | | 106 |
| duties of respecting the examinations of teachers, code amended.. | 109 to 112 | |
| to keep register of all certificates awarded..... | | 111 |
| what act respecting examinations deemed sufficient cause for removal from office, section 8..... | | 111 |
| may suspend certificate issued to teacher; how, for what and for what period, section 8..... | | 111 |
| applicant for examination may appeal from, to the state superintendent; when, section 9..... | | 111 |
| duty of, as to appointment of board of examiners; to be president of such board, section 11..... | | 112 |
| fee to be collected by, from applicants for examination, section 11.. | | 112 |
| what report each county superintendent required to make to state superintendent, and when, section 11..... | | 112 |
| SUPERINTENDENT OF FREE SCHOOLS, STATE: | | |
| (See "State Supt. of Free Schools.") | | |
| SUPREME COURT, JUDGES OF: | | |
| appropriations to pay salaries of..... | | 48, 49 |
| appropriations to pay mileage of..... | | 48, 49 |
| appropriations to stenographers and typewriters of..... | | 18, 40 |
| when elected | | 93 |
| salaries to be received by, fixed..... | | 100 |
| rate of mileage to be paid to..... | | 100 |
| not to receive free transportation on railways..... | | 100 |
| SUPREME COURT OF APPEALS: | | |
| appropriation for furnishing office of fifth judge..... | | 18 |
| appropriations to pay salary of clerk of..... | | 48, 49 |
| appropriations to pay assistant clerks..... | | 18, 40 |
| appropriation to pay erler, messenger and janitors..... | | 18 |
| appropriations for contingent expenses of court..... | | 18, 40 |
| appropriations to stenographer for clerk..... | | 18, 40 |
| appropriations for printing and binding reports of..... | | 18, 40 |

| SUPREME COURT OF APPEALS—Continued. | Page. |
|--|----------|
| number of judges of, increased..... | 91 |
| three to constitute quorum..... | 91 |
| names of judges and officers of..... | 329 |
| terms of court, and when and where..... | 329 |
| | |
| SUPREME COURT REPORTS: | |
| appropriations for printing and binding..... | 18, 40 |
| appropriations to pay balances due for reprinting..... | 20, 21 |
| appropriations for reprinting and binding certain volumes..... | 26 |
| to be furnished to the university law library..... | 302 |
| to be furnished to judges of criminal courts..... | 311 |
| | |
| SURETY, GUARANTY, BONDING AND INSURANCE COMPANIES: | |
| act to incorporate and regulate..... | 74, 79 |
| powers and rights of such companies when incorporated, section 1 | 74 to 76 |
| court may have the affairs, etc., of any such company investigated | |
| that may be offered or appointed as surety: when and how, | |
| section 2 | 76 |
| report in such case; expenses of such investigation, section 2..... | 76 |
| oath or affirmation of company offered as surety, section 3..... | 76 |
| what authenticated certificate required to be filed with the secre- | |
| tary of state before exercising certain powers or rights, | |
| section 4 | 76 |
| what amount in cash or in bonds must be on deposit with the aud- | |
| itor, section 4..... | 76, 77 |
| when such certificate must be annually filed, section 4..... | 77 |
| board of public works to approve bonds offered on deposit, section 4 | 77 |
| such board to examine all deposits; may require additional security, | |
| when, section 4..... | 77 |
| what power or right company inhibited from exercising until the | |
| required additional security is deposited, section 4..... | 77 |
| the face value of the security on deposit not to be less than that | |
| required, section 4..... | 77 |
| certified statement, under oath or affirmation, to be filed with | |
| clerks of county courts; when, section 4..... | 77 |
| what such statement to show, section 4..... | 77 |
| such statement to be made part of the records of each county, | |
| section 4..... | 77 |
| fee for filing and recording such statement, section 4..... | 77 |
| penalty for making such statement falsely, etc., section 4..... | 77 |
| no company in the business of title insurance, fidelity insurance | |
| or suretyship, shall accept money on deposit or act in any | |
| fiduciary capacity, etc., section 5..... | 77, 78 |
| penalty for violating the provisions of section 5, section 6..... | 78 |
| penalty for exercising or attempting to exercise certain rights or | |
| powers mentioned in section 1 without having fully complied | |
| with the provisions of section 4, section 6..... | 78 |
| what advertisement required to be published by the auditor; when | |
| and how, section 6..... | 78 |
| examination and supervision by auditor of any company engaged | |
| in the classes of insurance permitted in clause 9 of section | |
| 1, section 7..... | 78 |
| company transacting business must appoint, by a power of attorney | |
| duly acknowledged and authenticated, some person to accept | |
| service of process and notice, section 8..... | 78 |
| when such power of attorney to be filed, section 8..... | 78 |
| what such instrument shall declare, section 8..... | 78, 79 |
| effect of service of process and notice on such attorney, section 8. | 79 |

| | Page. |
|--|----------|
| SURETY, GUARANTY, BONDING AND INSURANCE CO.—Continued | |
| where suit may be instituted and process directed against com- pany, section 8..... | 79 |
| what approval of security this act not to dispense with, section 9. | 79 |
| SURVEY: | |
| of Marion, Monongalia and Wetzel counties, authorized..... | 311, 312 |
| SURVEY, STATE GEOLOGICAL AND ECONOMIC: | |
| appropriations for | 16, 38 |
| sections 4 and 6, chapter 6, acts of 1897, concerning, amended.... | 162, 163 |
| special reports, with maps, etc., to be printed as commission directs, section 4 | 162 |
| how reports to be distributed or sold, section 4..... | 162 |
| how money obtained for sale of reports to be used, section 4.... | 162 |
| persons employed in said survey to have the right to enter upon lands, and into mines, for purposes of survey, without molesta- tion or arrest, section 6..... | 162, 163 |
| in such case not liable to owners, except for actual damage done to property, section 6..... | 163 |
| SURVEYORS OF ROADS: | |
| section 4, chapter 43, code, concerning surveyors of roads amended | 127 |
| county court shall appoint surveyor of roads: when..... | 127 |
| qualifications of such surveyor..... | 127 |
| exception as to Ohio county..... | 127 |
| how vacancy in office of surveyor filled..... | 127, 128 |
| county court may require bond from surveyor..... | 128 |
| SWEARING IN MEMBERS OF LEGISLATURE: | |
| appropriation to pay for swearing in members of senate..... | 47 |
| TAXATION OF CORPORATIONS: | |
| rates of license tax on charters of corporations, who to assess and collect, code amended..... | 51 to 58 |
| how payment of such taxes enforced..... | 58 to 62 |
| TAX COMMISSION: | |
| appropriation for members of..... | 22 |
| appropriation for secretary and stenographer for..... | 23 |
| secretary of state directed to furnish to state board of agriculture 10,000 copies of bills submitted to the legislature by..... | 313, 314 |
| duty of board of agriculture as to such bills..... | 314 |
| TAXES: | |
| appropriations for refunding county, district and municipal taxes. | 15, 37 |
| appropriations for refunding overpaid taxes..... | 15, 37 |
| annual license tax on charters of corporations, code amended..... | 53 to 57 |
| copy of list of persons and personal property returned delin- quent to be published and posted, section 20, chapter 30 of code, amended..... | 121, 122 |
| embezzlement of taxes by public officials and collectors..... | 88 |
| TAXES, DISTRAINT AND SALE FOR: | |
| time extended in which, may be paid..... | 119 |
| how taxes collected where persons remove from county before collected | 119, 120 |

| TEACHERS' EXAMINATIONS : | Page. |
|--|------------|
| sections 27, 28 and 29 of chapter 45 of code, relating to, amended. | 108 to 112 |
| present system of county examinations abolished, section 1..... | 108, 109 |
| power over all matters relating to system of uniform examinations of applicants for teachers' certificates. and the issuance of such certificates, vested in the state superintendent, section 1.... | 109 |
| section 29a relating to state board of examiners not to be affected, section 1 | 109 |
| examinations to be held simultaneously in each county. section 2.. | 109 |
| state superintendent to designate the times for examinations, section 2..... | 109 |
| county superintendents to designate the places for holding. section 2 | 109 |
| limit to number of examinations held annually. section 2..... | 109 |
| appropriation for additional clerical work in office of state superintendent, demanded by the requirements of this act. section 3. | 109 |
| character of examinations. section 4..... | 109 |
| state superintendent to prepare questions upon all branches examined in, section 4..... | 109 |
| transmissions of such questions to county superintendents, how, section 4..... | 109 |
| duty of county superintendent as to opening such questions. and sealing of manuscripts. section 4..... | 109 |
| how examinations to be conducted. section 4..... | 109 |
| at conclusion of examination all manuscripts submitted shall be forwarded to state superintendent. properly sealed; by whom, section 4 | 109 |
| who not qualified for admission to such examinations, section 4.. | 110 |
| examination and grading of such manuscripts by the state superintendent and his assistants. section 5..... | 110 |
| regulations to be observed in issuing certificates to teachers, section 5..... | 110 |
| certificate of any applicant to be withheld who fails to attend teachers' institutes as required by law. section 5..... | 110 |
| revocation of certificate. when and how, section 6..... | 110 |
| signing and forwarding certificates to teachers. section 6..... | 110 |
| validity of such certificates. section 6..... | 110 |
| each grade certificate valid for what period. section 7..... | 110, 111 |
| third grade certificate to be issued only twice to same applicant, section 7 | 111 |
| register of certificates to be kept: by whom and what to show, section 7 | 111 |
| changing by county superintendent the examination prescribed or committing any fraud: penalty. section 8..... | 111 |
| penalty on any person for tampering with questions or manuscripts, or rendering aid in any examination. section 8..... | 111 |
| as to county certificates now outstanding. section 8..... | 111 |
| by whom. how and for what certificate may be suspended for twelve months. section 8..... | 111 |
| how such suspended certificate to be marked. section 8..... | 111 |
| penalty for refusing to surrender suspended certificate to be marked, section 8..... | 111 |
| right of appeal from the county superintendent or board of examiners to the state superintendent. section 9..... | 111 |
| no teacher to be employed without certificate in duplicate. section 10 | 111 |
| where duplicate to be filed. and what to be endorsed on the original. section 10..... | 111 |
| no salary shall be paid any teacher, unless duplicate be so filed, section 10 | 111 |
| who may teach without certificate, section 10..... | 111, 112 |

| | Page. |
|--|------------|
| TEACHERS' EXAMINATIONS—Continued. | |
| teaching by member of board of education or trustee vacates his office, section 10..... | 112 |
| county board of examiners to examine teachers: of whom composed; how appointed, section 11..... | 112 |
| one member of such board to be appointed annually for two years, section 11 | 112 |
| quorum, of presidents of boards of education at meeting to appoint examining board, section 11..... | 112 |
| duty of county superintendent to attend such meeting, section 11..... | 112 |
| how vacancies in board of examiners filled, section 11..... | 112 |
| compensation of examiners, section 11..... | 112 |
| fee to be paid by applicants for examination, section 11..... | 112 |
| duty of county superintendent as to such fees, section 11..... | 112 |
| at the close of all examinations, what certified account the county superintendent must make and return to the state superintendent, section 11..... | 112 |
| TEACHERS IN PUBLIC SCHOOLS: | |
| to keep school register, and make reports, code amended..... | 103 to 106 |
| form to be prescribed by State Superintendent..... | 104 |
| what such reports to show..... | 104 |
| where such register to be filed at close of each term..... | 104 |
| penalty for not keeping register properly..... | 104 |
| how paid | 104 |
| to teach twenty days per month..... | 104 |
| county institutes to be held..... | 104 |
| teachers required to attend..... | 104, 105 |
| how place of meeting selected..... | 104 |
| <i>per diem</i> paid teachers for attending county institute..... | 104, 105 |
| how and when paid..... | 105 |
| fee for enrolling in institute..... | 105 |
| examinations after institutes are held..... | 105, 106 |
| graded course of institute work to be prescribed..... | 105 |
| when teacher exempt from further compulsory institute attendance but teacher so exempt may attend institute and draw pay..... | 105 |
| duties of in regard to reporting to truant officers..... | 107 |
| examinations of, code amended, sections 27, 28 and 29, of chapter 45..... | 108 to 112 |
| (See "Teachers' Examinations" or "Examinations of Teachers.") | |
| TEACHERS' INSTITUTES, COUNTY: | |
| section 30 of chapter 45 of the code, relating to, amended..... | 103 to 106 |
| to be held in each county annually..... | 104 |
| how places of holding designated..... | 104 |
| to continue five days..... | 104 |
| who to attend..... | 104, 105 |
| fees..... | 105 |
| how to be conducted..... | 105 |
| certified list of attendants to be forwarded to state superintendent | 105 |
| salaries of instructors..... | 105 |
| when teachers exempted from compulsory attendance..... | 105 |
| appropriations for support of county institutes..... | 106 |
| TERMS OF CIRCUIT COURTS: | |
| beginning of, in each county composing the several judicial circuits | |
| —on and after January 1, 1905: | |
| in the first circuit..... | 94 |
| in the second circuit..... | 94 |

| TERMS OF CIRCUIT COURTS— <i>Continued</i> | Page. |
|---|------------|
| in the third circuit..... | 95 |
| in the fourth circuit..... | 95 |
| in the fifth circuit..... | 95 |
| in the sixth circuit..... | 95 |
| in the seventh circuit..... | 96 |
| in the eighth circuit..... | 96 |
| in the ninth circuit..... | 96 |
| in the tenth circuit..... | 96 |
| in the eleventh circuit..... | 97 |
| in the twelfth circuit..... | 97 |
| in the thirteenth circuit..... | 97 |
| in the fourteenth circuit..... | 97 |
| in the fifteenth circuit..... | 98 |
| in the sixteenth circuit..... | 98 |
| in the seventeenth circuit..... | 98 |
| in the eighteenth circuit..... | 99 |
| calendar of present terms of the circuit courts..... | 329 to 332 |
| | |
| TERMS OF COURTS: | |
| calendar of the commencement of terms of the United States Courts | 328 |
| calendar of the commencement of terms of the Supreme Court of Appeals (State) | 329 |
| calendar of the commencement of present terms in each county composing the several judicial circuits (State)..... | 329 to 332 |
| calendar of the commencement of terms of the several criminal and intermediate courts | 333, 334 |
| for terms of circuit courts beginning January 1, 1905, see "Terms of Circuit Courts." | |
| | |
| THOMPSON, J. K.: | |
| appropriation for | 22 |
| | |
| TITLE AND TRUST COMPANIES: | |
| act relating to the incorporation and regulation of, amended, chapter 7 | 70 |
| powers and rights of any such company when incorporated, section 1 | 70 to 72 |
| court may have the affairs, etc., of any company investigated before appointing it as trustee, receiver, guardian, etc., or imposing upon it any trust, section 2..... | 72 |
| if appointed to execute any trust, by any court or clerk, what oath is required, and of whom, section 3..... | 72 |
| trust funds and investments, how to be kept and held, section 4.. | 72 |
| the capital of the company to be the sole security when acting in a fiduciary capacity, section 5..... | 72 |
| but additional security may be required, when | 72 |
| what certificate company must file with the secretary of state before transacting business, and when, section 6..... | 73 |
| failure to file such certificate before exercising or attempting to exercise the power and right mentioned in sections 1 and 5, made a misdemeanor; penalty, section 6..... | 73 |
| what publication required to be made by the auditor, and when, section 6 | 73 |
| certain banking institutions shall not be accepted as surety in certain cases, except as provided in section 1, section 7..... | 73 |
| companies operating under this act subject to examination by commissioner of banking, section 8..... | 73 |

| | Page. |
|--|------------|
| TOLL ROADS AND TURNPIKES: | |
| who to pay toll..... | 122 |
| how roads to be constructed..... | 123 |
| certain toll roads excepted..... | 122, 123 |
| Ohio and Jefferson counties excluded from operation of the act.. | 123 |
| how to prevent unlawful collection of tolls..... | 123 |
| when toll road abandoned, duty of county court as to maintaining | 123 |
| when county court may appoint commissioner of turnpikes, section | |
| 14 .. | 123 |
| duties of such commissioner..... | 123 |
| term, compensation and bond..... | 123 |
| may be removed..... | 123 |
| shall make certain reports..... | 124 |
| how repairs to be made..... | 124 |
| TOWN OF FETTERMAN: | |
| Included within the corporate limits of the city of Grafton; and | |
| charter of, abolished..... | 181 to 183 |
| officers to turn over records, property, etc., of, to authorities of | |
| city of Grafton | 182 |
| duty of officers of, as to corporate funds..... | 182 |
| claims. etc.. in favor of town of Fetterman to be transferred to | |
| city of Grafton | 182 |
| TOWN OF RONCEVERTE: | |
| authorized to issue additional bonds for water works and sewer | |
| purposes, section 1..... | 168, 169 |
| amount and rate of interest, section 1..... | 169 |
| how proceeds from sale thereof to be used..... | 169 |
| council to designate when and where interest to be paid, section 2. | 169 |
| what to be expressed on face of bonds..... | 169 |
| when principal of bonds to be paid, section 3..... | 169 |
| bonds not to be disposed of for less than par; proceeds to be used, | |
| for what only, section 4..... | 169 |
| council must make provision for payment of interest and principal. | |
| section 5 | 169 |
| bonds exempt from taxation for municipal purposes: must so show | |
| on face, section 6..... | 169 |
| what vote required to authorize bond issue, section 7..... | 169 |
| TRAPPING: | |
| of wild turkeys, pheasant or ruffed grouse, or quail or Virginia | |
| partridge, at any time, prohibited, section 11..... | 153 |
| TRAPS, FISH: | |
| removal or destruction of, used in violation of law, section 6..... | 155 |
| penalty for using, unlawfully, section 6..... | 156 |
| when lawful to use, not to obstruct the free passage of fish up | |
| and down rivers..... | 155, 156 |
| TREASURER: | |
| appropriations to pay salary of..... | 48, 49 |
| appropriations to pay contingent expenses of..... | 16, 39 |
| appropriations to pay salaries of clerks in office of..... | 18, 40 |
| when elected | 93 |
| salary to be received by, fixed..... | 99 |
| duties of, under the resolution (J. R. No. 15), providing for the | |
| payment out of "the school fund" to the credit of "the general | |
| school fund," the excess over and above \$1,000,000 in the | |
| treasury | 308 |

| | Page. |
|--|----------|
| TRESPASS: | |
| person entering orchard, field, etc., of another, and doing any damage or carrying away any fruit, etc., shall be guilty of a misdemeanor; penalty | 131 |
| If damage greater than fifty dollars, offender shall be guilty of felony; penalty | 131 |
| TRUANT OFFICERS: | |
| (See "Compulsory School Attendance.") | |
| TRUST AND TITLE COMPANIES: | |
| act relating to the incorporation and regulation of, amended..... | 70 to 73 |
| TRUSTEES: | |
| (See "Fiduciaries.") | 82, 84 |
| TURNPIKES AND TOLL ROADS: | |
| who to pay toll..... | 122 |
| how roads to be constructed..... | 123 |
| certain toll roads excepted..... | 122, 123 |
| Ohio and Jefferson counties excluded from operation of the act.. | 123 |
| how to prevent unlawful collection of tolls..... | 123 |
| when toll road abandoned. duty of county court as to maintaining | 123 |
| when county court may appoint commissioner of turnpikes, section 14 | 123 |
| duties of such commissioner..... | 123 |
| term, compensation and bond..... | 123 |
| may be removed | 123 |
| shall make certain reports..... | 124 |
| how repairs to be made..... | 124 |
| UNITED STATES: | |
| governor authorized to appoint agents to collect moneys due this State from the government of..... | 309 |
| UNITED STATES COURTS: | |
| for the districts of this State; names of judges and officers of the circuit and district courts..... | 328 |
| times of holding terms of such courts..... | 328 |
| where such terms held..... | 328 |
| UNITED STATES GEOLOGICAL SURVEY: | |
| persons employed in to have the right to enter upon lands and into mines for purposes of the survey, without molestation or arrest, section 6..... | 162, 163 |
| In such case, not liable to owners, except for actual damage done to the property, section 6..... | 163 |
| UNITED STATES FISH-CULTURAL STATION: | |
| at White Sulphur Springs; act giving consent of the State for purchase or condemnation of land for..... | 164 |
| how deeds, etc., to be recorded..... | 164 |
| quantity of land to be taken not to exceed 150 acres..... | 165 |
| right reserved by the State as to such lands..... | 165 |
| UNITED STATES NAVY: | |
| resolution recommending the enlargement and betterment of, and requesting the representatives of this State in congress to use their best endeavors in favor of..... | 310 |

| | Page. |
|--|--------------------|
| UNITED STATES SENATORS : | |
| requested to use their influence toward the development and improvement of the Ohio and Little Kanawha rivers..... | 300 |
| requested to use their influence for the enlargement and betterment of the navy | 310 |
| names of, from this State..... | 327 |
| UNIVERSITY : | |
| appropriations for | 5, 6, 29, 30 |
| section 82 of chapter 45 of the code, relating to the appointment of cadets in the university. amended..... | 115, 116 |
| section 13, chapter 140, acts of 1901. abolishing the preparatory department of the university. repealed..... | 164 |
| resolution authorizing the secretary of state to furnish the law library of, with supreme court reports..... | 302 |
| VACCINE AGENTS : | |
| appropriations for | 13, 35 |
| salaries to be received by..... | 100 |
| VERIFICATION : | |
| of plea in abatement, section 16, chapter 125 of code, amended.. | 80 |
| VINES. FRUIT TREES AND SHIRUBBERY : | |
| dealer in, through travelling agents, before doing business in any county, required to take out license in such county. section 1 | 157 |
| how license to be taken out..... | 57 |
| license fee | 157 |
| such license fee to be paid to sheriff..... | 157 |
| dealer to file list of agents with the clerk of the county court.... | 157 |
| list to be open to the inspection of the public..... | 157 |
| penalty against such dealer for branding or labelling any tree or vine with a false brand or label..... | 157 |
| penalty against such dealer for failing to pay the license tax..... | 157 |
| agent must have a certificate from his employer showing his authority to do business..... | 158 |
| shall present the same for inspection to any person who shall demand to see it..... | 158 |
| false representation, etc., by such agent: penalty..... | 158 |
| (See title "San Jose Scale" as to diseases affecting fruit trees, vines, etc.) | 158 to 162 |
| VIRGINIA DEBT : | |
| joint resolution relating to..... | 300 |
| VIRGINIA PARTRIDGE : | |
| (See title "Quall or Virginia partridge")..... | 151, 152, 153, 154 |
| WATER WORKS : | |
| act authorizing the city of Martinsburg to improve, enlarge and maintain its water works; provisions in regard thereto..... | 167, 168 |
| act authorizing the town of Ronceverte to issue additional bonds for water works and sewer purposes..... | 168, 169 |
| act authorizing the board of directors of the Second Hospital for the Insane, at Spencer, to allow the town of Spencer to attach water mains to the water works of the hospital, to be used in case of fire..... | 172 |
| WEBSTER COUNTY : | |
| name of the county seat of, changed from "Addison" to "Webster Springs" .. | 166 |

| | Page. |
|---|------------|
| WEBSTER SPRINGS: | |
| name of the county seat of Webster county changed from "Addison" to "Webster Springs"..... | 166 |
| WEBSTER SPRINGS INDEPENDENT SCHOOL DISTRICT: | |
| establishment of, authorized..... | 283 to 286 |
| election to be held to determine the question of the establishment of: when, section 1..... | 283 |
| boundary lines of proposed district defined..... | 284 |
| name of district | 284 |
| board of education to consist of five members, section 2..... | 284 |
| how members of board to be elected..... | 284 |
| powers and duties of board..... | 284 |
| when board of education to be elected..... | 284 |
| terms of members of board..... | 284 |
| board to be a corporation; corporate name, section 3..... | 284, 285 |
| corporate powers of board..... | 285 |
| board to organize by electing president and secretary, section 4.... | 285 |
| compensation of secretary | 285 |
| general powers of board respecting the schools within the district, section 5 and 6..... | 285 |
| who eligible to admission to schools as pupils, section 7..... | 285 |
| teachers, how and when appointed, section 8..... | 285, 286 |
| board to appoint a principal for each school where more than one teacher is employed..... | 286 |
| teachers' salaries, how fixed..... | 285, 286 |
| provisions as to removal of teachers..... | 286 |
| board to annually ascertain amount of money necessary to keep the schools in session at least six months in each year, section 9..... | 286 |
| board to levy a tax: provisions concerning, section 9..... | 286 |
| building fund to be provided for district..... | 286 |
| board to determine length of school term, section 10..... | 286 |
| provisions as to election to determine question of establishment of district, section 11..... | 286 |
| WELLSBURG, CITY OF: | |
| charter of, amended, (chapters 68 and 69)..... | 253 to 262 |
| corporate limits and boundaries defined, section 1..... | 254, 255 |
| officers of the city, section 3..... | 256 |
| election of city officers, when and for what terms, section 14..... | 256 |
| general corporate powers and duties of council: may acquire and hold land, for what uses, section 24..... | 256 to 259 |
| street paving, curbing, macadamizing, etc., section 30..... | 259, 260 |
| collection of taxes, licenses, levies, assessments, etc., section 31.. | 260 |
| city collector and treasurer, duties, powers and bond of, section 31 | 260, 261 |
| chief of police, duties, rights, powers, privileges, liability and bond of, section 31a..... | 261 |
| lien for taxes, etc., provisions concerning, section 32..... | 261, 262 |
| provisions as to delinquent real estate..... | 261, 262 |
| city election, provisions in relation to holding and ascertaining result, section 36..... | 262 |
| WEST LIBERTY NORMAL SCHOOL: | |
| appropriations for | 3, 27 |
| WESTON INSANE ASYLUM: | |
| appropriations for | 11, 33, 34 |
| resolution raising joint committee to visit..... | 303 |

| | Page. |
|--|--------------|
| "WEST VIRGINIA," ARMORED CRUISER : | |
| resolution requesting the governor to appoint Katharine V. White to christen .. | 311 |
| WEST VIRGINIA ASYLUM AT HUNTINGTON : | |
| appropriations for | 10, 11, 32 |
| section 1 and 6, chapter 7, of acts of 1897, amended..... | 118 |
| name changed from "The West Virginia Asylum for Incurables" to "The West Virginia Asylum"..... | 118 |
| persons who may be admitted as patients, section 6..... | 118 |
| how admitttance obtained | 118 |
| how patients transferred..... | 119 |
| WEST VIRGINIA COLORED INSTITUTE : | |
| appropriations for | 8, 9, 31, 32 |
| WEST VIRGINIA COLORED ORPHANS' HOME, ETC. : | |
| appropriations for | 9, 32 |
| WEST VIRGINIA REFORM SCHOOL : | |
| appropriations for..... | 7, 8, 30, 31 |
| sections 14 and 15, acts of 1880, amended..... | 116 |
| term of sentence..... | 117 |
| how inmates transferred from, to the penitentiary..... | 117 |
| how inmates transferred from the penitentiary to reform school.. | 117 |
| penalty for enticing or aiding boys to escape..... | 117 |
| penalty for selling certain articles to boys..... | 117 |
| other penalties | 117 |
| who may arrest boys escaping from reform school..... | 117, 118 |
| WEST VIRGINIA HEATING & PLUMBING COMPANY : | |
| appropriation to pay..... | 24 |
| WEST VIRGINIA HUMANE SOCIETY : | |
| appropriations for | 16, 38 |
| WEST VIRGINIA INDUSTRIAL HOME FOR GIRLS : | |
| appropriations for | 10, 32, 33 |
| WEST VIRGINIA PENITENTIARY : | |
| chapter 163 of the code, relating to, amended..... | 138 to 151 |
| (See "Penitentiary.") | |
| WEST VIRGINIA SCHOOLS FOR THE DEAF AND THE BLIND : | |
| appropriations for | 5, 29 |
| WEST VIRGINIA UNIVERSITY : | |
| appropriations for | 5, 6, 29, 30 |
| section 82, chapter 45, code, relating to appointment of cadets, amended | 115 |
| number of cadets who may be appointed..... | 115 |
| who to appoint, and when..... | 115, 116 |
| qualifications of cadets..... | 116 |
| term of service | 116 |
| section 13, chapter 140, acts of 1901, abolishing the preparatory department of the university, repealed..... | 164 |
| resolution authorizing the secretary of state to furnish the law library of, with supreme court reports..... | 302 |
| WETZEL COUNTY : | |
| resolution authorizing survey of, and for what..... | 311, 312 |

| | |
|--|----------|
| WHITE, KATHARINE V. : | |
| resolution requesting the governor to appoint, to christen the armored cruiser "West Virginia"..... | 311 |
| WHITE SULPHUR SPRINGS FISH-CULTURAL STATION : | |
| consent of the state given for the purchase or condemnation of land for, by the United States..... | 164 |
| how deeds, etc., to be recorded..... | 164 |
| quantity of land to be taken limited..... | 165 |
| right reserved by the state as to such lands..... | 165 |
| WILD DUCKS : | |
| unlawful to catch, kill or injure, within what period, section 11... | 153 |
| unlawful, also, by the use of any swivel or pivot gun, or by the aid of any push boat or sneak boat used for carrying such guns, to catch, kill, wound or destroy, etc., section 11..... | 153 |
| penalty, section 11 | 153 |
| duties of certain officers touching violations of game law, section 11 | 153 |
| penalties for failure of such officers to prosecute offenders, section 11 | 153 |
| hunter's license required of non-residents: provisions of law governing, section 17 | 153 |
| WILD GOOSE OR BRANT : | |
| unlawful to catch, kill or injure, within what period, section 11.. | 153 |
| provision as to swivel or pivot gun, push or sneak boat used for carrying such guns, section 11..... | 153 |
| penalty, section 11..... | 153 |
| WILD TURKEYS : | |
| killing, or having in possession, at any time for shipment out of the State, prohibited, section 1..... | 151 |
| penalty, section 1..... | 152 |
| justice to have concurrent jurisdiction, section 1..... | 152 |
| having possession of any wild turkey during time when the killing of is prohibited, raises what presumption, section 1..... | 152 |
| reception by person of any wild turkey for shipment out of the State, is <i>prima facie</i> evidence, of what, section 1..... | 152 |
| unlawful to kill, within what period, section 11..... | 152, 153 |
| unlawful to catch by trap, seine or net, at any time, section 11.... | 153 |
| unlawful to kill on bait..... | 153 |
| penalty, section 11..... | 153 |
| duty of clerk or market master of any city, town, etc., section 11.. | 153 |
| duties of sheriffs and deputies, constables and police, section 11.. | 153 |
| penalty for failure of such officers to prosecute offenders, section 11 | 153 |
| non-residents required to obtain license to hunt, section 17..... | 154 |
| provisions governing such license, sections 17..... | 154 |
| WILLIAMS, L. J. : | |
| appropriation for | 22 |
| WILLS : | |
| fraudulently destroying or concealing, to prevent probate: penalty, section 22 | 90 |
| WILSON, JOSEPH F. : | |
| appropriation to pay | 22 |

| | |
|--|--------------|
| WILSON, NED: | Page. |
| appropriation to pay..... | 25 |
| WORKS AND PROPERTY: | |
| of a corporation, other than a railroad corporation; sale of, under a decree, mortgage, deed of trust. etc., section 82, chapter 54 of code, amended | 09 |